

ORDINANCE NO. 249

AN ORDINANCE OF THE TOWNSHIP OF SOUTH HEIDELBERG, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS FOR THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS AND ROOFS AND RESTRICTING THE DEPOSIT OF SNOW AND ICE DURING SNOW EVENTS WITHIN THE TOWNSHIP OF SOUTH HEIDELBERG.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of South Heidelberg, Berks County, Pennsylvania (the "Township"), and it is hereby ORDAINED and ENACTED by the authority of the same as follows:

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

(a) Cartway. A portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

(b) Person. A natural person, partnership, corporation, association, congregation or any other legal entity.

(c) Sidewalk. A portion of a street between the curb lines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.

(d) Street. The entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

SECTION 2. Snow and Ice Removal from Sidewalks and Roofs.

(a) Responsibility for Removal of Snow, Ice, Hail, Sleet, and/or Frozen Precipitation From Sidewalks. Every person in charge or control of any building or lot of land fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away or cause to be removed or cleared away snow, ice, hail, sleet and/or frozen precipitation from a path of at least thirty inches (30") in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

(1) Except as provided in Subsection (a)(2) of this Section 2, snow, ice, hail, sleet and/or frozen precipitation shall be removed from sidewalks within forty-eight (48) hours after the cessation of any fall of snow, hail, sleet, freezing rain and/or frozen precipitation.

(2) In the event snow, ice, hail, sleet and/or frozen precipitation 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 under this Ordinance shall, within the time mentioned in Subsection (a)(1) of this Section 2, cause enough sand or other abrasive to be deposited on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least thirty inches (30") in width.

(b) Responsibility for Removal from Roofs. Every person in charge or control of any building or other structure, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on the roof or eave of said building or other structure which is liable to fall on any sidewalk, roadway or other public way. Such work shall be completed within a reasonable time, but not later than forty-eight (48) hours after the cessation of any fall of snow, hail, sleet, freezing rain and/or frozen precipitation.

(c) Depositing of Snow, Ice, Hail, Sleet and/or Frozen Precipitation Restricted. No person shall deposit or cause to be deposited any snow, ice, hail, sleet and/or frozen precipitation on or immediately next to a fire hydrant or on any sidewalk, cartway or loading or unloading areas of a public transportation system, except that snow, ice, hail, sleet and/or frozen precipitation may be mounded by the Township on public cartways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks in business districts, except that, in the event of an extraordinary snow/ice event or multiple events in a short period of time, the Board of Supervisors may, in its discretion, declare a temporary lifting of the restriction contained in this subsection (c) in order to allow for the safe and efficient deposit of snow under the circumstances.

(d) Authority for Township to Remove and Collect Cost, Plus 10%, From Owner, Occupant or Tenant. In any case where the responsible person, as aforesaid, shall fail, neglect or refuse to comply with any provision of this Ordinance, within the time limit prescribed herein, the Township authorities may proceed immediately to remove or have removed all snow, ice, hail, sleet and/or frozen precipitation from the sidewalks of such delinquent property and to collect the expense thereof with an additional amount of 10% of said costs from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under Subsection (e) below.

(e) Penalties. Any person who shall violate any provision of this Section 2 shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred Fifty Dollars (\$150.00) but not more than Six Hundred Dollars (\$600.00) together with costs of prosecution, and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation continues shall constitute a separate offense.

SECTION 3. REPEAL OF ORDINANCES. Any ordinance or part of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

Section 4. SEVERABILITY. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Board of Supervisors of the Township of South Heidelberg, Pennsylvania, hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction,

sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 12<sup>TH</sup> day of NOVEMBER, 2015.

TOWNSHIP OF SOUTH HEIDELBERG

Attest:

Dennis E. Mulally (SEAL)  
Secretary

David A. Schaeffer  
David A. Schaeffer, Chairman

Dennis E. Mulally  
Dennis E. Mulally, Supervisor

Richard E. Hummel  
Richard E. Hummel, Supervisor