

**SUMMIT TOWNSHIP
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-08

COPY

AN ORDINANCE PROHIBITING THE DESTRUCTION AND
BEFOULING OF STREETS AND OTHER THOROUGHFARES
BY IMPROPER OPERATION OF VEHICLES, PRESCRIBING
PENALTIES FOR VIOLATION, AND PROVIDING FOR
SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE

WHEREAS, Summit Township (the "Township") is responsible for maintaining the public roadways within the Township and ensuring that they are safe to travel upon; and

WHEREAS, the Second Class Township Code, at 53 P.S. §67326, states that the Township has the obligation to remove and repair nuisances and obstructions occurring on the Township's public roadways; and

WHEREAS, the Township's roadways are periodically damaged by third parties and the Township bears the cost of repairing the damages; and

WHEREAS, the Board of Supervisors believe it is necessary for the proper management of the Township's roadways to enact this Ordinance, in order to recoup costs expended by the Township for repair of damages.

NOW THEREFORE, this 20th day of August, 2018, be it enacted and ordained by the Board of Supervisors of Summit Township, Erie County, Pennsylvania, as follows:

1. Recitals. The recitals set forth above are incorporated herein as if more fully set forth.
2. Proper Operation of Vehicles. Any vehicle carrying or transporting an oversize load, soil, sand, stone, dirt, debris, refuse, litter, or other substance of any kind, including liquids and chemicals, over Township streets, alleys, and roadways, shall be operated as to prevent

damage to the roadways and to prevent materials from being scattered, spilled, dropped, or blown from the vehicle or from the wheels, tires, or undercarriage thereof.

3. Unlawful Destruction and Befouling of Streets. It shall be unlawful to damage the integrity of the surface of the Township's roadways or to scatter, spill, dump, or drop, or permit to be scattered, spilled, dumped, or dropped, any soil, sand, stone, dirt, debris, refuse, litter or other substance of any kind, including liquids and chemicals, from any vehicle, or from the wheels, tires, or undercarriage thereof, upon streets, alleys, and roadways.

4. Violation and Penalties.

a) Any person, corporation, firm, partnership, or other entity who violates the provisions of this Ordinance causes a public nuisance. Said person, corporation, firm, partnership, or other entity shall be notified by the Board of Supervisors of the existence of the nuisance and be given the opportunity to both abate the nuisance and repair the damage to the roadway.

b) In the event that the person, corporation, firm, partnership or other entity fails to both abate the nuisance and repair any damage to the roadway within seven (7) days of receipt of the notice, that party commits a summary offense.

c) Any person, corporation, firm, partnership, or other entity who commits a summary offense, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs, and in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days.

d) Each day that a violation of this Ordinance continues shall constitute a separate offense.

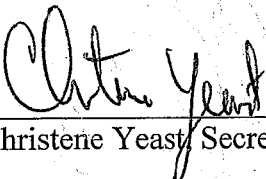
5. Severability. If any sentence, clause, section, or amendment of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity, shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or amendments of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or amendment thereof not been included herein.

6. Repealer. All other Ordinances or parts of Ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

7. Effective Date. This Ordinance shall take effect five (5) days after its enactment and adoption.

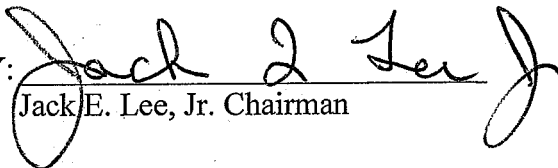
DULY ENACTED AND ORDAINED on the day first written above by the Board of Supervisors of Summit Township, Erie County, Pennsylvania.

ATTEST:




Christene Yeast, Secretary

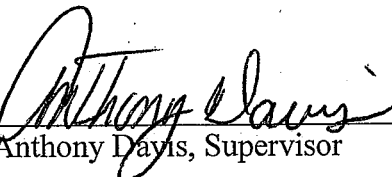
SUMMIT TOWNSHIP

BY: 

Jack E. Lee, Jr. Chairman

BY: 

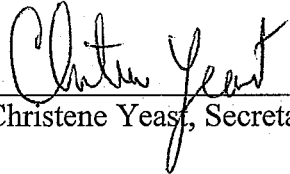
Mark A. Welka, Supervisor

BY: 

Anthony Davis, Supervisor

SECRETARY CERTIFICATE

I hereby certify a true copy of the Summit Township, Erie County, Pennsylvania,
Ordinance No. 2018-08 adopted by the Board of Supervisors on August 20, 2018 and advertised
in the Erie Times News on August 10, 2018.



Christene Yeast, Secretary

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