

ORDINANCE NO. 99

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF UPPER MILFORD TOWNSHIP, LEHIGH COUNTY, PENNSYLVANIA, REGULATING VEHICLES AND OTHER ACTIVITIES ON PUBLIC STREETS AND RIGHT-OF-WAYS

WHEREAS, Upper Milford Township is a Second Class Township located in Lehigh County, Pennsylvania; and

WHEREAS, the Board of Supervisors of Upper Milford Township is desirous of controlling, regulating, and prohibiting certain activities occurring on public streets and right-of-ways which have had an adverse effect on the safety and well being of motorists, emergency vehicles, the traveling public and pedestrians using said public streets and right-of-ways within Upper Milford Township; and

WHEREAS, the Board of Supervisors, after study and review, has concluded that preventative action is necessary to minimize hazards which unduly interfere with the free movement of motorists, emergency vehicles, the traveling public and pedestrians.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Upper Milford Township, Lehigh County, Pennsylvania, as follows:

1. The aforementioned recitals are incorporated herein as if by reference and shall be considered as part of this Ordinance.
2. No vehicle shall be stored upon any public street or right-of-way. As used in this Ordinance, the term "stored" shall mean the parking of a vehicle in one place upon any public street or right-of-way continuously for more than one (1) week. As used in this Ordinance, the term "public street" shall include any public road, street, alley, cul-de-sac or turn-around within said right-of-way, and shall apply to all public roadways, whether posted as "no parking" or not so posted.
3. It shall be unlawful to park or leave on the streets or highways or public property in Upper Milford Township mechanically inoperable vehicles, or vehicles without current registration plates or vehicles without current inspections stickers, except in the case of a disabled vehicle. Disabled vehicles must be removed from the roadway within forty-eight (48) hours or will be considered abandoned within the meaning of Title 75, Pennsylvania Consolidated Statutes

(Vehicle Code).

4. No person shall park or allow to be parked any vehicle on any street or part of any street within Upper Milford Township for the principal purpose of repairing said vehicle, except for repairs necessitated by an emergency when such repairs would reasonably be expected to take no more than one (1) hour to make the vehicle operable.

5. Dumpsters may be placed at the edge of the public street of the Township only when it is not possible to locate them on private property. All persons who place or cause dumpsters to be placed on any street or public thoroughfare must first secure a permit for such placement from the Township. Permit fees and a completed dumpster permit application shall be submitted to the Township through the Codes Enforcement Officer for review and issuance of the permit. The Township may deny a permit for reasons of safety, traffic congestion, clear site distance obstruction, or other reason which may be deemed proper by the Codes Enforcement Officer. Any dumpster for refuse placed upon a street shall be permitted to remain for no longer than forty-five (45) days and shall be properly marked with reflectors, reflective tape and/or flashing yellow lights. The term "dumpster" as defined in this Ordinance shall mean a container used to temporarily store trash, refuse, construction refuse, or debris until such material is removed for disposal by an authorized refuse hauler.

6. It shall be unlawful for any person to park or allow to remain parked, on any street or any part of any street within Upper Milford Township a trailer without having attached thereto a means of mechanical traction and motive power so constructed or designed for the purpose of pulling or drawing such trailer, except when temporary parking is required for loading and unloading of a delivery of goods, merchandise or materials. The term "trailer" as defined in this Ordinance means any non-motorized vehicle designed to carry property, goods, boats, or merchandise and designed to be drawn by a motor vehicle or truck tractor.

7. It shall be unlawful for any person to place or allow to be placed any

recreational equipment, material(s), or substances within a public street or right-of-way including, but not limited to, basketball backboard stands, bicycle ramps, go-cart ramps, skate board ramps, stones, top soil, construction materials, or any other structure, substance, or device that would constitute a hazard to the traveling public or pedestrian traffic.

8. Any person who violates any provisions of this Ordinance shall, upon conviction, be sentenced to pay a fine of not more than Five Hundred Dollars (\$500.00) per day per offense, plus costs of prosecution.

9. Nothing in this Ordinance shall prohibit the Upper Milford Township Codes Enforcement Officer, who is hereby designated as the official Township official to enforce this Ordinance, as well as the appropriate police officials from issuing a warning, instead of a citation, for a first offense, except in situations of extreme danger or apparent deliberate defiance of this Ordinance.

10. The provisions of this Ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of the Ordinance.

11. This Ordinance shall become effective five (5) days after its adoption.

ORDAINED AND ADOPTED this 7 day of October, 2004, in lawful session duly assembled.

ATTEST:

**BOARD OF SUPERVISORS OF
UPPER MILFORD TOWNSHIP**


Secretary


Susan J. Smith, Chairperson


Daniel J. Mohr, Supervisor


Henry Kradjel, Supervisor

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