BOROUGH OF YORK HAVEN

ORDINANCE NO. 96-1

AN ORDINANCE AUTHORIZING THE CREATION OF A SNOW EMERGENCY ROUTE WITHIN THE BOROUGH OF YORK HAVEN, AND PROVIDING FOR CITING AND TOWING CARS IN VIOLATION OF SAID SNOW EMERGENCY MEASURES.

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

Section (1). Title. The Ordinance shall be known and may be cited as the "Snow Emergency Route Ordinance".

Section (2). Definitions.

The following words and terms when used in this Ordinance shall have the meaning given to them in this Section unless the context clearly indicates otherwise:

(a) "Borough". Borough of York Haven, Pennsylvania.

(b) "Council". The duly elected council of the Borough of York Haven, Pennsylvania.

(c) "Person" . A natural person, corporation, partnership and association.

(d) "Vehicle Code". The Pennsylvania Motor Vehicle Code, 75 Pa.C.S. 101, et. seq.

Section (3). Scope.

(a) This Ordinance shall be the policy of the Council with regard to the Snow Emergency Route within the Borough unless a county, state or federal regulation or law supersedes this Ordinance.

(b) This Ordinance shall govern and regulate all Snow Emergency Routes in the Borough.

(c) To the extent that any other Ordinance conflicts with this Ordinance or is inconsistent with the same, it is hereby repealed and invalidated.

Section (4). Purpose and findings.

(a) Council recognizes the importance of establishing a Snow Emergency Route within the Borough to promote the safe and efficient operation of emergency vehicles, such as police, fire, ambulances and other public safety vehicles.

(b) Council has found that during snow emergencies the Borough's streets become covered with snow and ice making them dangerous for vehicular traffic and that it is in the best interest of the citizens of the Borough that all non-emergency traffic be prohibited in order for snow removal personnel to clear the snow and ice from the roadways.

Section (5). Snow Emergency Route Established.

(a) There is hereby established in the Borough a "Snow Emergency Route" on the following road within the Borough:

State Route 181, also known as Front Street and Pennsylvania Avenue to the Borough limit

(b) When a snow emergency is proclaimed by the Mayor of the Borough, under the authority of 53 P.S. 1028, relating to General Powers of the Mayor, any and all vehicles parked in and along the marked Snow Emergency Route, State Route 181, also known as Front Street, in the Borough shall be moved within three (3) hours of

the effective date and time of the state of emergency proclamation.

(c) No vehicle, except emergency vehicles on emergency business or snow removal vehicles in use, may be parked in or along the Snow Emergency Route during the period of the emergency and thereafter until the Mayor declares that the snow is cleared to the extent that vehicles may again park in and along the Snow Emergency Route or until such time as the snow has been cleared from the street from curb to curb, whichever occurs first.[1] At no time shall the prohibition against parking remain in effect for more than seven consecutive days unless the Mayor declares another state of emergency after seven days.[2]

Section (6) Posting of Snow Emergency Route.

(a) Any and all Snow Emergency Routes established within the Borough under this Ordinance shall be clearly marked by traffic control devices which comply as closely as possible to the regulations in the Title 67, Pennsylvania Code, Section 211.244, relating to official traffic control devices for snow emergency routes.

(b) Said Snow Emergency Route signs shall be posted at intervals not to exceed 1,000 feet and placed in such a manner that they can be clearly seen by the public.

Section (7) Notice to the Public.

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[1] Enacted under the authority of the Vehicle Code, 75 Pa.C.S. 6109((a)(20).

[2] See the Borough Code, 53 P.S. 1028(b), relating to General Powers of Mayor of a Borough.

When the Mayor proclaims that a snow emergency exists, under the authority of 53 P.S. 1028, relating to General Powers of the Mayor, copies and the content of this ordinance shall be made available to the print and electronic News media for dissemination to the public and the citizens of the Borough.

Section (8) Enforcement and Authority to Impound vehicles.

(a) Any vehicle parked in or along an established Snow Emergency Route in violation of this ordinance may be towed and impounded by the Borough, or its agent at the option of the Mayor or the local police officer.

(b) In the event that any vehicle found parked in or along the Snow Emergency Route in violation of this ordinance is towed and impounded for violation of this ordinance, the owner of the Vehicle shall be responsible for any and all towing and storage costs as determined by the contractor who actually towed the vehicle. Any Vehicle unclaimed within a sixty (60) days period shall be deemed to have been abandoned and the contractor shall follow the procedure outlined in the Pennsylvania Vehicle Code, 75 Pa.C.S. 7301 et. seq.

(c) The owner of any vehicle parked in or along an established Snow Emergency Route in violation of this ordinance is guilty of a civil summary offense and upon conviction shall pay a fine of not less than $50.00 nor more than $300.00, plus all costs and fees associated with the prosecution including reasonable attorney's fees. Provided however, that a Vehicle which is towed and impounded at the direction of the Mayor or a

local police officer shall not be subject to a fine. Each day that a vehicle is parked in violation of this ordinance constitutes a separate offense, where a day is considered to begin at 12:01 a.m. and end at 11:59 p.m.

Section (9). Invalidity of Inconsistent Ordinance.

To the extent that any other Ordinance or Resolution of Borough Council is in conflict with this Ordinance or is inconsistent with the same, it is hereby repealed and declared to be null and void.

Section (10). Severability.

It is the intention of the Borough that if any Section of this Ordinance shall be deemed to be unconstitutional, invalid or unenforceable by any Court of competent jurisdiction, such decision shall not affect the validity and enforceability of any other Section. It is hereby declared as a legislative intent that this Ordinance would have been enacted had such unconstitutional, invalid or unenforceable provision or provisions not have been included. To this end, this Ordinance is declared to be severable.

THIS ORDINANCE SHALL be effective immediately upon enactment.

ENACTED AND ORDAINED this 1st day of April, 1996.

ATTEST:

BOROUGH OF YORK HAVEN

By: Sandra L. Harget
Sandra L. Harget, Secretary

By: Keith Rode II
Keith Rode, II
President of Borough Council

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APPROVED this 1st day of April, 1996.

By: Harvey R. Heistand, mayor
Harvey R. Heistand, Mayor

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