

STEWARTSTOWN BOROUGH

York County, Pennsylvania

ORDINANCE NO. 2004-002

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH COUNCIL OF STEWARTSTOWN BOROUGH, YORK COUNTY, PENNSYLVANIA, PROVIDING FOR THE REMOVAL OF ICE AND SNOW FROM SIDEWALKS AND BUILDINGS, SPECIFYING THE REQUIREMENTS OF THE SNOW EMERGENCY PLAN PHASE 1 AND PHASE 2, AND PROVIDING FOR PENALITIES. THIS ORDINANCE REPLACES ORDINANCE NO. 1996-007 AND 2002-04 IN THERE INTIRETY.

BE IT ORDAINED AND ENACTED by the Borough Council of Stewartstown Borough, York County, Pennsylvania, as is hereby ordained and enacted by the Authority of the same as follows:

Section 1. Definitions. As used in this Ordinance, the following terms have the meaning indicated, unless a different meaning clearly appears from the context:

Borough – the word Borough shall refer to the Borough of Stewartstown, located in York County, Pennsylvania.

Person/Owner – shall refer to any person, firm, partnership, association or corporation, and other legal entities.

Tenant/Occupant – shall refer to any person, firm, partnership, association or corporation, and other legal entity that is renting or leasing or has use of a property/building or lot of land.

Sidewalk – shall include paved pathways that are parallel to the street, behind the curb line or berm/shoulder, and which are intended for public use by pedestrians. This also includes any sidewalks/pathways that are intended for the public use by pedestrians, but may not be parallel to a street or curb.

Streets – shall include the entire width of the cartway, berm, and shoulder of the publicly maintained street or road. This includes any part or all of a street that is open for use of the public purpose of vehicular traffic.

Winter Season – shall be defined as the period beginning on September 1st and ending May 31st.

Section 2. Responsibility for Removal of Snow and Ice from Sidewalks.

- a. Every person who owns, leases or occupies any building or lot of land fronting or abutting on one or more sidewalks shall ensure that snow, sleet or ice is removed within 24 hours after the cessation of any fall of snow, sleet or freezing rain. A path must be at least 24-inches wide to allow safe passage for pedestrians and must extend the entire length of the sidewalk. Properties that have one or more sidewalks fronting or abutting one or more streets are required to all be cleared.
- b. In the event that the snow or ice cannot be removed without the likelihood of damage to the sidewalk, the person/owner(s) shall cause enough sand or other material to be put on the sidewalk to make travel reasonably safe. These precautions must also be made within 24 hours after the cessation of snow, sleet or freezing rain.
- c. As soon as possible the person/owner(s) shall remove any remaining ice and snow from the sidewalk and maintain the 24-inch wide pathway. The parties responsible for the removal of snow and ice are any person/owner(s) or tenant(s) of the building, house or lot of land fronting or abutting a sidewalk. The liability is both joint and severable. Any and all person/owner(s) having responsibility for snow removal may be prosecuted for each violation.

Section 3. Responsibility for Removal from Roofs/Overhangs. Every person who owns, leases or occupies a building or structure shall remove and clear away or cause to be removed and cleared away any accumulation of snow and ice on said buildings or other structures, which is liable to fall on any sidewalk or street. Such work shall be completed

within a reasonable time, but no later than 24 hours after the cessation of any fall of snow, sleet or freezing rain. The responsibility under this Section applies to any person, owner or tenant of a building or lot of land fronting or abutting a sidewalk. This liability is both joint and severable and any persons having responsibility for snow removal may be prosecuted for each violation.

Section 4. Prohibition Against Depositing Snow/Ice on Fire Hydrants. No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant. Snow and ice may be mounded by the Borough of Stewartstown, its designated contactors and/or the Commonwealth of Pennsylvania incidental to the clearing of the streets. Persons may mound snow on curbs or portions of their sidewalk incidental to clearing the 24-inch wide pathway required in Section 2, provided they do not mound/deposit snow on another person's sidewalk, in the street or immediately next to a fire hydrant.

Section 5. Public Safety/Snow Removal Option.

- a. The Stewartstown Borough Council, any police officer, employee or agent of the Borough designated or from time to time employed for this purpose, are hereby authorized without prior notice to the property owner to enter upon privately owned properties to remove and clear away snow, sleet, and ice to create a path at least 24 inches in width on sidewalks and along public streets when the property owner, tenant or occupant has not accomplished the same within 48 hours after the cessation of any fall of snow, sleet or freezing rain.
- b. The Stewartstown Borough Council, any police officer, employee or agent of the Borough designated from time to time employed for this purpose is hereby authorized to enter upon private property without prior notice to place sand, salt or other anti-skid material on sidewalks and along public streets or to remove ice following a refreeze when the owner, tenant or occupant has not done such work within 48 hours after refreeze.
- c. The Stewartstown Borough Council, any police officer, employee or agent of the Borough designated from time to time employed for this purpose is hereby authorized to enter upon private property without prior notice to

remove and clear away any accumulation of snow or ice on said building or structure which is liable to fall on any sidewalk or street when the owner, tenant or occupant has not performed this work within 48 hours after the cessation of any fall of snow, sleet, freezing rain or refreeze.

