

**ORDINANCE NO. 2011-11**

**AN ORDINANCE REGULATING THE REMOVAL OF SNOW AND ICE FROM DRIVEWAYS AND PRIVATE ROADS DURING WINTER MAINTENANCE OPERATION MONTHS, IN THE TOWNSHIP OF ROCKLAND, COUNTY OF BERKS AND COMMONWEALTH OF PENNSYLVANIA, AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

WHEREAS, in order to protect the health, safety and welfare of the residents of Rockland Township, it is necessary that the Township Supervisors regulate the method and manner that snow is removed from driveways and/or private roads during winter maintenance operation months; and

WHEREAS, pursuant to the laws of the Commonwealth of Pennsylvania and the Second Class Township, power is vested in the Township to enact an ordinance regulating the manner of removal of snow and ice during the Township's winter maintenance operation months; and

WHEREAS, the placement or plowing of snow and ice upon or into a public right-of-way creates a hazard and nuisance to the public and hampers the efficient, proper removal of snow accumulation; and

AND NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Rockland, Berks County, Pennsylvania, and pursuant to the authority granted under the Second Class Township Code, it hereby is ordained and enacted as follows:

**Section 101. Short Title of Ordinance**

This Ordinance shall be known and may be cited as the Rockland Township Snow and Ice Removal Ordinance.

**Section 201. Definitions**

A. "Person" shall include any natural person or persons, partnership, association, corporation, company or any organization.

B. "Driveway" or "private road" shall include any paved or unpaved road, right-of-way, drive, path or footwalk, not the property of Rockland Township and not maintained by the Township.

C. "Public roadway" shall include the entire public right-of-way of the Township to the private property line, be it improved or unimproved.

D. "Township" shall mean Rockland Township, Berks County, Pennsylvania.

E. "Winter maintenance operation months" shall mean the period from November 1<sup>st</sup> to April 30<sup>th</sup>, inclusive, or such period as the Board of Supervisors of the Township may hereinafter designate by Ordinance, Resolution or Amendment.

### **Section 301. Prohibited Activity**

A. No person shall deposit or permit to be deposited, except upon permission by the Township, any snow or ice whatsoever upon any public roadway dedicated and accepted by the Township and/or maintained by the Township.

B. No person shall remove snow or ice from any driveway or private road and deposit the same onto, across, or along any public roadway.

### **Section 401. Protection of Public Roadways from Snowdrifts**

The Board of Supervisors or its duly authorized agents may enter private property adjacent to any public roadway and place thereon a snow fence to within a limit of one hundred (100) feet from the right-of-way line of the public road in order to eliminate snow drifting on the traveled portion of the public roadway.

A snow fence may not be placed before the first day of November or remain in place after the first day of April of the succeeding year unless the written consent of the owner is obtained, agreeing to an extension of time for the removal of the snow fence.

### **Section 501. Penalties for Violation**

A. Any person shall be guilty of a summary offense when such person:

1. Violates any provision of this Ordinance; or
2. Fails to comply with any condition or requirement in accordance with any provision of this Ordinance.

B. A separate summary offense shall arise:

1. For each day or portion thereof in which a violation is found to exist; or
2. For each provision of this Ordinance which is found to have been violated; or

3. For each condition of requirement of this Ordinance which is found not to have been complied with.

C. Any person, upon conviction of any summary offense under this Ordinance, shall be sentenced to pay a fine of not more than \$50.00 plus costs per violation, and in default of the payment thereof, shall be sentenced to imprisonment up to the maximum extent allowed by law for the punishment of summary offenses.

1. The enforcement of any violation of this Ordinance as being a summary offense shall be brought by an appropriate action before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under the Pennsylvania Rules of Criminal Procedure relating to trial in summary cases.

D. All fines and costs collected for any violation as prescribed in this Ordinance shall be paid to the Township Treasurer.

#### **Section 601. Enforcement**

The Board of Supervisors shall be charged with the enforcement of this Ordinance and may delegate the initial determination of ordinance violation and the service of notice of violation to such officers or agents as the Township shall deem qualified for that purpose through the issuance of warning tickets. Warning tickets issued shall be on a form attached hereto and made part of this Ordinance and shall be kept on file at the Township office for a period of one (1) year.

#### **Section 701. Severability**

The provisions of this Ordinance are severable and if any sentence, clause, section, provision or part thereof is for any reason found and held invalid, illegal, unconstitutional or inapplicable to any person or circumstance, then such invalidity, illegality, unconstitutionality or inapplicability shall not affect or impair the remaining sentences, clauses, sections, provisions or parts thereof. It is hereby declared as the intent of the Supervisors that this Ordinance would have been adopted had such invalid, illegal, unconstitutional or inapplicable sentence, clause, section, provision or part thereof not have been herein.

#### **Section 801. Section Headings**

Section headings set forth in this Ordinance are merely for convenience purposes, and they shall not be taken to govern or limit the scope of the sections set forth in this Ordinance.

**Section 901. Repealer**

All ordinances, or parts thereof, inconsistent herewith are hereby repealed.

**Section 1001. Effective Date**

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

**ORDAINED AND ENACTED** as the Rockland Township Snow and Ice Removal Ordinance by the affirmative majority vote of the Board of Supervisors of Rockland Township, Berks County, Pennsylvania, on this 11th day of October, 2011.

**TOWNSHIP OF ROCKLAND  
BERKS COUNTY, PENNSYLVANIA**

By: \_\_\_\_\_  
Russell W. Coffin, Chairman

By: \_\_\_\_\_  
Harold K. Meadway, Vice Chairman

By: \_\_\_\_\_  
Terry L. Fegley, Supervisor

ATTEST:

\_\_\_\_\_  
Karen K. Krall, Secretary