

ORDINANCE NO.535
The Township of Kennedy
Allegheny County, Pennsylvania

An ordinance of the Township of Kennedy, a First Class Township situate in the County of Allegheny and Commonwealth of Pennsylvania, regulating and restricting parking, providing for and designating emergency routes, prohibiting certain actions impacting Township roadways, and providing for penalties in violation of this Ordinance.

WHEREAS, the Commissioners of the Township of Kennedy desire to address issues regarding parking on roadways in the Township, and

WHEREAS, the Commissioners of the Township wish to address and regulate parking on the roadways in the Township, especially but not only during the winter months, and in particular, during snow emergencies and other special conditions; and

WHEREAS, the Board of Commissioners of the Township of Kennedy is authorized, under applicable law, to adopt and enforce regulations impacting public safety, including regulations and/or restrictions relating to parking and the movement of motor vehicles, and

WHEREAS, the Commissioners of the Township desired to consolidate and set forth all ordinances impacting parking into one comprehensive ordinance, which was adopted as Ordinance 531, and

WHEREAS, the Commissioners have now decided that parking will be allowed on McCoy Road, provided such is done on the "berm" area and not on the roadway, as such,

NOW THEREFORE, be it ordained the Board of Commissioners of the Township of Kennedy, County of Allegheny, and Commonwealth of Pennsylvania, do hereby enact this ordinance, designated as Number ____, which ordinance shall repeal and replace Ordinances 102, 109, 114, 183, 281, 307, 325, 346, 446, 475, and 501, and which shall amend Ordinance 531 as contained herein.

SECTION 1. DEFINITIONS

For the purpose of this Ordinance, the following meanings are adopted:

1. The word "vehicle" shall mean any device in, upon or by which any person or property is or may be transported upon a road, roadway, highway, or other designated route of travel.
2. The word "street" shall mean any public street, avenue, road, alley, highway, lane, path, or other public place located in the Township of Kennedy and established for the use of vehicles.
3. The word "person" shall mean and include any individual, firm, co-partnership, association, partnership, corporation, or entity.
4. The word "operator" shall mean and include any individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or is in the actual physical control of the vehicle.
5. The words "park" or "parking" shall mean the standing of a vehicle whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually

engaged in, receiving or discharging passengers or loading or unloading of merchandise or in obedience to traffic regulations, signs or signals, or an involuntary stopping of a vehicle by reason of causes beyond the control of the operator of the vehicle.

6. The word "berm", as used herein, is intended to apply to that area off of McCoy Road, which is beyond, or "outside" of the normal roadway area, specifically being considered to be the the shoulder of a road or roadway, generally seen outside the lines that have been painted on the road or roadway.

SECTION 2. PROHIBITION OF PARKING

Parking of vehicles, by any person or entity, shall be prohibited at all times on the following streets:

1. The entire length of Pine Hollow Road
2. The entire length of Forest Grove Road
3. The entire length of Heckel Road
4. The entire length of Chartiers Extension (also known as Chartiers Avenue Extension)
5. The entire length of McKees Rocks Road (also known as Middletown and/or Steubenville Pike)
6. The entire length of Lorish Road
7. The entire length of Herbst Road
8. The entire length of Ewing Road
9. The entire length of Coraopolis Road
10. The entire length of Robinson Boulevard
11. The entire length of Midway Drive
12. No parking on the South side of Cortland East and West
13. No parking on the South side of the entire length of Gawaldo Drive
14. No parking on Porters Hollow from Coraopolis Road to Gawaldo Drive.
15. The entire length of Clever Road

SECTION 3. PARKING ZONES

"No Parking" zones shall be established in privately owned shopping centers known as Kenmawr Plaza and Kennedy Center, as follows:

Effective upon the passage of this Ordinance, no motor vehicle shall be permitted to park or stand in parking areas designated as "Handicap Parking" and in areas designated as "Fire Zones", or otherwise designated and marked as "No Parking" zones .

SECTION 4. AUTHORITY OF KENNEDY TOWNSHIP POLICE FOR RESTRICTIONS

A. Designation of Parking Spaces. The Chief of Police, upon advice and consent of the Township Board of Commissioners or the Township Manager, is hereby directed and authorized to mark off individual parking spaces in the parking zones designated and described hereinafter and in such other zones as may be established, said parking spaces to be designated by lines painted or durably marked on the curbing or surface of the street. At each space so marked off, it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within limits of the space so designated.

B. Parking Time Limits. The Chief of Police, upon advice and consent of the Township Board of Commissioners or the Township Manager, is hereby directed and authorized to mark off individual parking spaces and parking spaces described herein and hereafter established, with certain set time periods at which any vehicle may be parked, whether for payment of a fee or not.

Said parking spaces shall be designated as limited time parking zones and any parking of the vehicle beyond the time so designated shall constitute a violation of this Ordinance.

C. Temporary No Parking. The Chief of Police, upon consent of the Township Board of Commissioners or Township Manager, is hereby directed and authorized to designate temporary no parking areas for the purpose of establishing safety zones within construction zones; or to establish a temporary no parking zone for social events and processions such as, but not limited to, funerals and parades. Said no parking zones shall be designated by posting placards that warn, "NO PARKING by Order of the Kennedy Township Police Department", or other similar language providing notice to any operator of any vehicle .

SECTION 5. PROHIBITION OF PARKING DURING WINTER MONTHS

Notwithstanding the generality of the provisions set forth in this Ordinance, there shall be a complete prohibition of parking on any roadway or street in the Township between November 1 and April 1 of each year. Specifically, no form of parking shall be permitted on any street during this period of time, with exception of Section 2 above. It is specifically noted that this prohibition applies to any roadway or street, irrespective of which government entity may actually provide maintenance of such roadway or street.

