

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 336

(Duly Adopted June 26, 1996)

AN ORDINANCE AMENDING CHAPTER 105 OF THE CODE OF THE BOROUGH OF ALBURTIS (RELATING TO SNOW AND ICE REMOVAL) IN ITS ENTIRETY TO MANDATE THE REMOVAL BY PROPERTY OWNERS OF SNOW AND ICE FROM PAVED WALKWAYS ADJACENT TO PUBLIC STREETS WITHIN 24 HOURS AFTER ITS APPEARANCE, AND TO ESTABLISH PENALTIES FOR VIOLATIONS.

WHEREAS, Chapter 105 of the Code of the Borough of Alburtis provides regulations relating to snow and ice removal on walkways; and

WHEREAS, the Borough has experienced difficulties in enforcing the current ordinance provisions; and

WHEREAS, the Borough is authorized under Section 1801 of the Borough Code, 53 PA. STAT. ANN. § 46801, to require owners of property abutting streets to keep sidewalks in a safe and usable condition; and

WHEREAS, Borough Council desires to amend Chapter 105 as follows;

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, that Chapter 105 (relating to Snow and Ice Removal), Sections 105-1 through 105-4, of the Code of the Borough of Alburtis is hereby amended as follows (with additions indicated by double-underlining, and deletions indicated by ~~stricken-through-type~~):

§ 105-1. Removal by property owners.

~~All property owners shall remove accumulations of snow and ice from walkways and adjacent to borough streets within twenty four (24)~~

~~hours after each and every snowfall. A path of at least twenty four (24) inches in width shall be established by such snow removal.~~

All property owners shall remove snow and/or ice from paved walkways on or abutting their property and adjacent to public streets within twenty-four (24) hours after such snow and/or ice falls, forms, is plowed onto, or otherwise becomes present on such walkways, to the extent necessary to create a clear path at least twenty-four (24) inches in width.

§ 105-2. Designation of “snow removal walkways.” [RESERVED]

~~Those walkways of greatest use and most importance for pedestrian passage to and from community institutions such as schools, post office, firehouse and the like shall be posted by the borough as “snow removal walkways.”~~

§ 105-3. Selective enforcement. [RESERVED]

~~Provisions of this chapter shall be enforced selectively and primarily with respect to snow removal walkways and other walkway areas as time, manpower and need may dictate.~~

§ 105-4. Violations and penalties.

~~Any property owner violating the provisions of this chapter shall be subject to one (1) or both of the following penalties:~~

~~**A.** A fine of fifteen dollars (\$15.) upon conviction in a summary proceeding before a District Justice.~~

~~**B.** The imposition of the cost of the removal of snow and ice accumulation by the Borough of Alburdis if not removed by the property owner within the prescribed time. In the event of borough snow removal,~~

~~the cost shall be deemed to be twenty five dollars (\$25.) per property, which, if not paid upon billing, shall be recoverable either by suit before a District Justice or by imposition of a municipal lien.~~

Any person who violates any provision of this Chapter shall be guilty of a summary offense. Upon conviction therefor for the first offense, a violator shall be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00), plus the costs of prosecution and the Borough's costs (if any) in removing the snow and ice from the walkway for which the person is responsible, or, in default of payment, to undergo imprisonment for a period not to exceed thirty (30) days. Upon conviction therefor for the second and subsequent offenses in the same snow season (October 1 to the following April 30), a violator shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00), plus the costs of prosecution and the Borough's costs (if any) in removing the snow and ice from the walkway for which the person is responsible, or, in default of payment, to undergo imprisonment for a period not to exceed thirty (30) days.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Alburdis, this 26th day of June, 1996, in lawful session duly assembled.

BOROUGH COUNCIL
BOROUGH OF ALBURDIS

Steven R. Hill, President

Attest:

Louise Stahley, Secretary

AND NOW, this 26th day of June, 1996, the above Ordinance is hereby
APPROVED.

Ronald J. Delaco, Mayor