

***AN ORDINANCE OF MIDDLEBURG BOROUGH, SNYDER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 15, PART 5 OF THE MIDDLEBURG BOROUGH CODE RESTRICTING PARKING AND PLACING PROPERTY ON OR ALONG BOROUGH STREETS AND ALLEYS DURING AND FOLLOWING ANY SNOWFALL OR WEATHER EMERGENCY AND IMPOSING PENALTIES FOR THE VIOLATION OR FAILURE TO COMPLY WITH SUCH RESTRICTIONS.***

WHEREAS, the Middleburg Borough Council, in order to advance the welfare and safety of the residents of the Borough and such other persons who use the streets and alleys in the Borough, deems it necessary to adopt an Ordinance restricting parking and placing property on or along Borough streets and alleys during and following any snowfall or weather emergency.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is ENACTED AND ORDAINED, by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, as follows:

Chapter 15, Part 5 Snow and Ice Emergency, Section 15-501 through Section 15-504 of the Code of the Borough of Middleburg are amended to read, in their entirety, as follows:

**§15-501. Declaration of Weather Emergency.**

During and following any snowfall or weather emergency, which shall be defined hereinafter, it shall be unlawful for anyone to park a motor vehicle and/or place any property or objects on or along any street or alley in the Borough.

A snowfall or weather emergency shall exist when:

- A. A Winter Weather Advisory or Winter Storm Warning is issued by the National Weather Service for the County of Snyder, Pennsylvania and for a period of eight (8) hours after the Advisory or Warning has expired; or
- B. The Mayor or the Foreman of the Borough of Middleburg causes a declaration to be:
  1. Publicly announced by broadcasts on radio stations WKOK or Big Country, or any other radio station approved by resolution of the Borough Council; and

2. Posted on the Borough website.

The declaration or posting shall state that a snowfall or weather emergency is in effect for the Borough of Middleburg, Snyder County, Pennsylvania. No person shall park or place property on or along any Borough street or alley. The notice shall also set forth how long the snowfall or weather emergency and restrictions shall be in place.

#### **§15-502. Removal of snow, ice, slush onto streets and alleys**

- A. It shall be unlawful for owners, occupants or tenants of property to dump, throw, shovel, pile or push any snow or ice into any street or alley in Middleburg Borough. No snow, ice, slush, or a combination thereof, shall be pushed or deposited into any drainage area, stream, culvert or catch basin.
- B. No snow, ice, slush, or a combination thereof, shall be deposited, pushed or kept within a commercial, manufacturing, industrial or multiple family zoning district parking facility or at or near an intersection in any zoning district, in a manner or at a location which creates a traffic hazard by impairing visibility from or on any street or alley in Middleburg Borough.
- C. No person shall damage any Borough property, including but not limited to, traffic signs or culverts, while removing snow, ice, slush, or a combination thereof. Any damage to Borough property shall be repaired or replaced in accordance with the requirements of the Borough at the expense of the property owner.

#### **§15-503. Authorized towing of vehicles**

- A. All employees of Middleburg Borough engaged in road work and the Borough Mayor are hereby authorized to remove any vehicle parked on any street or alley within Middleburg Borough in violation of this Ordinance and to take the vehicle to the nearest garage or place of safety. The registered owner of the vehicle shall be promptly notified in writing that the vehicle was removed; where the vehicle was taken; and that the vehicles will be released after payment of all towing and storage charges. Neither Middleburg Borough, its council, officers nor employees shall be held responsible for any damage to any vehicle occurring as a result of towing, impound or storage of a vehicle parked in violation of this Ordinance.
- B. No vehicle shall be removed under the authority of this Ordinance if, at the time of the intended removal, the owner or the person in charge of the vehicle, for the time being, is present and expresses a willingness and intention to remove the vehicle immediately. Provided, however, that any

charges for towing already incurred due to a request for towing services having been made prior to removal shall be the sole responsibility of the owner. If the owner does not pay the charges within three (3) days of written demand for payment made by Middleburg Borough, the charges shall be collectible by Middleburg Borough, with any additional amounts allowed by law, in any manner provided by law, including the manner provided for the collection of municipal claims.

#### **§15-504. Fire hydrants not to be covered**

Fire hydrants shall not be covered. The property owner shall remove or cause to be removed all snow, ice, slush, or any combination thereof or any accumulation and/or impediment which would limit access to, from, and/or around all of the fire hydrants which are located on said property, so as to provide immediate access by fire rescue personnel in cases of emergency. In cases involving a storm, fire hydrants shall be cleared of all snow, ice, slush, or any combination thereof within twenty-four (24) hours following the storm, and, in any event, any accumulate shall be removed not less than once in every twenty-four (24) hour period.

In all other cases involving the accumulation of natural and/or man-made items around fire hydrants the owner is responsible for the immediate removal of said items. In either case, fire hydrants shall be cleared sufficiently so emergency personnel have total access to hydrants. This is necessary to allow for fire hose connections to be made to access water in the event of a fire. The owner of a property shall be responsible for conforming to the requirements of this Section whether such property is occupied by said owner, is occupied by another party, is unoccupied or is vacant.

In cases where the owner shall fail, neglect, or refuse to comply with any of the provisions of this Section of this Ordinance within the time period required herein, Middleburg Borough may in its discretion, proceed immediately to clear the snow, ice, slush, or any combination thereof or accumulation and/or impediment which would limit access to, from, and/or around fire hydrants and to collect the expenses, with any additional amount allowed by law, from fine or penalty imposed under the penalty section of this Ordinance. In no case is Middleburg Borough liable if it does not exercise the Borough's option for removal of snow, ice, slush, any combination thereof or accumulation and/or impediment which would limit access to, from, and/or around fire hydrants.

#### **§15-505. Enforceability**

This Ordinance shall be enforced by the Borough Foreman and the Borough police.

**§15-506. Penalties**

Any person, firm or corporation who violates any of the provisions of this Ordinance shall, upon conviction, be sentenced to pay a fine of Fifty Dollars (\$50.00) and costs of prosecution.

**§15-507. Severability**

If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof

**§15-508. Repealer**

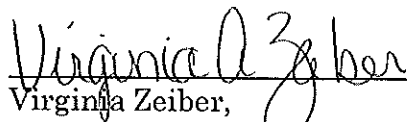
All ordinances and parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**§15-509. Effective date**


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

DULY ENACTED AND ORDAINED this 12th day of April, 2016, by the Council of the Borough of Middleburg, Snyder County, Pennsylvania, in lawful session duly assembled, after receiving public comment thereon and following proper notice of its intent to consider adoption of this Ordinance.

ATTEST:

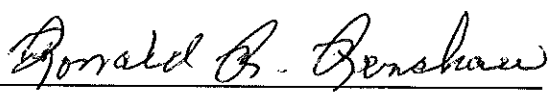
  
Virginia Zeiber,  
Administrator/Secretary

BOROUGH OF MIDDLEBURG:

BY:   
James A. Shull, President

*(Middleburg Borough Seal)*

APPROVED AS AN ORDINANCE OF THE BOROUGH OF MIDDLEBURG,  
SNYDER COUNTY, PENNSYLVANIA, THIS 12th day of April, 2016.

  
Ronald Renshaw, Mayor