

ORDINANCE NO. 171

AN ORDINANCE OF BEDMINSTER TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, ESTABLISHING SNOW EMERGENCY ROUTES, REGULATIONS PERTAINING TO WINTER STORM PARKING, AND ESTABLISHING RESPONSIBILITY FOR REMOVAL OF SNOW AND ICE FROM SIDEWALKS, AND PROHIBITING THE DEPOSITING OF SNOW AND ICE

Preamble

Upon recommendation of the Bedminster Township Police Department and the Bedminster Township Road Department, The Board of Supervisors of Bedminster Township, Bucks County, Pennsylvania, hereby ENACTS AND ORDAINS as follows:

SECTION I. Definitions.

As used in this Section, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

- (1) Business Day - any day not a Sunday or a national holiday.
- (2) Business Hours - hours between 9:00 a.m. and 5:00 p.m. on any business day.
- (3) Owner - that person in whom legal title to premises is vested.
- (4) Person - natural person, partnership, corporation, association or any other legal entity.
- (5) Sidewalk - that hard-surfaced area designed for pedestrian travel parallel to a street, between the street and the abutting property owner.
- (6) Street or Highway - the entire width between the boundary lines of a way that is publicly maintained and open to the use of the public for purposes of vehicular travel.
- (7) Tenant - that person in sole possession and control of any lot or parcel of land in the Township.
- (8) Vehicle - any self-propelled motorized vehicle licensed to travel upon the streets, roads and highways of the Township.
- (9) Winter Storm - precipitation in the form of sleet, ice, freezing rain or snow or combination thereof, creating the need for snow or ice removal, salting or cindering operations or creating hazardous driving conditions. Any precipitation accumulating to a depth of 1 inch shall be presumptively deemed to created hazardous driving conditions and this Section shall go into effect which such precipitation first accumulates to a depth of 1 inch.

SECTION II. Responsibility for Removal of Snow and Ice From Sidewalks.

Every person in charge or control any building or lot of land fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away or cause to be removed or cleared away, snow and/or ice from a path of at least thirty inches (30") in width from so much of said sidewalk as is in front of or abuts on said building or lot of land. Where premises are owner occupied or unoccupied or vacant, or where there is a multiple-business or multiple-dwelling use of the property, designed to be used by more than one (1) tenant, the owner shall be responsible for the requirements of this Section. In cases where one (1) tenant shall be the sole occupant of the premises, then the tenant shall be responsible for the requirements of this Section.

- (1) Except as provided in Subsection (2) hereof, snow and ice shall be removed from sidewalks within twelve (12) hours after the cessation of any fall of snow, sleet or freezing rain. Provided, however, that snow or ice that has fallen or formed after 6:00 p.m. of any evening may be removed no later than twelve (12) hours after daybreak of the following day.
- (2) In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in Subsection (1) hereof, place enough sand or other abrasive on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, clear a path in said sidewalk of at least thirty inches (30") in width.

SECTION III. Depositing of Snow and Ice Restricted.

No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk, roadway, except that snow and ice may be piled by the Township on public cartways incident to the clearing of cartways.

SECTION IV. Street Parking Prohibited During Snow and Ice Removal Period.

No person shall park, abandon or leave unattended any vehicle on any public street, road or highway or its adjacent right-of-way within the boundaries of the Township during a winter storm or during the 48-hour period following the cessation of precipitation or any other period when snow removal or plowing is being conducted.

SECTION V. Fire Hydrants.

Every person in charge or control of any building or lot of land on which, or adjacent to which, is located a fire hydrant, shall be required to uncover the hydrant to the extent that at least one-half (1/2) of the hydrant shall be visible from the cartway.

SECTION VI. Removal and Impoundment.

(1) **Obstructing of Sidewalk, Street or Highway Prohibited.** It shall be unlawful for any person to park, place, or in the case of a person who is the owner, lessee or otherwise has an interest in the object, allow to remain any object other than a motor vehicle in the street or highway of the Township of Bedminster from November 1st of each year through April 1st of the following year. It shall further be unlawful for any person to park, place, or in the case of a person who is the owner, lessee or otherwise has an interest in the object, allow to remain any object on the sidewalk of the Township of Bedminster from November 1st of each year through April 1st of the following year.

(2) **Authority to Remove and Impound.** The Township of Bedminster shall have the authority to remove and impound, or to order the removal and impounding, of any non-motorized object or vehicle found in the street or highway or on the sidewalk in violation of this Part.

(3) **Restrictions Upon Removal of Objects.** No objects shall be removed under the authority of this Section if, at the time of the intended removal, the owner or the person in charge of such object is present and expresses a willingness and intention to remove the object immediately.

(4) **Designation of Approved Storage Areas.** Removal and impounding of objects under this Section shall be done only by Township of Bedminster personnel or approved agents that shall be designated, from time to time, by the Board of Supervisors. Every such approved agent shall submit evidence to the Township of Bedminster that it is bonded or has acquired liability insurance in an amount satisfactory to the Board of Supervisors as sufficient to indemnify owners of impounded objects against loss or damage to those objects in the custody of the approved agent. The approved agents shall have an approved storage area and shall submit to the Township of Bedminster a schedule of charges for removal and storage of objects under this Section and, when the schedule is approved by the Board of Supervisors, those charges shall be adhered to by the approved storage agent; no different schedule of charges shall be demanded of or collected from any person whose object is removed or impounded under this Section by any approved storage agent. The Board of Supervisors shall delete from its list of approved storage agents and areas any such agent that makes any unapproved charge in connection with any objects removed or impounded under this Section.

(5) **Reclamation Costs.** In order to reclaim an object removed pursuant to the provisions hereof, the owner, lessee or other person having an interest therein shall pay removal and storage costs according to the schedules set forth in Subsection (4) above.

SECTION VII. Abandoned Vehicles.

Any vehicle parked or left unattended on any public street, road or highway or its adjacent right-of-way during the 48-hour period following a winter storm shall be deemed to be abandoned, and any Township Police Officer or road worker may arrange for the vehicle to be towed and stored at an approved storage lot as shall be approved from time to time by the Township Police Chief. In

addition to the fines provided herein, the owner of the vehicle shall be responsible for towing and storage charges before the owner may obtain the vehicle.

SECTION VIII. Penalties.

Any person firm or corporation who shall violate any provision of this Section upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00), plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Section continues of each Section of this Section which shall be found to have been violated shall constitute a separate offense.

SECTION IX. Repealer.

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

SECTION X. 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 part of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Bedminster Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION XI. Effective Date.

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

ENACTED AND ORDAINED this *13th* day of *September* A.D., 2006.

BEDMINSTER TOWNSHIP
BOARD OF SUPERVISORS

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Eric Schaffhausen

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Morgan Cowperthwaite, Jr.

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Dorothy L. Longacre