

Introduced by: Councilman John Hanlin
Introduced on: January 6, 2010

**ORDINANCE NO. 10-03
EMERGENCY SNOW ORDINANCE**

**AN ACT TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF
TOWNSEND CONCERNING SNOW AND ICE EMERGENCIES/PROHIBITED
PARKING**

BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF TOWNSEND (a majority of the members elected thereto concurring therein):

Section 1. Amend the Code of Ordinances, Town of Townsend, Delaware by adding thereto a new chapter to be numbered 48, which chapter shall read as follows:

“SNOW EMERGENCIES, PROHIBITED PARKING”

Sec. 48-1. Declaration of Emergency

Upon receiving a firm forecast of sleet, freezing rain or snowfall, the Town Manager or Mayor shall issue an alert, and when heavy precipitation appears imminent or during such weather event, may declare a snow emergency. After a snow emergency has been officially declared and until it is officially terminated, all motor vehicles that are parked on the side of any road within the corporate limits of Townsend bearing even-numbered addresses, shall be removed by their owners and/or operators; as the parking of all vehicles on the streets aforesaid or portions of streets aforesaid is hereby prohibited for a minimum of twenty-four (24) hours from the issuance of said alert, and will remain prohibited during the continuance of the snow emergency. This prohibition is to be interpreted to permit parking on the side of the Townsend maintained streets bearing odd-numbered addresses.

Sec. 48-2. Impoundment of Vehicles Parked on Streets during Snow and Ice Emergencies.

During a snow emergency any motor vehicles that are parked on Town maintained streets on the even – numbered side of all streets in Townsend, in violation of this ordinance, may be removed or towed away and impounded by authority of the Town Manager or Mayor to an official pound, provided, however, that no vehicles shall be towed away if at the time of the intended removal the owner or person claiming to be responsible for the car is present and expresses a willingness and intention to immediately remove said vehicle. The provisions of this section shall be operative only during officially designated snow emergencies.

Sec. 48-3. Retrieval of Impounded Vehicles

Before the owner or his agent shall be permitted to retrieve and impounded vehicle, he shall a) pay to the Town of Townsend all costs associated with towing and storage of the vehicle for the first twenty-four (24) hour period or fraction there, and secure from the Mayor and Council of Townsend, or their duly designated representative, a release, in duplicate; b) present the original copy of said release to the person in charge of the official pound, or his agent; and c) sign a receipt for such vehicle. The payment of towing and storage charges shall not operate to relieve the owner from liability from any fine or penalty that may be imposed for violation of this ordinance.”

Section 2. If any provision of this Act or its application to any person or circumstance is held invalid, the remainder of this Act, or the application of the provision to other persons or circumstances shall remain unaffected.

Section 3. This Act shall become effective immediately upon its passage into law.

SYNOPSIS

This Act establishes the criteria for the designation of a Snow Emergency in instances where heavy precipitation in the form of sleet, freezing rain, or snow is present or imminent. It also prescribes that parking on all Townsend maintained streets shall be on the odd -numbered side of thereof and prohibited on the even-numbered side. Further, the Town may impound vehicles parked in violation of this ordinance. These measures are adopted to enhance public safety and general welfare concerns in the event of winter precipitation that impairs or threatens to impair safe travel over streets maintained by the town of Townsend, Delaware.

In the event of an emergency adoption of this ordinance pursuant to Section 405 of the Charter of the town of Townsend, these provisions shall remain in effect for 120 days from the date of enactment hereof.

First & Second Reading: March 3, 2010
Public Hearing: March 3, 2010
Third & Final Reading: April 7, 2010
Signed by Mayor David B. Raughley