

AN ORDINANCE REQUIRING OWNERS OF REAL ESTATE TO KEEP SIDEWALKS CLEAR OF OBSTRUCTIONS SETTING THE PROCEDURE FOR ENFORCEMENT AND ESTABLISHING FINES AND PENALTIES FOR FAILURE TO COMPLY

Sec.1 **SIDEWALKS TO BE KEPT CLEAR.** Owners, tenants, and occupiers of properties, and owners of unoccupied lots, along whose premises sidewalks have been laid, are required to keep the sidewalks clear of obstructions, within 24 hours of a) ceasing to fall (in the case of snow), or b) having occurred (in the case of ice or other obstruction).

No person shall deposit or cause to be deposited, snow, ice, or other material on or immediately next to a fire hydrant, on any sidewalk, on any roadway or alley, except that in the commercial district, snow and ice may be mounded on or immediately adjacent to the curb.

Sec.2 **RESPONSIBILITY.** This ordinance is applicable to all properties, whether occupied or unoccupied. The owner of the property is responsible for complying with this ordinance.

Sec.3 **PENALTY FOR VIOLATION.** Upon the owner or owners being convicted for violating this ordinance said owner or owners shall pay a fine of not less than \$100 nor more than \$1000 plus costs of prosecution. Each day of a violation shall be a separate offense.

Sec.4 **NOTICE OF VIOLATION.** Upon discovery of any violation of this ordinance, and before filing a citation against the owner/owners, the Borough shall cause the owner/owners to be notified of the violation. Such notice shall be made by either personal delivery, telephone, or by posting the property where the violation occurs. If the property is brought into compliance with this ordinance within 24 hours of the notice and the property owner/owners pays to the Borough office the sum of \$50 within one week of the notice said sum will constitute full satisfaction of the violation. If two or more violations are issued for the same property during a winter season, the second and subsequent violations payment shall be \$100 each. Failure to make payment within 7 days shall render the owner subject to prosecution as provided in Sec.3 herein

Sec.5. **BOROUGH AUTHORIZED TO REMOVE OBSTRUCTIONS AND CIVIL PENALTY.** Notwithstanding any provisions of this ordinance, whenever there is a violation of this ordinance and same has not been cured within 24 hours of the notice referred to in Sec.4 herein the Borough, through its agents, personal or contractors is authorized to cure the violation. The full cost of curing the violation plus an additional administrative fee equal to 10% of said cost shall be collected from the owner/owners. If the owner/owners fail to pay said sum the Borough Solicitor is authorized to place a municipal lien on the property and thereafter collect same plus interest at the rate of 6% per annum as provided by law. Such amount may be charged in addition to any fine or penalty imposed hereof upon conviction of violating this ordinance

Sec.6 **SEVERABILITY.** If any part of this ordinance is declared invalid, such decision shall not affect or impair the remaining parts.


Sec.7 THIS ORDINANCE SUPERSEDES any prior Ordinance addressing snow or ice removal on sidewalks.

ORDAINED and ENACTED this 14th day of March, 2013.


Borough of Freeport


by: DONALD REHNER
President of Council

ATTEST:


LAURIE KEVANA,
Borough Secretary

Approved as to form and substance:


JAMES SWARTZ, Mayor