

**PROPOSED CODE ADOPTION ORDINANCE**  
**for the**  
**CODE OF THE TOWNSHIP OF SILVER SPRING, PENNSYLVANIA**  
**September 2019**

**GENERAL CODE**  
**781 Elmgrove Road**  
**Rochester, New York 14624**  
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**TOWNSHIP OF SILVER SPRING  
COUNTY OF CUMBERLAND, PENNSYLVANIA**

**ORD. NO. 2019-15**

**AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE TOWNSHIP OF SILVER SPRING, COUNTY OF CUMBERLAND, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE**

Be it enacted and ordained by the Board of Supervisors of the Township of Silver Spring, County of Cumberland, Commonwealth of Pennsylvania, and it is enacted and ordained as follows:

**ARTICLE I  
Adoption of Code**

**§ 1-1. Approval, adoption and enactment of Code.**

Pursuant to Section 1601(d) of the Second Class Township Code [53 P.S. § 66601(d)], the codification of a complete body of legislation for the Township of Silver Spring, County of Cumberland, Commonwealth of Pennsylvania, as revised, codified and consolidated into chapters, articles and sections by General Code, and consisting of Chapters 1 through 415, together with an Appendix, is hereby approved, adopted, ordained and enacted as a single ordinance of the Township of Silver Spring, which shall be known and is hereby designated as the "Code of the Township of Silver Spring," hereinafter referred to as the "Code."

**§ 1-2. Effect of Code on previous provisions.**

The provisions of this Code, insofar as they are substantively the same as those of ordinances and resolutions in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and resolutions and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinance or resolution. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Board of Supervisors of the Township of Silver Spring, and it is the intention of said Board of Supervisors that each such provision contained within the Code is hereby reenacted and reaffirmed as it appears in said Code. Only such provisions of former ordinances as are omitted from this Code shall be deemed repealed or abrogated by the provisions of § 1-3 below, and only new or changed provisions, as described in § 1-6 below, shall be deemed to be enacted from the effective date of this Code, as provided in § 1-15 below.

**§ 1-3. Inconsistent legislation repealed.**

- A. Repeal of inconsistent ordinances. Except as provided in § 1-4, Legislation saved from repeal; matters not affected by repeal, below, all ordinances or parts of ordinances

inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed as of the effective date given in § 1-15; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Township of Silver Spring which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

**B. Repeal of specific ordinances. The Board of Supervisors of the Township of Silver Spring has determined that the following ordinances are no longer in effect and hereby specifically repeals the following legislation:**

- (1) Ordinance No. 79-4, Farm Advisory Board, adopted July 25, 1979
- (2) Ordinance No. 79-8, Sewer connections and rates, adopted 11-28-1979.
- (3) Ordinance No. 82-5, Drug Paraphernalia, adopted September 22, 1982.
- (4) Ordinance No. 87-7, Massage establishment, adopted July 22, 1987.
- (5) Ordinance No. 93-3, Building construction amendment, adopted May 26, 1993.
- (6) Ordinance No. 95-4, BOCA 1993 National Building Code, adopted April 26, 1995.
- (7) Ordinance No. 95-5, 1992 CABO One- and Two-Family Dwelling code, adopted April 26, 1995.
- (8) Ordinance No. 95-6, 1990 BOCA Fire Prevention code, adopted April 26, 1995.
- (9) Ordinance No. 95-9, 1990 BOCA Fire Prevention Code amendment, adopted September 27, 1995.
- (10) Ordinance No. 96-1, Civil Penalties, adopted June 26, 1996.
- (11) Ordinance No. 2-2002, Vehicles and traffic amendment, adopted March 27, 2002.
- (12) Former Ch. I, Section 101, Building Inspector, of the 1973 Code.
- (13) Former Ch. III, Article 1, Junk dealers and maintenance of junk, of the 1973 Code.
- (14) Former Ch. IV, Art. 1, Public Conduct, of the 1973 Code.
- (15) Former Ch. V, Article 1, Section 101, Junked vehicle parking or storage, of the 1973 Code.
- (16) Former Ch. VI, Article 1, Building Code, of the 1973 Code.
- (17) Former Ch. X, Enforcement, of the 1973 Code.

**§ 1-4. Legislation saved from repeal; matters not affected by repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-3 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal; provided, however, that the repeal of ordinances pursuant to § 1-3 or the saving from repeal of ordinances pursuant to this section shall not be construed so as to revive any ordinance previously repealed, superseded or no longer of any effect:

- A. Any ordinance adopted subsequent to April 24, 2019.
- B. Any right or liability established, accrued or incurred under any legislative provision of the Township prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability or any cause of action acquired or existing.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Township or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision of the Township.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the Township or any lawful contract, obligation or agreement.
- F. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Township or other instruments or evidence of the Township's indebtedness.
- G. Any ordinance adopting an annual budget or establishing an annual tax rate.
- H. Any ordinance providing for the levy, imposition or collection of special taxes, assessments or charges.
- I. Any ordinance authorizing the purchase, sale, lease or transfer of property or acquiring property by acceptance of deed, condemnation or exercise of eminent domain.
- J. Any ordinance annexing land to the Township.
- K. Any ordinance providing for or requiring the construction or reconstruction or opening of sidewalks, curbs and gutters.
- L. Any ordinance or part of an ordinance providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, sidewalk, park or other public place or property or designating various streets as public highways.
- M. Any ordinance establishing water, sewer or other special purpose districts and designating the boundaries thereof; providing for a system of sewers or water supply

lines; or providing for the construction, extension, dedication, acceptance or abandonment of any part of a system of sewers or water supply lines.

- N. Any ordinance providing for the making of public improvements.
- O. Any ordinance providing for the salaries and compensation of officers and employees of the Township or setting the bond of any officer or employee.
- P. Any ordinance concerning changes and amendments to the Zoning Map.
- Q. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- R. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the Township.
- S. Any currently effective ordinance providing for intergovernmental cooperation or establishing an intermunicipal agreement.

**§ 1-5. Inclusion of new legislation prior to adoption of Code.**

All ordinances of a general and permanent nature adopted subsequent to the date given in § 1-4A and/or prior to the date of adoption of this ordinance are hereby deemed to be a part of the Code and shall, upon being printed, be included therein. Attested copies of all such ordinances shall be temporarily placed in the Code until printed supplements are included.

**§ 1-6. Changes and revisions in previously adopted legislation; new provisions.**

- A. Nonsubstantive changes. In compiling and preparing the ordinances and resolutions of the Township for adoption and revision as part of the Code, certain nonsubstantive grammatical and style changes were made in one or more of said ordinances and resolutions. It is the intention of the Board of Supervisors that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.
- B. Substantive changes and revisions. In addition to the changes and revisions described above, changes and revisions of a substantive nature, as set forth in Schedule A attached hereto and made a part hereof, are hereby made to various ordinances and resolutions included in the Code. These changes are enacted to bring provisions into conformity with the desired policies of the Board of Supervisors, and it is the intent of the Board of Supervisors that all such changes be adopted as part of the Code as if the legislation so changed had been previously formally amended to read as such. All such changes and revisions shall be deemed to be in effect as of the effective date of the Code specified in § 1-15.
- C. Nomenclature changes and revisions.
  - (1) Pennsylvania “Department of Public Welfare” to the “Department of Human Services.”

- (2) “Justice of the Peace,” “District Justice,” “District Magistrate” or “Magistrate” to “Magisterial District Judge.”
- (3) U.S. Department of Agriculture’s “Soil Conservation Service (SCS)” to “Natural Resources Conservation Service (NRCS).”
- (4) “Department of Environmental Resources (DER)” to “Department of Environmental Protection (DEP)” or “Department of Conservation and Natural Resources (DCNR).”

