

**BOROUGH OF ST. LAWRENCE
BERKS COUNTY, PENNSYLVANIA**

Ordinance No. 430

AN ORDINANCE OF THE BOROUGH OF ST. LAWRENCE, BERKS COUNTY, PENNSYLVANIA, REQUIRING OWNERS, OCCUPANTS, AND TENANTS OF PROPERTY TO REMOVE SNOW AND/OR ICE FROM SIDEWALKS ABUTTING THEIR PROPERTY; PROHIBITING THE REMOVAL OF SNOW AND/OR ICE ONTO THE CARTWAY OF A PUBLIC STREET OR ONTO PRIVATE PROPERTY WITHOUT THE CONSENT OF THE OWNER; PRESCRIBING THE CONDITIONS UNDER WHICH SNOW AND/OR ICE MAY BE REMOVED BY THE BOROUGH AT THE EXPENSE OF THE OWNER, OCCUPANT, OR TENANT OF THE PROPERTY, AND PRESCRIBING PENALTIES FOR VIOLATION

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of St. Lawrence, Berks County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

Section 1. **Definitions.** The following terms shall have the following definitions for purposes of this Ordinance:

A. "Borough" - shall mean the Borough of St. Lawrence, Berks County, Pennsylvania.

B. "Remove" or "Removal" - shall mean physically taking away of snow and/or ice from the sidewalk, or, in the event that snow and/or ice is so frozen or hardened that it cannot be physically taken away from the sidewalk without injury, the use of salt, sand, or similar abrasive to provide safe passage over the sidewalk.

C. "Sidewalk" - shall mean any improved pavement or part thereof fronting on a street and located within the curb line and the building (property)

line of said street as it appears on the topographical map of the Borough. This term shall also mean any unimproved or ground surface area or part thereof fronting on a street and located within the curb line and the building (property) line of said street as it appears on the topographical survey of the Borough if such area is used or usable as a walkway by the general public. The singular shall include the plural.

D. "Snow and/or ice" - shall include any and all frozen precipitation, including snow, ice, slush, sleet, hail, and freezing rain.

Section 2. Snow and/or Ice to be Removed From Sidewalks.

A. The owner, occupant, or tenant of every property fronting upon or alongside of any of the streets of the Borough of St. Lawrence is hereby required to remove or cause to be removed all snow and ice from sidewalks in front of or alongside such property, for the entire width of the sidewalk within twenty four (24) hours after said snow and/or ice has ceased to fall or be formed on said sidewalks.

B. The owner of record of a property shall be responsible for compliance with the requirements of this Ordinance, whether such property is occupied by such owner or not, or is unoccupied or vacant, or is a multiple-business, multiple-residential, or other multiple-dwelling property occupied by more than one tenant or occupant.

C. The tenant or occupant if a property shall be jointly responsible with the owner of record for conforming to the requirements of this Ordinance

where such property is occupied by one commercial or residential tenant or occupant.

D. It shall be deemed to be a violation of this Ordinance to remove snow and/or ice in such a manner as to place said snow and/or ice in the cartway of a public street, or on the property of another person or entity without the consent of the owner or person authorized to act on behalf of the owner. Any person or persons violating this provision of this Ordinance, or causing or contributing to such a violation, shall be subject to all costs, fines property liens, and penalties set forth in this Ordinance.

Section 3. Borough May Clear Snow and/or Ice at the Expense of Owner, Occupant, or Tenant.

A. In any case where the owner, occupant, or tenant, as aforesaid, shall fail, neglect, or refuse to comply with any of the provisions of Section 2 of this Ordinance, above, within the time limit set forth therein, the Borough may proceed immediately to clear the snow and/or ice from the sidewalk of the delinquent property.

B. The Borough may collect all costs and expenses of snow and/or ice removal necessitated by violation of this Ordinance, together with any additional sum permitted by applicable law, in addition to any costs, fines or penalties set forth in Section 4, below.

C. In the event of failure to pay costs and expenses related to snow and/or ice removal, the Borough shall file a lien against the property for said

costs and expenses, which shall include reasonable attorney's fees for the filing of such lien(s).

Section 4. Penalties for Violation.

A. Prosecutions for alleged violation of this Ordinance shall be brought by the Borough in the same manner as summary criminal proceedings under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof by a Magisterial District Judge of a violation of this Ordinance, the defendant shall be sentenced to pay a fine which shall not be less than Thirty-Five Dollars (\$35.00) nor more than Three Hundred Dollars (\$300.00), and the costs of prosecution, and in default of payment thereof, shall be imprisoned for not more than five (5) days.

B. Each successive twenty four (24) hours of failure to remove said snow and/or ice as required by this Ordinance shall constitute a separate offense punishable by a like fine or penalty.

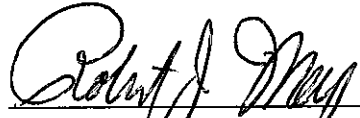
Section 5. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough of St. Lawrence that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 6. Repealer. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective on the earliest date allowable under applicable law.

DULY ENACTED AND ORDAINED this 8th day of January, 2015.

BOROUGH OF ST. LAWRENCE
BERKS COUNTY, PENNSYLVANIA

By: 
(Vice) President of Council

Attest: 
Susan Eggert, Borough Secretary

Approved as an Ordinance this 8th day of January 2015:

By: 
Michael Fritz, Mayor

Proof of Publication of Notice in Reading Eagle

Under Act No. 587, Approved May 16, 1929.

Commonwealth of Pennsylvania,
County of Berks } SS:

Lynn Schittler, Assistant Secretary, READING EAGLE COMPANY, of the County and Commonwealth aforesaid, being duly sworn, deposes and says that the READING EAGLE established January 28, 1868 is a newspaper of general circulation published at 345 Penn Street, City of Reading, County and State aforesaid, and that the printed notice or publication attached hereto is exactly the same as printed and published in the regular edition and issues of the said READING EAGLE on the following dates, viz.:

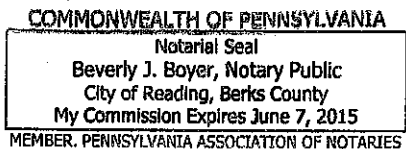
Reading Eagle Tuesday, December 23, 2014, A.D.

Affiant further deposes that this person is duly authorized by READING EAGLE COMPANY, a corporation, publisher of said READING EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place, character of publication are true.

Lynn Schittler
Lynn Schittler

Sworn to and subscribed before me on this day of December 23, 2014

Beverly J. Boyer
Notary



NOTICE TO THE RESIDENTS AND TAXPAYERS OF THE BOROUGH OF ST. LAWRENCE

INTENTION TO ADOPT ORDINANCE

The Borough Council of St. Lawrence, Berks County, Pennsylvania, hereby serves notice of its intention to adopt the following summarized Ordinance at its regularly scheduled meeting to be held on Thursday, January 8, 2015 starting at 7:30 p.m. in the Borough Municipal Building, 3540 St. Lawrence Avenue, Berks County, Pennsylvania. The complete title and a summary of the proposed Ordinance are as follows:

BOROUGH OF ST. LAWRENCE BERKS COUNTY, PENNSYLVANIA

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Copies of the full text of the ordinance may be examined without charge or obtained for a charge not greater than the cost thereof at the Borough Hall, 3540 St. Lawrence Avenue, Reading, PA 19606, at the Berks County Law Library, Berks County Courthouse, Sixth and Court Streets, Reading, PA 19601, and at the Reading Eagle, 345 Penn Street, Reading, PA 19601.

Allison A. Leinbach,
Borough Manager
Borough of St. Lawrence