

Article IV — Snow and Ice

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Article IV — Snow and Ice

§ 53-401 Depositing Snow or Ice on Streets or Sidewalks.

No person shall shovel or otherwise cause any snow or ice to be deposited into or upon any public street, road, highway, or alley, or any sidewalk, *except* Borough employees, agents, or other persons acting at the direction of a Borough official or a police officer.

§ 53-402 Separate Offenses.

Each deposit of snow or ice in a different location shall be a separate offense, each deposit in the same location on a different day shall be a separate offense, and any deposit in the same location on the same day after a verbal or written warning, notice, or citation with respect to this Article by a Borough police officer shall be a separate offense from any deposit prior to such warning, notice, or citation.

§ 53-403 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates any provision of this Article shall be subject to a civil penalty of Fifty Dollars (\$50.00) for the first offense in a given snow season (October 1 to the following April 30), and One Hundred Dollars (\$100.00) for the second and subsequent offenses in the same snow season.

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the police officer or the Borough Manager shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.