

ORDINANCE NO. 341-94

AN ORDINANCE OF THE BOROUGH OF SHOEMAKERSVILLE, BERKS COUNTY, PENNSYLVANIA, REGULATING THE OPERATION AND PARKING OF MOTOR VEHICLES DURING SNOW EMERGENCIES; ESTABLISHING SNOW EMERGENCY ROUTES; ESTABLISHING REQUIREMENTS CONCERNING THE CONDITION OF MOTOR VEHICLES OPERATED ON SNOW EMERGENCY ROUTES; PROVIDING FOR THE REMOVAL AND IMPOUNDING OF VEHICLES UNDER CERTAIN CONDITIONS; PROVIDING FOR THE ERECTION OF SIGNS AND NOTICES PERTAINING TO SNOW EMERGENCIES; IMPOSING PENALTIES; REQUIRING OWNERS, OCCUPANTS AND TENANTS TO CLEAR SNOW AND ICE FROM SIDEWALKS; AND IMPOSING PENALTIES FOR FAILURE TO DO SO.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Shoemakersville, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by and with the authority of the same as follows:

SECTION 1 - SHORT TITLE. This Ordinance shall be known and may be cited as the "Snow Emergency and Snow Clearing Ordinance of the Borough of Shoemakersville."

SECTION 2 - DEFINITIONS. In this Ordinance, except as hereinafter otherwise defined, the terms used shall have the meanings ascribed to them in the Pennsylvania Motor Vehicle Code.

For the purpose of this Ordinance, the following definitions shall prevail:

(a) SNOW EMERGENCY OFFICIAL. The Mayor of the Borough of Shoemakersville is the person so designated by the Council of the Borough of Shoemakersville as the Snow Emergency

Official of the Borough of Shoemakersville. The Mayor may delegate the rights, duties, and responsibilities of the Snow Emergency Official to the Chief of Police of Shoemakersville Borough.

(b) **BOROUGH** is the Borough of Shoemakersville, Berks County, Pennsylvania.

(c) **STREET** or **HIGHWAY** means the entire width between curbs or boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(d) **ROADWAY** means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

(e) **SNOW EMERGENCY ROUTES** are those streets designated and marked as such in accordance with the provisions of this Ordinance.

(f) **COMMON STREETS** are those streets or roadways in the Borough of Shoemakersville which are not designated herein as Snow Emergency Routes.

(g) **SIDEWALK** means that portion of a street between the curb lines or the lateral lines of a roadway, and the adjacent property line or house intended for the use of pedestrians.

(h) **BARRICADE** is any object visible for a distance of

100 feet in clear weather that is used to block off an area of a street or highway.

(i) **SNOW TIRES** are any tires mounted on drive wheels of motor vehicles which are specially designed by tire manufacturers to give effective traction on snow, mud or ice covered streets by means of extra heavy duty treads with special high traction patterns, except that no tire so defined shall be construed to be a snow tire if it is worn to less than 3/16" tread depth or is damaged or worn to the extent that its performance would be substantially impaired.

(j) **TIRE CHAINS** are any hard metal chains mounted on drive wheel tires of motor vehicles which cross the tread of each such tire laterally in at least eight different places.

(k) **CINDER** is any abrasive material to be put on hard snow or ice areas, including, but not limited to, cinder, sand, fine gravel, sawdust, salt, or fine crushed stone.

### **SECTION 3 - PARKING ON SNOW EMERGENCY ROUTES.**

(a) Whenever the Snow Emergency Official finds, on the basis of falling snow, sleet, or freezing rain, or on the basis of a forecast by the United States Weather Bureau or other weather service of snow, sleet, or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking or standing on Borough

streets be prohibited or restricted for snow plowing and other purposes, the Snow Emergency Official shall declare a Snow Emergency and put into effect a parking prohibition on parts of or on all Snow Emergency Routes as necessary by immediately issuing a press release to all media indicating the Snow Emergency.

(b) Notwithstanding the provisions of subsections (a) above, a parking prohibition shall automatically go into effect on any part of any Snow Emergency Route on which there has been an accumulation of snow and ice of four (4) inches or more for one (1) hour or more between 6:00 o'clock A.M. and 11:00 o'clock P.M. of any day.

(c) Once in effect, a prohibition under this section shall remain in effect until terminated by the Snow Emergency Official, as provided for in Section 10 of this Ordinance, except that any street area which has become substantially clear of snow and ice from curb to center of the street for the length of the entire block shall be automatically excluded therefrom. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a Snow Emergency Route to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any

other provision of law.

