

ORDINANCE NUMBER 470

AN ORDINANCE OF THE BOROUGH OF FOREST CITY, SUSQUEHANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING REGULATIONS GOVERNING THE PARKING OF MOTOR VEHICLES ON STREETS WITHIN THE BOROUGH DURING SNOW STORMS, AND DURING THE REMOVAL OF SNOW AND/OR ICE FROM OR ON BOROUGH STREETS, PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, REPEALING INCONSISTANT ORDINANCES OR PORTIONS THEREOF, PROVIDING FOR PARTIAL INVALIDITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Forest City Borough Council is desirous of updating, modifying and revising the Code of Ordinances of the Borough of Forest City, specifically ORDINANCE NUMBER 439, "Declaration of Snow and Ice Emergency"; and,

WHEREAS, Forest City Borough Council deems it necessary for the health, safety and welfare of the Borough to regulate the removal of snow and parking of motor vehicles from and/or on its roadways during and after snowstorms.

NOW, *therefore*, Be It Ordained and Enacted by the Council of the Borough of Forest City, Susquehanna County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

1. TITLE

This Ordinance shall be known and may be cited as the "Forest City Borough Snow Storm Parking Ordinance".

2. DEFINITIONS

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

- a. "Snow": Frozen or semi-frozen particles of water vapor deposition an accumulation of any amount on the streets of the Borough; the term "snow" shall include snow, sleet, hail, ice, or frozen rain.

- b. "Snow Emergency": Under and during which highway conditions are hazardous and dangerous to pedestrians and vehicular traffic, as more specifically described hereinafter.
- c. "Snow Emergency Route": The following streets within the Borough: All of Main Street; all of Higgins Street; and all of Hudson Street from its intersection with Dundaff Street, South to the Borough line.
- d. "Snow Storm": Any weather condition in which snow, sleet or freezing rain, or any combination thereof, accumulates to a dept of two (2) inches or greater, or is predicted to accumulate to a dept of two (2) inches.
- e. "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.
- f. "Borough": the Borough of Forest City, Susquehanna County, Commonwealth of Pennsylvania.
- g. "Streets": All streets, roads, roadways and alleys in the Borough.

3. DECLARATION OF SNOW EMERGENCY

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, a snow emergency in the Borough shall be deemed de facto declared and in effect whenever there is a snow storm as herein defined.

4. PARKING ON ANY BOROUGH STREETS (INCLUDING SNOW EMERGENCY ROUTES) BEFORE, DURING AND AFTER A SNOW STORM

Before, during and after any snow storm, as herein defined, parking in the Borough shall be regulated on all streets as follows:

- a.. All vehicles parked on streets defined above as snow emergency routes shall be removed entirely from the street and no parking may be permitted on these streets until such time as

plowing, salting, and/or cindering has been completed on the entire street.

b. All vehicles parked on one-way streets shall be removed entirely from the street and no parking may be permitted on these streets until such time as plowing, salting, and/or cindering has been completed on the entire street.

c.. On all other non one-way streets or alleys parking shall be permitted on one side of the street only as follow:

i. On all even days of the month, on the right side of the street. The right side shall be either the North or East side as defined by the natural orientation of said street.

ii. On all odd days of the month, on the left side of the street. The left side shall be either the South or West side as defined by the natural orientation of said street.

iii. All vehicles parked as herein permitted shall remain until such time as plowing, salting, and/or cindering has been completed on the non-parking side of the street. All vehicles shall then be moved to the cleared side of the street until such time as plowing, salting, and/or cindering has been completed on the opposite side of the street.

iv. After all plowing, salting, and/or cindering has been completed, and the snow storm as herein defined has abated, vehicles may then park on either side of the street (unless parking is prohibited on that side by prior Ordinance).

c. In order to assist the in the enforcement of this Ordinance, the Forest City 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. Any registered owner of any vehicle, or any individual in possession of any vehicle (with or without the registered owner's permission) who violates the provisions of this section shall be cited by the police and subject to the penalties as set forth in section six herein.

d. Any vehicle which had 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 by the Forest City Police Department, or by any person(s) authorized by the department to do so. The costs of removal and towing of any such vehicles shall be assessed by the Borough against the registered owner of the vehicle or any individual in possession of

the vehicle (with or without the registered owner's permission), and the recovery of the costs of such removal and towing shall be recovered as part of the fine for violation the provisions of this section of this Ordinance.

5. DEPOSITING SNOW ONTO BOROUGH STREETS

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.

6. PENALTIES FOR VIOLATIONS

Unless another penalty is expressly provided for by the Pennsylvania Vehicle Code, any person or registered owner of any vehicle who or which violates any provision this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of up to Three Hundred (300) Dollars, plus costs of prosecution and costs for the towing and storage of vehicles as permitted in Section 4 herein. Each day that said vehicle continues to violate this Ordinance shall be considered a new violation and subject to continued fines and costs as appropriate.

7. SEVERABILITY

If any 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.

8. SEVERABILITY AND REPEAL OF CONFLICTING ORDINANCES

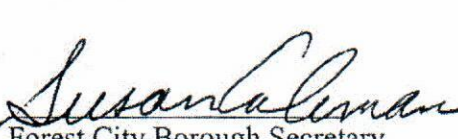
ORDINANCE 439 in its entirety, and all other existing Ordinances of the Borough, inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such conflict. If any one or more sections, subsections, sentences, clauses or phrases of this ordinance is for any reason held to be unconstitutional, unlawful or invalid, such decision shall not affect the constitutionality, legality or validity of the remaining portions of this ordinance. The Council of the Borough of Forest City declares that it would have passed this ordinance and any one or more remaining sections, subsections,

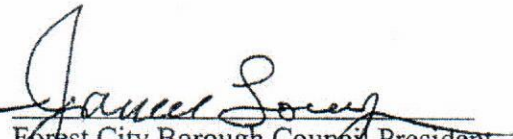
sentences, clauses and phrases thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

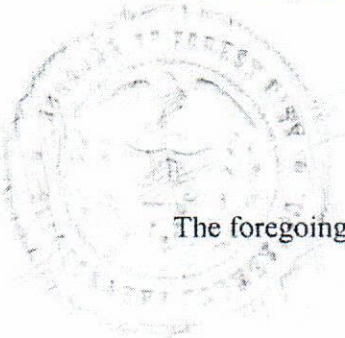
9. EFFECTIVE DATE

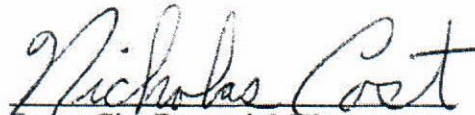
This Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED this 3rd day of December, 2007.


Forest City Borough Secretary


Forest City Borough Council President

The foregoing Ordinance is approved on the 3rd day of December, 2007.


Forest City Borough Mayor