

ORDINANCE NO. 2011-2

AN ORDINANCE REGULATING TRAFFIC AND PARKING IN THE TOWNSHIP OF PORTAGE, COUNTY OF CAMBRIA AND STATE OF PENNSYLVANIA, IMPOSING PENALTIES FOR VIOLATION AND REPEALING CERTAIN PRIOR ORDINANCES.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the TOWNSHIP OF PORTAGE, and IT IS HEREBY ORDAINED AND ENACTED by the authority of the same as follows:

ARTICLE I.

SECTION 1. - DEFINITIONS AND INTERPRETATION

(a) Words and phrases, when used in this Ordinance, shall have the meaning ascribed to them in the Pennsylvania Vehicle Code, as now in force, or as hereafter amended, enacted or reenacted, except where the context clearly indicates a different meaning.

(b) In this Ordinance, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine and the neuter.

SECTION 2. - MANNER OF ADOPTING PERMANENT TRAFFIC AND PARKING REGULATIONS

All traffic and parking regulations of a permanent nature shall be enacted as Ordinance or part of Ordinances or as amendments to Ordinances of the TOWNSHIP OF PORTAGE.

SECTION 3. - TEMPORARY AND EMERGENCY REGULATIONS

The Board of Supervisors shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

(a) In case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations;

(b) In the case of emergency or to facilitate public works, to restrict or prohibit traffic and/or parking in limited areas until such time it is deemed safe for traffic and/or parking to continue as normal.

(c) In the case of parades, processions or public events, to restrict or prohibit traffic and/or parking in limited areas for not more than seventy-two (72) hours.

Such temporary and emergency regulations shall be enforced by the Township in the same manner as permanent regulations. Any person who shall operate or park a motor vehicle, as that term is defined in the Pennsylvania Vehicle Code, in violation of any such regulation, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in this Ordinance for a violation of such nature, and, in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Ordinance, to a fine or not more than Three Hundred and 00/100 (\$300.00) Dollars and costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days.

SECTION 4. - EXPERIMENTAL REGULATIONS

The Board of Supervisors may from time to time, designate places upon and along the streets, alleys and highways in the Borough where, for a period of not more than ninety (90) days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect and shall designate such locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective as if they had been specified in this Ordinance. No person shall operate or park a motor vehicle, as that term is defined in the Pennsylvania Vehicle Code, in violation of any such regulation, prohibition or restriction and no person shall move, remove, destroy, injure or

deface any sign or marking erected, posted or made by authority of this section. Any person who shall violate any provision of this section shall, upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in this Ordinance for a violation of such nature and in case of a violation for which no specific penalty is set forth in the law or elsewhere in this Ordinance, to a fine of not more than One Hundred Twenty-five and 00/100 (\$125.00) Dollars and costs of prosecution, and, in default or payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days. Provided:

The purpose of this section is to allow for the test and experimental determination of the feasibility and desirability of permanent changes in the Ordinances of the TOWNSHIP OF PORTAGE relative to traffic and parking.

SECTION 5. - TRAFFIC SIGNS

It shall be lawful for the Township to place any pedestals, posts, signs, lights, wires and/or other fixtures or apparatus on, under and/or over the streets, alleys and/or highways of the Township or approved by it, in accordance with applicable laws, rules and/or regulations.

SECTION 6. - DAMAGE

It shall be unlawful for any person or persons to deface, damage, knock down, remove, obstruct in any manner and/or to interfere with any traffic sign, signal and/or marking. Should any person or persons be found in violation of this section, such person or persons shall be liable for the costs to replace any signs, signals and/or markings and upon conviction thereof be fined in the amount of Three Hundred and 00/100 (\$300.00) Dollars and costs of prosecution, and, in default of payment of such costs and fine to undergo imprisonment for not more than thirty (30) days.

ARTICLE II. - TRAFFIC REGULATIONS

PARKING REGULATIONS

SECTION 1. - PARKING PROHIBITED IN SPECIFIC LOCATIONS.

Any motor vehicle, as that term is defined in the Pennsylvania Vehicle Code, shall be prohibited from parking in specific locations at all times. Any person who shall violate this Article shall be fined in accordance with the maximum fines set forth in the Pennsylvania Vehicle Code and in addition said vehicle shall be subject to towing at the expense of the owner.

1. Parking shall be prohibited on the southeast side of Spring Hill Road, for a distance of seventy-five (75) feet from the intersection of West Knox Avenue and Spring Hill Road.

2. Parking shall be prohibited on the northwest side of Spring Hill Road, for a distance of one hundred (100) feet from the intersection of West Knox Avenue and Spring Hill Road.

SECTION 2. - TOWING

Any motor vehicle, as that term is defined in the Pennsylvania Vehicle Code, found to be in violation of any section of this ordinance, shall be subject to towing at the expense of the owner.

SECTION 3. - PENALTIES FOR VIOLATIONS

Any motor vehicle, as that term is defined in the Pennsylvania Vehicle Code, found to be in violation of this article as described above shall be fined the maximum amount authorized by the Pennsylvania Vehicle Code.

ARTICLE III

INTERPRETATION AND REPEAL

SECTION 1. - 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, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

SECTION 2. - PROVISIONS TO BE A CONTINUATION OF EXISTING REGULATIONS

The provisions of this Ordinance, so far as they are consistent with those ordinances and regulations in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and regulations and not as new enactments.

SECTION 3. - REPEAL OF CERTAIN PRIOR ORDINANCES

All Ordinances or parts of Ordinances inconsistent herewith, be and the same are hereby repealed.

SECTION 4. - EFFECTIVE DATE

This Ordinance shall become effective immediately, or as soon as legally permissible and shall remain in effect unless and until subsequently repealed or amended.

ORDAINED and ENACTED at a duly assembled public meeting by the Township of Portage, Cambria County, Pennsylvania this 2 day of march, 2011.

ATTEST:

PORTAGE TOWNSHIP

By: Rose Telyan
Secretary

By: [Signature]
Supervisor

By: [Signature]
Supervisor

By: _____
Supervisor