

TOWNSHIP OF MARTIC

Lancaster County, Pennsylvania

ORDINANCE NO. _____

02-01-16

AN ORDINANCE OF THE TOWNSHIP OF MARTIC, LANCASTER COUNTY, PENNSYLVANIA, REGULATING THE USE, DISTURBANCE, AND OBSTRUCTION OF TOWNSHIP ROADS AND PROVIDING PENALTIES AND OTHER ENFORCEMENT REMEDIES FOR VIOLATIONS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, as follows:

Section 1. The purpose of this Ordinance is to protect the Township's roads, including both the paved cartway and the legal right-of-way, from damage and disturbance, the presence of dangerous materials and substances, obstructions, and hazards to the traveling public. Road maintenance is made more difficult by these conditions, and the safety of persons using the roads is jeopardized. The intent of this Ordinance is to secure the safety of persons and property within the Township and to establish regulations for the welfare of the Township and its citizens.

Section 2. The term "person" as used in this Ordinance shall include any individual, association, public or private corporation for profit or not for profit, partnership, limited liability company, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any section or clause prescribing and imposing a penalty or fine, the term "person" shall include the members of an association, partnership, limited liability company or firm and the officers of any public or private corporation for profit or not for profit.

Section 3. The term "Township road" as used in this Ordinance shall mean and shall include the entire width between the boundary lines of every street, road, lane, alley or way maintained by the Township of Martic, Lancaster County, Pennsylvania (the "Township"), which is open to the use of the public for purposes of vehicular travel.

Section 4. No person shall permit, cause, establish, continue, maintain or carry on any of the following prohibited acts or activities:

- (a) The plowing, cultivating, harrowing, planting of crops or in any way disturbing the surface of the land within any Township road.

(b) The erection, construction or installation of any fence, wall, building or other structure within any Township road.

(c) The depositing of fieldstone or debris within any Township road.

(d) The depositing on or allowance by runoff of excessive deposits of earth, mud, dirt, silt, corn fodder or other debris on the cartway of any Township road. As used herein the term "excessive" shall mean a deposit which is of a sufficient density or size to be picked up by the tires or wheels of the traveling public.

(e) The obstruction of or the creation of a dangerous condition on any Township road.

(f) The allowance, placement or existence of any tree, plant, grass, weed, vegetable, crop or shrub, or part thereof, within any Township road which obstructs the view of any driver.

(g) Allowing any material which is being hauled over a Township road to blow or spill over and upon such Township road.

(h) Allowing a vehicle entering upon a Township road to deposit or track dirt, mud, rock or other material upon such Township road.

(i) The throwing or placing of snow or ice on or in any Township road.

Section 5. Any violation of this Ordinance is declared to be a public nuisance and may be enforced in an equitable action brought in the Court of Common Pleas of Lancaster County in lieu of or in addition to the other remedies and penalties set forth in this Ordinance.

Section 6. The Manager of the Township is authorized to serve written notice, either personally or by certified or first class mail, on any person violating the provisions of this Ordinance to remove or eliminate the violation. Upon the failure of said person to comply with such notice, the Board of Supervisors of the Township may remove or arrange for the removal of the nuisance or dangerous structure, substance or condition and collect the cost of such removal together with a penalty of twenty-five (25%) percent of the cost of the removal from the person failing to comply with such notice in the manner provided for the collection of municipal claims or by a civil action without the filing of a municipal claim. The service of a written notice of violation shall not be required if the Township Manager determines that immediate action is necessary or appropriate. The issuance of a written notice of violation shall not be a prerequisite to the Township instituting any action to enforce this Ordinance except as otherwise required by law.

Section 7. Any person who or which shall violate any of the provisions of this Ordinance shall, upon conviction thereof by summary proceeding before any Magisterial District Judge having jurisdiction, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars per violation and court costs. A separate offense shall arise for each day or portion

thereof in which a violation is found to exist or for each Section or Subsection of this Ordinance which is found to have been violated. If a defendant sentenced to pay a fine or costs after a finding of or determination of guilt in a summary case defaults in such payments, the defendant may be sentenced and committed to the Lancaster County Prison for a period not exceeding thirty (30) days. Such fine and costs shall be in addition to the remedies provided in Section 6 of this Ordinance and shall be enforceable and recoverable in the manner provided by applicable law. All fines collected for the violation of this Ordinance shall be paid to the Treasurer of the Township for the general use of the Township.

Section 8. A magisterial district judge or a court shall, to the extent authorized by law, order restitution for injury or damage to Township real or personal property in addition to the fines and costs prescribed in Section 7.

Section 9. The Board of Supervisors shall appoint an individual, agency or firm who or which shall be responsible for enforcing the provisions of this Ordinance.

Section 10. This Ordinance shall not be construed to limit or deny the right of the Township or any person to such legal, equitable, statutory or other remedies as may otherwise be available with or without process of law.

Section 11. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

Section 12. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder of this Ordinance shall be and shall remain in full force and effect.

Section 13. This Ordinance shall take effect and be in force five (5) days after its enactment.

DULY ORDAINED AND ENACTED the 1st day of February, 2016, by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, in lawful session duly assembled.

Attest: Karen D Sellers
Secretary

TOWNSHIP OF MARTIC
Lancaster County, Pennsylvania

By: [Signature]
(Vice) Chairman
Board of Supervisors

[TOWNSHIP SEAL]