

**BOROUGH OF BERWICK  
ORDINANCE NO. 2009 - 05**

**AN ORDINANCE OF THE BOROUGH OF BERWICK, COLUMBIA COUNTY, PENNSYLVANIA, REGULATING THE OPERATION AND PARKING OF MOTOR VEHICLES DURING SNOW EMERGENCIES; ESTABLISHING SNOW EMERGENCY ROUTES; 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; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; REPEALING INCONSISTENT ORDINANCES OR PORTIONS THEREOF, PROVIDING FOR PARTIAL INVALIDITY, AND ESTABLISHING AN EFFECTIVE DATE. THE ORDINANCE AMENDS ORDINANCE 2007 – 06 SECTION 7A AND SECTION 7E.**

**WHEREAS**, the Borough of Berwick enacted Ordinance 2007-06, creating snow removal regulations in the Borough of Berwick; and

**WHEREAS**, the Borough Council of the Borough of Berwick wishes to amend Ordinance 2007-06 to improve parking regulations in Section 7 of the Ordinance.

**NOW THEREFORE BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Berwick, Columbia County, Pennsylvania, and it is hereby **ENACTED AND ORDAINED** by and with the authority of the same as follows:

**SECTION 1: Title**

This Ordinance shall be known and may be cited as the “**Borough of Berwick Snow Emergency Ordinance**”.

**SECTION 2: Definitions**

The following definitions shall apply to the interpretation and enforcement of this Ordinance:

1. **“Snow”**: Frozen or semi-frozen particles of water vapor depositing an accumulation of any amount on the streets of the Borough; the term “snow” shall include all snow, sleet, hail, ice, or frozen rain.
2. **“Snow Emergency”**: The declaration, as more specifically described hereinafter, under and during which highway conditions are hazardous and dangerous to pedestrians and vehicular traffic.

3. **“Vehicles”**: Any and all motor vehicles and trailers, including by way of example and not by way of limitation passenger automobiles, trucks, buses, public and private transportation, motorized conveyances, etc., using any Borough streets, alleys or roadways within the municipal limits of the Borough of Berwick.
4. **“Streets”**: All streets, roads, roadways, and alleys in the Borough.
5. **“Snow Emergency Route”**: Those streets within the Borough designated by the Borough Council and specifically listed in Section 6.
6. **“Tire Chains”**: Devices, including full chains, strap chains or other types of chains so designed and so mounted on the tires of vehicles to permit and enhance vehicular traction in snow.
7. **“Snow Tires”**: Vehicular tires having treads so designed to enhance and improve vehicular traction in mud or snow conditions.
8. **“Borough”**: The Borough of Berwick, Columbia County, Pennsylvania.

### **SECTION 3: Declaration of Snow Emergencies**

A. In order to protect the public health, safety and welfare, and in order to facilitate the safe movement of vehicular traffic and combat the hazards of snow and ice on the streets in the Borough, the Mayor of the Borough of Berwick may, in his or her discretion, declare a Snow Emergency if, in his or her opinion, the actual or expected precipitation of snow will create hazardous or dangerous conditions on Borough streets.

B. When the decision to declare a Snow Emergency has been made by the Mayor, he or she shall forthwith undertake all actions necessary to inform the public of the existence of the Snow Emergency by contacting the appropriate form of news media, including but not limited to radio stations, newspapers, television, and/or other available media. The minimum media to be contacted shall include but not be limited to local medias Y106.5, WYLN, WNEP, and the Press Enterprise.

C. All Snow Emergencies declared by the Mayor shall continue until such time as he or she shall declare the Snow Emergency terminated, and the termination of the Snow Emergency by the Mayor shall be given to the public through the use of the media forms identified above.

D. In the absence of the Mayor, a Snow Emergency may be declared by the following individuals in the following order:

1. The President of Borough Council; but in his or her absence, then by
2. The Chairman of the Highway Committee; but in his or her absence, then by
3. The Borough Manager; but in his or her absence, then by

4. The Chief of Police.

**SECTION 4: Vehicular Use of and Parking on Snow Emergency Routes**

A. After the declaration of a Snow Emergency, no person shall operate any vehicle of any nature without chains or snow tires on any Snow Emergency Route.

B. Within two (2) hours after the declaration of a Snow Emergency, no person shall park or permit to remain parked any vehicle on a Snow Emergency Route.

**SECTION 5: Violations of Section 4**

A. Any person who, during the existence of a declared Snow Emergency:

1. operates a vehicle without chains or snow tires on any Snow Emergency Route; and/or
2. parks a vehicle on a Snow Emergency Route; and/or
3. operates a vehicle on a designated Snow Emergency Route, and leaves such vehicle unattended if the vehicle becomes stalled, and/or incapable of moving under its own power

shall be in violation of the provisions of this Ordinance and be subject to the penalties prescribed in Section 9 of this Ordinance.

B. Any vehicle which has been parked, becomes stalled and/or is incapable of moving under its own power, or is left unattended on any Snow Emergency Route may be removed or towed by the Borough of Berwick Police Department, or by persons authorized by the Borough of Berwick Police Department to do so. The cost of removal and towing of any such vehicle shall be assessed by the Borough against the registered owner of the vehicle, and the recovery of the costs of such removal and towing shall be recovered as part of the fine for violating the provisions of this Ordinance.