- d. Any work performed by the Borough, its employees or agents under subsections a through c above shall be at the expense jointly and severally of the property owner who shall reimburse the Borough 110% of its costs, in any manner provided by law including by municipal lien.

Section 6. Snow Emergency Plan. When snow or ice conditions make it appropriate, the mayor may invoke the Snow Emergency Plan, Phase 1 or Phase 2. The mayor when conditions are appropriate, may progress from Phase 1 to Phase 2 or from Phase 2 to Phase 1. Snow Emergency Plan Phases apply to all Borough streets, roads, state roads, and streets dedicated for the public use, but not yet adopted by the Borough. Snow Emergency Plans will take effect immediately unless an effective start/stop time is provided in an announcement. The declarant shall take reasonable steps to supply the announcement to any appropriate media, but the Borough shall not be responsible for ensuring the broadcast or publication of the same. In the event that the mayor is unavailable due to illness or absence from the community to act, the President of Council is hereby authorized to do so. The President of Council may also designate another council member or members to act in his or her place should the President of Council be unavailable because of absence from the Borough or illness.

Section 7. Snow Emergency Plan – Phase 1. No parking on Borough streets including state roads and streets dedicated to public use including those not yet adopted by the Borough Council. All vehicles operated on streets must have either snow tires, chains/cables or all weather tires.

Section 8. Snow Emergency Plan – Phase 2.

- a. No parking on Borough streets including state roads and streets dedicated to public use including those not yet adopted by the Borough Council. No motor vehicle traffic on Borough streets including state roads and streets dedicated to the public use including those not yet dedicated by the Borough Council.
- b. All police, fire, ambulance, and emergency vehicles are exempt from this exclusion. Personnel in personal vehicles are also exempt as long as they are traveling to/from in due course with the positions associated with the police, fire, ambulance, and other emergency vehicles.
- c. Any vehicle parked or abandoned or otherwise left on a Borough street in violation of the Snow Emergency Plan Phase 2, shall be towed to a spot designated by the Borough. All charges for towing and storage shall be the responsibility of the vehicle owner.
- d. Any person who shall operate a motor vehicle in violation of the Snow Emergency Phase 2 shall upon conviction thereof be sentenced to pay a fine of one hundred (\$100.00) dollars and in default of payment to imprisonment for a term not to exceed ten (10) days.

Section 9. Penalties for Violation of Section 2, Section 3 or Section 4. Any owner in violation of any of the provisions hereof shall upon conviction thereof in a summary proceeding before any District Magistrate may be sentenced to pay a fine of not less than one hundred (\$100.00) dollars nor more than three hundred (\$300.00) dollars together with the costs of prosecution and default thereof, to undergo imprisonment for a period not to exceed ten (10) days. Each day that a violation of any provision of this Ordinance occurs shall constitute a separate violation and shall be subject to a separate and distinct fine. The individual, owner, tenant or occupant upon receipt of a citation may pay in person the sum of fifteen (\$15.00) dollars within five (5) business days after receiving a citation or he/she may place a check or money order along with the citation in the fine box (also known as the overnight drop box). That act will save the violator from criminal prosecution and from

payment of the fine and costs prescribed in the preceding Section. Individuals, owners, tenants or occupants may only pay a snow violation citation in person or via mail drop box no more than two times in a single winter season for a single property. Upon the issuance of a third citation, the violation will automatically be submitted to the District Magistrate for prosecution. This Section is not applicable to violations of the Snow Emergency Plan penalties described above in Sections 6 through 8.

Section 10. Enforcement. The Zoning Enforcement Officer, employees, and agents of the Zoning Enforcement Officer authorized by the Officer, the mayor of Stewartstown, and the police department are hereby authorized to enforce this Ordinance on behalf of the Borough.

Section 11. Repealer. This Ordinance repeals Ordinance Nos. 1996-007 and 2002-04 in their entirety and all other ordinances or parts thereof inconsistent herewith.

Section 12. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Stewartstown Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section 13. Effective Date. This Ordinance shall take effect immediately upon its passage.

ENACTED AND ORDAINED this 5th day of April 2004,
by the Borough Council of Stewartstown, York County, Pennsylvania in lawful session duly
assembled.

ATTEST:

BOROUGH COUNCIL OF THE
BOROUGH OF STEWARTSTOWN

Susan M. Graw
Secretary

BY: Willbertha P. Gibbs
President of Council

Approved this the 5th day of April 2004.

BY: Richard R. Hall
Mayor