

**STREETS AND SIDEWALKS
CHAPTER 21**

ORDINANCE NO. 96-13

**AN ORDINANCE OF THE BOROUGH OF CLARKS SUMMIT
FIXING RESPONSIBILITY FOR SNOW AND ICE
REMOVAL FROM SIDEWALKS AND ROOFS, REGULATING
THE DEPOSIT THEREOF, AND PRESCRIBING
PENALTIES FOR VIOLATION.**

The Borough Council hereby ordains:

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:

BUSINESS DAY - any day not a Sunday, or a national holiday, or a holiday observed by the Borough of Clarks Summit.

BUSINESS HOURS - hours between 08:00 AM and 5:00 PM on any business day.

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

CORPORATION - natural person, partnership, corporation, association, or any other legal entity.

SIDEWALK - 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.

STREET OR HIGHWAY - 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. Responsibility for Removal of Snow and Ice from Sidewalks.

A. 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 and/or ice from a path of at least thirty inches (30") in width, or the width of an existing sidewalk, 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 B hereof, snow and ice shall be removed from sidewalks in all business

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districts within two (2) business hours after the cessation of any fall of snow, sleet, or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is shorter.

2. Except as provided in subsection B hereof, snow and ice shall be removed from all other sidewalks within the Borough of Clarks Summit on the same day of the cessation of any fall of snow, sleet, or freezing rain or within the first four (4) hours of daylight after the cessation of any such fall, whichever period is longer.

B. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection A hereof, cause enough sand or abrasive to be put on the sidewalk to make travel thereof reasonably safe; and shall then, as soon thereafter as weather conditions permit, cause to be cleared a path in said sidewalk of at least thirty (30) inches in width, or the width of the existing sidewalk.

Section 3. 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/or ice on 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 twelve (12) hours after the cessation of any fall of snow, sleet, or freezing rain.

Section 4. Depositing of Snow and/or Ice Restricted. No person shall deposit or cause to be deposited, any snow and/or ice on or immediately next to a fire hydrant or on any sidewalk, roadway, or loading and unloading areas of a public transportation system, except that snow and/or ice may be mounded by the Borough of Clarks Summit and/or PennDOT on public cartways, incident to the clearing thereof or mounded on curbs incident to the clearing of sidewalks in business and or commercial districts.

Section 5. Penalties. Any person who shall violate any provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) 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.

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Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are specifically repealed:

Ordinance 83-5, dated November 2nd, 1983

Code of Ordinances Borough of Clarks Summit, Chapter 21, Part 3, dated November 2nd, 1983.

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 Clarks Summit 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 ten (10) days after adoption by the Clarks Summit Borough Council.

EDWARD M. BUSH, SR.
President of Council

APPROVED:

Approved this 4th day of December, 1996:

ANTHONY PERRY
Mayor

ATTEST:

Adopted at a Borough of Clarks Summit Special Council Meeting conducted on Wednesday, December 4th, 1996.

JAMES G. VONES, SR.
Borough Manager/Secretary

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