A. Special Exception. A special exception may be granted by the Chief of Police or his designee, upon written request, made to the police, at least 48 hours in advance. The Police Department shall have available, to any resident, a "Special Exception for Parking" form, which may be submitted at the police base. The Police Chief, or his designee, must provide written approval of such special exception, for parking to occur.

B. General Exception to this Provision. This provision, for an absolute ban for any form of parking between November 1 and April 1, shall not apply to the following Township roadways:

Hickory Street	Both sides
Poplar Street	Both sides
Cortland East	North side
Cortland West	North side

McCoy Road	Parking shall be permitted provided that such parking is in the area generally considered to be the "berm" of the road.
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SECTION 6. DECLARATION OF SNOW AND/OR ICE EMERGENCY

Notwithstanding the generality of this Ordinance, it is specifically noted that the Township shall retain authority to declare snow and/or ice, and/or other emergency conditions.

A. In order to facilitate the movement of traffic and to combat the hazards of snow and/or

ice, and/or other emergency, on any street, roadway, or route as may be designated, the President of the Township Commissioners, the Township Manager, or such designee, may declare a snow and/or ice, and/or other emergency. Information on a snow and/or ice, and/or other applicable emergency may be given by the Township through the Township website, the Township Police social media postings, radio, newspaper, or other available media, and information on the termination of the emergency may also be given by use of the same media.

B. In order to facilitate the movement of traffic and to expeditiously remediate hazards resulting from certain other types of emergencies and/or special conditions, the President of the Township Commissioners, the Township Manager, or such designee, may declare the existence of a snow and/or ice, and/or other emergency, or special condition. In the event of the declaration of a snow and/or ice, and/or other emergency or special condition, the same shall be communicated to those persons who live upon any Township roadway who are affected by said emergency or special condition by the posting of temporary "NO PARKING" signs. The term "Emergency" and/or "Special Condition" shall mean any unforeseeable or uncontrollable event which may cause to restrict or to impede the free movement of motor vehicles and/or which otherwise constitutes an actual and/or imminent health, safety, and welfare violation.

SECTION 7. SIGNAGE AND PUBLIC NOTICE

A. The Board of Commissioners does hereby authorize the Township staff to have erected, on the main roadways entering the Township, signage providing notice of this comprehensive parking Ordinance. Notice shall also be given through the posting of the Ordinance on the official Township website.

B. The Kennedy Township Police Department, acting on its own, or through the auspices of the Kennedy Township Road Department or other designees, shall have full and complete authority to erect temporary signs for the purpose of addressing any form of special or limited restrictions, including emergency designations, as set forth herein.

SECTION 8. OBSTRUCTION OF TOWNSHIP ROADWAYS

It shall be unlawful for any person to obstruct, in any manner, the snow removal operations conducted by the Township Road Department and/or the Road Departments of the County of Allegheny or Commonwealth of Pennsylvania. Specifically prohibited is any form of general obstruction or interference with such snow removal operations, which shall include, but not be limited to, the depositing, dumping, or shoveling of snow onto any roadway, or the creation of, or allowing the existence of, any form of obstruction, which shall include, but not be limited to, basketball hoops, hockey nets, vehicles of any sort, garbage cans, or other matters that may interfere with snow removal operations.

SECTION 9. PENALTY FOR VIOLATION

A. Any person who shall violate or fail to comply with the provisions of this Ordinance, shall be deemed guilty of a violation of the same, and shall be subject to a fine of \$50, plus costs, upon conviction of the same before local District Justice. The violator shall also be responsible for all costs of prosecution, in the event that an appeal was taken to the Court of Common Pleas.

B. Any person who shall violate or fail to comply with the provisions set forth herein with regard to handicapped and/or fire zone parking, shall be deemed guilty of violation of the same, and shall be subject to a fine of \$100, plus costs, upon conviction of the same before local District Justice. The violator shall also be responsible for all costs of prosecution, in the event that an appeal was taken to the Court of Common Pleas.

C. Any person who shall violate or fail to comply with the provisions set forth herein with regard to designated emergency routes, shall be deemed guilty of violation of the same,

and shall be subject to a fine of \$100, plus costs, upon conviction of the same before local District Justice. The violator shall also be responsible for all costs of prosecution, in the event that an appeal was taken to the Court of Common Pleas.

SECTION 10. SEVERABILITY

If any section or provisions or parts thereof in this Ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the Ordinance as a whole or any other section or provision of the part thereof.

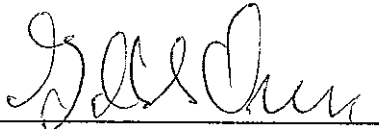
SECTION 11. REPEAL

Any Ordinance or Resolution or any part of any Ordinance or Resolution which is in conflict with the provisions of this Ordinance are hereby deemed repealed. As noted in the preambles, certain Township Ordinances are specifically appealed and replaced by the provisions set forth therein. Ordinance 531 is amended, by virtue of this Ordinance, solely so as to allow parking on the berm of said roadway.

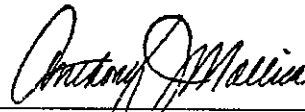
ORDAINED and ENACTED this 14th day of March 2019.

ATTEST:

KENNEDY TOWNSHIP Board of Commissioners



Gerald G. Orsini, Manager



Anthony Mellica, President

