

**Article VI — Snow and Ice Removal**

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## **Article VI — Snow and Ice Removal**

### **§ 56-601 Removal by Property Owners.**

All property owners shall remove snow and/or ice from paved walkways on or abutting their property and adjacent to public streets within twenty-four (24) hours after such snow and/or ice falls, forms, is plowed onto, or otherwise becomes present on such walkways, to the extent necessary to create a clear path at least twenty-four (24) inches in width.

### **§ 56-602 Violations and Penalties.**

(a) **Civil Penalty.** Any person who violates § 56-601 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) plus the Borough's costs (if any) in removing the snow and ice from the walkway for which the person is responsible, and One Hundred Dollars (\$100.00) for the second and subsequent offenses in the same snow season (October 1 to the following April 30) plus the Borough's

costs (if any) in removing the snow and ice from the walkway for which the person is responsible.

**(b) Initial Determination of Violation.** Council hereby delegates the initial determination of violations under § 56-601 to any police officer of the Borough. The police officer or the Borough Manager 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.* § 56-601), 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 § 56-601 is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), 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 § 56-601 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.

**(d) Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense.