

CAERNARVON TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 167

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY,
PENNSYLVANIA, REGULATING THE REMOVAL OF SNOW AND ICE FROM
PROPERTIES LOCATED WITHIN CAERNARVON TOWNSHIP AND PROVIDING
PENALTIES FOR VIOLATION THEREOF

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Caernarvon Township, and it is hereby ENACTED AND ORDAINED by the authority of the same, as follows:

DEFINITIONS:

Except as herein otherwise defined, the terms used shall have the meanings ascribed to them in the Pennsylvania Vehicle Code.

- (a) "Street" or "Highway" means the entire width between curbs or boundary lines of every way publicly maintained when any part thereof is open to the use of the public for use of the public for purposes of vehicular traffic.
- (b) "Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- (c) "Sidewalk" means that portion of a street or highway between the curb lines and the adjacent property lines or where there is no curbing between the lateral lines of the street or highway and the adjacent property lines.
- (d) "Person" includes any person, partnership, co-partnership, corporation, joint stock company, syndicate, tenant, property owner, real and personal, occupant, lessee or agent in control of any building.

SECTION I. SNOW AND ICE REMOVAL FROM SIDEWALKS

A. Every person in charge or control of any building or lot of land within the Township of Caernarvon 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 and cleared away, snow and ice from a path of at least thirty-six (36") inches in width and from an area within thirty-six (36") inches of every fire hydrant on every sidewalk

which is in front of or abuts on such building or lot of land, within forty-eight (48) hours after the same shall have ceased to fall or to be formed thereon.

B. However, in the event snow and ice on a sidewalk has become so hard that it cannot be removed without the likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection A hereof, cause enough cinder or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path in such sidewalk of a least thirty-six (36") inches in width to be thoroughly cleaned.

SECTION II. DEPOSITING OF SNOW AND ICE RESTRICTED

It shall be unlawful for any person to throw, shovel, cast or otherwise move, place, pile, deposit or dump snow or ice removed from the sidewalks, driveways or other areas into the streets or public highways, or for any person, when the cartway of the street or highway shall be cleared or partially cleared, to throw or place any snow or any other accumulation in the cleared cartway or passageway area.

SECTION III. NONCOMPLIANCE; WORK BY MUNICIPALITY

A. In the event of the failure of any person to clear away or treat with abrasives and consequently clear away any snow and ice from any sidewalk, as herein provided, or cause this to be done, Caernarvon Township may, as soon as practicable after such failure, cause such work to be done. Caernarvon Township shall not, however, be liable for failure to clear snow or ice from any sidewalk.

B. Caernarvon Township shall ascertain and keep a record of the exact cost of all work caused to be done in accordance with this section on account of each act or omission of each person, and shall identify these persons with particularity.

C. Each person whose act or omission makes it necessary that Caernarvon Township cause work to be done in accordance with this section shall be liable to the Township for the cost of such work, plus any additional amount or penalty allowed by law which may be in addition to any fine or penalty.

SECTION IV. PENALTY

Upon the neglect or refusal of any owner to comply with the provisions and requirements of this Ordinance, the Township may, after four (4) hours notice from the Chief of Police, cause the removal of all snow, ice, hail and sleet to be done in accordance with the provisions of this Ordinance, at the cost of such owner and collect the cost thereof and twenty-five (25%) percent additional, together with all charges and expenses, from such owner, and collect the same according to law, and/or in addition thereto, any person, persons, corporations or associations violating this Ordinance may, upon conviction thereof before any District Justice of the Township of Caernarvon, be sentenced to pay a fine of

Fifty (\$50.00) Dollars and in default of the payment of said fine and costs, shall undergo imprisonment for a period not to exceed ten (10) days.

SECTION V. SEVERANCE CLAUSE

Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.

SECTION VI. REPEALER CLAUSE

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed insofar as they are inconsistent herewith.

DULY ENACTED AND ORDAINED into an Ordinance this 13th day of June, 2000.

TOWNSHIP OF CAERNARVON

By: Paul L Whitoman
Chairman

Attest: Charles E. Bly
Secretary

This a true and correct copy of
Ordinance # 107 that was
adopted by the Caernarvon
Township Board of Supervisors on
June 13, 2000
[Signature]
Township Secretary