

# KUTZTOWN BOROUGH CODE REQUIREMENTS FOR SNOW AND ICE REMOVAL AND DEPOSITING SNOW LAWFULLY

## Chapter 192. STREETS AND SIDEWALKS

### Article I. Snow and Ice Removal

#### § 192-1. Removal required.

##### **[Amended 3-21-2006 by Ord. No. 4-2006]**

The owner, occupant or tenant of every property fronting upon or alongside of any of the streets or other public ways in the Borough of Kutztown, Berks County, Pennsylvania, is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside of such property all snow, ice, hail or sleet thereon fallen, formed or deposited by any means or cause, such removal to be to a minimum width of 36 inches, within 24 hours after each occasion on which such snow, ice, hail or sleet shall have ceased to fall, form or be deposited. The following shall be responsible for conforming to the requirements of this section:

- A. Where the property is owner-occupied, the owner shall be responsible.
- B. Where the property is occupied by tenants and is not a rooming house, multiple - dwelling or multiple business property, such tenants shall be responsible.
- C. In all other cases, the owner shall be responsible.
- D. Upon any place which this chapter, this Code or any other applicable law requires to be kept clear of snow, ice, hail and sleet;
- E. On any parcel of private real property without the express permission of the owner of the parcel upon which such snow, ice, hail or sleet is to be placed; or
- F. In any manner at a street intersection which will obstruct the vision of pedestrians or vehicle drivers or the passage of pedestrians or vehicles.

#### § 192-1.1. Depositing snow unlawfully.

In removing said snow, ice, hail or sleet as required by § 192-1 of this article, or in removing snow, ice, hail or sleet from any private property and/or the right-of-way of any streets or other public ways in the Borough of Kutztown, it shall be unlawful for the owner, occupant or tenant of any property fronting upon or alongside of any of the streets or other public ways in the Borough of Kutztown, or any agents or employees of any of them, to put, push, shovel, place, dump, pile, deposit or cause to be put, pushed, shoveled, placed, dumped, piled or deposited any snow, ice, hail or sleet so removed:

- A. Upon any portion of the cartway of any such street or other public way that has been plowed or otherwise cleared of snow, ice, hail or sleet;
- B. Upon the traveled portion of the cartway of any such street or other public way, whether or not such traveled portion of the cartway has been plowed or otherwise cleared of snow, ice, hail or sleet;
- C. In a manner which obscures the visibility of any fire hydrant and/or obstructs or impedes access to any fire hydrant;
- D. Upon any place which this chapter, this Code or any other applicable law requires to be kept clear of snow, ice, hail and sleet;
- E. On any parcel of private real property without the express permission of the owner of the parcel upon which such snow, ice, hail or sleet is to be placed; or
- F. In any manner at a street intersection which will obstruct the vision of pedestrians or vehicle drivers or the passage of pedestrians or vehicles.

#### § 192-3. Violations and penalties.

**[Amended 10-24-2000 by Ord. No. 6-2000; 9-21-2004 by Ord. No. 21-2004; 3-16-2011 by Ord. No. 2-2011]**

- A. Any owner, occupant or tenant who shall fail to remove or cause the removal of any snow, ice, hail or sleet from any sidewalk as required by § 192-1 of this article or who shall violate or permit any agent or employee to violate any of the provisions of § 192-1.1 of this article shall be issued by a police officer or a duly appointed parking enforcement officer a written snow removal notice requiring immediate compliance with this article. Notification of the snow removal notice shall be placed in conspicuous location on the door or entrance to the subject property, indicting the nature of the violation, the time of the violation, the remedial action required to be accomplished with 24 hours of the notice posting, the dollar amount of the penalty charged, and the place where the penalty shall be paid and the manner of payment. Any owner, occupant or tenant who violates any provision of this article shall, upon conviction of a snow removal notice, be sentenced to pay a fine of \$25. If the owner, occupant or tenant fails to make payment on the snow removal notice within 10 days, a snow removal citation may be issued, and upon conviction thereof, any owner, occupant or tenant shall be sentenced to pay a fine of not less than \$50 nor more than \$600 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than 30 days; provided, however, that such fine and costs of prosecution may be in addition to any expenses and additional amounts authorized by law, imposed as provided in § 192-2 of this article.
- B. Should any owner, occupant or tenant, fail to take remedial action necessary to comply with this article within 24 consecutive hours from the issuance and posting of the original snow removal notice, a police officer or a duly appointed parking enforcement official may issue a snow removal citation, and upon conviction thereof, any owner, occupant or tenant shall be sentenced to pay a fine of not less than \$50 nor more than \$600 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment for not more than 30 days; provided, however, that such fine and costs of prosecution may be in addition to any expenses and additional amounts authorized by law, imposed as provided in § 192-2 of this article. Each period of 24 continuous hours after posting of the notice of violation during which snow, ice, hail or sleet is permitted to remain upon any sidewalks in violation of the terms of § 192-1 or upon any other improper location in violation of the terms of § 192.1.1 of this article shall constitute a separate offense punishable as such.