

TOWNSHIP OF SILVER SPRING CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2018-08

Amendment of Ordinance No. 2018-04

AN ORDINANCE BY THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF SILVER SPRING, CUMBERLAND COUNTY, PENNSYLVANIA, REGULATING THE PARKING OF VEHICLES ON PUBLIC STREETS WITHIN THE TOWNSHIP, RESIDENT PERMIT PARKING, AND SNOW ROUTE INFORMATION

NOW THEREFORE, BE IT ORDAINED by the Board of Supervisors of the Township of Silver Spring, Cumberland County, Pennsylvania, as follows:

SECTION 1: REPEAL OF ORDINANCES

Ordinances No. 21 of 1968, No. 26 of 1969, No. 6 of 1979, No. 5 of 1983, No. 3 of 2000, No. 7 of 2008, No. 4 of 2010, No. 11 of 2010, No. 7 of 2012, No. 5 of 2016, and No. 6 of 2016 are hereby repealed.

SECTION 2: DEFINITIONS

A. For the purpose of this ordinance only, the following words and phrases shall have the meanings respectively ascribed to them in this ordinance, except when the context requires other meanings:

1. FIRE LANE - An unobstructed area immediately adjacent to and surrounding all buildings for public use and the entrance, exit, passageways and main vehicular accessways for all apartment complexes that comprise eight or more units. In the case of shopping centers and other commercial establishments for public use, such fire lanes shall be reserved for use by emergency vehicles.

2. RESIDENT - A person who owns or leases real property within a Residential Area and who maintains a bona fide occupancy at said property, including members of said person's family and other such persons who may reside with the owner/lessee.

3. RESIDENTIAL AREA - An area zoned for Rural Residential (R), Residential Estate (RE), R-1 Residential (R-1) and R-2 High Density Residential (R-2) development in accordance with the Silver Spring Township Zoning Ordinance.

4. RESTRICTED PARKING ZONE - An area where parking is restricted through the use of signs that designate such restricted parking and its limitations.

5. TOWNSHIP - Township of Silver Spring.

B. When any words or phrases are not defined in this ordinance, but are defined in the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §101 et seq. in effect at the time of the violation, those definitions in the Pennsylvania Vehicle Code shall apply to this ordinance.

SECTION 3: RESTRICTED PARKING; SIDEWALKS; OTHER REGULATIONS

A. No person shall park or let stand any vehicle in any area where official signs or parking regulations prohibit such parking. Restricted Parking Zones are hereby established as set forth in Schedule I of this ordinance, and any person parking or letting stand a vehicle in a Restricted Parking Zone shall be issued a parking ticket. Streets, or segments thereof, may be added or removed from Schedule I by resolution of the Board of Supervisors.

B. No person shall park or let stand any vehicle on or over any sidewalk in the Township.

C. It shall be unlawful for any person to cause mulch or other products used in conjunction with yard maintenance or gardening to be placed onto the streets, alleys, and other public roads of the Township.

SECTION 4: ALLOWING ANOTHER TO PARK IN RESTRICTED ZONES

No vehicle owner shall permit any person to park or let stand said owner's vehicle in any area where official signs or parking regulations prohibit such parking. No-parking zones area hereby established as set forth in Schedule I of this ordinance, and any owner who delivers possession of his/her vehicle to any person parking or letting stand said owner's vehicle in a Restricted Parking Zone shall be issued a parking ticket.

SECTION 5: FIRE LANES

A. No person, firm or corporation shall barricade, stop a vehicle, park or otherwise block any driveway, passage, entrance, main access routes or exits to, in, through about or out of any public building or any place occupied for public use or accommodation, whether upon public or private property, to include the entrance, exit, main accessways and passageways of apartment complexes having eight or more units, in any way that interferes with or obstructs the free and unimpeded passage of persons or fire and emergency vehicles into and around such buildings and complexes.

B. On private property which is devoted to public use, there shall be maintained one or more unobstructed lanes to provide for the ingress and egress of fire and emergency vehicles, equipment and personnel, such lanes to be a minimum of twelve feet in width and laid out for convenient access from public thoroughfares and to water supplied to the building or buildings. The marking of such lanes shall be performed and maintained by and at the expense of the property owner.

C. All Fire Lanes serving any building open for public use and all entrance, exit, driveways, accessways and passageways of private apartment complexes having eight or more units shall be designated by official signs approved by the Township. The marking of such Fire Lanes and the erection and maintenance of such official signs prohibiting or limiting parking or standing in a Fire Lane shall be at the expense of the property owner.

D. All Fire Lanes on private property shall be kept clear of snow, ice and other matter to allow for the unimpeded movement of fire and emergency vehicles. Such removal of snow, ice and other matter shall be at the expense of the property owner and shall be completed within twenty-four hours after snow has ceased falling.

E. Any person parking or letting stand a vehicle in a Fire Lane and any owner who delivers possession of his/her vehicle to any person parking or letting stand said owner's vehicle in a Restricted Parking zone [SS1] under this Section shall be issued a parking ticket.

