

## ORDINANCE NO. 109 OF 2001

AN ORDINANCE OF THE TOWNSHIP OF WEST VINCENT, CHESTER COUNTY, PENNSYLVANIA, AUTHORIZING REGULATIONS DURING SNOW AND ICE EMERGENCIES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

The Board of Supervisors of West Vincent Township, Chester County, Pennsylvania, hereby enacts and ordains:

**Section 1. Declaration of Snow and Ice Emergency.** In order to facilitate the movement of traffic and to combat the hazards of snow and ice, the Chairperson of the Board of Supervisors, in his/her discretion, may declare a snow emergency for West Vincent Township. Information on the declaration of a snow emergency shall be given by the Township through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media. Appropriate emergency management agencies shall also be notified of any such snow emergency.

**Section 2. Parking Prohibited During Emergency.** After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person to park a motor vehicle or to allow that vehicle to remain parked on any road, street or sidewalk in the Township.

**Section 3. Authority to Remove and Impound Illegally Parked Vehicles.** The Township is hereby authorized to remove and impound or to order the removal and impounding of any vehicle parked on any road, street or sidewalk in West Vincent Township in violation of the provisions of this Ordinance.

**Section 4. Storage Facility.** The Township by resolution may designate approved towing and storage facilities for the removal and storage of such impounded vehicles and every such approved facility shall post a bond or certificate of insurance in an amount fixed by the Township by resolution from time to time, said bond or certificate to be filed with the Township for indemnifying the Township and the owner of any such impounded vehicle in any way related to the loss thereof, damage thereto, or personal injury in any way related thereto while in the custody of such facility.

**Section 5. Towing and Storage Charges.** The Township shall by resolution from time to time fix and establish the charges that shall be made for the towing and storage of any vehicle removed and impounded under the authority of this Ordinance.

**Section 6. Township to Notify Owners.** Within twenty-four (24) hours from the time of the removal of any vehicle under the authority of this Ordinance, notice of the fact that such vehicle has been impounded shall be sent by the Township to the owner of record of such vehicle; such notice shall designate the place from which such vehicle was removed, the reasons for its removal and impounding, the location of its impoundment, and the procedures and costs for release from impoundment.

**Section 7. Effective Payment of Charges Without Protest.** The payment of any towing and impounding charges as authorized by this Ordinance shall, unless such payment shall have been made under protest, be final and conclusive and shall constitute a waiver of any right to recover the monies so paid.

**Section 8. Payment of Charges Under Protest.** In the event that any towing and/or impounding charges so imposed shall be paid under protest, the vehicle owner shall submit such protest in writing to the Township within five (5) days of the payment. Upon filing a protest, the vehicle owner shall be entitled to a hearing before a court of record having jurisdiction, in which case such owner shall be proceeded against and shall receive such notice as is provided by the Vehicle Code as in other cases of summary offenses and shall have the rights as to appeal and waiver of hearing as therein provided. Failure to submit a protest within five (5) days of payment shall preclude the owner from any further appeals.

**Section 9. Records of Vehicles Impounded.** The Township shall keep a record of all vehicles towed and impounded and shall at all reasonable times furnish the owner or agents of the owner thereof with information as to the place of the storage of such vehicles.

**Section 10. Owner or Operator of Vehicle Remains Liable.** The paying of towing and storing charges shall not relieve the owner or operator of any vehicle from liability for any fine or penalty for the violation of any law or ordinance under which such vehicle was removed and impounded.

**Section 11. Restrictions Upon Removal of Vehicles.** No vehicles shall be towed under the authority of this Ordinance if, prior to the time of the intended removal thereof, the owner or person in charge of such vehicle is present and expresses a willingness and intention to remove such vehicle and such vehicle is removed within thirty (30) minutes of the expression of intent to remove.

**Section 12. Penalty for Violation.** If, at any time during a period of snow emergency declared under Section 1 of this Ordinance, a person shall park a motor vehicle or allow a motor vehicle to remain parked on any road, street, or sidewalk in the Township, that person shall be in violation of this Ordinance, and, upon conviction, shall be sentenced to pay a fine of not more than two hundred and fifty dollars (\$250.00) and costs.

**Section 13. Severability.** The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, invalid or illegal, such decision shall not affect the constitutionality, validity or legality of any of the remaining provisions of this Ordinance; and it is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, invalid or illegal provision not been included herein.

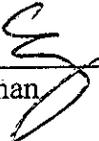
**Section 14. Effective Date.** This Ordinance shall be effective five (5) days from the adoption thereof.

**ENACTED AND ORDAINED** by the Board of Supervisors of West Vincent Township,  
Chester County, Pennsylvania, this 29<sup>th</sup> day of May 2001.

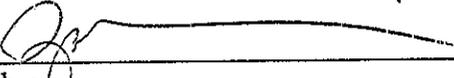
BOARD OF SUPERVISORS  
WEST VINCENT TOWNSHIP

  
\_\_\_\_\_

Chairman

  
\_\_\_\_\_

Vice-Chairman

  
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Member

(Seal)

ATTEST:

Cinda M. Weaver  
Secretary