**SECTION 4 - PARKING ON COMMON STREETS.** Whenever the Snow Emergency Official finds, on the basis of amount of snow and after Snow Emergency Routes are opened, that parking on Common Streets must be prohibited or restricted for snow plowing and other snow removal purposes, the Snow Emergency Official shall put into effect a parking prohibition on parts of or on all Common Streets as necessary by causing notices of such parking prohibition to be posted on both sides of the affected Common Streets at least twelve (12) hours before said parking prohibition goes into effect. Such prohibitions or restrictions shall remain in effect until terminated by the Snow Emergency Official, as provided for in Section 10 of this Ordinance, except that any street area which has become substantially clear of now and ice from curb to the center of the street for the length of the entire block shall be automatically excluded therefrom. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a Common Street to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

**SECTION 5 - CONDITION OF MOTOR VEHICLES OPERATED ON SNOW**

#### **EMERGENCY ROUTES.**

(a) No person operating a motor vehicle on a Snow Emergency Route on which there is a covering of snow, sleet, or ice shall allow such vehicle to become stalled wholly or partly because the drive wheels thereof are not equipped with effective tire chains or snow tires.

(b) No person operating a motor vehicle on a Snow Emergency Route on which there is covering of snow, sleet, or ice or on which there is a parking prohibition in effect, shall allow such vehicle to become stalled because the motor fuel supply is exhausted or the battery has become inoperative.

(c) No person shall operate a motor vehicle on a Snow Emergency Route on which there is a covering of snow, sleet, or ice if said vehicle does not have all windows clear of snow and ice.

(d) No person shall operate a motorcycle, motor scooter, snowmobile, all terrain vehicle or bicycle on a Snow Emergency Route on which there is a covering of snow, sleet, or ice.

#### **SECTION 6 - REMOVING, IMPOUNDING, AND RETURN OF VEHICLES.**

(a) A vehicle shall be removed from a street by the appropriate authorities when:

(1) The vehicle is parked on a part of a Snow

Emergency Route on which a parking prohibition is in effect.

(2) The vehicle is stalled on part of a Snow Emergency Route on which there is a covering of snow, sleet, or ice and on which there is a parking prohibition in effect and the person owning or operating said vehicle does not appear to be removing it in accordance with the provisions of this Ordinance.

(3) The vehicle is parked in violation of any Parking Ordinance or provision of law and is interfering or about to interfere with snow removal operations.

(b) If any person parks or leaves a vehicle in a place or in a condition in violation of any provision of this Ordinance, such vehicle may be removed by means of towing or otherwise.

#### **SECTION 7 - STALLED VEHICLE.**

(a) Whenever a vehicle becomes stalled for any reason, whether or not in violation of this Ordinance, on any part of a Snow Emergency Route or other Borough street on which there is a Snow Emergency parking prohibition or restriction in effect and on which there is a covering of snow, sleet, or ice, the person operating such vehicle shall take immediate action to move the vehicle by towing or pushing said vehicle off the roadway of such Snow Emergency Route or other street

either into the first crossed street which is not a Snow Emergency Route or onto the space portion of a nearby driveway. No person shall abandon or leave his vehicle in the roadway of a Snow Emergency Route or other Borough street on which there is a Snow Emergency parking prohibition or restriction in effect (regardless of whether he indicates, by raising the hood or otherwise, that the vehicle is stalled), except for the purpose of securing assistance during the actual time necessary to go to a nearby telephone or to a nearby garage, gasoline station, or other place of assistance and return without delay.

(b) Any Borough authorized vehicle, whether owned or hired by the Borough, is authorized to push or otherwise move, without liability on the Borough's part for any damage resulting thereto, any stalled vehicle remaining in violation of the foregoing provision.

**SECTION 8 - PROVISIONS TEMPORARILY EFFECTIVE TO TAKE PRECEDENCE.** Any provision of this Ordinance upon the occurrence of certain weather conditions, which while temporarily in effect, shall take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel or authorized emergency



vehicles, or emergency traffic directions by a police officer.

**SECTION 9 - SIGNS TO MARK SNOW EMERGENCY ROUTES:**

**BARRICADES.**

(a) On each street designated by this Ordinance as a Snow Emergency Route, Borough shall post special signs, one in each block and/or at intervals not exceeding six hundred sixty feet (660) and at all points where any street affected joins another street with the wording: "SNOW EMERGENCY ROUTE. NO PARKING DURING EMERGENCY. TOW AWAY ZONE" or such other wording as shall be approved by the Secretary of Highways of the Commonwealth of Pennsylvania. These signs shall be distinctive and uniform in appearance and shall be plainly readable to persons traveling on the street or highway.