SECTION 6. PARKING TRUCK AND TRAILERS

No truck trailer or trailer with a length of 48 feet or greater shall be parked upon any roadway without having attached thereto a means of mechanical traction so constructed or designed for the purpose of pulling or drawing such trailer.

SECTION 7. MOTOR VEHICLE INSPECTION STICKERS AND REGISTRATIONS

It shall be unlawful for a motor vehicle to be parked on a roadway without a current inspection sticker and current registration, in compliance with Silver Spring Township Zoning Ordinance § 302.6.

SECTION 8. OUTSIDE ABANDONED/WRECKED/JUNKED MOTOR VEHICLES

It shall be unlawful for any person, firm, partnership, or corporation to store/accumulate abandoned, wrecked or junked motor vehicles that are in non-serviceable condition on property within the Township. This section does not apply to junkyards operating in accordance with Township Ordinances.

SECTION 9. ON-LOT PARKING FOR RESIDENTIAL PROPERTIES OR LOTS

It shall be unlawful for any person to park or stop any motor vehicle or for any property owner or tenant to allow any motor vehicle to be parked or stopped at any time on any residential property or lot located within the Residential [KF1][SS2] Area zoning districts of the Township except on a paved or stone driveway, paved parking lot, or other mud free and dust free paved area located at least two (2) feet from any side yard or rear yard lot line [KF1] [KF1], with the exception of properties in Residential Zone R3, and in compliance with the Silver Spring Township Zoning Ordinance § 302.6. No parking shall be permitted in any front yard unless there exists in such front yard, as an approved or preexisting, nonconforming use, a driveway for the property for more than 48 hours.

SECTION 10. RESIDENT PERMIT PARKING PROGRAM

A. The public streets in a Residential Area designated for Resident permit parking are hereby established in Schedule II of this ordinance. Streets may be added or removed from Schedule II by resolution of the Board of Supervisors.

B. In order to include additional public streets in a Residential Area designated for Resident permit parking, the streets shall be deemed "impacted", and hence eligible for the residential permit parking program, on the basis of the following warrants, as documented by a study undertaken by the Township's Police Department:

1. During any period of a calendar week, between the hours of 7:00 a.m. and 11:00 p.m., the number of vehicles parked (or standing), legally or illegally, on public streets in a Residential Area shall be equal to fifty percent (50%) or more of the legal, on-street parking capacity of the area. For the purpose of this criterion, a legal parking space shall be twenty (20) linear feet.

2. During the same period as specified in number 1, above, ten percent (10%) or more of the vehicles parking (or standing) on the streets in the Residential Area are not registered in the name of a person residing in the area. For the purpose of this criterion, the latest available information from the Bureau of Motor Vehicles and Licensing of the Pennsylvania Department of Transportation regarding registration of motor vehicles shall be used.

3. The warrants stated in numbers 1 and 2, above, shall be met on no less than one occasion per calendar week, for not less than two successive weeks. Moreover, a reasonable expectation shall exist that on-street parking in a Residential Area from non-residential uses will continue without the institution of the Resident permit parking program.

4. The public streets in a Residential Area designated for the Resident permit parking may also be those deemed "potentially impacted", and hence eligible for the residential permit parking program, on the basis of the following warrants, as documented by a study undertaken by the Township's Police Department:

1. Residential Areas in which parking from non-residential uses may be reasonably expected to occur should the Resident permit parking program be instituted in an impacted area.

2. Residential Areas in which parking from non-residential uses occurs due to the migration of vehicular parking upon institution of the Resident permit parking program in a neighboring Residential Area.

3. In the determination of a "potentially impacted" area the warrants stated in paragraph (B) above, regarding "impacted" areas, are not applicable.

D. Application for a Resident parking permit shall be made to the Police Department by the person desiring the permit, who shall be only the owner or the driver of a motor vehicle which resides on or immediately adjacent to a street or other location designated for the Resident permit parking program. A separate application shall be required for each motor vehicle. Each application shall contain the following information:

1. The name of the owner or the driver of the motor vehicle;

2. The address of the owner or driver, as the case may be;

3. The make, model and registration number of the motor vehicle, and the driver number as taken from the applicant's current driver's license. The applicant shall be required, at the time of making application, to present his driver's license and the vehicle registration card.

E. Upon receipt of the application and verification that the information within which indicates that the applicant is entitled to participate in the Resident permit parking program, the Township Police Department shall issue a parking permit. Said permit shall be permanently valid, as long as the recipient remains a qualified applicant in possession of the motor vehicle referenced within said application. It shall be unlawful and a violation of this article for any person to display other than the current and valid permit while standing or parking on a public street posted for Resident permit parking at any time when permits are to be displayed.

F. Temporary parking permits may be issued by the Township Police Department, to bona fide visitors of residents located within an area designated for the Resident permit parking program. The Police Department may also issue two (2) temporary Resident parking permits to the owner(s) of each single-family dwelling unit located within an area designated for the Resident permit parking program.