**SECTION 6: Designated Snow Emergency Routes and Posting Thereof**

A. The following Borough streets are hereby designated as Snow Emergency Routes:

1. Market Street
2. 16<sup>th</sup> Street
3. Front Street

4. Second Street
5. Fowler Avenue
6. Walnut Street
7. Warren Street
8. Eaton Street
9. Summerhill Avenue
10. Freas Avenue
11. Martzville Road
12. Orange Street
13. South Poplar Street
14. Susquehanna Avenue

B. In order to notify the operators of motor vehicles of the existence of the above designated Snow Emergency Routes, the Snow Emergency Routes shall be posted with signs placed not less frequently than once in each direction of one block; these signs shall contain the following (or similar) language:

**SNOW EMERGENCY ROUTE  
SNOW TIRES OR CHAINS REQUIRED  
NO PARKING DURING SNOW EMERGENCY  
VEHICLES WILL BE TOWED**

**SECTION 7: Parking on any Borough Streets (Including Snow Emergency Routes) After Declaration of Official Snow Removal Alert**

A. Whether or not a Snow Emergency has been declared by the Mayor, during any snow storm (which for purposes of this section of this Ordinance is defined as any weather condition in which snow, sleet, or freezing rain accumulates to a depth of three (3) inches or greater, or is predicted to accumulate to a depth of three (3) inches or greater) the Mayor (or in his or her absence then the persons identified in Section 3 of this Ordinance, in the order in which they are identified) may, in his or her discretion, issue an Official Snow Removal Alert and, after the issuance of the Official Snow Removal Alert, parking shall be regulated on all Borough streets as follows:

1. All vehicles parked on all Borough streets shall be moved to the side of the street with odd-numbered addresses the weekday following the issuance of the Official Snow Removal Alert and no parking may be permitted on the even-side of all Borough streets from 8:00 AM until 3:00 PM or until such time as plowing, salting and/or cindering has been completed.

2. All vehicles parked on all Borough streets shall be moved to the side of the street with even-numbered addresses the second weekday following the issuance of the Official Snow Removal Alert and no parking may be permitted on the odd-side of all Borough streets from 8:00 AM until 3:00 PM or until such time as plowing, salting and/or cindering has been completed.

3. The Borough of Berwick Department of Public Works shall plow the cartway of the street immediately following a plowable snow storm, in which a snow removal alert is issued. A Snow Removal is in alert if it is announced by the Mayor or if the Borough of Berwick Public Works Department plows the snow from the streets. The Department shall follow the above schedule the following two days after the snow storm to plow the remaining snow to the edge of the street.

B. The Mayor shall issue an Official Snow Removal Alert in accordance with the provisions of Section 3, Subsection B of this Ordinance; in order to assist the Mayor in notifying the public of an Official Snow Removal Alert, the Borough of Berwick Police Department may be directed to assist in informing and instructing the public as to its responsibilities in removing vehicles in accordance with the provisions of this section through the use of their loud speaker equipment.

C. The registered owner of any vehicle who violates the provisions of this section shall be subject to the penalties prescribed in Section 9 of this Ordinance.

D. Any vehicle which has been parked, becomes stalled and/or is incapable of moving under its own power, or is left unattended on any street in violation of the provisions of this section may be removed or towed by the Borough of Berwick Police Department, or by persons authorized by the Borough of Berwick Police Department to do so. The cost of removal and towing of any such vehicles shall be assessed by the Borough against the Registered Owner of the vehicle, and the recovery of the costs of such removal and towing shall be recovered as part of the fine for violating the provisions of this section of this Ordinance.

E. If there is no public announcement of a Snow Removal Alert, the alert shall be considered in effect upon the moment the Borough of Berwick Public Works Department begins to remove snow from the streets.

## **SECTION 8: Depositing Snow onto Borough Streets**

A. No person shall throw, shovel, cast or otherwise place, pile, deposit or dump snow or ice removed from sidewalks, walkways, driveways, or any other locations onto any street in the Borough.

## **SECTION 9: Penalties for Violations**

A. Unless another penalty is expressly provided by the Pennsylvania Vehicle Code, any person or registered owner of any vehicle who or which violates any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars, plus costs of prosecution and costs for towing and storage of vehicles as permitted in Section 5, Subsection B, and/or Section 7, Subsection D of this Ordinance.

**SECTION 10: Severability**

A. If any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal or invalid.

**SECTION 11: Repeal of Conflicting Ordinances**

A. All existing Ordinances of the Borough or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

**SECTION 12: Effective Date**

A. This Ordinance shall become effective immediately upon enactment.

**ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF BERWICK IN A PUBLIC MEETING HELD THIS 21<sup>st</sup> DAY OF SEPTEMBER, 2009.**

**BOROUGH OF BERWICK**

\_\_\_\_\_  
**Council President**

**ATTEST:**

\_\_\_\_\_  
**Borough Manager**

\_\_\_\_\_  
**Mayor**