

ORDINANCE NO. 23-__

AN ORDINANCE OF MIDDLETOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 470 OF THE MIDDLETOWN TOWNSHIP CODE PERTAINING TO VEHICLES AND TRAFFIC TO LIMIT PARKING OF COMMERCIAL VEHICLES AND INCREASE FINES FOR PARKING VIOLATIONS

WHEREAS, under Sections 607 and 1506 of the Second Class Township Code, the Board of Supervisors of Middletown Township (“Board of Supervisors”) is charged with the general governance of Middletown, Township, including the health, safety and welfare of the citizens of Middletown Township, and, therefore, it may adopt any ordinances, bylaws, rules and regulations necessary therefore, so long as they are not inconsistent with or restrained by the Constitution and laws of the Commonwealth of Pennsylvania;

WHEREAS, Section 2328 of the Second Class Township Code (53 P.S. § 67328) authorizes the Board of Supervisors to regulate parking on public roads within the Township by Ordinance;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinance in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. § 66601);

WHEREAS, the Board of Supervisors of Middletown Township, Bucks County, Pennsylvania, after public hearing and a careful review of Chapter 470 of the Middletown Township Code has determined that the health, safety and general welfare of the residents and property owners of Middletown Township will best be served by amending Chapter 470 to prohibit parking of any vehicle used for a commercial purpose on streets at certain times, as well as increase the fines for parking violations.

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Middletown Township, Bucks County, Pennsylvania, that the Township’s Code of Ordinance is **AMENDED** as follows:

I. Section 470-411 is hereby **AMENDED** to provide as follows:

§ 470-411. Parking of commercial vehicles is prohibited during certain hours.

- A.** No person shall park a vehicle used for commercial purposes, or allow it to remain parked on streets outside of manufacturing zoning districts between the hours of 6:00 p.m. and 6:00 a.m. A vehicle being used for commercial purposes, includes, but is not limited to, any vehicle used primarily for business purposes and not personal use, regardless of the size and/or weight of the vehicle.
- B.** Any person, including but not limited to a corporation, partnership or other legal entity, who violates this provision shall pay to the Township a penalty of \$50 and costs for each such violation. Failure to pay all prescribed

penalties to the Township within five calendar days following the date of issuance of a parking violation notice shall result in the institution of criminal proceedings against the owner or owners of the subject vehicle by issuance of a citation, which shall be forwarded to and filed with the appropriate Magisterial District Judge.

II. Prior Section 470-411. **Enforcement**, shall be re-codified as Section 470-412.

III. Prior Section 470-412. **Violations and penalties**, shall be re-codified as Section 470-413, and shall be AMENDED to provide as follows:

- A. Any person, including but not limited to a corporation, partnership or other legal entity, who violates any provision of this article shall pay to the Township a penalty of not more than \$25 and costs for each such violation (unless a different amount is specifically provided for herein). Failure to pay all prescribed penalties to the Township within five calendar days following the date of issuance of a parking violation notice shall result in the institution of criminal proceedings against the owner or owners of the subject vehicle by issuance of a citation, which shall be forwarded to and filed with the appropriate Magisterial District Judge.
- B. All penalties assessed by and paid to the Township for violations of this article shall be paid to and collected by the Township Treasurer and shall become general funds of the Township.
- C. Any person, including but not limited to a corporation, partnership or other legal entity, who violates any provision of this article shall, upon conviction by the Court, be sentenced to pay a fine of not more than \$25 for each and any such violation, together with all costs as may be assessed by the Court and/or the commonwealth (unless a different amount is specifically provided for herein).

IV. Section 470-504 is hereby AMENDED to provide as follows:

§ 470-504. Violations and penalties.

- A. Any person, including but not limited to a corporation, partnership or other legal entity, who violates this provision shall pay to the Township a penalty of not more than \$50 and costs for each such violation. Failure to pay all prescribed penalties to the Township within five calendar days following the date of issuance of a parking violation notice shall result in the institution of criminal proceedings against the owner or owners of the subject vehicle by issuance of a citation, which shall be forwarded to and filed with the appropriate Magisterial District Judge.
- B. All penalties assessed by and paid to the Township for violations of this article shall be paid to and collected by the Township Treasurer and shall become general funds of the Township.

- C. Any person, including but not limited to a corporation, partnership or other legal entity, who violates any provision of this article shall, upon conviction by the Court, be sentenced to pay a fine of not more than \$50 for each and any such violation, together with all costs as may be assessed by the Court and/or the commonwealth.

V. Partial Repealer.

All other provisions of the Ordinance of Middletown Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

VI. Severability.

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, 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 adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

VII. Effective Date.

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this ____ day of _____, 2023.

BOARD OF SUPERVISORS OF MIDDLETOWN
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA

Anna Payne, Chair

Attest:

Bernadette Hannah, Secretary

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 23-____, enacted by the Board of Supervisors of the Township of Middletown, County of Bucks, Commonwealth of Pennsylvania, on the ____ day of _____ 2023.

[SEAL]

Bernadette Hannah, Secretary