

ORDINANCE NO. 08 - 02

AN ORDINANCE OF THE BOROUGH OF BEAVERTOWN, SNYDER COUNTY, PENNSYLVANIA, REQUIRING THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS IN THE BOROUGH; PROHIBITING CERTAIN DEPOSITS OF SNOW AND ICE; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

The Council of the Borough of Beavertown, Snyder County, Pennsylvania, enacts and ordains the following:

SECTION 1. Authority For Ordinance. Authority for this Ordinance can be found in the provisions of Sections 46202(3), (4), (6), and (74) of the Pennsylvania Borough Code as set forth in Title 53 of Purdon's Pennsylvania Statutes Annotated, all as currently amended.

SECTION 2. Purpose. The purpose of this Ordinance is to promote the unimpeded flow of pedestrian and vehicular traffic on the sidewalks and streets of the Borough by requiring the removal of, and to protect such traffic from the dangers of, accumulated snow and ice on sidewalks within the Borough and prohibiting the deposit of snow and ice on the roadways of the Borough. Such requirements for removal and prohibition against certain deposits of snow and ice are necessary to protect public health and safety and to provide for the general welfare.

SECTION 3. Definitions. The following words and phrases when used in this Ordinance shall have, unless the content clearly indicates otherwise, the meanings given to them in this Section:

Borough - The Borough of Beavertown, Snyder County, Pennsylvania.

Borough Streets - Streets now or hereafter opened within the Borough.

Council - The Borough Council of the Borough.

Person - A natural person, firm, partnership, limited liability company, association, corporation, or any other legal entity.

to be done, the Borough, as soon as practicable after such failure, may cause such work to be done.

B. Each person whose act or omission makes it necessary that the Borough cause work to be done in accordance with this Ordinance shall be liable to the Borough for the cost of such work plus a penalty of fifteen percent (15%) of such cost.

C. The Borough shall ascertain and keep a record of the exact cost of all work done in accordance with this Ordinance on account of each act or omission of such person and the Borough shall identify these persons with particularity and bill them for the cost of the work and the penalty upon completion of said work.

D. In the event the person fails or refuses to pay for the work performed by the Borough and the penalty added thereto, the Borough shall enter the amount due as a municipal lien against the real property so benefited by the said work together with the court costs and legal interest thereon.

SECTION 7. Penalties. Any person who violates this Ordinance is guilty of a summary offense and shall, upon conviction, be sentenced to pay to the Borough a fine of not less than \$75.00 nor more than \$300.00. Each day that a violation continues shall constitute a separate violation.

SECTION 8. Severability. If any article, term, condition, clause, provision, or sentence of this Ordinance, or amendment thereto, shall be determined or declared to be void or invalid in law or otherwise, then only that article, term, condition, clause, provision, or sentence shall be stricken from this Ordinance, and in all other respects this Ordinance shall be valid and continue in full force, effect and operation.

SECTION 9. Effective Date. This Ordinance shall be in full force and effect immediately upon its enactment.

Roadway - That portion of a street improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk, berm, or shoulder.

Shall - Indicates that an action is required or prohibited.

Sidewalk - That paved, cemented, or otherwise improved portion of a street between curb lines, or lateral lines of a street, and the adjacent property lines, for the use of pedestrians.

Street - The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

SECTION 4. Snow And Ice Removal Required. Every person who owns real property with a sidewalk along a Borough street shall remove snow and ice from the sidewalk within twenty-four (24) hours after the cessation of any fall of snow, sleet, or freezing rain. In the event that the snow from any one (1) snowfall shall exceed twelve (12) inches, then the person charged with its removal shall, within the twenty-four (24) hour period above-mentioned, remove or clear away or cause to be removed or cleared away a path of at least twenty-four (24) inches in width from said sidewalk and shall then within forty-eight (48) hours after the cessation of said snowfall cause said sidewalk to be cleared of snow. However, in the event that the snow and ice on a sidewalk is so hard that it cannot be removed without likelihood of damage to the sidewalk, the person owning such sidewalk shall within the twenty-four (24)-hour period for removal mentioned above deposit sand, salt, anti-skid, or other suitable material on the sidewalk and as soon thereafter as weather permits shall clear the sidewalk of the snow and ice.

SECTION 5. Certain Deposits Of Snow And Ice Prohibited. No person shall deposit snow or ice from his land, particularly from his sidewalk, on the roadway of any Borough street or on or against a fire hydrant.

SECTION 6. Work Done By Borough; Liability.

A. In the event of the failure of any person to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk as heretofore provided, or cause this

SECTION 10. Enactment. The Beavertown Borough Council hereby enacts this Ordinance this 13th day of May, 2008, after having fully complied with the applicable requirements of the Pennsylvania Borough Code, supra.

BEAVERTOWN BOROUGH COUNCIL

Attest:

Randa S. Thomas
Secretary

Abby L Reed
President


(Beavertown Borough Seal)

Approved Beavertown Borough Ordinance No. 08-02 this 13th day of May, 2008.

Clayton W. Wagner
Mayor

CERTIFICATION

I, Linda G. Thomas, Secretary of the Council of Beavertown Borough, Snyder County, Pennsylvania, hereby, certify that the foregoing is a true and correct copy of Beavertown Borough Ordinance No. 08-02 which was duly enacted at the regular meeting of the Beavertown Borough Council on May 13, 2008, after proper advertisement and compliance with the provisions of the Pennsylvania Borough Code.


Linda G. Thomas

(Beavertown Borough Seal)