

ORDINANCE No. 466-2024

AN ORDINANCE OF THE BOROUGH OF SHOEMAKERSVILLE, BERKS COUNTY, PENNSYLVANIA REPEALING AND REENACTING THE PROVISIONS OF ORDINANCE NO. 394-94 BY AMENDING THE REGULATION OF THE OPERATION AND PARKING OF MOTOR VEHICLES DURING SNOW EMERGENCIES; ESTABLISHMENT OF SNOW EMERGENCY ROUTES; REQUIREMENTS CONCERNING THE CONDITION OF MOTOR VEHICLES OPERATED ON SNOW EMERGENCY ROUTES; THE REMOVAL AND IMPOUNDING OF VEHICLES UNDER CERTAIN CONDITIONS; THE ERECTION OF SIGNS AND NOTICES PERTAINING TO SNOW EMERGENCIES; IMPOSING PENALTIES EQUARING OWNERS, OCCUPANTS AND TENANTS TO CLEAR SNOW AND ICE FROM SIDEWALKS; AND IMPOSING PENALTIES FOR FAILURE TO DO SO.

WHEREAS, the Borough of Shoemakersville is duly organized Borough, incorporated pursuant to the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Borough of Shoemakersville maintains Township roads and streets; and

WHEREAS, from time to time, the Borough of Shoemakersville experiences heavy snowfall and ice accumulations which must be removed from Borough roads and streets; and

WHEREAS, the Borough Council for the Borough of Shoemakersville believes it is in the best interest of the Borough and its residents that certain roads and streets be declared snow emergency routes in order to have all vehicles and other impediments and obstructions removed from certain roads and streets within the Borough in order to facilitate the removal of snow and ice from these roads and streets; and

WHEREAS, the Borough Council of the Borough of Shoemakersville desires to repeal Ordinance No. 341-94 in its entirety and establish updated rules and regulations regarding snow emergency routes for the Borough of Shoemakersville as set forth herein.

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

SECTION 1. Short Title. This Part shall be known and may be cited as the "Snow Emergency Ordinance of the Borough of Shoemakersville."

SECTION 2. Definitions. Terms used in this Ordinance shall have the meanings ascribed to them herein.

Barricade – 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.

Borough – The Borough of Shoemakersville, Berks County, Pennsylvania.

Borough Manager – The person so designated by the Council of the Borough or his representative so designated either by the Council of the Borough or by the Borough Manager.

Cinder – 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.

Common Streets – Those streets or roadways in the Borough which are not designated herein as snow emergency routes.

Roadway – That portion of a street or highway improved, designed or ordinarily used for vehicular travel.

Sidewalk – That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Snow Emergency Routes – Those streets designated and marked as such in accordance with the provisions of this Part.

Snow Tires – 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 inch tread depth or is damaged or worn to the extent that its performance would be substantially impaired.

Street or Highway – 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.

Tire Chains – 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.

SECTION 3. Parking on Snow Emergency Routes.

1. Whenever the Borough Manager 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 Borough Manager shall declare and put into effect a parking prohibition on parts of or on all snow emergency routes as necessary by causing notices of such parking prohibition to be posted as prescribed in this Part.

2. When the Borough Manager shall declare a parking prohibition as herein provided for, he shall cause notices thereof to be posted on both sides of the Borough's snow emergency routes at least two hours before such parking prohibition becomes effective. Said

notices shall be posted at intervals not exceeding 150 feet said intervals not to include the distance of any intervening street or intersection.

3. Notwithstanding the provisions of subsections (1) and (2) 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 inches or more for one hour or more between 6:00 a.m. and 11:00 p.m. of any day.

4. Once in effect, a prohibition under this Section shall remain in effect until terminated by the Borough Manager, as provided for in Section 10, 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 Borough Manager finds, on the basis of the 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 Borough Manager shall put into effect a parking prohibition on parts of or on all of common streets as necessary be causing notices of such parking prohibition to be posted on both sides of the affected common streets at least 12 hours before said parking prohibited goes into effect. Such prohibitions or restrictions shall remain in effect until terminated by the Borough Manager, as provided for in Section 10, except that any street area which has become substantially clear of snow 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.

1. 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.

2. No person operating a motor vehicle on a snow emergency route on which there is a 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.

3. 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.

4. No person shall operate a motorcycle, motor scooter or bicycle on a snow emergency route on which there is a covering of snow, sleet or ice.

5. No person shall operate a motor vehicle without tire chains on a snow emergency route on which there is a covering of snow, sleet or ice more than eight inches in depth.

SECTION 6. Removing, Impounding and Return of Vehicles.