#### **§ 1-7. Interpretation of provisions.**

In interpreting and applying the provisions of the Code, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Where the provisions of the Code impose greater restrictions or requirements than those of any statute, other ordinance, resolution or regulation, the provisions of the Code shall control. Where the provisions of any statute, other ordinance, resolution or regulation impose greater restrictions or requirements, the provisions of such statute, other ordinance, resolution or regulation shall control.

#### **§ 1-8. Titles and headings; editor's notes.**

- A. Chapter and article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

#### **§ 1-9. Filing of copy of Code.**

At least one copy of the Code in a post-bound volume shall be filed with the Ordinance Book in the office of the Township Secretary and shall remain there for use and examination by the public. Upon adoption, such copy or copies shall be certified to by the Township Secretary, as provided by law, and such certified copy or copies shall remain on file in the office of the Township Secretary, available to persons desiring to examine the same during all times while said Code is in effect.

#### **§ 1-10. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes. Whenever such additions, deletions,

amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto.

**§ 1-11. Code books to be kept up-to-date.**

It shall be the duty of the Township Secretary or someone authorized and directed by him or her to keep up-to-date the certified copy or copies of the book containing the Code required to be filed in the office of the Township Secretary for the use of the public. All changes in said Code and all legislation adopted by the Board of Supervisors subsequent to the effective date of this codification which the Board of Supervisors shall adopt specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new legislation are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

**§ 1-12. Publication of notices.**

The Township Secretary, pursuant to law, shall cause to be published in the manner required a notice of the introduction of the Code in a newspaper of general circulation in the Township. The enactment and application of this ordinance, coupled with the publication of the notice of introduction, the availability of a copy or copies of the Code for inspection by the public and the filing of an attested copy of this ordinance with the county, as required by law, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-13. Altering or tampering with Code; violations and penalties.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, or to alter or tamper with the Code or any part or portion thereof in any manner whatsoever which will cause the law of the Township to be misrepresented thereby. Any person who violates or permits a violation of this section of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township in the enforcement of this chapter. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

**§ 1-14. Severability.**

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional. It is hereby declared to be the intent of the Board of Supervisors that this ordinance and the Code would have been adopted if such illegal,


invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.

**§ 1-15. Effective date.**

All provisions of this ordinance and of the Code shall be in force and effect five days after adoption of this ordinance.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of Silver Spring this 20<sup>th</sup> day of November, 2019

Attest:

  
\_\_\_\_\_  
Theresa Eberly, Township Secretary

TOWNSHIP OF SILVER SPRING

BY:   
\_\_\_\_\_  
David R. Lenker, II, Chair



**TOWNSHIP OF SILVER SPRING**  
**NOTICE OF INTRODUCTION**  
**OF PROPOSED CODE ADOPTION ORDINANCE**

Please take notice that a proposed Code Adoption Ordinance was introduced by the Board of Supervisors of the Township of Silver Spring at a regular meeting of the Board of Supervisors held on the 20<sup>th</sup> day of November, 2019. A copy of the proposed Code Adoption Ordinance and the Code may be examined in the office of the Township Secretary. A summary of the proposed Code Adoption Ordinance and a listing of the Table of Contents of the proposed codification are as follows:

**ORD. NO. 2019-15**

**AN ORDINANCE TO APPROVE, ADOPT AND ENACT AN ORDINANCE CODIFICATION FOR THE TOWNSHIP OF SILVER SPRING, COUNTY OF CUMBERLAND, COMMONWEALTH OF PENNSYLVANIA; TO PROVIDE FOR THE REPEAL OF CERTAIN LEGISLATION NOT INCLUDED THEREIN; TO SAVE FROM REPEAL CERTAIN OTHER LEGISLATION NOT INCLUDED THEREIN; AND TO PROVIDE PENALTIES FOR TAMPERING WITH THE CODE**

This proposed ordinance provides:

- (1) For the approval, adoption and enactment of the codification of a complete body of legislation for the Township of Silver Spring, as revised, codified and consolidated into titles, chapters and sections, such codification being designated as the "Code of the Township of Silver Spring."
- (2) That the provisions of the Code are intended as the continuation of legislation in effect immediately prior to adoption of this ordinance.
- (3) For the repeal of inconsistent ordinances or parts of ordinances of a general and permanent nature which are not included in the Code, except as specifically saved from repeal.
- (4) That certain ordinances, rights and obligations be expressly saved from repeal.
- (5) That ordinances of a general and permanent nature adopted subsequent to preparation of the Code but prior to its adoption are deemed part of the Code.
- (6) For the adoption and ratification of changes and revisions made during preparation of the Code to the previously adopted legislation included therein, and for the inclusion of certain new legislation. Such changes, revisions and new legislation include:
  - (a) Nonsubstantive grammatical and style changes.

- (b) Nomenclature changes.
  - (c) General revision of penalty provisions.
  - (d) Removal of specific permit and license fee amounts and authority for such fees to be set by resolution of the Board of Supervisors.
  - (e) Adoption and ratification of other substantive changes and revisions made so as to bring provisions included in the Code into conformity with the policies and intent of the Board of Supervisors. Such changes and revisions are specifically enumerated and described in the ordinance.
- (7) For the interpretation of provisions.
  - (8) That titles, headings and editor's notes are inserted for the convenience of persons using the Code and are not part of the legislation.
  - (9) For the filing of at least one copy of the Code in the office of the Township Secretary where it shall remain for use and examination by the public.
  - (10) For the incorporation of future additions, deletions, amendments or supplements into the Code.
  - (11) That Code books be kept up-to-date under the supervision of the Township Secretary.
  - (12) That notice of introduction of the ordinance and Code be published according to law, and that enactment of the ordinance, coupled with filing of a copy or copies of the Code and publication of such notice, will be deemed due and legal publication of all provisions of the Code.
  - (13) For penalties for anyone convicted of altering or tampering with the Code.
  - (14) That provisions of the Code and of the ordinance are severable.
  - (15) That the effective date of the Code and of the ordinance be November 20, 2019.

The chapters included in the codification are as follows (all chapter numbers not listed are reserved for future use).

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Please take further notice that the Board of Supervisors intends to adopt the proposed Code Adoption Ordinance on November 20, 2019. A copy of the Code Adoption Ordinance proposed for adoption is on file in the office of the Township Secretary, Silver Spring, Pennsylvania, where it is available for inspection during regular office hours.

## **Silver Spring Township Code Adoption Ordinance**

### **Schedule A Specific Revisions at Time of Adoption of Code**

#### **Chapter 1, General Provisions.**

##### **Article II, Definitions.**

Original Sections 101.01, 101.02, 101.03 and 101.05 of Ord. No. 73-2, pertaining to the adoption of the Codified Ordinances of Silver Spring Township, 1973, and original Section 101.99, General Penalty, are repealed.

#### **Chapter 12, Business Advisory Board.**

In § 12-5 "Recreation Board" is revised to "Recreation Advisory Council."

#### **Chapter 55, Planning Commission.**

This chapter is amended in its entirety to read:

##### *§ 1. Establishment.*

*A Planning Commission consisting of seven members is hereby created and established for Silver Spring Township, Cumberland County, Pennsylvania, pursuant to the provisions of Article II, Section 201, of the Pennsylvania Municipalities Planning Code, as established by the Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.*

##### *§ 2. Composition; terms of office.*

*The Planning Commission shall be comprised of seven members who shall be appointed for terms of office of four years, or until a successor is appointed and qualified. Terms shall be set so that not more than two terms expire in any one calendar year. The members of the existing Planning Commission shall continue in office until the end of the term for which they were appointed.*

##### *§ 3. Powers and duties.*

*The Planning Commission shall have all the powers and duties conferred and imposed upon it as set forth in the Pennsylvania Municipalities Planning Code, established by the Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.*

## **Chapter 60, Police Department.**

The term “Patrolmen” is updated to “patrol officers.”

