

ORDINANCE NO. 85

AN ORDINANCE OF THE TOWNSHIP OF EPHRATA REQUIRING OWNERS, OCCUPANTS, AND TENANTS OF PROPERTY TO REMOVE SNOW AND ICE FROM ABUTTING SIDEWALKS; PRESCRIBING THE CONDITIONS UNDER WHICH SUCH SNOW AND ICE MAY BE REMOVED BY THE TOWNSHIP AT THE EXPENSE OF THE OWNER; AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF,

The failure of owners, occupants, and tenants of property to remove snow and ice from sidewalks abutting their respective properties within a reasonable period of time following snow falls is hereby declared to be a nuisance, creating considerable danger to the health, safety and welfare of the citizens of the Township of Ephrata.

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED by the Ephrata Township Board of Supervisors as follows:

SECTION 1. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

(a) Owner: Any person, firm, association, syndicate, co-partnership or corporation being one or more of the record owners of the property.

(b) Possessor: Any person, firm, association, syndicate, co-partnership or corporation having any possessory or proprietary interest in any land.

(c) Person: Any individual, firm, association, syndicate, co-partnership or corporation.

(d) Sidewalk: That paved area beside the curb or edge of the roadway intended for use by pedestrians.

(d) Thoroughly cleaned: The full removal of all snow and ice from the pathway such that there is a dry surface therein capable of supporting any individual without danger of slipping or falling.

SECTION 2. Every possessor of any building or lot of land within the Township fronting or abutting on a sidewalk shall remove and clear away and have thoroughly cleaned or cause to be removed and cleared away and thoroughly cleaned from all sidewalks fronting or abutting on their land or building, snow and ice to a path at least twenty-four (24) inches wide within twenty-four (24) hours after the snow or ice shall have ceased to fall or to be formed.

SECTION 3. In the event snow or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, every possessor of any building or lot of land within the Township fronting or abutting on a sidewalk, shall, within twenty-four (24) hours after the snow or ice shall have ceased to fall or to be formed, remove all snow and ice that can be removed without damage to the sidewalk and they shall further cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe and shall then, as soon thereafter as weather permits (but no later than forty-eight (48) hours thereafter), cause a path in said sidewalk to be made of at least twenty-four (24) inches in width to be thoroughly cleaned.

SECTION 4. In the case where the possessor of any building or lot of land in the Township fronting or abutting on a sidewalk shall fail, neglect or refuse to comply with the provisions of this Ordinance, within the time limit prescribed herein, the Township may proceed immediately to clear all snow and/or ice from the sidewalk (and/or place thereon sand or other abrasives) of such delinquent, and to collect the expense thereof, with an additional amount of twenty percent (20%) thereof, from the owner, which may be in addition to any fine or penalty imposed upon the sixth section of this Ordinance.

SECTION 5. In all events the owner of the land shall always be additionally responsible for conforming to the requirements of this Ordinance regardless of how the property is occupied or the terms and conditions of any lease or other agreement between the owner and

any other occupier or possessor to the contrary.

SECTION 6. Any possessor of any building or lot of land within the Township fronting or abutting on a sidewalk who shall have failed to have removed any snow or ice from any sidewalk as required herein, or who shall remove the same otherwise than is required herein, shall be guilty of a violation of this Ordinance, and upon conviction thereof, shall be sentenced to pay a fine of not less than Ten Dollars (\$10.00) or more than Fifty Dollars (\$50.00) and costs of prosecution. Such fines and costs of prosecution may be in addition to other expenses and additional amounts imposed as provided elsewhere herein. Fines shall be collected by the Township as otherwise provided by law.

SECTION 7. This Ordinance shall become effective five (5) days after the date of its adoption.

ENACTED AND ORDAINED this 7th day of June, 1988.

EPHRATA TOWNSHIP

BY: Aaron Stauffer

BY: Daniel W. Fox

BY: John L. Weber