

ORDINANCE 2018-02

AN ORDINANCE OF THE BOROUGH OF NEWVILLE, CUMBERLAND COUNTY, PENNSYLVANIA REGULATING THE REMOVAL OF SNOW AND ICE FROM PUBLIC SIDEWALKS AND WALKWAYS

WHEREAS, the Newville Borough Council seeks to adopt uniform regulations for the removal of ice and snow from Borough of Newville public sidewalks and walkways; and

WHEREAS, accumulated ice and snow creates a serious and dangerous danger to pedestrians and anyone seeking to use public sidewalks and walkways during the winter months in which ice and snow precipitation is a likely occurrence; and

NOW, THEREFORE BE, BE IT ENACTED AND ORDAINED by the Newville Borough Council as herein after set forth:

Snow and Ice Removal

Section 1. Short Title. The Short Title of this Part shall be “Snow Removal Ordinance.”

Section 2. Owner. Any person holding any interest in the title to the premises in question. Owner shall be either the husband or wife if the property is owned by both, although the violation of this Part may be, but need not be, charged against both. Where the premises are owned or titled in any name, then any party to the title shall be deemed an owner, and in the event that the premises are titled in the name of a business entity, partnership, corporation, trust or any other form of ownership, any officer, director, manager, personal representative or any person having any interest in said entity shall be liable for violation of this Part.

Section 3. Duties of Property Owners. It shall be the duty of owners of property abutting on public sidewalks and public walkways in the Borough to remove therefrom all snow, sleet or ice in a width of at least 30 inches within 24 hours after the same has ceased to fall or accumulate thereon. Where the property in question is not inhabited, it shall be the duty of the owner to comply with this ordinance.

Section 4. Exception to Removal. In case of snow and ice on any sidewalks or walkways shall be frozen so hard that it cannot be removed without injury to the sidewalk or walkway, it shall within the time limit specified of this Part, be strewn and kept strewn with ashes, sand, sawdust or other suitable material so as to be no longer dangerous. As soon as practicable thereafter, the sidewalk or walkway shall be cleared of the snow and ice in a width of at least 30 inches.

Section 5. Prohibited Snow and Ice Disposal. Snow and ice removed from sidewalks and walkways shall in no case be thrown onto any street, but shall be placed in such a manner as not to obstruct the free passageway on either the sidewalk and walkway or the abutting street. Snow and ice should be removed at corners to provide for pedestrian sidewalk access.

Section 6. Borough May Remove and Collect Expenses. In addition to citing the owner for violation of this ordinance, the Borough may remove the snow and ice and collect its expenses together with the actual costs of labor, materials and use of machinery for doing so, plus an administrative overhead cost of not less than \$10.00, nor greater than 20% of the costs of removal, which amount shall be collected in the same manner as Municipal claims and liens.

Section 7. Log Kept During Snow Removal Year.

7(a) The Code Enforcement Officer shall keep a written log of all offenses committed, and the notices of violation issued.

7(b) Nothing herein contained shall be so construed as to obligate the Borough to this warning procedure where the owner cannot be readily located or notified. It shall not be a defense to any action brought under this Part that the violator had not received a warning or was not afforded an opportunity to avail himself, herself or themselves of the warning procedure, provided the police and the Code Enforcement Officer shall take every reasonable effort to give warnings, as set forth in Ordinance 2012-09, the Alternative Dispute Resolution Ordinance of Newville Borough. The reasonableness of said effort shall be solely within the discretion of the Code Enforcement Officer or the police department.


Section 8. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, each winter season, shall upon conviction thereof, be sentenced to pay a civil fine of \$50.00 upon the first finding, \$100.00 upon the second finding, \$200.00 upon the third finding and not more than \$300.00 upon the fourth and any subsequent findings plus costs and reasonable legal fees when filed with the District Magistrate Judge.

Section 9. This Ordinance shall become effective immediately upon its adoption.

Enacted and Ordained this 29th day of May, 2018, at a duly authorized regular monthly meeting of the Newville Borough Council, in lawful session, duly assembled.


BOROUGH OF NEWVILLE

By: 
Russell L. Gould
President of Borough Council

Attest:


Fred A. Potzer, Borough Secretary

Examined and approved this 29th day of May, 2018.

By: 
Randy L. Finkey, Mayor
Borough of Newville
Cumberland County, Pennsylvania