

TOWNSHIP OF SOUTH MIDDLETON
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2018-05

AN ORDINANCE ESTABLISHING A PERMIT PARKING PROGRAM FOR CERTAIN AREAS IN THE TOWNSHIP OF SOUTH MIDDLETON.

WHEREAS, the Township of South Middleton (hereinafter the "Township") is authorized to regulate the parking of vehicles by a duly enacted ordinance pursuant to Section 67328 of the Second Class Township Code, and to provide for the peace, good government, health, and welfare of the Township and its citizens, trade, commerce, and manufacturers pursuant to Section 66506 of the Second Class Township Code; and

WHEREAS, the Township is a Local Authority, under the Pennsylvania Vehicle Code (act of June 17, 1976, P.L. 163, No. 81), as amended (75 Pa.C.S.A. § 101, et seq.) having certain roads or highways under its jurisdiction; and

WHEREAS, the Township is authorized to regulate the parking of vehicles by a duly enacted ordinance pursuant to Section 6109 of the Pennsylvania Vehicle Code; and

WHEREAS, the Township has no responsibility to provide parking for employers or employees of businesses within its boundaries, opportunity exists in certain areas to meet some of the parking demand created as a result of such employers and employees; and

WHEREAS, the establishment of a permit parking program for some of the parking needs of employers and employees may help ensure that employers and employees do not adversely interfere with the free movement of traffic creating potential congestions on certain Township streets; and

WHEREAS, the Board of Supervisors of South Middleton Township, Cumberland County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents to implement a permitted parking system for certain areas in the Township.

IT IS HEREBY ENACTED AND ORDAINED, by the Board of Supervisors in and for the Township of South Middleton, Cumberland County, Pennsylvania, as follows:

SECTION 1: PERMIT PARKING PERMITTED: INDUSTRIAL ZONES

- (a) It shall be unlawful for any person to park a motor vehicle or trailer or any other type of motor vehicle without a proper, valid parking permit upon any of the streets or parts of streets in the Industrial Zone identified as a permit parking area, as indicated and described below, hereinafter referred to as the "Permit Area":

5. Any other regulations or restrictions upon parking imposed by the Township shall continue with full force and effect in the Permit Area including but not limited to snow and ice emergencies, temporary no parking for maintenance and upkeep, and street sweeping.
- (b) Policing of parking permits. It shall be the duty and the responsibility of the Permittee to police and monitor the use of the parking permits in the Permit Area. The Township shall at no time be responsible for policing or monitoring the use of the individual parking permits in the Permit Area. Notwithstanding the foregoing, the Township reserves the right to issue violations and /or pursue enforcement actions regarding Permit Area.
 - (c) Pedestrian aisle. Included in the Permit Area shall be a four (4) foot pedestrian aisle. Said pedestrian aisle shall be the sole responsibility of the permittee and shall be maintained in accordance with a maintenance agreement between the Township and the Permittee which shall accompany the Permit Parking application.

SECTION 3: PENALTY FOR VIOLATION

Any person and/or entity violating any and/or all of Ordinance shall, upon conviction thereof, be guilty of a summary offense and sentenced to pay a fine of not more than \$25 plus court costs and reasonable attorney fees and, in the event of default of payment, such violator may be sentenced to imprisonment for a period not to exceed five days. Each day and/or each violation by the same person and/or entity shall be considered a new and separate violation of the Ordinance.

SECTION 4: SEVERABILITY

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional illegal, or otherwise invalid provisions not been included in the Ordinance.

SECTION 5: CONTINUATION OF EXISTING REGULATIONS

The provisions of this Ordinance insofar as they are the same as those ordinances and regulations in force immediately before the enactment of this Ordinance are intended as a continuation of those earlier ordinances and regulations. Nothing in this Ordinance shall affect any act done or any suit or prosecution pending or to be instituted under any earlier ordinances or regulations repealed or superseded hereby.

SECTION 6: REPEAL OF CERTAIN PRIOR ORDINANCES