Original ordinance subsections D, Interference with police officers, and E, Penalty for violation, of Ord. No. 22, are repealed.

## **Chapter 100, Adjudication Alternative Program Fee.**

Section 100-1 is amended to delete the fee amount and provide that fee is as set by resolution.

## **Chapter 136, Burning, Outdoor.**

Section 136-5 is amended to read:

*Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.*

## **Chapter 142, Cable Television.**

A. In § 142-2 (in definition of “municipality”) and § 142-3B(5) the Township’s address has been updated to “8 Flowers Drive, Mechanicsburg, PA 17050, or as otherwise established by the Board of Supervisors.”

B. Section 142-3B(6) is amended to delete fee amounts and provide that fees are as set by resolution.

C. Section 142-7 is amended to read:

*In the event that a cable operator does not comply with a decision made pursuant to this chapter and directed specifically toward the cable operator, the municipality may assess a fine, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys’ fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense.*

*Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.*

## **Chapter 155, Construction Codes, Uniform.**

Section 155-2B is amended to read as follows:

*The 2015 International Code Council (ICC) and the provisions amended by the UCC Review and Advisory Council (RAC), effective October 1, 2018, are hereby adopted by reference for Silver Spring Township with the adoption by the Commonwealth of Pennsylvania.*

## **Chapter 161, Curfew.**

Section 161-6A is amended to increase the minimum fine to \$50.

## **Chapter 248, Mobile Homes and Mobile Home Parks.**

The penalty in § 248-20B is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.*

## **Chapter 281, Peddling and Soliciting.**

In § 281-1 in the definition of "transient merchant" the reference to "Article XVII of the Second Class Township Code (53 P.S. § 66801)" is updated to "Article XV of the Second Class Township Code (53 P.S. § 66532)" to reflect renumbering of the statute.

## **Chapter 295, Property Maintenance.**

Section 295-2 is amended to read as follows:

*Any person who violates or permits a violation of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the*

*appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.*

## **Chapter 315, Sewers and Sewage Disposal.**

### **Article I, Sewage Disposal Systems**

- A. The fee amount in § 315-8 is deleted and reference to “fees as set by resolution” is inserted.
- B. The penalty in § 315-9A is amended to read as follows:

*Any person who violates or permits a violation of this article shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys' fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.*

### **Article III, Sewer Rents and Charges Applicable to Sewers of Township Authority.**

Section 315-19A(1) and (3), C(2) and D is amended to read:

*A(1): “All owners of sewer residential establishments and nonresidential establishments shall pay a sewer rental based upon the actual metered water consumption, with exceptions as hereinafter noted. All sewer rentals based upon metered water consumption shall be computed in accordance with the rates set by Authority resolution.”*

*A(3): All owners of sewer residential establishments and nonresidential establishments having an unmetered water source shall pay a sewer rental on the basis of volume as estimated or measured by the Township, which rental shall be not less than that established by Authority resolution per quarter.*

*C(2): The Township may require the owner of an industrial establishment, or the owner of an industrial establishment may elect, to install, pay for, and maintain a meter approved by the Township for measuring quarterly wastewater volumes discharged to the sewer system, in which case sewer rentals shall be based upon the actual volume of wastewater so metered and the rates set forth under Subsection A of this section. Pending installation of such meter the sewer rental for such industrial establishment shall be not less than that established by Authority resolution per quarter.”*

*D: Minimum sewer rentals. Notwithstanding any other provisions contained herein, all owners of metered or nonmetered residential establishments connected to the sewer system*



*shall be required to pay a minimum sewer rental per quarter, and all owners of metered or nonmetered nonresidential establishments connected to the sewer system shall be required to pay a minimum sewer rental per quarter; such minimum sewer rental charges shall be as set by Authority resolution.*

#### **Article IV, Holding Tanks.**

- A. The definition in § 315-29 and references to “Authority” in this article have been amended to indicate the Sewage Enforcement Officer has oversight of holding tank regulations. References to the “Authority” have been revised to “Sewage Enforcement Officer” in §§ 315-30, 315-34, 315-35B and C and to “Board of Supervisors” in §§ 315-31, 315-32, 315-33, and 315-35A.
- B. The penalty in § 315-36 is amended to read as follows:

*Any person who violates or permits a violation of § 315-35 shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorneys’ fees, incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.*

#### **Article V, Pretreatment Program.**

Section 315-39 is amended to read:

*In addition to all other civil penalties, liabilities and other enforcement remedies as set forth in said Pretreatment Program, any person (as defined in the Pretreatment Program) who shall violate any provision of the Pretreatment Program, and not excluding requirements and conditions of permits issued thereunder, shall, for each and every such violation, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.*

#### **Chapter 337, Solid Waste and Recycling.**

In § 337-3, Definitions:

- (1) The definition of “high-grade office paper” is repealed.
- (2) The definition of “recyclable material” is revised to read: “Includes metal, glass, plastic and cardboard, as follows: aluminum beverage cans; steel food and beverage cans, aerosol cans, and paint cans; clear, brown, blue, and green glass food and beverage containers; plastic materials labeled No. 1 through 7; cardboard, all sizes of cardboard boxes, food boxes, newspapers and inserts, food and drink cartons.”
- (3) The definition of “recycling” is amended to delete “paper.”

### **Chapter 345, Stormwater Management.**

In § 345-8 the following definitions have been added or amended: “flood,” “flood elevation,” “flood-fringe area,” “flood hazard area,” “floodplain,” “floodproof” and “freeboard.”

In the definition of “regulated earth disturbance activity” “Ch. 92” has been updated to “Ch. 92a.”

### **Chapter 360, Subdivision and Land Development.**

- A. In § 360-7 the following definitions were added or amended: “flood,” “flood elevation,” “flood-fringe area,” “flood hazard area,” “floodplain,” “floodproof,” “floodway,” and “freeboard.”
- B. Section 360-26Q(4) is amended to revise “as defined herein; and” to “as defined in Chapter 415, Zoning, § 415-12.”
- C. Section 360-26R(1) one table entry is revised as indicated: “Commercial courtyards ~~and/or main street settings within the VO Zone~~”

### **Chapter 368, Taxation.**

#### **Article I, Per Capita Tax.**

- A. Section 368-10, Exemption, is added to read: “*Persons whose total income from all sources is less than \$12,000 per annum are hereby exempted from this tax.*”
- B. The statutory reference in § 368-14 has been updated.

