

#19

GORDON BOROUGH, SCHUYLKILL COUNTY  
ORDINANCE NO. 110209

AN ORDINANCE OF THE BOROUGH OF GORDON, SCHUYLKILL COUNTY, PENNSYLVANIA, MANDATING SNOW AND ICE REMOVAL BY RESIDENTS OF THE BOROUGH, SETTING REQUIREMENTS FOR SNOW AND ICE REMOVAL, AND PROVIDING FOR PENALTIES FOR VIOLATIONS.

WHEREAS, the Borough of Gordon finds that snow and ice accumulations on the sidewalks of the Borough cause safety concerns for pedestrian traffic; and

WHEREAS, the Borough of Gordon, pursuant to its powers under Section 1202(6) of the Borough Code, 53 P.S. §46202(6), wishes to provide for the safety of pedestrian traffic within its municipal boundaries;

NOW THEREFORE, the following is ORDAINED and ENACTED:

Section 1. Title. This Ordinance shall be titled and may be referred to as the "Snow and Ice Removal Ordinance" of Gordon Borough.

Section 2. Definitions. When used in this Ordinance the term person shall include an individual, sole proprietorship, partnership, corporation, or any other legal entity.

Section 3. Requirements and Prohibitions.

A. The owner, occupant or tenant of every property, residential, commercial or otherwise, fronting upon or alongside any of the public streets or public roads in Gordon Borough is hereby required to remove or cause to be removed from all sidewalks in front or alongside such property all snow or ice thereon fallen or formed within twenty four (24) hours after the same shall have ceased to fall or to be formed.

B. The owner of a property shall be responsible for conforming to the requirements of Section 3A of this Ordinance where such property is occupied by such owner, or is unoccupied, or is a multiple-business or multiple family dwelling containing more than one rental unit; the tenant or occupant shall be responsible for conforming to the requirements of Section 3A of this Ordinance where such property is occupied by such tenant or occupant only.

C. It shall be unlawful for any person to deposit snow or ice in a public street or public road as a result of snow removal under Section 3A of this Ordinance.

D. It shall be unlawful for any person to pile snow or ice removed pursuant to Section 3A of this Ordinance more than thirty six (36) inches higher than street level within ten (10) feet of an intersection.

E. It shall be unlawful for any person to place snow or ice removed pursuant to Section 3A of this Ordinance to prevent reasonable and normal access to a fire hydrant.

F. It shall be unlawful for any person to place snow or ice removed pursuant to Section 3A of this Ordinance onto neighboring property without the permission of the owner of the property upon which the snow or ice is placed.

Section 4. Removal by the Borough. In any case where the person responsible for removal under Section 3 of this Ordinance fails to comply with the terms of this Ordinance, the Borough may, without limiting its ability to issue citations pursuant to Section 5 of this Ordinance, effect the removal required by Section 3 of this Ordinance. In the event the Borough pursues a remedy under this Section, it may still proceed under Section 5, and may exercise any legal or equitable rights to be reimbursed for the time and expense of removal.

Section 5. Penalties. Enforcement of this Ordinance may be by action brought before a Magisterial District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Gordon Borough Solicitor may assume charge of the prosecution. Any person found in violation of any provision of this Ordinance, upon conviction thereof, shall pay a fine of not less than twenty-five (\$25.00) dollars nor more than six hundred (\$600.00) dollars per violation, and/or be sentenced to a term of imprisonment either upon conviction or for failure to pay a fine or costs for a time not exceeding thirty (30) days per violation. Any such person convicted shall also pay court costs, including the municipal solicitor fees. Each day on which a violation of this Ordinance exists shall be considered a separate violation.

Section 6. Repealer. All prior ordinances inconsistent with any provision of this Ordinance are repealed to the extent necessary to give effect to the provisions of this Ordinance.

Section 7. Savings Clause. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is found to be unconstitutional, illegal or unenforceable, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed separate, distinct and independent from the remainder of this Ordinance, and such finding shall not effect the enforceability of the remainder of this Ordinance.

Section 8. Effective Date. This Ordinance shall take effect immediately or on the first day allowed by law, whichever is sooner, after enactment.

ORDAINED and ENACTED this 2 day of NOVEMBER, 2009.

By:

Lynn M. Korn

President of Council

ATTEST:

Paul L. Squ...

Secretary

ORDAINED and ENACTED this 2 day of NOVEMBER, 2009.

Nicholas E. ...

Mayor

SCHUYLKILL LEGAL RECORD

PAID

11/4/09

SCH. CO. BAR ASSOCIATION