

**DELTA BOROUGH
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2007-03

**AN ORDINANCE OF DELTA BOROUGH, YORK COUNTY, PENNSYLVANIA
REGULATING THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS**

WHEREFORE, Borough Council believes that it is in the interests of the health and safety of the residents of Delta Borough that it regulate the removal of snow and ice from sidewalks in the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Council of Delta Borough, York County, Pennsylvania, under authority of law, as follows:

SECTION 1. DEFINITIONS. As used in the Ordinance, the following terms shall have the meanings indicated:

- A. Borough – the Borough of Delta, which is located within York County, Pennsylvania.
- B. Owner – a person owning, leasing, occupying or having charge of any Property.
- C. Person – any individual, partnership, firm, company, association, or society, corporation for profit or not for profit group.
- D. Property – is any plot, tracts, premises or parcel of land, with or without improvements thereto, owned or occupied within the Borough.
- E. Sidewalk – a portion of a street between the curb lines or the lateral lines of a cartway and the adjacent property lines, improved and intended for use by pedestrians.

SECTION 2. RESPONSIBILITY. Every Person or Owner of Property with a Sidewalk or control of any building or lot of land shall remove and clear away or cause to be removed or cleared away snow and/or ice the entire width and length of the Sidewalk.

- A. Except as provided in Subsection B hereof, snow and ice shall be removed from Sidewalks within 24 hours after the cessation of any fall of snow, sleet or freezing rain.
- B. In the event that the snow and/or ice on a Sidewalk has become so hard that it cannot be removed without the likelihood of damage to the Sidewalk, the Person charged with its removal shall, with the time mentioned in Subsection A hereof, cause enough sand or other abrasive to be put on the Sidewalk to make travel reasonably safe and shall, as soon thereafter as weather permits, cause the entire width and length of the Sidewalk to be cleared.

SECTION 3. RESTRICTIONS. No Person shall be permitted to shovel, blow, plow or otherwise deposit snow and/or ice onto any street after the street has been plowed, and no Person shall shovel, blow, plow, or otherwise deposit or cause to be deposited snow and/or ice upon or against any fire hydrant.

SECTION 4. WRITTEN NOTICE TO VIOLATOR REQUIRED.

- A. It shall be the duty of the Borough Zoning and Enforcement Officer or his/ her assistant, to serve or cause to be served a notice upon any Person who is in violation of the provisions of Section 2 and to demand the abatement of the violation within twelve (12) hours. Notice shall be served in one of the following manners:
1. By making personal delivery of the notice to the Owner; or
 2. By handing a copy of the notice at the residence of the Owner to an adult member of the family with which the Owner resides, but if no adult member of the family is found, then to an adult Person in charge of such residence; or
 3. By fixing a copy of the notice to the door at the entrance of the Property in violation.
- B. The Owner shall not be entitled to written notice pursuant to Section 4(A) for any subsequent or similar violations of Section 2 of this Ordinance that occur within 120 days of the service of the first notice. The first notice shall be deemed to be ongoing for any violations within that time period, and the Borough may proceed immediately with enforcement.

SECTION 5. PENALTY FOR VIOLATION.

- A. Enforcement of this Ordinance shall be as follows:
1. Enforcement thereof shall be by an action before a District Justice in the same manner as provided for the enforcement of summary offenses under the Pennsylvania Rule of Civil Procedure. The Borough Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.Crim.P. No. 454 (relating to trial and summary cases). The Borough Council hereby sets a criminal fine in the amount of One Hundred Dollars (\$100.00) per violation, plus the costs of prosecution, including attorneys' fees, and the costs of any removal, as described below in Paragraph (b), and, in default of payment of such fine and costs, to undergo imprisonment of not more than ten (10) days.
 2. The Borough Council will direct the removal of the snow as the case may be, to be done by the Borough and to certify the costs thereof to the Borough Solicitor. The cost of such removal shall be a lien upon such Property from the time of such removal, which date shall be determined by the certificate of the Person doing such work, and filed with the Borough Secretary.

3. The Borough, by means of a complaint in equity, may compel the Owner of the Property to comply with the terms of any notice of violation or seek any such other relief as any such court of competent jurisdiction is empowered to afford.
4. Each day's continuance of a violation on any provision of this Section shall constitute a separate event.

SECTION 6. REPEALER. All prior ordinances that are inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. 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 the 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 8. EFFECTIVE DATE. This Ordinance shall become effective five days after the date of its enactment as provided by law.

ENACTED AND ORDAINED this 29th day of January 2007, by the Borough Council of the Borough of Delta, York County, Pennsylvania, in lawful session, duly assembled.

ATTEST:

**BOROUGH COUNCIL FOR
DELTA BOROUGH**

Secretary

By: _____
President of Council

Approved this 29th day of January 2007.

Mayor