

UNION TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-12

**AN ORDINANCE OF THE TOWNSHIP OF UNION, BERKS COUNTY, PENNSYLVANIA AMENDING THE CODE OF THE TOWNSHIP OF UNION, CHAPTER 137 ENTITLED “PARKS AND RECREATION AREAS”, SECTION 137-6 ENTITLED “VIOLATIONS AND PENALTIES” TO ADD A NEW LETTER “D.” TO PERMIT THE TOWING OF VEHICLES PARKED IN THE PARK AFTER SUNSET, AND ADDING A NEW SECTION 137-8A ENTITLED “AMENDMENTS OF THE RULES AND REGULATIONS” TO ALLOW THE AMENDMENT OF THE RULES AND REGULATIONS BY RESOLUTION OF THE BOARD OF SUPERVISORS.**

**WHEREAS**, the Township of Union is a Second Class Township in the Commonwealth of Pennsylvania; and

**WHEREAS**, as a Second Class Township, the Township of Union is governed by the Second Class Township Code of the Commonwealth of Pennsylvania; and

**WHEREAS**, pursuant to the authority contained in the Second Class Township Code, as amended, 53 P.S. §§ 65101 et seq., the Board of Supervisors of Union Township enacted Ordinance Number 94-02 on March 21, 1994, setting forth the rules and regulations for Union Township parks and recreational facilities; and

**WHEREAS**, Ordinance Number 94-02 was codified within the Code of the Township of Union (hereinafter the “Code”) at Chapter 137, entitled “Parks and Recreation Areas”, Article 1 entitled “Rules and Regulations”; and

**WHEREAS**, Chapter 137, entitled “Parks and Recreation Areas”, Article 1 entitled “Rules and Regulations”, Section 137-3 entitled “Rules and Regulations”, letter K. makes it unlawful for any person entering or using Township parks to fail to remove a motor vehicle at or before sunset; and

**WHEREAS**, Chapter 137, entitled “Parks and Recreation Areas”, Article 1 entitled “Rules and Regulations”, Section 137-6 entitled “Violations and Penalties” provides for the penalties for violation of any rule and regulation; and

**WHEREAS**, the Board of Supervisors of Union Township desires to amend Section 137-6 entitled “Violations and Penalties” to permit the towing of any motor vehicle that has not been removed from Township parks at or before sunset at the owner’s expense; and

**WHEREAS**, the Board of Supervisors further desires to amend the Rules and Regulations to permit future amendment to the Rules and Regulations to be enacted by resolution of the Board of Supervisors.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Union, Berks County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1. The Code of Union Township, Chapter 137 entitled “Parks and Recreation Areas”, Article 1 entitled “Rules and Regulations”, Section 137-6 entitled “Violations and Penalties” is amended to add a new letter “D.” which shall read in its entirety as follows:

D. Removal of Vehicles Parked in Township Parks after Sunset:

1. Any motor vehicles parked in Township parks after sunset in violation of this Article will be towed at the owner’s expense. The Board of Supervisors, Township Manager, or Road Master is authorized to make the decision whether or not to remove any vehicle. Removal shall be done only by a licensed towing company.
2. No vehicle shall be towed from a Township park for being parked in the Township park after sunset unless the Township park is posted at the time the vehicle is towed to notify the public of the restriction against parking vehicles in the park after sunset. The Township is authorized and directed to cause to be erected and maintained signs designating the restriction against parking vehicles in the Township after sunset.
3. All vehicles removed, transported or conveyed at the request of the Township shall be stored at the towing company's storage facility.
4. By the next business day, from the time of removal of any vehicle parked in Township parks after sunset, notice of the fact of the removal and impounding shall be sent, in writing, by the Township to the registered owner of the vehicle. The notice shall advise the location from where such vehicle was removed, the reason for its removal, and the location of the storage facility where the vehicle is impounded.
5. All fees for towing services and storage shall be levied against the owner of the vehicle and a lien shall be filed against the owner of the vehicle, including all costs and expenses incurred in connection with the above services, unless it is determined by the Township that the vehicle was towed in error, in which case no charges will be assessed against the owner. If the error is that of the towing company, no charges will be assessed. If the error is that of the Township, appropriate charges may be assessed against the Township.
6. The payment of towing and storage charges authorized by this ordinance shall not operate to relieve the owner or operator of any vehicle from liability for any fine or penalty for violation of any law or ordinance on account of which such vehicle was removed and impounded.
7. Any vehicle remaining at the storage facility for a minimum of 15 days and a maximum of 30 days may be removed, as permitted by applicable salvor regulations in the Vehicle Code or other State statute.

SECTION 2. The Code of Union Township, Chapter 137 entitled “Parks and Recreation Areas”, Article 1 entitled “Rules and Regulations”, is amended to add a new Section 137-8A entitled “Amendment to the Rules and Regulations” which shall read in its entirety as follows:

§ 137-8A      Amendment to the Rules and Regulations

The Board of Supervisors may, by resolution, from time to time establish additional rules and regulations and, if it so desires, alter, amend and supplement the rules and regulations herein established for the operation, use and protection of the Township parks. Such rules and regulations may include but shall not be limited to regulations governing the times for presence of persons therein, the nature and extent of the permitted and prohibited uses thereof, and such other matters as the Board of Supervisors may deem necessary or proper for the protection of the Township parks and the persons and properties therein.

SECTION 3. Repeal of Ordinances and Resolutions.

Any ordinance or resolution or part of ordinances or resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

SECTION 4. Severability.

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of Union Township, Berks County, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 5. Effective Date.

This Ordinance shall become effective five (5) days after enactment, as provided by law.

SECTION 6. Code of Ordinances.

The Code of Ordinances of Union Township shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of the Township of Union, Chapter 137 entitled “Parks and Recreation”, Article 1 entitled “Rules and Regulations” upon enactment.

ORDAINED AND ENACTED into law by the Township of Union Board of Supervisors this 12 day of May, 2023.

ATTEST:

TOWNSHIP OF UNION  
BOARD OF SUPERVISORS



Deborah Olivieri  
Secretary of Union Township



Chairman



Supervisor



Supervisor