#### **Article II, Realty Transfer Tax.**

This article is amended in its entirety to read:

**§ 368-15. Imposition of tax.**

*The Township of Silver Spring adopts the provisions of Article XI-D of the Tax Reform Code of 1971 and imposes a realty transfer tax as authorized under that article subject to the rate limitations therein. The tax imposed under this section shall be at the rate of 1%.*

**§ 368-16. Administration.**

*The tax imposed under § 368-15 and all applicable interest and penalties shall be administered, collected and enforced under the Act of December 31, 1965 (P.L. 1257, No. 511, as amended, known as "The Local Tax Enabling Act," 53 P.S. § 6924.101 et seq.), provided that, if the correct amount of the tax is not paid by the last date prescribed for timely payment, the Township of Silver Spring, pursuant to Section 1102-D of the Tax Reform Code of 1971 (72 P.S. § 8102-D), authorizes and directs the Department of Revenue of the Commonwealth of Pennsylvania to determine, collect and enforce the tax, interest and penalties.*

**§ 368-17. Interest.**

*Any tax imposed under § 368-15 that is not paid by the date the tax is due shall bear interest as prescribed for interest on delinquent municipal claims under the Act of May 16, 1923 (P.L. 207, No. 153) (53 P.S. § 7101 et seq.), as amended, known as "The Municipal Claims and Tax Liens Act." The interest rate shall be the lesser of the interest rate imposed upon delinquent commonwealth taxes as provided in Section 806 of the Act of April 9, 1929 (P.L. 343, No. 176) (72 P.S. § 806), as amended, known as "The Fiscal Code," or the maximum interest rate permitted under the Municipal Claims and Tax Liens Act for tax claims.*

**Article IV, Costs for Collection of Delinquent Taxes.**

This article is amended to revise "West Shore Tax Bureau" to "Cumberland County Tax Bureau."

**Chapter 415, Zoning.**

- A. In § 415-12 the following definitions are amended or added: "flood-fringe area," "flood hazard area," "floodway," and "freeboard."
- B. Section 415-39B(1) is amended to revise "fronting on that adjoin land with Conodoguinet..." to read "fronting on land that adjoins Conodoguinet..."
- C. In §§ 415-45 and 415-46G the statutory reference is updated.
- D. Section 415-123D(9) is amended to complete the subsection with: "...building is unsafe and unfit for human habitation or occupancy."

- E. Section 415-144B(2)(d) is amended to update the internal reference to refer to § 415-29 of the chapter.
- F. References to original Section 207 or to the VO Zone in the following sections of the Zoning chapter have been deleted or revised: § 415-12's definitions of "quadruplex" and "joint-use driveway" and §§ 415-8, 415-12, 415-18D, 415-19D, 415-20I, 415-30C(2), D(2) – Table A, Table D, Table E.1, 415-32A and D; 415-51 lead-in, 415-76A, 415-90 lead-in, 415-93G (deleted), 415-96 lead-in, the tables in attachments 1 and 3.

## **Chapter 385, Vehicles and Traffic.**

This chapter is adopted to read as follows:

### **ARTICLE I General Provisions**

#### **§ 385-1. Definitions and interpretation.**

- A. Words and phrases, when used in this article, except for sections or articles to which different or additional definitions apply, shall have the meanings ascribed to them in the Vehicle Code, 75 Pa.C.S.A. § 101 et seq. (the Act of June 17, 1976, P.L. 162, No. 81), as amended, except that in this chapter the word "street" may be used interchangeably with the word "highway" and shall have the same meaning as the word "highway" as defined in the Vehicle Code.
- B. The term "legal holidays," as used in this chapter, shall mean and include New Year's Day, Martin Luther King Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, day after Thanksgiving, and Christmas Day.
- C. In this chapter, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine.

#### **§ 385-2. Manner of adopting permanent traffic and parking regulations.**

All traffic and parking regulations of a permanent nature shall be enacted as ordinances or as parts of ordinances or as amendments to ordinances of the Township of Silver Spring.

#### **§ 385-3. Temporary and emergency regulations.**

- A. The Chief of Police or Township Manager shall have the following powers to regulate traffic and parking temporarily and in time of emergency:
  - (1) In the case of fire, flood, storm or other emergency, to establish temporary traffic and/or parking regulations.
  - (2) In the case of emergency public works or public events of limited scope or duration, to restrict or prohibit traffic and/or parking in limited areas for periods of not more than 72 hours.

- B. These temporary and emergency regulations shall be enforced by the Chief of Police or Township Manager and the police in the same manner as permanent regulations. Any person who drives or parks a vehicle in violation of any such regulation or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation shall, upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in this chapter for a violation of such nature.

**§ 385-4. Experimental regulations.**

- A. The Board of Supervisors may, from time to time, designate places upon and along the streets in the Township where, for a period of not more than 90 days, specific traffic and/or parking regulations, prohibitions and restrictions shall be in force and effect and shall designate those locations by proper signs and markings. Such regulations, prohibitions and restrictions shall be effective just as if they had been specified in this chapter. No person shall drive or park a vehicle in violation of any such regulation, prohibition or restriction, and no person shall move, remove, destroy or deface any sign or marking erected, posted or made by authority of this section. Any person who violates any provision of this section shall, upon conviction, be liable to the penalty set out in the law or elsewhere in this chapter for a violation of such nature.
- B. The purpose of this section is to allow for test and experimental determination of the feasibility and desirability of permanent changes in the ordinances of the Township relative to traffic and parking.

**§ 385-5. Streets closed or restricted for construction, maintenance or special events.**

- A. The Board of Supervisors shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers at each end of the closed portion, while construction or maintenance work is under way or a special event is being conducted on the closed portion. It shall be unlawful for any person to drive a vehicle upon any such closed portion.
- B. The Board of Supervisors shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop or is signaling that vehicle, by a flag or other device, not to proceed.

**§ 385-6. Authority of police officers.**

The police shall have authority to direct traffic on the streets in the Township, at intersections in public and in other places where the Vehicle Code or this chapter applies.

**ARTICLE II  
Traffic Regulations**

**§ 385-7. Speed limits.**

The speed limit for both directions of traffic along the streets or parts thereof described in Schedule I (§ 385-50) of this chapter, is hereby established at the rate of speed indicated in said schedule. It shall be unlawful for any person to drive a vehicle at a higher speed than the maximum prescribed for that street or part of a street.

**§ 385-8. Prohibited turns at intersections.**

It shall be unlawful for the driver of any vehicle to make a turn of the kind designated (left, right, all) at any of the intersections described in Schedule II (§ 385-51) of this chapter.

**§ 385-9. U-turns.**

It shall be unlawful for the driver of any vehicle to make a U-turn on any of the streets or parts of streets described in Schedule III (§ 385-52) of this chapter.

**§ 385-10. One-way streets.**

The streets or parts of streets described in Schedule IV (§ 385-53) of this chapter are hereby designated as one-way streets in the direction indicated, and it shall be unlawful for any person to drive a vehicle on any one-way street other than in the direction established for traffic on that street.

**§ 385-11. No-passing zones.**

No-passing zones are hereby established along those streets or parts of streets described in Schedule V (§ 385-54) of this chapter, and it shall be unlawful for the driver of any vehicle to overtake or pass another vehicle or to drive on the left side of the roadway in any no-passing zone described in said schedule.

**§ 385-12. Through streets.**

The streets or parts of streets described in Schedule VI (§ 385-55) of this chapter are hereby established as through streets; and the driver of any vehicle, upon approaching any such street at any intersection thereof (except for such intersections where there are now or shall hereafter be located official traffic signals), shall come to a full stop or yield the right-of-way, as the case may be, before entering any such through street.

**§ 385-13. Stop intersections.**

The intersections described in Schedule VII (§ 385-56) of this chapter (in addition to intersections with the through streets established by this chapter) are hereby established as stop intersections, and official stop signs shall be erected in such a position upon the first-named street as to face traffic approaching the second-named street in the direction or directions indicated in said schedule. Every driver of a vehicle approaching any such intersection upon the first-named street, in the direction or directions indicated in each case, shall come to a full stop before entering any such intersection.

