

ORDINANCE NO. 1992-3

AN ORDINANCE OF THE TOWNSHIP OF MARION, BERKS COUNTY, PENNSYLVANIA, REQUIRING OWNERS, OCCUPANTS AND TENANTS OF PROPERTY TO REMOVE SNOW AND ICE FROM OR TO TREAT SNOW AND ICE UPON THE ABUTTING SIDEWALKS; PRESCRIBING THE CONDITIONS UNDER WHICH SNOW AND ICE MAY BE REMOVED OR TREATED BY THE TOWNSHIP AT THE EXPENSE OF THE OWNER, OCCUPANT, OR TENANT OF PROPERTY; AND PRESCRIBING PENALTIES FOR VIOLATION.

Be it enacted and ordained by the Board of Supervisors of the Township of Marion as follows:

Section 1. The word "sidewalk" when used in this Ordinance shall mean any improved pavement or part thereof fronting on a public street and located within the curb line and the building (property) line of said street and shall also mean any unimproved or ground surface area or part thereof fronting on a public street and located within the curb line and the building (property) line of said street if such area is used or usable as a walk-way by the general public. The singular shall include the plural.

Section 2. The owner, occupant, or tenant of every property fronting upon or alongside any of the public streets within the Township of Marion is hereby required to remove or cause to be removed all snow and ice from all of the sidewalks in

front of or alongside of such property, including that portion of any driveways when the sidewalk crosses a driveway, for a minimum width of four (4) feet measured from the curb line toward the building (property) line if there is no grass plot separating the curb from an improved pavement, or for a minimum width of four (4) feet measured from the line of the improved pavement located along the grass plot toward the building (property) line if there is a grass plot separating the curb from an improved pavement, but in no case exceeding the width of the sidewalk, within twenty-four (24) hours after said snow or ice shall have ceased to fall or to be formed on such sidewalks, unless said snow or ice be so hardened or frozen that it cannot be so removed without injury to the sidewalk, in which latter event the owner, occupant or tenant is hereby required to place salt, sand or other abrasive material upon said snow or ice within the time above provided. The owner of a property shall be primarily responsible for conforming to the requirements of this section where such property is occupied by such owner or is unoccupied or vacant, or is a multiple-business or multiple-dwelling property occupied by more than one tenant or occupant; and the tenant or occupant of a property shall be primarily responsible for conforming to the requirements of this section where such property is occupied by such tenant or occupant only.

Section 3. 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 within the time limit prescribed therein, the Township authorities may, in its discretion, proceed immediately to clear the snow and/or ice from the sidewalk of such delinquent or to place salt, sand, or other abrasive material upon the snow and/or ice on the sidewalk of such delinquent, and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant, or tenant, as the case may be, which may be in addition to any fine or penalty imposed under Section 4 of this Ordinance.

Section 4. Any owner, occupant, or tenant who shall fail to remove any snow or ice from any sidewalk or to place salt, sand, or other abrasive material upon such snow or ice on any sidewalk as required by Section 2 of this Ordinance shall, by suit or summary proceeding brought in the name of the Township of Marion before a District Justice, be subject to a fine or penalty of six hundred dollars (\$600.00) and costs of suit; provided such fine or penalty and costs of suit may be in addition to any expenses and additional amounts authorized by law, or imposed as provided in Section 3 of this Ordinance. On judgment against such person by summary conviction, or by proceedings by summons

on default of the payment of the fine or penalty imposed and the costs, the Defendant may be sentenced and committed to the county jail or workhouse for a period not exceeding thirty (30) days. Each successive twenty-four (24) hours of failure to remove said snow and ice or to place salt, sand or other abrasive material upon such snow or ice as required by Section 2 of this Ordinance shall constitute a separate offense punishable by a like fine or penalty.

Section 5. Any Ordinance or part of any ordinance inconsistent with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

Section 6. The provisions of this Ordinance shall be severable, and if any of its provisions shall be deemed to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision not been included herein.

Section 7. This Ordinance shall take effect five (5) days after its adoption.

Enacted and ordained this 30TH day of APRIL ,
1992.

BOARD OF SUPERVISORS
TOWNSHIP OF MARION

By:

Richard A. Webber

Harold E. Zechman

Kenneth L. Keppley

Attest:

Rose E. Ymberger
Secretary