

ORDINANCE NO. 293

CONYNGHAM BOROUGH, LUZERNE COUNTY, PENNSYLVANIA

Section 101. Title. This Ordinance shall be known as the "Conyngham Borough Snow and Ice Sidewalk Ordinance".

Section 102. Purpose. This Ordinance is being adopted to: (a) preserve the public peace and good order in the Borough; (b) protect the public health, safety and welfare; and (c) provide safe passage for vehicular and pedestrian travel over the public streets and sidewalks of the Borough by establishing certain regulations for the removal of snow and ice from the sidewalks and structures.

Section 103. Definitions. The following words, terms, and phrases, when used in this Ordinance, shall be defined as follows, unless the context clearly indicates otherwise:

Borough- means Conyngham Borough, Luzerne County, Pennsylvania.

Cartway- means a portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

Code Enforcement Officer- means the person appointed by Conyngham Borough Council to administer and enforce the ordinances of the Borough including this Ordinance.

Owner- includes any person: (1) having a legal or equitable interest in property, including a person holding an option to purchase a property; (2) identified as a title owner in a deed recorded in the Luzerne County Recorder of Deed's Office; or (3) having custody or control of property (including a landlord, tenant, mortgagor, mortgagee, estate, or executor or administrator of the estate of such person if ordered to take possession of the property by a Court of competent jurisdiction).

Person- includes any person, partnership, firm, association, corporation, or other legal entity.

Property- means any real property, parcel, lot, or land in the Borough of Conyngham, Luzerne County, Pennsylvania, which is not owned or maintained by Conyngham Borough and fronts, adjoins, or abuts on a sidewalk.

Sidewalk- means the portion of a street between the curblines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians. The term includes ADA ramps, crosswalks, curb cuts and drives, driveways, and fire hydrants.

Street- includes the entire width between the boundary line of a way publicly maintained when any part is open to the use of the public for purposes of vehicular travel. The term includes any street, avenue, boulevard, highway, freeway, road, lane, court, cul-de-sac, alley, public way, public square or any other way intended for public vehicular traffic.

Structure- means any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Section 104. Removal of Snow and Ice from Sidewalks and Structures. Every Property Owner shall remove snow and ice from a sidewalk, and any structure where snow or ice is capable of falling onto a sidewalk, within 18 hours after the cessation of any precipitation causing the snow or ice.

Section 105. Exception to Removal of Snow or Ice from Sidewalks. When snow or ice on a sidewalk is incapable of being removed without causing damage to the sidewalk, a Property Owner shall place sand or another abrasive on the sidewalk to make pedestrian travel safe within 18 hours after the cessation of any precipitation causing the snow or ice; and as soon as weather permits, the Property Owner shall remove the snow, ice and abrasive from the sidewalk. This section shall be presumed inapplicable when another property owner on the same street is capable of removing snow or ice from a sidewalk within 18 hours after the cessation of the precipitation causing the snow or ice.

Section 106. Depositing of Snow and Ice Restricted. No person shall deposit or cause to be deposited any snow or ice on any sidewalk or street.

Section 107. Enforcement of Ordinance. The Code Enforcement Officer or a Police Officer shall have authority to enforce this Ordinance.

Section 108. Abatement. Where a property owner fails to comply with Sections 104, 105 or 106 above, the Borough may, or the Code Enforcement Officer or a Police Officer may contract with a third party, to clear all snow or ice from the sidewalk of the violating property owner, and collect the expenses of the work from that property owner plus 20% as administrative overhead, which amount shall be in addition to any fine or penalty imposed under Section 109 below.

Section 109. Penalty for Violation. Any person who violates any provision of this Ordinance shall be subject to the following: (a) an oral or written warning for a first offense; (b) a fine of Twenty-five (\$25.00) Dollars for a second offense; and (c) a fine of not less than Fifty Dollars and no more than Three Hundred (\$300.00) Dollars for a third and subsequent offense. In default of the payment of a fine, a person who is found to violate this Ordinance shall be subject to imprisonment for a term not to exceed fifteen (15) days. The fine or penalty imposed under this Section may be in

addition to any costs and additional amounts collectible under Section 107 above. Each day that a violation continues shall be deemed a separate offense.


Section 110. Severability. If any section, clause, provisions or portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction such decision shall not affect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable less the invalid portion.

Section 111. Repealer. All ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies.

Section 112. Effective Date. This Ordinance shall become effective immediately following its adoption.

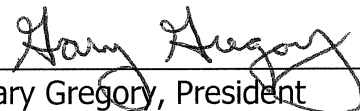
ADOPTED by Conyngham Borough Council, this 20th day of January, 2015.

ATTEST:



Lynn Falatko, Secretary

CONYNGHAM BOROUGH COUNCIL:



Gary Gregory, President

APPROVED BY THE MAYOR:

Mayor