G. Motor vehicles possessing appropriate handicapped designation, as issued by the Commonwealth of Pennsylvania, Department of Transportation, indicating the handicapped status of owner of the vehicle shall be exempt from the provisions of Section 10 of this ordinance

H. The following provisions govern the use of Resident parking permits.

1. Notwithstanding any provision of this section to the contrary, the holder of a Resident parking permit shall be permitted to stand or park a motor vehicle operated by the permit holder on public streets posted for Resident permit parking during those times when permit parking of motor vehicles is permitted in that area. While a vehicle for which a Resident parking permit has been issued is so parked, the permit shall be displayed so as to be clearly visible on the vehicle, as directed by the Township Police Department. A Resident parking permit shall not guarantee or reserve to the holder a parking space within a designated Resident permit parking area.

2. A Resident parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than Resident permit parking restrictions.

3. No person other than the permit holder shall use a Resident parking permit or display it on a vehicle. Any such use or display by a person other than the permit holder shall constitute a violation of this article by the permit holder and by the person who so used or displayed the parking permit.

4. It shall constitute a violation of this article for any person to falsely represent himself as eligible for a Resident parking permit or to furnish false information on an application to the Township Police Department in order to obtain a Resident parking permit.

I. The Township Police Department shall have authority to revoke a Resident parking permit of any permit holder found to be in violation of any provision of this ordinance. Upon written notification to the permit holder of the revocation, the permit holder shall surrender the parking permit to the Police Department. Failure to do so, when so requested, shall constitute a violation of this ordinance.

J. No person shall park or let stand any vehicle in any area designated as a permit parking area unless said person possesses a valid parking permit under this ordinance. Any person parking or letting stand a vehicle in a permit parking area without a valid parking permit shall be issued a parking ticket.

SECTION 11: SNOW EMERGENCY ROUTES

A. During any snow emergency no commercial passenger vehicles shall be operated on any snow emergency route without skid chains winter-type mud or snow tires, or operative mechanical or electrical sanders and abrasive sanding material. For the purpose of this section, "winter-type mud and snow tires" means any new, recapped, retreaded or rebuilt tires for drive wheels of motor vehicles.

B. Snow emergency routes shall be designated by appropriate signs bearing the words "Snow Emergency Route".

SECTION 12: VIOLATIONS AND PENALTIES

A. Any person, firm or corporation violating any provision of this ordinance relating to:

1. Parking in a Fire Lane, violation of any restriction under Section 5, or violation of the Resident permit parking program shall pay a fine as follows:

a. The sum of \$50.00 if paid within five days of the issuance of a parking ticket, at the Township offices during regular business hours, or upon failure to pay the sum of \$50.00 within the above-referenced time, then upon summary conviction before a District Justice, be sentenced to pay a fine of \$100.00 plus costs of prosecution, and in default of the payment thereof shall be imprisoned for not more than five days.

2. Parking in any Restricted Parking Zones not covered by Section 11.A.1 shall pay a fine as follows:

a. The sum of \$25.00 plus \$5.00 per hour for each consecutive hour during which the unlawful parking continues. Failure to pay said fine within five days of the issuance of a parking ticket shall result in an additional late charge of \$10.00. Upon failure to pay the fine, including any late charges, within an additional five-day period shall be, upon summary conviction before a District Justice, be sentenced to pay and additional the original fine, including any late charges, plus an additional \$25.00 and costs of prosecution, and in default of the payment thereof shall be imprisoned for not more than two days.

3. Storing or accumulating abandoned or junked motor vehicles in non-serviceable condition or do not have a current inspection sticker and current registration

a. Be sentenced to pay a fine or not exceeding one thousand dollars (\$1,000.00), plus costs of prosecution, and in default of payment of such fine and costs, shall be imprisoned for not more than thirty (30) days in Cumberland County Prison.

4. All unspecified ordinance violations will be subject to a \$25 parking ticket fine.

SECTION 13: SEVERABILITY

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

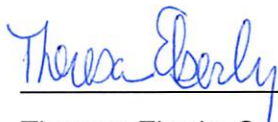
SECTION 14: EFFECTIVE DATE

This ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Silver Spring as provided by law.

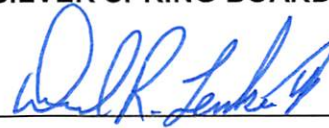
ORDAINED AND ENACTED this 26th day of September, 2018.

ATTEST:

SILVER SPRING BOARD OF SUPERVISORS



Theresa Eberly, Secretary



David R. Lenker, II, Chair

Schedule I Roadways

- Waterford Drive
- Legend Lane
- Ashburg Drive, westbound from Legend Lane to Lenox Court
- Bent Creek Boulevard, for vehicles of gross weight in excess of 11,000 pounds, eastbound and westbound from the entrance of Georgetown Crossing to the divided lanes on Bent Creek Boulevard
- W Main Street and E Main Street (New Kingstown) for vehicles of gross weight in excess of 11,000 pounds.
- Cemetery Road

Schedule II Roadways

- Appomattox Court
- Ashburg Drive
- Bull Run Court
- Chantilly Court
- Harpers Ferry Way
- Shiloh Court
- Lehman South