(b) A barricade may be placed on direct traffic whenever necessary to plow, clear, or otherwise remove snow. It shall be unlawful for any person to by-pass or run through or over such barricade.

(c) Borough controlled or operated equipment is permitted to operate in any direction on any street at any time.

**SECTION 10 - TERMINATION OF SNOW EMERGENCY PARKING PROHIBITION BY THE BOROUGH.** Whenever the Snow Emergency Official shall find that some or all of the conditions which

give rise to a parking prohibition in effect pursuant to this Ordinance no longer exist, he shall declare the prohibition terminated in whole or part, by issuing a press release to the media declaring the emergency terminated in whole or in part in the same manner as the emergency was declared.

**SECTION 11 - CITATION ON VEHICLE PARKED OR LEFT IN VIOLATION OF ORDINANCE.** Whenever any motor vehicle is found parked or left in violation of any provision of this Ordinance, notice of such violation shall be given in the manner provided for parking violations.

**SECTION 12 - EVIDENCE WITH RESPECT TO VEHICLES PARKED OR LEFT IN VIOLATION OF ORDINANCE.** In any prosecution with regard to a vehicle parked or left in a place or in a condition in violation of any provision of this Ordinance, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Ordinance, together with proof that the defendant named in the complaint was at the time the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the person who parked or left the vehicle in violation of this Ordinance.

**SECTION 13 - SNOW EMERGENCY ROUTES DESIGNATED.** The following streets or highways or portions of streets or

highways within the Borough are hereby designated as Snow Emergency Routes: Entire length of Main Street from Borough line to Borough line and Noble Avenue from Main Street to Route #61 and Franklin Street from Church Street to Noble Avenue.

**SECTION 14 - UNLAWFUL REMOVAL.** It shall be unlawful for any person to remove without the authorization of the Snow Emergency Official any sign or notice posted in accordance with the provisions of this Ordinance.

**SECTION 15 - CLEARING SIDEWALKS.** The owner, occupant or tenant of every property fronting upon or alongside any street or alley in the Borough of Shoemakersville is hereby required to remove or cause to be removed from all the sidewalks in front of or alongside such property all snow and ice thereon fallen or formed, within twenty-four (24) hours after the same shall have ceased to fall or to be formed so as to leave a clear walkway at least two feet (2') wide. Provided: the owner of a property shall be responsible for conforming to the requirements of this section where such property is occupied by the owner, or is vacant or unoccupied, or is a multiple-unit property, designed for occupancy or rental to more than one tenant; the tenant or occupant thereof shall be responsible therefor in the case of a property comprising a

single tenanted unit, occupied by such tenant or occupant only. Provided, further: the snow and ice so removed shall not be deposited in any street or alley, but shall be placed either on private property or on the curb side of the walk.

**SECTION 16 - COSTS OF CLEARING.** In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any provision of Section 15 of this Ordinance, within the time limit prescribed therein, the Borough authorities may proceed immediately to remove all snow and/or ice from the sidewalk of such delinquent, and to collect the expense thereof, with an additional amount of ten percent (10%) from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed for violation of the third section of this Ordinance.

**SECTION 17 - PENALTIES.** Every person convicted of a violation of any provision of this Ordinance shall upon such conviction before any District Justice be sentenced to pay a fine of not less than Two Hundred Dollars (\$200.00) and not more than TWO HUNDRED FIFTY DOLLARS (\$250.00) and cost of prosecution for each offense. In default of payment of such fine and cost, said person shall undergo imprisonment as permitted by law. The aforesaid fines and penalties shall be in addition to any expense incurred by Borough and authorized

to be collected under Section 16.

**SECTION 18 - SEVERABILITY.** The provisions of this Ordinance are severable, and if any of its provisions for any reason shall be declared invalid, the decision of the Court shall not affect or impair any of the remaining provisions of this Ordinance. It is hereby declared to be the intent of Council of the Borough that this Ordinance would have been adopted has such invalid provision or provisions not been included herein.

**SECTION 19 - REPEALER.** Any Ordinance or Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

ENACTED by the Borough Council of Shoemakersville, this  
6<sup>th</sup> day of December, 1994.

BOROUGH OF SHOEMAKERSVILLE

By:

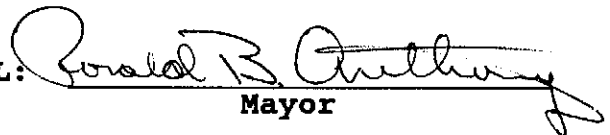
  
President

Attest:

  
Secretary

APPROVED as an Ordinance this 6<sup>th</sup> day of December, 1994.

APPROVAL:

  
Mayor