

BOROUGH OF CHAMBERSBURG  
ORDINANCE NO. 2016- \_\_\_\_\_

**AN ORDINANCE OF THE BOROUGH, ESTABLISHING REGULATIONS FOR OPERATION AND PARKING OF MOTOR VEHICLES DURING SNOW EMERGENCIES AS DEFINED HEREIN AND DESIGNATED BY THE MAYOR, DURING SNOW AND ICE STORMS AND DURING SNOW AND ICE REMOVAL FROM BOROUGH STREETS, SETTING FORTH PENALTIES FOR VIOLATION OF THE SAME, AMENDING CHAPTERS 254 AND 286 OF THE CODE OF THE BOROUGH OF CHAMBERSBURG, REPEALING INCONSISTENT ORDINANCES, PROVIDING FOR PARTIAL INVALIDITY, AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Title 75 Pa. C.S.A. § 6109 (a) (20) specifically recognizes the authority of local authorities on streets or highways within their physical boundaries to adopt and enforce regulations as may be necessary to cover emergencies or special conditions,

**WHEREAS**, THE Borough of Chambersburg has determined it necessary and appropriate to provide regulations to deal with special traffic conditions occasioned by snow events,

**NOW THEREFORE, BE IT ORDAINED** by the borough of Chambersburg and it hereby is ordained by the authority of the same as follows:

**SECTION 1.** Legislative Findings. To facilitate the movement of traffic, insure emergency vehicle access and to facilitate the removal of snow and ice on the streets of the Borough, the Borough has determined it to be necessary to establish certain travel and parking restrictions in snow event emergencies.

**SECTION 2.** CHAPTER 286 of the Code of the Borough entitled VEHICLES AND TRAFFIC Is hereby amended to revise Section 286-3 entitled Temporary and emergency regulations to provide as follows:

§ 286-3 Temporary and Emergency Regulations

A. Emergency Powers of the Mayor. - The mayor shall have the following powers to regulate traffic and parking temporarily and in time of emergency:

- 1) In the case of fire, flood, storm, snow, or other emergency, to establish temporary traffic and/or parking regulations.
- 2) In the case of emergency or to facilitate public works, or in the conduct of parades, processions or public events, to restrict or prohibit traffic and or parking in limited areas for periods of not more than 72 hours.

B. Enforcement of Emergency Powers. - Such temporary and emergency regulations shall be enforced by the Mayor and the Police Department in the same manner as permanent

regulations. Any person who shall operate or park a vehicle or tractor in violation of any such regulations, or who shall move, remove, destroy, injure or deface any sign or marking erected, posted or made to give notice of any such regulation, shall upon conviction thereof, be liable to the penalty set forth in the law or elsewhere in this chapter for violation of such nature.

C. Snow Events

- 1) Definitions. - As used in this section, the following terms shall have the meanings indicated.

SNOW- Any precipitation depositing any accumulation on the streets of the Borough of Chambersburg, including snow, sleet, hail, ice or freezing rain.

SNOW EMERGENCY- A state declared as herein described under which highway conditions are hazardous and dangerous to the vehicular and pedestrian traffic.

SNOW EMERGENCY ROUTES or SNOW ROUTES- All streets within the Borough of Chambersburg so designated and marked as hereinafter set forth in Subsection D. 3 next following.

SNOW STORM - Any weather condition in which any accumulation of snow or sleet greater than two inches (2") has fallen or is predicted to fall, or in which there has been predicted to fall, or in which there has been or predicted any accumulation of ice.

- D. SNOW EMERGENCIES. In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the streets and roads of this Borough, the mayor in his or her discretion may declare a snow or ice emergency hereinafter referred to as "SNOW EMERGENCY". Information on the existence of a SNOW EMERGENCY shall be given by the Borough through radio, newspaper, or available media and information regarding the termination of the emergency shall be given by the use of the same media. After any SNOW EMERGENCY is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

- 1) To park a motor vehicle or to allow that vehicle to remain parked anywhere on any SNOW EMERGENCY ROUTE designated in Subsection 3 hereof following, or
- 2) To drive any motor vehicle on any such snow emergency route, unless that vehicle is equipped with snow chains or snow tires.
- 3) The following are designated as snow emergency routes:
  - a. North 7th Street : Lincoln Way to Montgomery Avenue
  - b. North Coldbrook Ave : Lincoln Way to Nelson Street
  - c. Nelson Street : N. Coldbrook Ave. to Chambersburg
- 4) If a motor vehicle is illegally parked pursuant to the provisions of paragraph D. 1. next above, each day it shall remain so parked shall constitute a separate offense

subject to separate fines. The motor vehicle owner and/or the driver of the motor vehicle may be charged with the violation.

