

BOROUGH OF PORTLAND
ORDINANCE No. 219

An Ordinance requiring owners, occupants and tenants of property to remove ice and snow from abutting sidewalks; prescribing conditions under which such snow and ice may be removed by the Borough at the expense of the owner, occupant or tenant of property; making it unlawful for any person willfully, maliciously or recklessly to place or throw ice or snow upon any sidewalk; and prescribing penalties for violation.

The Borough of Portland hereby ordains as follows:

Section 1: The owner, occupant or tenant of every property fronting upon or along side any street or public parking area in the Borough of Portland is hereby required to remove or to cause the removal from all of the sidewalks (except that two foot portion of any sidewalk nearest the curb) in front of or along side such property all snow, ice, and other forms of frozen precipitation thereon fallen or formed, within twenty-four (24) hours after the same shall have ceased to fall or to be formed. Such snow or ice removed from sidewalks shall be placed upon the two foot portion of said sidewalk nearest the curb or in the gutter. No snow nor ice so removed shall be placed or thrown in the main traveled portion of the public streets, nor in such proximity or manner as to obscure any public fire hydrant, or impair access thereto.

(a) Any sidewalk existing within the Borough of Portland whether constructed of slate, stone or concrete, which has no accompanying curb, shall be cleared in the manner prescribed in Section 1 of this Ordinance, as if such curb existed, or in any case, to such extent that a path of at least twenty-four (24") inches in width is cleared from the surface of said sidewalk.

(b) Provided: The owner of a property shall be responsible for conforming to the requirements of this section where such property is occupied by such

owners, is unoccupied or vacant, or is a multiple unit property, occupied by more than one tenant or occupier; the tenant or occupier of every single-unit property, occupied by such tenant or occupier only, shall be responsible for conforming to the requirements of this section.

(c) Provided Further: That if such accumulation of snow or ice has not been cleared within the aforementioned twenty-four (24) hour period, the Borough shall make a reasonable attempt to provide a courtesy notice of violation to the property owner or tenant, as applicable, as hereinafter set forth.

(1) Courtesy notices may be given, where practicable, at any time more than twenty-four (24) hours after the snow or ice shall ceased to fall or to be formed, but not less than twelve (12) hours before any enforcement action is taken pursuant to this Ordinance. No notice shall be delivered or communicated between the hours of 8:00 p.m. and 7:00 a.m. Such courtesy notice may be delivered by any police officer or other Borough official or representative, by means of oral notice, by telephone, or by placing a written notice in the mail box or affixing a written notice to the front door of the building, if any, on the subject property.

NOT WITHSTANDING THE FOREGOING COURTESY NOTICE PROVISIONS, FOR PURPOSES OF PROSECUTION UNDER THIS ORDINANCE, NO PROOF OF NOTICE OR ATTEMPT TO DELIVER NOTICE SHALL BE REQUIRED, AND THE PRESENCE OF A COURTESY NOTICE SHALL NOT BE AN ELEMENT REQUIRED TO ESTABLISH VIOLATION, NOR SHALL LACK OF SUCH NOTICE BE A DEFENSE TO PROSECUTION.

Section 2: In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of the first section of this Ordinance, within the time limit prescribed therein, the Borough

authorities may, but shall not be required, to proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent, and to collect from such owner, occupant or tenant, as the case may be, an amount equal to the expenses thereof, plus ten per centum (10%), which may be in addition to any fine or penalty imposed under Section 4 of this Ordinance.

Section 3: It shall be unlawful for any person willfully and maliciously or recklessly to place or throw any snow or ice upon any sidewalk in the Borough or upon the main traveled portion of any public street. The element or reckless conduct or acting recklessly shall be established whenever a person acts intentionally or knowingly.

Section 4: Any owner, occupant or tenant who shall fail to remove any snow or ice from any sidewalk as required by the first section of this Ordinance, and any person who shall violate any provisions of the third section of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than Twenty-five (\$25.00) Dollars or more than Three Hundred (\$300.00) Dollars and costs of prosecution, and in default of payment thereof, to imprisonment for not more than ten (10) days.

(a) Provided: Such fine and costs of prosecution may be in addition to any expenses and additional amount imposed as provided in the second section of this Ordinance.

(b) Provided Further: Any person who shall violate any provisions of Section 1 or Section 3 of this Ordinance may pay by mail to the Borough Secretary, as a penalty for and in full satisfaction of such violation, the sum of Twenty (\$20.00) Dollars, in addition to any expense and additional amount imposed as provided in the second Section of this Ordinance. Such payment shall be mailed so as to provide receipt by the Borough Secretary within five (5) days

of the date of such violation, and failure to do so within such time limit shall render such person liable to the penalty hereinabove prescribed for such violation.

Section 5: This Ordinance shall become effective on the 6 day of April, 1987.

ENACTED into an Ordinance and passed at the Borough of Portland, Northampton County, Pennsylvania, this 6 day of April, 1987.

BOROUGH OF PORTLAND,

By: Timothy R. Harrison
Timothy Harrison, Borough President

ATTEST:

Robin Harrison
Robin Harrison, Secretary

Approved this 6 day of April, 1987

Barbara Prew
Barbara Prew, Mayor

ATTEST:

Robin Harrison
Robin Harrison, Secretary