1. Members of the Borough Staff are hereby authorized to remove or have removed a vehicle from a street when:

A. The vehicle is parked on a part of a snow emergency route on which a parking prohibition is in effect.

B. 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 Part.

C. 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.

2. If any person parks or leaves a vehicle in a place or in a condition in violation of any provision of this Part, such vehicle may be removed by or under the direction of a staff member of the of the Borough of Shoemakersville by means of towing or otherwise, all in accordance with the provisions of Section 4 of this Chapter or any other similar towing and impounding ordinance hereafter enacted by the Borough.

SECTION 7. Stalled Vehicles.

1. Whenever a vehicle becomes stalled for any reason, whether or not in violation of this Part, 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 the 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 public 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 indicated, 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.

2. Any Borough owned vehicle 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 Part which becomes effective by declaration of the Borough Manager or upon the occurrence of certain weather conditions which, while temporarily in effect, 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 of authorized emergency vehicles or emergency traffic directions by a police officer or other authorized Borough Employees.

SECTION 9. Signs to Make Snow Emergency Routes; Barricades.

1. On each street designated by this Part as a snow emergency route, the Borough Manager shall post special signs, one in each block and/or at intervals not exceeding 660 feet 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.

2. The Borough Manager is hereby authorized to barricade any street and redirect traffic whenever necessary to plow, clear or otherwise remove snow. It shall be unlawful for any person to bypass or run through or over such barricade.

3. Borough controlled or operated equipment is permitted to operate in any direction any street at any time upon orders of the Borough Manager.

SECTION 10. Termination of Parking Prohibition by the Borough Manager.

Whenever the Borough Manager shall find that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this Part no longer exists, he shall declare the prohibition terminated, in whole or part, by causing to be removed the notice required in Section 3 and Section 4 of this Part, the termination of said prohibition to become effective immediately as to any street blocked in the Borough when said notices are removed by duly authorized representatives of the Borough Manager.

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 provisions of this Part, notice of such violation shall be given in the manner provided for parking violations in the Borough of Shoemakersville as set forth in *the Stop, Standing and Parking Ordinance*.

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 Part, proof that the particular vehicle described in the complaint was parked or left in violation of a provision of this Part, 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 Part.

SECTION 13. Snow Emergency Routes Designated.

The following streets or highways or portions of streets or highways within the Borough of Shoemakersville are hereby designated as snow emergency routes:

Main Street - Entire length from Borough line to Borough line

Noble Avenue - From Main Street to Route #61

Franklin Street - From Church Street to Noble Avenue.

SECTION 14. Unlawful to Remove Sign or Notice.

It shall be unlawful for any person to remove without the authorization of the Borough Manager any sign or notice posted in accordance with the provisions of this Part.

SECTION 15. Penalty for Violation.

1. If, at any time during a period of snow emergency declared under this Part, 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 Part and, upon conviction, shall be sentenced to pay a fine of not more than cost of towing plus fees set by resolution.

2. If, at any time during a period of snow emergency declared under this Part, 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 Part and, upon conviction, shall be sentenced to pay costs plus fees set by resolution.

SECTION 16. Conflicts. In the event a requirement, term, or provision of this Ordinance conflicts with any requirement, term, or provision set forth in the Borough of Shoemakersville's Subdivision and Land Development Ordinance or other Borough ordinance regulation, the development of land within the Borough, or is otherwise in conflict with another requirement, term, or provision of the Borough of Shoemakersville's Zoning Ordinance, it is the intent of the Council of the Borough of Shoemakersville that the requirements, terms, and provisions of this Ordinance shall control on the case of a development subject to the terms of this Ordinance.

SECTION 17. Repealer. All Ordinances or parts thereof that are inconsistent herewith are hereby repealed.

SECTION 18. Severability. The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Shoemakersville that this

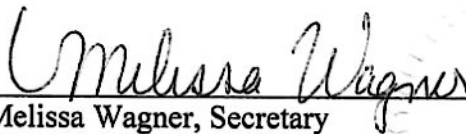
Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section had not been included herein.

SECTION 19. Effective Date. This Ordinance and all of its terms and provisions shall become effective at the earliest date permitted by law.

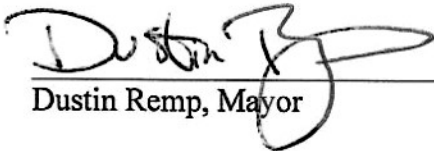
ENACTED AND ORDAINED THIS 4th day of June, 2024.

BOROUGH OF SHOEMAKERSVILLE

By: 
Chris Kline, President

Attest: 
Melissa Wagner, Secretary

Approved as an Ordinance this 4th day of June, 2024.


Dustin Remp, Mayor