E. During any SNOW STORM, any motor vehicle operated upon any Borough road, street or alley which shall become stalled upon said road, street, or alley is subject to being towed by the order of the Borough Police and all costs associated with the removal of the vehicle from the Borough road, street or alley shall be the sole responsibility of the vehicle owner.

F. VIOLATIONS AND PENALTIES

1) If at any time during a period of SNOW EMERGENCY declared under this Section a person shall park a motor vehicle or allow a motor vehicle to remain parked anywhere along a SNOW EMERGENCY ROUTE, the person shall be in violation of this Section and upon conviction, shall be subject to a fine as set forth in paragraph I. below.

2) If, at any time during a period of SNOW EMERGENCY declared under this Section, a person shall drive a motor vehicle upon a SNOW EMERGENCY ROUTE, without having that vehicle equipped with snow tires or snow chains plus adequate equipment to provide sufficient traction to keep such vehicle in motion so that other traffic on such roadways will not be blocked or impeded, that person shall be guilty of a violation of this Section, and, upon conviction, shall be subject to a fine as set forth in Paragraph I. below.

3) Any person who operates a motor vehicle upon any road or street or portion thereof listed in Subsection D. 3. above, which vehicle shall become stalled upon any of the roads, streets or portions thereof listed above during a period of emergency declared as provided by this Section 286-3 A., if such stalling shall have been by reason of failure to have such vehicle equipped with the equipment prescribed in Section 286-3 F. 2. above, shall be guilty of a violation of this Section.

G. The Borough Police are hereby authorized to have any vehicles parked in violation of this article or any vehicle which may have become stalled as provided in Section 286-84 Paragraph B. above removed from Borough roads, streets, or alleys at the expense of the owner.

H. In order to assist operators of motor vehicles in determining the highways affected by this ARTICLE XII, there shall be placed, on signs on the roads and streets designated in Section 286-83 A. above, signs reading as follows:

SNOW EMERGENCY ROUTE  
SNOW TIRES OR CHAINS REQUIRED  
NO PARKING DURING EMERGENCY  
VEHICLES TOWED AWAY

I. Unless another penalty is expressly provided by the Pennsylvania Vehicle Code, any person who shall be convicted of violating or failing to comply with the provisions of

Section 286-83 before any Magisterial District Justice shall be punishable by a fine of not more than three hundred dollars (\$300.00), together with costs of prosecution and costs for towing and storing the vehicle(s).

**SECTION 3.** CHAPTER 254 of the Code of the Borough entitled Snow and Ice Removal, Section 254-11 shall be revised to provide as follows:

§ 254-11 Removal of snow and ice from sidewalks; time limit.

The owner, occupant or tenant of every property fronting upon or alongside any street in the Borough of Chambersburg is hereby required to remove or cause to be removed for a width of at least four feet from the inside pavement line from all of the sidewalks in front of or alongside of such property all snow, hail, sleet or ice thereon fallen or formed within 24 hours after the same shall have ceased to fall or form. The forgoing notwithstanding, at all times during or after any snow event, it shall be unlawful for any person to shovel, push, throw or plow snow, hail, sleet or ice from a sidewalk, driveway, lot or any other area into a Borough road, street, or alley.

**SECTION 4.** Savings Clause. Nothing in this Ordinance shall be constructed to affect any suit or proceedings pending in any court, or any rights acquired, or liability incurred or any cause or causes of action acquired or existing, under any ordinance hereby revised or otherwise affected by this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**SECTION 5.** Severability. The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any remaining sections, clauses, or sentences of the same.

**SECTION 6.** Effective Date: This Ordinance shall take effect on December 15, 2016.

ENACTED by Town Council this \_\_\_\_ day of \_\_\_\_\_, 2016.

BOROUGH OF CHAMBERSBURG

\_\_\_\_\_  
President of Town Council

ATTEST:

\_\_\_\_\_  
Secretary of Town Council

APPROVED this \_\_\_\_ day of, 2016.

\_\_\_\_\_  
Mayor

CERTIFICATION

I hereby certify that the foregoing Ordinance was advertised in the Public Opinion on \_\_\_\_\_, 2016, a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a Regular Public Meeting of the Council held on \_\_\_\_\_, 2016.

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By: Jamia L. Wright,  
Borough Secretary