

POCONO TOWNSHIP
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 146

AN ORDINANCE IN THE TOWNSHIP OF POCONO, MONROE COUNTY, PENNSYLVANIA, AMENDING AND REVISING THE POCONO TOWNSHIP SNOW EMERGENCY ORDINANCE, ORIGINALLY ENACTED AS ORDINANCE NO. 12, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 20, AND CODIFIED UNDER SECTION 7.1, *ET SEQ.* OF THE POCONO TOWNSHIP OFFICIAL ORDINANCE BOOK, DEFINING SNOW EMERGENCY AND RELATED TERMS; REGULATING THE PARKING, LEAVING UNATTENDED OR ABANDONMENT OF VEHICLES ON PUBLIC ROADS IN POCONO TOWNSHIP DURING SNOW EMERGENCIES; AND PROVIDING ENFORCEMENT PROVISIONS.

WHEREAS, pursuant to Section 1506 of the Second Class Township Code, 53 P.S. §66506, the Pocono Township Board of Supervisors (the "Board") is empowered to adopt ordinances necessary for the proper management, care and control of the Township and for the health and welfare of the Township and its citizens;

WHEREAS, pursuant to Section 1527 of the Second Class Township Code, 53 P.S. §66527, the Board is empowered to adopt ordinances to secure the safety of persons or property within the Township; and

WHEREAS, snow storms, or accumulations of hail, sleet, freezing rain or ice, can and do impair the flow of vehicular traffic and fire and emergency services equipment which may result in conditions adverse to the health, welfare and safety of the residents of the Township and the people lawfully upon public highways; and

WHEREAS, it is necessary in order to promote the health, welfare and safety of the residents of the Township and the people lawfully upon the public highways, that the public highways and streets be cleared of snow, and accumulations of hail, sleet, freezing rain or ice, as promptly as possible; and

WHEREAS, it is the desire of the Board to amend, revise and restate the Pocono Township Snow Emergency Ordinance, originally enacted as Ordinance No. 12, amended by Ordinance No. 20, and codified under Section 7.1, *et seq.* of the Pocono Township Official Ordinance Book.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Pocono Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION I – SHORT TITLE.

This Ordinance shall be known and may be cited as the “Pocono Township Snow Emergency Ordinance”.

SECTION II – DEFINITIONS.

(A) **PARKING** – The halting of a vehicle, whether occupied or not, except momentarily for the purposes of, and while actually engaged in, loading or unloading property or passengers. As used herein, however, the term shall not include a police, fire department or rescue vehicle, ambulance or township vehicle on official township business.

(B) **PERSON** – The word “Person” as used in this Ordinance, shall mean and include any natural person, partnership, firm, association, corporation, limited liability company, or other legal entity.

(C) **PUBLIC ROAD** – A Public Road is defined to mean the entire width between the boundary lines of every way, street, lane, alley, court, or public square owned or maintained by Pocono Township which is open to the use of the public for purposes of vehicular travel. This shall include the public road cart way, shoulder and right-of-way.

(D) **SNOW EMERGENCY** – A snow emergency is defined as a snowfall of a

depth of one inch (1") or more, or any accumulation of hail, sleet, freezing rain or ice.

(E) VEHICLE - Every device in, upon or by which any person or property is or may be transported or drawn upon a Public Road.

SECTION III – GENERAL REGULATIONS.

No Person shall park, leave unattended or abandon any vehicle on any Public Road within Pocono Township during a Snow Emergency and until the snow has stopped falling; the hail, sleet, freezing rain or ice has stopped accumulating; and the snow and any accumulated hail, sleet, freezing rain or ice has been completely plowed from the full width of the cart way. In the event a vehicle is left unattended and the operator who left the vehicle unattended is no longer at the scene and is unknown, responsibility for compliance with this Ordinance shall belong to the registered owner of the motor vehicle, or in the case of a partnership, firm, association, corporation, limited liability company, or other legal entity, the natural person to whom the vehicle is assigned or by whom it is regularly driven.

SECTION IV – ENFORCEMENT.

(A) This Ordinance shall be enforced by action before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who or which violates or permits a violation of the provisions of this Ordinance shall, upon conviction in a summary proceeding, pay a fine of not less than One Hundred and 00/100 (\$100.00) Dollars, nor more than One Thousand and 00/100 (\$1,000.00) Dollars per violation, plus all court costs and reasonable attorney's fees incurred by Pocono Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or a portion thereof that a violation exists or continues shall constitute a separate violation. Further, the appropriate officers or agents of Pocono Township

are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to Pocono Township for its general use.

(B) In addition to, but not in limitation of, the foregoing right to impose, or the imposition of, a penalty or imprisonment pursuant to Section IV (A), any Pocono Township Police Officer, or the Pocono Township Road Master, is hereby authorized to have any vehicle left parked, unattended or abandoned upon any Public Road in violation of the provisions of this Ordinance, towed or otherwise removed and taken to the removal company's place of business, a nearby garage or other place of safety. The registered owner of any such vehicle shall be notified of the fact of the removal and of the place to which said vehicle has been removed, where he or she may obtain the same upon payment of any and all towing, removal and storage charges. Neither Pocono Township, any Pocono Township Police Officer or the Pocono Township Road Master shall be responsible for any damage to any vehicle occurring as a result of towing, removal and/or storage of a vehicle parked, left unattended or abandoned in violation of this Ordinance.

SECTION V – 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 remaining provisions, sentences, clauses, sections of parts of this ordinance. It is hereby declared to be the intent of the Board that such remainder shall be, and shall remain, in force and effect.

SECTION VI – REPEALER.

All ordinances or parts of ordinances or resolutions conflicting or inconsistent with any of the provisions of this Ordinance are hereby repealed, but only insofar as the same are in direct

conflict or directly inconsistent with this Ordinance.

SECTION VII - EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Pocono Township, Monroe County, Pennsylvania, this 1st day of NOV, 2010.

Board of Supervisors of Pocono Township

By: H. Jane Cilurso
H. Jane Cilurso, Chairman

By: Harold Werkheiser
Harold Werkheiser, Vice-Chairman

By: _____
Frank J. Hess, Supervisor

ATTEST:

Jane Cilurso
Township Secretary

[TOWNSHIP SEAL]