

ARTICLE IV
Snow and Ice Emergencies

§ 535-33. Definitions.

The following words shall be construed throughout this article to have the meanings herein indicated. The singular shall include the plural, and the plural shall include the singular.

OWNER — A person or persons owning or holding title to a vehicle, including the equitable title thereto. A person may be deemed to be an "owner" if that person exercises sufficient dominion and control over the vehicle as to amount to ownership or represents himself to be the "owner."

PARKING — The standing of a vehicle, except a Police or Fire Department vehicle or ambulance, whether occupied or not, upon a highway or street of the Borough otherwise than temporarily for the purpose of and while actually engaged in loading or unloading or in obedience to traffic regulations or traffic signs or signals.

PERSON — Any natural person, firm, copartnership, association, corporation or legal entity whatsoever.

SNOW EMERGENCY — A snow emergency shall be deemed to exist upon the occurrence of any of the following:

- A. The prediction of a heavy snow warning by any reputable weather forecasting service when such prediction shall include the geographic area of the Borough of Newtown. A "heavy snow warning" shall be deemed to be any warning denominated as such or any such prediction of snowfall in excess of four inches.
- B. The actual accumulation of snow or frozen precipitation upon the streets of Newtown Borough, whether drifting or not, so as to require the inception of actual snowplowing or removal operations.
- C. An oral or written declaration by the Mayor, Council or the Chief or Acting Chief of Police, except that a declared snow emergency shall be deemed to be in effect only upon public notice, which need not be written, of the snow emergency by the Borough police. In such event, compliance with this article must be effected within 1/2 hour after such notice or the offender shall be liable to the enforcement and penalties hereof.
- D. A snow emergency shall cease as declared by the Mayor, Council or the Chief or Acting Chief of Police or when the necessity therefor ceases; provided, however, that in the prosecution of any offense under this article, the burden shall be upon the defendant to produce evidence that the necessity for the implementation of the provisions of this article had ceased because of natural or other conditions as of the time of the offense with which such person was charged under provisions of this article.

STREETS — Every way or place, of whatever nature, dedicated to the public use for the purpose of vehicular travel, but not including a roadway or driveway upon grounds

owned by private persons.

VEHICLE — Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway, including trucks, automobiles, bicycles, motor-powered bicycles, motorcycles, tractors or any other device whatsoever capable of moving upon wheels, or of being parked along the public highway.

§ 535-34. Prohibited parking.

- A. The parking of any vehicles shall be prohibited on:
- (1) State Street from the intersection of State Street and Jefferson Street to the intersection of State Street with the southerly governmental boundary of the Borough of Newtown, including the entire right-of-way thereof.
 - (2) Washington Avenue from its westerly intersection with the Borough line at or near Newtown Creek to the intersection of Washington Avenue with the easterly boundary line of the Borough, including the entire right-of-way thereof.
 - (3) Any other street or streets in the Borough of Newtown or any part thereof.
- B. During the continuance of snow emergencies as they may be designated by temporary police order, either upon the posting of notice to such effect or upon verbal notice given to the owner of any automobile or any person in the position of owner or operator or possessor thereof, compliance with this article must be had within 1/2 hour of such notice to avoid the enforcement and penalty of this article.

§ 535-35. Signs; notice.

- A. Section 535-34 shall be immediately enforceable upon the posting of signs reasonably advising persons owning, operating or possessing vehicles of the implementation of this article.
- B. Section 535-34 shall be enforceable upon verbal notice, whether signs are posted or not. If there is neither a posted sign nor verbal notice, in a § 535-35 prosecution, no penalty shall be imposed for a first offense under this article, nor shall any prosecution be brought for a second or subsequent violation of this article unless notice has been given or an attempt has been made to notify the violator by regular mail to his Department of Transportation address of a prior violation of this article, as required by law. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**