

ORDINANCE 7-6
Replaces Ordinance 7-4

AN ORDINANCE REQUIRING SNOW AND ICE BE REMOVED FROM THE
SIDEWALKS AND OTHER WALKWAYS IN THE BOROUGH OF MERCER –
SBURG AND REGULATIONS ON HOW SNOW AND ICE MAY BE REMOVED.

1.0 Definitions

Property owner – Any person, persons, corporation, partnership, association, company, individual, owner, or any organization

Sidewalk – A paved or designated path or foot walk for public use located between the cart-way or curb line and right-of-way line of any public, Borough, or state street or highway.

Street – Any street, alley or highway within the Borough of Mercersburg where it is maintained by the Borough of Mercersburg or the State of Pennsylvania.

Borough of Mercersburg – The elected officials of the Borough of Mercersburg or any authorized representatives, agency or agencies of the Borough appointed by the council of the Borough of Mercersburg.

2.0 Snow Removal from Sidewalks

It shall be the duty of the property owner of every parcel of real estate, adjoining a public sidewalk, including unimproved parcels, no later than twenty-four (24) hours after snow, hail, sleet, or freezing rain has ceased to fall, to clear or cause to be cleared a pathway upon the sidewalk where such property abuts. Such pathway shall not be less than thirty-six (36”) inches in width, where clearances will allow, and shall be thoroughly cleared of all snow, hail, sleet, ice or other obstructions. This shall be done to allow the safe passage of pedestrian traffic on sidewalks.

It shall also be the responsibility of the property owner on street corners or at crosswalks to clear a path in the ramp or curb leading to a crosswalk.

It shall be unlawful for any property owner to permit snow, hail, sleet or ice to lie upon, remain upon, be piled, or accumulated upon a sidewalk, corner curb, or ramp leading to a cross walk within the Borough of Mercersburg more than twenty-four (24) hours after it has ceased to fall.

3.0 Method of Snow and Ice Removal from Sidewalks and Driveways

1. Snow, sleet, hail or ice removed from sidewalk areas or driveways shall be placed upon a person’s property.
2. No person shall remove snow, hail, sleet or ice to another property owner’s property without first acquiring permission from the property owner.

3. If there shall be sufficient amount of snow, sleet, hail, or ice and there is no longer any place on the person's property to shovel or remove the snow, hail, sleet, to then it may be placed along the berm or curb line, but not in the paved street, road or highway.
4. It shall be unlawful to shovel, throw, or deposit any snow, sleet, hail, or ice into the street, alley or highway by either manual or mechanical means.
5. It shall be unlawful to shovel or pile snow, sleet, hail, or ice upon a fire hydrant within the Borough of Mercersburg.

4.0 Frozen sidewalks

In the event snow, hail, sleet or ice shall be frozen so hard that it cannot be removed by shoveling or injury to the sidewalk pavement may occur, then it shall be the duty of the property owner to treat the pavement with sand, salt, or some other suitable material to make such sidewalks reasonably safe for public use; as soon as weather conditions will permit, but not more than 36 hours after such snow, sleet, hail or ice has ceased to fall.

The property owner(s) of real estate adjoining a public sidewalk constructed of brick by or on behalf of the Borough shall only use approved substances as prescribed by the Borough from time to time for the treatment of ice or frozen sidewalks. The use of any other such substance to treat a brick sidewalk shall be a violation of this ordinance and subject to fines as specified in section 6.0.

5.0 Removal by the Borough

In the event of a property owner's failure to comply with the provisions of this ordinance, the Borough of Mercersburg has the right to remove said snow, hail, sleet or ice, and to charge the property owner the cost for removing the same. The Borough's exercise to remove the offending conditions pursuant to this provision will not act as a waiver or defense against the prosecution of violations of this ordinance. The Borough shall present an invoice for the cost of services performed by the Borough or its representatives or agents pursuant to this provision. In the event that the property owner fails to remit full payment to the Borough of the invoice within thirty (30) days of the invoice date the Borough reserves the right to initiate a suit in assumpsit's and/or file a lien against the property owner, All expenses incurred by the Borough to collect on any unpaid invoice issued pursuant to this provision shall also be the responsibility of the property owner.

6.0 Penalties

Any persons violating the provisions of this ordinance shall, upon conviction by the District Justice in said Borough, be fined the sum of not less than Fifty (\$50.00) dollars, nor more than one hundred dollars (\$100.00) for each and every offense, or upon failure to pay such fine and costs, shall suffer imprisonment in the jail of Franklin County for a period not exceeding thirty (30) days.

7.0 Offenses

Each and every twenty-four (24) hour period set forth in this ordinance in which violation of this ordinance is persisted in shall be a separate and distinct offense punishable as set forth in section 6.0.

8.0

All existing Ordinances of the Borough of Mercersburg or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

ENACTED AND ORDINANED this ~~Tenth~~ 28 day of April 2006 by the Mercersburg Borough Council of the Borough of Mercersburg, Franklin County, Pennsylvania in lawful session, duly assembled.

_____[s]_____
Joshua C. Meyers
Council President
Borough of Mercersburg

_____[s]_____
James C. Zeger
Honorable Mayor
Borough of Mercersburg

Attest:

_____[s]_____
Steve Mellott
Borough secretary
Borough of Mercersburg

(SEAL)