

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE TOWNSHIP OF SOMERSET,  
SOMERSET COUNTY, PENNSYLVANIA REGULATING  
PARKING ON AND/OR ALONG TOWNSHIP ROADS,  
STREETS, AND OTHER THOROUGHFARES

WHEREAS, the Board of Supervisors of Somerset Township, Somerset County, Pennsylvania (the "Township") has experienced problems in the past with parking on and/or along Township roads, streets, and other thoroughfares so as to inhibit safe passage and maintenance such as snow and ice removal;

WHEREAS, the Township has determined that said problems constitute a threat to human health and public safety; and

WHEREAS, the Township has, further, determined that it is in the best interests of the Township and necessary and proper for the safety and welfare of its residents that the Township regulate parking on and/or along designated Township roads, streets, and other thoroughfares and establish procedures for implementation and enforcement.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Somerset, Somerset County, Pennsylvania, pursuant to the authority granted to it under Pennsylvania's Second Class Township Code, 53 P.S. §§ 65101 *et seq.*, including, without limitation, 53 P.S. § 67328, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1: TITLE AND PURPOSE

This Ordinance shall be known as the "Somerset Township Parking Ordinance." The purpose of this Ordinance is to regulate parking on and/or along designated Township roads, streets, and other thoroughfares and establish procedures for implementation and enforcement.

SECTION 2: DEFINITIONS

Unless, specifically, defined in this Ordinance, all terms used herein shall have their ordinary, customary, and natural meanings.

"Park," "Parked," or "Parking" shall mean the arresting of the movement of any object, structure, vehicle, or other means of conveyance, other than for purposes of complying with applicable traffic laws.

“Person” shall mean any individual, firm, entity, partnership, company, corporation, or the like, including, without, limitation any owner, operator, or other party responsible for any object, structure, vehicle, or other means of conveyance parked in violation of this Ordinance.

“Township Road, Street, or Other Thoroughfare” shall mean any surface, improved or otherwise, utilized for conveyance, travel, movement, parking, ingress, egress, or regress, that has been dedicated to, laid out by, or is otherwise owned and/or maintained by the Township.

### SECTION 3: PARKING PROHIBITED IN DESIGNATED AREAS

It is hereby declared to be unlawful for any person to park on and/or along any designated Township road, street, or other thoroughfare.

### SECTION 4: PROCEDURES FOR DESIGNATION

The Township Board of Supervisors shall, from time to time, and in its sole judgment and discretion, administratively designate certain areas or portions of Township roads, streets, or other thoroughfares where parking is prohibited. Such designation shall be accomplished by the posting of signage indicating “NO PARKING” or such similar indications as the Township Board of Supervisors may from time to time determine in its sole judgment and discretion.

### SECTION 5: ENFORCEMENT AND PENALTIES

1. Enforcement by Authorized Persons. Except as otherwise provided herein, any person authorized by the Township may enforce the provisions of this Ordinance.

2. Removal/Impoundment. In addition to any other remedy or penalty available or imposed by law, the Township may, without prior notice or warning, and without any liability therefor, tow, remove, cause to be removed, and/or impound any object, structure, vehicle, or other means of conveyance parked in violation of this Ordinance and the violating persons shall be jointly and severally liable for any and all costs, charges, penalties, fees, and damages therefor.

3. Civil Enforcement. When a penalty imposed for a violation of this Ordinance is not voluntarily paid to the Township, the Township may initiate a civil enforcement proceeding before a District Justice. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. When enforcement is through a civil enforcement proceeding as provided hereunder, the Township may seek civil penalties not to exceed Six Hundred and 00/100 (\$600.00) Dollars per violation. In addition to, or in lieu of, civil actions before a District Justice, the Township may enforce this Ordinance in equity. In any case where a penalty for a violation of this Ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefor in civil proceedings, the violator shall be liable for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorney fees incurred by the

Township in the enforcement proceedings. The Township shall be exempt from the payment of costs in any civil case brought to enforce an ordinance in accordance with this paragraph.

4. Enforcement as Summary Offense. Notwithstanding any other provision herein, the Township may enforce this Ordinance by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as typically required under Pa.R.Crim.P. No. 454 (relating to trial in summary cases). The Township may seek criminal fines not to exceed One Thousand and 00/100 (\$1,000.00) Dollars per violation and imprisonment to the extent allowed by law for the punishment of summary offenses.

5. Separate Offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Ordinance is found to exist or for each Section or Subsection of this Ordinance which is found to have been violated.

6. Payment to Township Treasurer. All fines and penalties collected for the violation of this Ordinance shall be paid to the Township Treasurer.

#### SECTION 6: SEVERABILITY

If any section, clause, phrase, portion or provision of this Ordinance is for any reason determined by a Court of Competent jurisdiction to be invalid, such holding shall not affect the validity of the remaining portions of the Ordinance.

#### SECTION 7: REPEALER


All prior ordinances, parts of ordinances, resolutions, or other official actions in conflict with the provisions of this Ordinance are hereby repealed.

#### SECTION 8: EFFECTIVE DATE

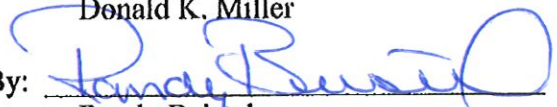
This Ordinance shall become effective upon adoption and shall continue until amended or repealed by the Board of Supervisors of the Township of Somerset.

ORDAINED AND ENACTED into law by the Board of Supervisors of the Township of Somerset in lawful session assembled this 13<sup>th</sup> day of October, 2022.

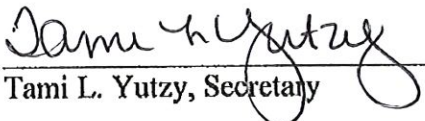
TOWNSHIP OF SOMERSET,  
SOMERSET COUNTY, PENNSYLVANIA

By:   
Daniel H. Halverson

By:   
Donald K. Miller

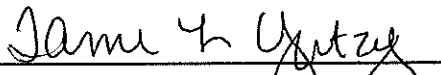
By:   
Randy Beistel

*Attest:*

  
Tami L. Yutzy, Secretary  
(Seal)

**ATTESTATION**

I, Tami L. Yutzy, Secretary/Treasurer of Somerset Township, do hereby attest that the foregoing Ordinance No. 2202-02, regulating parking on and/or along township roads, street, and other thoroughfares, is a true and correct copy of said Ordinance which was enacted at a duly advertised and convened regular meeting of the Somerset Township Board of Supervisors on October 13, 2022 at which a quorum was present.

  
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Tami L. Yutzy, Secretary/Treasurer  
Somerset Township