

ORDINANCE NO. 186

AN ORDINANCE OF THE BOROUGH OF SMITHTON, WESTMORELAND COUNTY, PENNSYLVANIA FIXING RESPONSIBILITY FOR SNOW AND ICE REMOVAL FROM SIDEWALKS AND ROOFS, REGULATING THE DEPOSIT THEREOF, AND PRESCRIBING PENALTIES FOR VIOLATION.

The Borough Council of the Borough of Smithton, Westmoreland County, Pennsylvania hereby ordains:

401 **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:

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

PERSON - 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 travel.

402 **Section 2. Responsibility for Removal of Snow and Ice 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 and/or ice 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 2 hereof, snow and ice shall be removed from sidewalks within twenty-four (24) hours after the cessation of any fall of snow, sleet or freezing rain.

2. 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 1 hereof, cause enough sand or other abrasive to be put 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.

403 **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 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 twenty-four (24) hours after the cessation of any fall of snow, sleet, or freezing rain.

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

405 **Section 5. Penalties.** Any person who shall violate any provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than One Hundred Dollars (\$100.00). Each day that a violation continues shall constitute a separate offense.

406 **Section 6. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

407 **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 Borough of Smithton that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

408 **Section 8. Code of Ordinances.** This ordinance shall be incorporated into the Code of Ordinances in Chapter 21 of said Code of Ordinances and designated as Part 4 and titled "Removal of Snow and Ice".

409 **Section 9. Effective Date.** This ordinance shall become effective on the 12 day of SEPTEMBER, 2001.

ORDAINED AND ENACTED by the Borough Council of the Borough of Smithton, Westmoreland County, Pennsylvania this 12th day of SEPTEMBER, 2001.

BOROUGH OF SMITHTON

ATTEST:

Michelle Cather
Secretary

By Dan O'Kane
President of Council

EXAMINED AND APPROVED by me this 12th day of SEPTEMBER, 2001.



Mayor