

ORDINANCE NO. 259

ORDINANCE OF THE RICHLANDTOWN BOROUGH COUNCIL AMENDING THE RICHLANDTOWN BOROUGH CODE OF ORDINANCES CONCERNING THE REMOVAL OF SNOW AND ICE IN THE BOROUGH, PROHIBITION OF PARKING ON ALL STREETS, ROADS AND HIGHWAYS DURING A WINTER STORM AND THE RESTRICTION OF DRIVING MOTOR VEHICLES ON ALL STREETS, ROADS AND HIGHWAYS WHICH ARE NOT PROPERLY EQUIPPED WITH FOUR WHEEL DRIVE, CHAINS, OR SNOW TIRES; AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

WHEREAS, The Richlandtown Borough Council desires to insure the public health, safety and welfare; and

WHEREAS, The Richlandtown Borough Council, in order to combat the hazards of snow and ice and to facilitate the movement of traffic has determined that it is in the best interest of the health, safety and welfare of the citizens of Richlandtown Borough to prohibit parking on all streets during winter storms and restrict the driving of motor vehicles which are not properly equipped with four wheel drive, chains or snow tires.

NOW, THEREFORE, IT IS ORDAINED:

SECTION I

Chapter 15, Part 9 of the Richlandtown Code of Ordinance is hereby amended and revised as follows:

§15-901. Definitions.

The following words when used in this part shall have the following meanings unless the context clearly indicates a different meaning:

CHAINS – Full chains, strap chains or other types of chains mounted on both driving wheels of a motorized vehicle.

SNOW TIRES – Tires having treads designed for use in snow, which tires must be in such condition as to serve the purpose for which they are designed.

VEHICLE – Any self-propelled motorized vehicle licensed to travel upon the streets, roads and highways of the Borough of Richlandtown.

WINTER STORM – Precipitation in the form of sleet, ice, freezing rain or snow, or the combination thereof, creating the need for snow or ice removal, salting or cindering operations or creating hazardous driving conditions.

§15-902. Parking Prohibited During Winter Storm

During any winter storm, it shall be a violation of this part for any person, firm, organization or entity to park, abandon or leave unattended any vehicle on any streets, roads and highways and their adjacent rights-of-way within the boundaries of Richlandtown Borough. This prohibition of parking shall remain in effect for a period of 12 hours following the accumulation of snow and/or ice. Any person, firm, organization or entity to park, abandon or leave unattended any vehicle on any streets, roads and highways during a winter storm shall be in violation of this Part and shall be subject to the penalties and fines set forth in **§15-905**.

§15-903. Declaration of Snow Emergency.

The Mayor of the Borough of Richlandtown, in consultation with the President of Borough Counsel, shall have the authority to determine and declare, by proclamation, the existence of a winter storm emergency within the Borough of Richlandtown, notice of which shall be immediately be issued to local radio and news services. In either instance, a winter storm emergency is presumed to continue for a period of 24 hours following the accumulation of snow, or until such period of time designated by the Mayor in consultation with the President of Borough Counsel.

§15-904. Four Wheel Drive, Snow Tires or Chains Required

During such time as a winter storm emergency is in effect any person, firm, organization or entity operating or causing to be operated a vehicle which is not equipped with four wheel drive, snow tires or chains upon any street, road or highway within the boundaries of Richlandtown Borough resulting in such vehicle becoming stalled or incapable of moving under its own power, or who leaves such vehicle abandoned or unattended on any street, road or highway within the boundaries of Richlandtown Borough as a result of its inability to move under its own power because of its failure to be equipped with four wheel drive, snow tires or chains, shall be in violation of this Part and shall be subject to the penalties and fines set forth in **§15-905**.

§15-905. Penalties

1. If, at any time during a winter storm a person, firm, organization or entity parks, abandons or leave unattended any vehicle on any streets, roads and highways and their adjacent rights-of-way within the boundaries of Richlandtown Borough, that person, firm, organization or entity shall be guilty of a violation of this Ordinance and, upon conviction, shall be sentenced to pay a fine of not more than \$1000.00 plus cost. In addition to the fine, Richlandtown Borough is hereby authorized to remove, tow and store such vehicle with all costs of such removal, towing and storage of such vehicle to be the sole responsibility of the owner of such vehicle.
2. If, at any time during a winter storm emergency a person, firm, organization or entity shall drive a vehicle which is not equipped with four wheel drive, snow tires or chains upon any street, road or highway within the boundaries of Richlandtown Borough resulting in such vehicle becoming stalled or incapable of moving under its own power,

or who leaves such vehicle abandoned or unattended on any street, road or highway within the boundaries of Richlandtown Borough as a result of its inability to move under its own power because of its failure to be equipped with four wheel drive, snow tires or chains, that person, firm, organization or entity shall be guilty of a violation of this Ordinance and, upon conviction, shall be sentenced to pay a fine of not more than \$1000.00 plus costs. In addition to the fine, Richlandtown Borough is hereby authorized to remove, tow and store such vehicle with all costs of such removal, towing and storage of such vehicle to be the sole responsibility of the owner of such vehicle.

SECTION II REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION III SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included herein.

SECTION V EFFECTIVE DATE

This Ordinance shall become effective one (1) day after enactment or upon recordation of this Ordinance within the Borough's official Ordinance Book, whichever comes later.

ENACTED this *12th* day of *December*, A.D., 2011

ATTEST:

RICHLANDTOWN BOROUGH COUNCIL

Annette McEneaney

Jim Bowman

Jim Bowman, President

Carl Raub III

Carl Raub, Mayor