**§ 385-14. Yield intersections.**

The intersections described in Schedule VIII (§ 385-57) of this chapter (in addition to intersections with the through streets established by this chapter) are hereby established as yield intersections, and official yield signs shall be erected in such a position upon the first-

named street as to face traffic approaching the second-named street in the direction or directions indicated. Every driver of a vehicle approaching any such intersection upon the first-named street, in the direction or directions indicated in each case, shall slow down or stop the vehicle and then yield the right-of-way to any vehicle in the intersection or approaching on the second-named street so closely as to constitute a hazard during the time that the driver is moving across or within such intersection.

**§ 385-15. Closing of certain streets to certain vehicles.**

It shall be unlawful for any person to drive any vehicle, except a passenger vehicle (but not including any passenger vehicle drawing any trailer or towing any other vehicle), upon any of the streets or parts of streets described in Schedule IX (§ 385-58) of this chapter.

**§ 385-16. Vehicle weight limits.**

It shall be unlawful for any person to drive any commercial vehicle or other tractor, trailer or tractor-trailer combination, having a gross weight in excess of that respectively prescribed, upon any of the streets or bridges or portions thereof described in Schedule X (§ 385-59) of this chapter, except for the purpose of making local deliveries on said streets.

**ARTICLE III  
Parking Regulations**

**§ 385-17. Vehicles to be parked within marked spaces.**

Wherever a space is marked off on any street for the parking of an individual vehicle, every vehicle parked there shall be parked wholly within the lines bounding that space, and it shall be a violation of this article for any person to park a vehicle or allow it to remain parked otherwise.

**§ 385-18. Angle parking.**

No person shall park a vehicle upon any of the streets or parts thereof described in Schedule XI (§ 385-60) attached to and made a part of this chapter, except at the angle designated and only within the painted stall lines. On all streets or portions thereof where angle parking is now or shall hereafter be authorized, all vehicles parked thereon shall be parked with the front thereof nearest the curb.

**§ 385-19. Parking prohibited at all times.**

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule XII (§ 385-61) of this chapter.

**§ 385-20. Parking prohibited certain hours.**

No person shall park a vehicle upon any of the streets or parts of streets described in Schedule XIII (§ 385-62) of this chapter, during the hours specified in said schedule, on any day except Saturdays, Sundays and holidays.

**~~§ 385-21. Time limit parking.~~**

~~No person shall park a vehicle or allow the same to remain parked upon any of the streets or parts of streets described in Schedule XIV (§ 385-63) of this chapter, between the hours~~

~~specified, for longer than the time indicated in said schedule.~~

**§ 385-22. Special purpose parking zones.**

It shall be unlawful for any person to park any vehicle or to allow the same to remain parked in any special purpose parking zone established in Schedule XV (§ 385-64) of this chapter, except as specifically provided for such zone.

**§ 385-23. Parking and storage of vehicles on streets generally.**

- A. Washing, greasing or repair work. No person shall stand a vehicle on any street or sidewalk for the purpose of washing, greasing or repair work except in case of emergency repairs.
- B. Unlicensed vehicles. No person shall stand a vehicle on or park a vehicle upon any street unless the same bears a motor vehicle license evidencing that it has been currently registered as a motor vehicle under the provisions of the Vehicle Code (75 Pa.C.S.A. § 101 et seq.).
- C. Displaying or advertising vehicles for sale. No person shall display or advertise a vehicle for sale while parked or stored upon any street.
- D. Parking trucks and trailers. No person shall park a truck trailer or trailer upon any street without having attached thereto a means of mechanical traction so constructed or designed for the purpose of pulling or drawing such trailer. (See also § 385-40.)
- E. Storage of vehicles on streets. No person shall store a vehicle upon any street. As used herein, "stored" shall mean the parking of a vehicle in one place upon any street continuously for over 72 hours.
- F. Selling from parked vehicles. No person shall park a vehicle upon any street for the principal purpose of offering for sale or selling therefrom any goods, wares or merchandise.

**§ 385-24. Parking violations and penalties.**

Any person who violates any provision of this article shall, upon conviction, be sentenced to pay a fine of not more than \$25 and costs. The police officer enforcing a violation shall attach to or place upon every vehicle a notice stating that the vehicle was parked in violation of this article. The notice shall contain instructions to the owner or driver of the vehicle that, if he will report to the office of the Township Police and pay the sum of the indicated amount within five days after the time of notice or place the correct payment in the provided envelope and mail to the Police Department within five days after the time of the notice, these acts will save the violator from prosecution and from payment of the fine and costs prescribed in this section.

**ARTICLE IV**

**Removal and Impounding of Certain Vehicles**

**§ 385-25. Applicability and scope.**

This article is enacted under authority of Section 6109(a)(22) of the Vehicle Code [75



Pa.C.S.A. § 6109(a)(22)] and gives authority to the Township to remove and impound vehicles that are parked overtime on any street in the Township, or in metered and unmetered parking lots in the Township, in violation of any provision of this chapter.

**§ 385-26. Authority to remove and impound.**

The Township shall have authority to remove and impound or to order the removal and impounding of any vehicle parked overtime or otherwise illegally, provided that the circumstances of its parking were within the conditions stated in § 385-25 of this article, and provided that no such vehicle shall be removed or impounded except in strict adherence to the provisions of this article.

**§ 385-27. Designation of approved storage garages; bonding; towing and storage.**

Removal and impounding of vehicles under this article shall be done only by approved storage garages that shall be designated from time to time by the Board of Supervisors. Every such garage shall submit evidence to the Board of Supervisors that it is bonded or has acquired liability insurance in an amount satisfactory to the Board of Supervisors as sufficient to indemnify owners of impounded vehicles against loss or damage to those vehicles while in the custody of the garagekeeper for the purpose of towing or storage. The approved storage garage shall submit to the Board of Supervisors its schedule of charges for towing and storage of vehicles under this article, and when the schedule is approved by the Board of Supervisors, those charges shall be adhered to by the approved storage garage. No different schedule of charges shall be adopted without approval of the Board of Supervisors, and no different charges shall be demanded of or collected from any person whose vehicle is removed or impounded under this article by any approved storage garage. The Board of Supervisors shall delete from its list of approved storage garages any garage that makes any unapproved charge in connection with any vehicle removed or impounded under this article.

**§ 385-28. Notification of removal and impounding.**

Within 12 hours from the time of removal of any vehicle under authority granted by this article, notice of the fact that the vehicle was removed shall be sent by the Township to the owner of record of the vehicle. The notice shall designate the place from which the vehicle was removed, the reason for its removal and impounding and the garage in which it was impounded.

**§ 385-29. Effect of payment of towing and storage charges.**

The payment of any towing and storage charges authorized by this article shall, unless payment is made under protest, be final and conclusive and shall constitute a waiver of any right to recover the money so paid. If payment of any towing or storage charges is made under protest, the offender shall be entitled to a hearing before a Magisterial District Judge. Payment of towing and storage charges shall not relieve the owner or driver of any vehicle from liability for any fine or penalty for the violation of the provision of this chapter for which the vehicle was removed or impounded.

**§ 385-30. Records of vehicles removed and impounded.**

The Township shall cause a record to be kept of all vehicles impounded under this article

and shall be able at all reasonable times to furnish the owners or the agents of the owners of those vehicles with information as to the place of storage of the vehicle.

**§ 385-31. Restrictions upon removal of vehicles.**

No vehicle shall be removed under the authority of this article if, at the time of the intended removal, the owner or the person for the time being in charge of the vehicle is present and expresses a willingness and intention to remove the vehicle immediately.

