

## Ordinance 2016-12

### **An Ordinance to amend Chapter 40, Article IV of the Millcreek Township Code, known as the Weather Events Regulations Ordinance**

WHEREAS, the Board of Supervisors has determined that the Weather Events Regulations Ordinance should be amended to reduce the length of time cars have to be moved before they are towed, to further discourage repeat offenders; to adjust the penalties for offenses and to make other clarifying amendments; and

WHEREAS, after public notice and an opportunity for the public to be heard on these amendments,

**IT IS HEREBY ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Millcreek, Erie County, Pennsylvania, and it is ordained and enacted as follows:

Section 1. Section 40-22(A) of Chapter 40, Conduct, of the Township of Millcreek, is hereby amended to reduce the number of hours to remove a vehicle before it is towed from 12 hours to 8 hours. It is also amended to clarify that the police are authorized to place the notice on the vehicle as follows:

#### **§ 40-22 Notice and removal of parked vehicles.**

**A.** In the event any vehicle is found to be parked or standing on or upon the cartway of a Township street or state highway maintained by the Township during a weather event, a notice shall be placed on or upon the windshield of such vehicle. Such notice shall set forth the date and time of the notice and advise that such vehicle is in violation of this article and will be towed at the owner's cost if not removed from the cartway of the street within 8 hours after the time of the notice. The Millcreek Township Police Department or other authorized employee or official affixing such notice shall maintain a written record of the date and time of the notice, the street and the make, model and registration number of the vehicle.

Section 2. Section 40-22(B) of Chapter 40, Conduct, of the Township of Millcreek, is hereby amended to reduce the number of hours to remove a vehicle before it is towed from 12 hours to 8 hours as follows:

**B.** If any vehicle upon which such notice is placed or affixed is not removed from the cartway of said street within 8 hours after such notice is given, the vehicle

shall be towed at the owner's expense in accordance with the Township's ordinances, regulations and agreements governing emergency towing of vehicles.

Section 3. Section 40-22(C) of Chapter 40, Conduct, of the Township of Millcreek, is hereby amended to reduce the number of times a vehicle can be found to be parked in violation of this Ordinance from two event to one event before it is towed immediately as follows:

C. If any vehicle has been the subject of a prior notice of violation during any single plowing season and is thereafter found parked or standing on or upon the cartway of any street or highway, such vehicle shall be towed immediately at the owner's cost without any further notification being required or given.

Section 4. Section 40-25(A) of Chapter 40, Conduct, of the Township of Millcreek, is hereby amended to adjust the fines applicable to the number of violations as follows:

**§ 40-25\_Violations and penalties.**

[Amended 8-28-2007 by Ord. No. 2007-6]

A. Any person who shall cause or allow a vehicle to be parked or standing on or upon the cartway of a Township street or state highway maintained by the Township during a weather event in violation of this article more than two times in any single plowing season shall violate this article and be liable for expenses of towing under this article. The fine set forth below for each such offense is prescribed and shall be imposed, in addition to all costs and attorneys' fees incurred by the Township in accordance with Chapter **48**, Enforcement and Collection Activities, of the Code of the Township of Millcreek. It is the express intention of this article that the amount of fines prescribed shall increase for each subsequent violation.

<b>Number of Violations</b>	<b>Fine</b>
2	\$200
3	\$300
4	\$400
5 or more	\$500

Section 5. Section 40-29 of Chapter 40, Conduct, of the Township of Millcreek, is hereby amended to clarify the authority of the Millcreek Township Police to enforce the Ordinance as follows:


**§ 40-29\_Notice to remove accumulation.**

Any person who shall remove or cause or allow to be removed snow and/or ice from any private driveway, private property or other lands outside the cartway of a public street so as to create what is deemed by the Township Streets Department or the Millcreek Township Police to be an obstruction of the street, fire hydrant or any facility within it shall immediately remove such obstruction upon receipt of notice from the Township to do so.

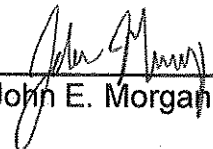
Section 6. Effective Date. This Ordinance shall be effective 5 days after the date on which this Ordinance is enacted.

**BE IT ENACTED** this 25<sup>th</sup> day of October 2016.

**MILLCREEK TOWNSHIP SUPERVISORS**

  
\_\_\_\_\_  
John H. Groh

\_\_\_\_\_  
Brian P. McGrath

  
\_\_\_\_\_  
John E. Morgan