

ORDINANCE NO. 227

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA ESTABLISHING RULES AND REGULATIONS TO GOVERN THE PARKING AND OPERATION OF MOTOR VEHICLES ON TOWNSHIP ROADS DURING SNOW AND ICE EVENTS.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania, and it is hereby ORDAINED and ENACTED by the authority of the same as follows:

SECTION 1. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

(a) Person. A natural person, partnership, corporation, association, congregation or any other legal entity.

(b) Snow Emergency Route. All Streets accepted into the Township roadway system.

(c) Street. The entire width between the boundary lines of a way, road or street, which is publicly maintained to include any part thereof that is open to the use of the public for purposes of vehicular traffic.

(d) Township. The Township of South Heidelberg, Berks County, Pennsylvania.

SECTION 2. Snow and Ice Emergency.

(a) In order to facilitate the movement of traffic and to combat the hazards of snow, sleet and ice on a Snow Emergency Route, the Chairman of the Board of Supervisors of the Township or, in his absence, the Roadmaster, in his sole and absolute discretion, may declare a snow and ice emergency (hereinafter designated as a "Snow Emergency") on the basis of falling snow, sleet or freezing rain, or on the basis of a forecast by the United States Weather Service or other reputable weather service of snow, sleet or freezing rain that such conditions will make it necessary that motor vehicle traffic be regulated in that parking or standing on a Snow Emergency Route shall be prohibited. Notwithstanding anything herein to the contrary, a Snow Emergency shall automatically go into affect in the event that there has been an accumulation of snow and ice of four inches (4") or more for one (1) or more hours between 6:00 a.m. and 11:00 p.m. of any day. Information on the existence of a Snow Emergency shall be given by the Township through radio, newspaper or other available media, and information on the termination of the Snow Emergency may be given by use of the same media.

(b) The Snow Emergency declaration shall be made not less than one (1) hour prior to the time that the Snow Emergency is to go into effect.

(c) In the event that a Snow Emergency is declared pursuant hereto, it shall be unlawful, at any time during the continuance of the Snow Emergency, for any Person:

(1) to park or leave standing any motor vehicle or to allow that motor vehicle to remain parked anywhere on any Snow Emergency Route; or

(2) to operate any motor vehicle on any such Snow Emergency Route, if said motor vehicle does not have all windows clear of snow and ice.

(d) In the event that a Snow Emergency is declared and announced between 11:00 P.M. and 6:00 A.M., the parking prohibition set forth in this Ordinance shall not apply until 7:00 A.M. thereafter.

(e) Exception. The provisions of this Ordinance shall not apply to any police, fire or other emergency related vehicles being used in their official public safety capacity as well as any other motor vehicles, which are authorized by the Township to occupy a Street for the purpose of snow or ice removal on said Street.

(f) Penalty for Violation.

(1) If, at any time during a period of Snow Emergency declared under this Ordinance, 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 Ordinance, and upon conviction thereof, shall be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) together with costs of prosecution, and if in default of the payment of such fine and costs, be subject to imprisonment for not more than ten (10) days. Each day that a violation of this Ordinance continues shall constitute a separate and individual offense.

(2) If, at any time during a period of Snow Emergency declared under this Ordinance, a Person shall operate a motor vehicle upon a Snow Emergency Route without having cleaned all windows of said motor vehicle of snow and ice, that Person shall be guilty of a violation of this Ordinance, and upon conviction, shall be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) together with costs of prosecution, and if in default of the payment of such fine and costs, be subject to imprisonment for not more than ten (10) days. Each day that a violation of this Ordinance continues shall constitute a separate and individual offense.

(g) Any motor vehicles in violation of this Section 2 that remains parked or standing (i.e. stalled) for any reason on a Snow Emergency Route during a Snow Emergency shall be subject to removal and impoundment by an approved and insured towing service that shall be designated from time to time by the Township. The approved towing service shall submit to the Township its schedule of charges for towing and storage, and upon approval by the Township, such schedule of charges shall be the only charges permitted to be collected by the approved towing

service under this Ordinance. The Person who owns said motor vehicle shall be responsible to claim the vehicle from the towing service within forty-eight (48) hours after the Snow Emergency has been lifted and pay all towing and storage charges, and such payment shall not relieve said Person from liability for any other fine or penalty imposed by this Ordinance.

Section 3. Repeal of Ordinances. Any ordinance, parts of ordinances, resolution or parts of resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

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 the Township of South Heidelberg, 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 shall take effect five (5) days subsequent to its enactment.

DULY ENACTED AND ORDAINED this 9th day of September, 2010.

Attest:

Richard E. Hummel (SEAL)
Secretary

TOWNSHIP OF SOUTH HEIDELBERG

Dennis E. Mulally
Dennis E. Mulally, Chairman

David A. Schaeffer, Supervisor

Richard E. Hummel
Richard E. Hummel, Supervisor

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 227 adopted by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania at a regular meeting held on September 9, 2010, pursuant to notice as required by law.

Date: 9/9/10

Richard E. Hummel
Secretary