**ARTICLE V**  
**Snow and Ice Emergencies**

**§ 385-32. Declaration of snow and ice emergency.**

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named pursuant to this article, the Chief of Police or Township Manager, in his discretion, may declare a snow and ice emergency (designated in this article as a "snow emergency"). Information on the existence of a snow emergency may be given by the Township through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

**§ 385-33. Parking and driving restrictions.**

After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

- A. To park a motor vehicle or to allow that vehicle to remain parked anywhere on any snow emergency route designated pursuant to this article; or
- B. To drive any motor vehicle on any such snow emergency route unless that vehicle is equipped with snow tires or chains.

**§ 385-34. Snow emergency routes.**

The streets or parts of streets described in Schedule XVI (§ 385-65) of this chapter are hereby designated as snow emergency routes.

**§ 385-35. Violations and penalties.**

- A. If at any time during a period of snow emergency declared under this article a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere upon a snow emergency route, that person shall be guilty of a violation of this article and, upon conviction, shall be punishable as provided in § 385-24 of this chapter.
- B. If at any time during a period of snow emergency declared under this article a person shall drive a motor vehicle upon a snow emergency route without having that vehicle equipped with snow tires or chains, that person shall be guilty of a violation of this article and, upon conviction, shall be punishable as provided in § 385-49 of this chapter.

**ARTICLE VI**  
**Restricted Parking Zones**

**§ 385-36. Definitions.**

- A. For the purpose of this article only, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires other meanings:

**FIRE LANE** — An unobstructed area immediately adjacent to and surrounding all buildings for public use and the entrance, exit, passageways and main vehicular accessways for all apartment complexes that comprise eight or more units. In the case of shopping centers and other commercial establishments for public use, such fire lanes shall be reserved for use by emergency vehicles.

**RESIDENT** — A person who owns or leases real property within a residential area and who maintains a bona fide occupancy at said property, including members of said person's family and other such persons who may reside with the owner/lessee.

**RESIDENTIAL AREA** — An area zoned for Rural Residential (R), Residential Estate (RE), R-1 Residential (R-1) and R-2 High Density Residential (R-2) development in accordance with the Silver Spring Township Zoning Ordinance.

**RESTRICTED PARKING ZONE** — An area where parking is restricted through the use of signs that designate such restricted parking and its limitations.

**TOWNSHIP** — Township of Silver Spring.

- B. When any words or phrases are not defined in this article, but are defined in the Pennsylvania Vehicle Code, 75 Pa.C.S.A. § 101 et seq., in effect at the time of the violation, those definitions in the Pennsylvania Vehicle Code shall apply to this article.

**§ 385-37. Restricted parking; sidewalks; other regulations.**

- A. No person shall park or let stand any vehicle in any area where official signs or parking regulations prohibit such parking. Restricted parking zones are hereby established as set forth in Schedule XVII (§ 385-66) of this chapter, and any person parking or letting stand a vehicle in a restricted parking zone shall be issued a parking ticket. Streets or segments thereof may be added or removed from Schedule XVII by resolution of the Board of Supervisors.
- B. No person shall park or let stand any vehicle on or over any sidewalk in the Township.
- C. It shall be unlawful for any person to cause mulch or other products used in conjunction with yard maintenance or gardening to be placed onto the streets, alleys and other public roads of the Township.

**§ 385-38. Allowing another to park in restricted zones.**

No vehicle owner shall permit any person to park or let stand said owner's vehicle in any area where official signs or parking regulations prohibit such parking. No-parking zones are hereby established as set forth in Schedule XVII (see § 385-66) of this article, and any owner who delivers possession of his/her vehicle to any person parking or letting stand said owner's vehicle in a restricted parking zone shall be issued a parking ticket.

**§ 385-39. Fire lanes.**

- A. No person, firm or corporation shall barricade, stop a vehicle, park or otherwise block any driveway, passage, entrance, main access routes or exits to, in, through about or out of any public building or any place occupied for public use or accommodation, whether upon public or private property, to include the entrance, exit, main accessways and passageways of apartment complexes having eight or more units, in any way that interferes with or obstructs the free and unimpeded passage of persons or fire and emergency vehicles into and around such buildings and complexes.
- B. On private property which is devoted to public use, there shall be maintained one or more unobstructed lanes to provide for the ingress and egress of fire and emergency vehicles, equipment and personnel, such lanes to be a minimum of 12 feet in width and laid out for convenient access from public thoroughfares and to water supplied to the building or buildings. The marking of such lanes shall be performed and maintained by and at the expense of the property owner.
- C. All fire lanes serving any building open for public use and all entrance, exit, driveways, accessways and passageways of private apartment complexes having eight or more units shall be designated by official signs approved by the Township. The marking of such fire lanes and the erection and maintenance of such official signs prohibiting or limiting parking or standing in a fire lane shall be at the expense of the property owner.
- D. All fire lanes on private property shall be kept clear of snow, ice and other matter to allow for the unimpeded movement of fire and emergency vehicles. Such removal of snow, ice and other matter shall be at the expense of the property owner and shall be completed within 24 hours after snow has ceased falling.
- E. Any person parking or letting stand a vehicle in a fire lane and any owner who delivers possession of his/her vehicle to any person parking or letting stand said owner's vehicle in a restricted parking zone under this section shall be issued a parking ticket.

**§ 385-40. Parking truck and trailers.**

No truck trailer or trailer with a length of 48 feet or greater shall be parked upon any roadway without having attached thereto a means of mechanical traction so constructed or designed for the purpose of pulling or drawing such trailer.

**§ 385-41. Motor vehicle inspection stickers and registrations.**

It shall be unlawful for a motor vehicle to be parked on a roadway without a current inspection sticker and current registration, in compliance with § 415-33F of Chapter 415, Zoning, of the Township's Code.

**§ 385-42. Outside abandoned/wrecked/junked motor vehicles.**

It shall be unlawful for any person, firm, partnership or corporation to store/accumulate abandoned, wrecked or junked motor vehicles that are in nonserviceable condition on property within the Township. This section does not apply to junkyards operating in

accordance with Township ordinances.

**§ 385-43. On-lot parking for residential properties or lots.**

It shall be unlawful for any person to park or stop any motor vehicle or for any property owner or tenant to allow any motor vehicle to be parked or stopped at any time on any residential property or lot located within the residential area zoning districts of the Township except on a paved or stone driveway, paved parking lot, or other mud-free and dust-free paved area located at least two feet from any side yard or rear yard lot line, with the exception of properties in Residential Zone R-3, and in compliance with § 415-33F of Chapter 415, Zoning, of the Township's Code. No parking shall be permitted in any front yard unless there exists in such front yard, as an approved or preexisting nonconforming use, a driveway for the property.

**§ 385-44. Resident permit parking program.**

- A. The public streets in a residential area designated for resident permit parking are hereby established in Schedule XVIII (§ 385-67) of this chapter. Streets may be added or removed from Schedule XVIII by resolution of the Board of Supervisors.
- B. In order to include additional public streets in a residential area designated for resident permit parking, the streets shall be deemed "impacted," and hence eligible for the residential permit parking program, on the basis of the following warrants, as documented by a study undertaken by the Township's Police Department:
  - (1) During any period of a calendar week, between the hours of 7:00 a.m. and 11:00 p.m., the number of vehicles parked (or standing), legally or illegally, on public streets in a residential area shall be equal to 50% or more of the legal, on-street parking capacity of the area. For the purpose of this criterion, a legal parking space shall be 20 linear feet.
  - (2) During the same period as specified in Subsection B(1) above, 10% or more of the vehicles parking (or standing) on the streets in the residential area are not registered in the name of a person residing in the area. For the purpose of this criterion, the latest available information from the Bureau of Motor Vehicles and Licensing of the Pennsylvania Department of Transportation regarding registration of motor vehicles shall be used.
  - (3) The warrants stated in Subsection B(1) and (2) above shall be met on no less than one occasion per calendar week for not less than two successive weeks. Moreover, a reasonable expectation shall exist that on-street parking in a residential area from nonresidential uses will continue without the institution of the resident permit parking program.
  - (4) The public streets in a residential area designated for resident permit parking may also be those deemed "potentially impacted," and hence eligible for the residential permit parking program, on the basis of the following warrants, as documented by a study undertaken by the Township's Police Department:
    - (a) Residential areas in which parking from nonresidential uses may be reasonably expected to occur should the resident permit parking program

be instituted in an impacted area.

- (b) Residential areas in which parking from nonresidential uses occurs due to the migration of vehicular parking upon institution of the resident permit parking program in a neighboring residential area.
  - (c) In the determination of a "potentially impacted" area the warrants stated in this Subsection B regarding "impacted" areas are not applicable.
- C. Application for a resident parking permit shall be made to the Chief of Police or his designee by the person desiring the permit, who shall be only the owner or the driver of a motor vehicle which resides on or immediately adjacent to a street or other location designated for the resident permit parking program. A separate application shall be required for each motor vehicle. Each application shall contain the following information:
  - (1) The name of the owner or the driver of the motor vehicle;
  - (2) The address of the owner or driver, as the case may be; and
  - (3) The make, model and registration number of the motor vehicle and the driver number as taken from the applicant's current driver's license. The applicant shall be required, at the time of making application, to present his driver's license and the vehicle registration card.
- D. Upon receipt of the application and verification that the information within indicates that the applicant is entitled to participate in the resident permit parking program, the Township Police Department shall issue a parking permit. Said permit shall be permanently valid as long as the recipient remains a qualified applicant in possession of the motor vehicle referenced within said application. It shall be unlawful and a violation of this article for any person to display other than the current and valid permit while standing or parking on a public street posted for resident permit parking at any time when permits are to be displayed.
- E. Temporary parking permits may be issued by the Township Police Department to bona fide visitors of residents located within an area designated for the resident permit parking program. The Police Department may also issue two temporary Resident parking permits to the owner(s) of each single-family dwelling unit located within an area designated for the resident permit parking program.
- F. Motor vehicles possessing appropriate handicapped designation, as issued by the Commonwealth of Pennsylvania, Department of Transportation, indicating the handicapped status of owner of the vehicle, shall be exempt from the provisions of § 385-44 of this article.
- G. The following provisions govern the use of resident parking permits:
  - (1) Notwithstanding any provision of this section to the contrary, the holder of a resident parking permit shall be permitted to stand or park a motor vehicle operated by the permit holder on public streets posted for resident permit parking during those times when permit parking of motor vehicles is permitted

in that area. While a vehicle for which a resident parking permit has been issued is so parked, the permit shall be displayed so as to be clearly visible on the vehicle, as directed by the Township Police Department. A resident parking permit shall not guarantee or reserve to the holder a parking space within a designated resident permit parking area.

- (2) A resident parking permit shall not authorize its holder to stand or park a motor vehicle in any place where or at any time when stopping, standing or parking of motor vehicles is prohibited or set aside for other specified types of vehicles, nor shall the permit exempt its holder from the observance of any traffic or parking regulation other than resident permit parking restrictions.
  - (3) No person other than the permit holder shall use a resident parking permit or display it on a vehicle. Any such use or display by a person other than the permit holder shall constitute a violation of this article by the permit holder and by the person who so used or displayed the parking permit.
  - (4) It shall constitute a violation of this article for any person to falsely represent himself as eligible for a resident parking permit or to furnish false information on an application to the Township Police Department in order to obtain a resident parking permit.
- H. The Township Police Department shall have authority to revoke a resident parking permit of any permit holder found to be in violation of any provision of this article. Upon written notification to the permit holder of the revocation, the permit holder shall surrender the parking permit to the Police Department. Failure to do so, when so requested, shall constitute a violation of this article.
- I. No person shall park or let stand any vehicle in any area designated as a permit parking area unless said person possesses a valid parking permit under this article. Any person parking or letting stand a vehicle in a permit parking area without a valid parking permit shall be issued a parking ticket.

#### **§ 385-45. Snow emergency routes.**

- A. During any snow emergency no commercial passenger vehicles shall be operated on any snow emergency route without skid chains winter-type mud or snow tires, or operative mechanical or electrical sanders and abrasive sanding material. For the purpose of this section, "winter-type mud and snow tires" means any new, recapped, retreaded or rebuilt tires for drive wheels of motor vehicles.
- B. Snow emergency routes shall be designated by appropriate signs bearing the words "Snow Emergency Route."

#### **§ 385-46. Violations and penalties.**

Any person, firm or corporation violating any provision of this article relating to:

- A. Parking in a fire lane, violation of any restriction under § 385-39, or violation of the resident permit parking program shall pay a fine as follows:

- (1) The sum of \$50 if paid within five days of the issuance of a parking ticket at the Township offices during regular business hours or, upon failure to pay the sum of \$50 within the above-referenced time, then upon summary conviction before a Magisterial District Judge, be sentenced to pay a fine of \$100 plus costs of prosecution and, in default of the payment thereof, shall be imprisoned for not more than five days.
- B. Parking in any restricted parking zones not covered by Subsection A(1) shall pay a fine as follows:
- (1) The sum of \$25 plus \$5 per hour for each consecutive hour during which the unlawful parking continues. Failure to pay said fine within five days of the issuance of a parking ticket shall result in an additional late charge of \$10. Upon failure to pay the fine, including any late charges, within an additional five-day period, violators shall be, upon summary conviction before a Magisterial District Judge, sentenced to pay the original fine, including any late charges, plus an additional \$25 and costs of prosecution and, in default of the payment thereof, shall be imprisoned for not more than two days.
- C. Storing or accumulating abandoned or junked motor vehicles in non-serviceable condition or not having a current inspection sticker and current registration.
- (1) Be sentenced to pay a fine not exceeding \$1,000 plus costs of prosecution and, in default of payment of such fine and costs, shall be imprisoned for not more than 30 days in Cumberland County Prison.
- D. All unspecified ordinance violations will be subject to a \$25 parking ticket fine.

**§ 385-47. Severability.**

The provisions of this article are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this article. It is hereby declared to be the intent of the Board of Supervisors that this article would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**§ 385-48. Effective date.**

This article shall take effect and be in force five days after its enactment by the Board of Supervisors of the Township of Silver Spring as provided by law.

**ARTICLE VII  
Violations and Penalties**

**§ 385-49. General penalty.**

Unless another penalty is expressly provided by the Vehicle Code (75 Pa.C.S.A. § 101 et seq.) or except as herein specified, every person convicted of a violation of a provision of this chapter, or any supplement thereto, shall be liable to a penalty of \$25 and costs of



prosecution.

## ARTICLE VIII Schedules

### § 385-50. Schedule I: Speed Limits.

In accordance with the provisions of § 385-7, speed limits are hereby established upon the following described streets or parts thereof:

<b>Name of Street</b>	<b>Speed Limit (mph)</b>	<b>Location</b>
Bent Creek Boulevard	35	From Route 114 north for 3,700 feet
Bent Creek Boulevard	25	From 3,700 feet north of Route 114 to entrance of Georgetown Crossing
Bernheisel Bridge Road (T-574)	35	Entire length
Dewalt Drive	25	Entire length
Hempt Road	35	From Texaco Road to a point 0.6 miles north thereof
Hempt Road	35	From a point 0.6 miles north of Texaco Road to Carlisle Pike
Kost Road (T-571 and T-574)	30	Entire length
Ridge Hill Road (T-577)	25	From Carlisle Pike to a point 1,900 feet east of Cumberland Drive
Ridge Hill Road (T-577)	35	From Cumberland Drive to Rich Valley Drive
Samples Bridge Road	25	From Carlisle Pike Road (U.S. Route 11) to north side of Samples Bridge
Samples Bridge Road	35	From Wertzville Road to north side of Samples Bridge
Texaco Road	35	Entire length
Willow Mill Park Road	35	From Route 114 to Skyline Drive
Willow Mill Park Road	25	From Skyline Drive to Dewalt Drive
Willow Mill Park Road	35	From Dewalt Drive to Rich Valley Road
Woods Drive	25	Entire length

### § 385-51. Schedule II: Prohibited Turns at Intersections.

In accordance with the provisions of § 385-8, no driver of any vehicle shall make a turn of the kind designated below at any of the following intersections:

<b>Name of Street of</b>	<b>Direction of Travel</b>	<b>Prohibited Turn</b>	<b>Hours</b>	<b>At Intersection of</b>
Old Willow Mill Road	North	Left	Mon. to Fri.: 7:00 to 9:00 a.m.; 3:00 to 6:00 p.m.	Wertzville Road

**§ 385-52. Schedule III: U-Turns.**

In accordance with the provisions of § 385-9, no driver of any vehicle shall make a U-turn on any of the streets or parts thereof described below:

<b>Name of Street</b>	<b>Location</b>
	(Reserved)

**§ 385-53. Schedule IV: One-Way Streets.**

In accordance with the provisions of § 385-10, the following described streets or parts thereof are hereby designated as one-way streets in the direction indicated:

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Limits</b>
	(Reserved)	

**§ 385-54. Schedule V: No-Passing Zones.**

In accordance with the provisions of § 385-11, no-passing zones are hereby established upon the following described streets or parts thereof:

<b>Name of Street</b>	<b>Direction of Travel</b>	<b>Limits</b>
	(Reserved)	

**§ 385-55. Schedule VI: Through Streets.**

In accordance with the provisions of § 385-12, the following described streets or parts thereof are hereby established as through streets:

<b>Name of Street</b>	<b>Limits</b>
	(Reserved)

**§ 385-56. Schedule VII: Stop Intersections.**

In accordance with the provisions of § 385-13, the following described intersections are hereby established as stop intersections, and stop signs shall be installed as provided therein:

<b>Stop Sign on</b>	<b>Direction of Travel</b>	<b>At Intersection of</b>
	(Reserved)	

**§ 385-57. Schedule VIII: Yield Intersections.**

In accordance with the provisions of § 385-14, the following described intersections are hereby established as yield intersections, and yield signs shall be installed as follows:

<b>Yield Sign on</b>	<b>Direction of Travel</b>	<b>At Intersection of</b>
	(Reserved)	

**§ 385-58. Schedule IX: Closing of Certain Streets to Certain Vehicles.**

In accordance with the provisions of § 385-15, it shall be unlawful for any person to drive any vehicle, except a passenger vehicle (but not including any passenger vehicle drawing any trailer or towing any other vehicle), upon any of the streets or parts thereof described below:

<b>Name of Street</b>	<b>Limits</b>
	(Reserved)

**§ 385-59. Schedule X: Vehicle Weight Limits.**

In accordance with the provisions of § 385-16, gross weight limits are hereby established as indicated for commercial vehicles or other tractor, trailer or tractor-trailer combinations, upon the streets, bridges or portions thereof described below, except for the purpose of making local deliveries on said streets, bridges or portions thereof:

<b>Name of Street or Bridge</b>	<b>Maximum Gross Weight (pounds)</b>	<b>Location</b>
Silver Spring Township Road Nos. 585 and 586		
T-574	16,000	Beginning at T-505 and extending southwardly 15,150 feet to T-571
T-577	16,000	Beginning at T-574 and extending approximately 5,200 feet eastwardly to T-578
T-578	16,000	Beginning at L.R. 21019 and extending southwardly approximately 7,800 feet to U.S. Route No. 11

T-582	16,000	Beginning at U.S. Route 11 and extending southwardly approximately 1,500 feet to Route No. 114
T-593	16,000	Beginning at L.R. 21053 and extending eastwardly approximately 5,775 feet to T-595
T-596	16,000	Beginning at Pennsylvania Route 944 and extending approximately 16,200 feet southwardly to U.S. Route No. 11
T-597	16,000	Beginning at L.R. 21001 and extending eastwardly approximately 3,450 feet to T-596
T-598	16,000	Beginning at Pennsylvania Route No. 944 and extending southwardly approximately 5,000 feet to T-599
T-599	16,000	Beginning at T-596 and extending eastwardly approximately 4,100 feet to the Hampden Township line

**§ 385-60. Schedule XI: Angle Parking.**

In accordance with the provisions of § 385-18, no person shall park a vehicle upon any of the streets or parts thereof described below, except at the angle designated:

Name of Street	Side	Angle (degrees)	Location
		(Reserved)	

**§ 385-61. Schedule XII: Parking Prohibited at All Times.**

In accordance with the provisions of § 385-19, no person shall park a vehicle at any time upon any of the following described streets or parts thereof:

Name of Street	Side	Location
		(Reserved)

**§ 385-62. Schedule XIII: Parking Prohibited Certain Hours.**

In accordance with the provisions of § 385-20, no person shall park a vehicle between the hours specified below of any day, except Saturdays, Sundays and holidays, upon any of the streets or parts thereof described below:

Name of Street	Side	Hours/Days	Location
		(Reserved)	

**§ 385-63. Schedule XIV: Time Limit Parking.**

In accordance with the provisions of § 385-21, no person shall park a vehicle or allow the same to remain parked upon any of the streets or parts thereof described below, between

the hours specified, for longer than the time indicated below:

<b>Name of Street</b>	<b>Side</b>	<b>Time Limit; Hours/Days</b>	<b>Location</b>
Bella Vista		(Reserved)	

**§ 385-64. Schedule XV: Special Purpose Parking Zones.**

In accordance with the provisions of § 385-22, the following are hereby established as special purpose parking zones:

<b>Name of Street</b>	<b>Side</b>	<b>Authorized Purpose or Vehicle</b>	<b>Location</b>
		(Reserved)	

**§ 385-65. Schedule XVI: Snow Emergency Routes.**

In accordance with the provisions of § 385-34, the following streets or parts thereof are hereby designated as snow emergency routes:

<b>Name of Street</b>	<b>Limits</b>
	(Reserved)

**§ 385-66. Schedule XVII: Restricted Parking Zones.**

In accordance with the provisions of § 385-37, no person shall park or let stand any vehicle in any area where official signs or parking regulations prohibit such parking.

<b>Name of Street</b>	<b>Location</b>
Waterford Drive	
Legend Lane	
Ashburg Drive, westbound	From Legend Lane to Lenox Court
Bent Creek Boulevard, for vehicles of gross weight in excess of 11,000 pounds, eastbound and westbound	From the entrance of Georgetown Crossing to the divided lanes on Bent Creek Boulevard
West Main Street and East Main Street (New Kingstown) for vehicles of gross weight in excess of 11,000 pounds.	
Cemetery Road	

**§ 385-67. Schedule XVIII: Resident Permit Parking.**

In accordance with the provisions of § 385-44, the following public streets in residential areas are designated for resident permit parking:

<b>Name of Street</b>
Appomattox Court

Ashburg Drive  
Bella Vista Drive  
Bianca Court  
Bull Run Court  
Chantilly Court  
Harpers Ferry Way  
Lehman South  
Shiloh Court