

**TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2017 - 1**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS FOR SNOW AND ICE REMOVAL FROM SIDEWALKS, AND SETTING FORTH PENALTIES FOR VIOLATION THEREOF**

**WHEREAS**, the Township of Tulpehocken is a Second Class Township in the Commonwealth of Pennsylvania; and

**WHEREAS**, as a Second Class Township the Township of Tulpehocken is governed by the Second Class Township Code of the Commonwealth of Pennsylvania; and

**WHEREAS**, per Section 1506 of the Second Class Township Code, 53 P.S. §1506, the Board of Supervisors may make and adopt ordinances necessary for the health and welfare of the Township; and

**WHEREAS**, per Section 1704 of the Second Class Township Code, 53 P.S. §1704, the Board of Supervisors may enact property maintenance ordinances regulating maintenance of properties in the Township; and

**WHEREAS**, pursuant to the authority granted them under the Second Class Township Code, the Board of Supervisors of Tulpehocken Township desires to enact an Ordinance requiring removal of snow and ice from sidewalks.

**NOW, THEREFORE BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Tulpehocken Township, Berks County, Pennsylvania, pursuant to the authority conferred by the Second Class Township Code, that the following be and is hereby adopted:

Section 1.     **SHORT TITLE:** This Ordinance shall be known and cited as the "Tulpehocken Township Snow and Ice Removal Ordinance."

Section 2.     **DEFINITIONS.** As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

- (a)     Business Day. Any day not a Sunday or a national holiday.
- (b)     Business Hours. The hours between 9:00 A.M. and 5:00 P.M. on any business day.
- (c)     Cartway. A portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- (d)     Highway. See Street.

- (e) Person. A natural person, partnership, corporation, association, congregation or any other legal entity.
- (f) Sidewalk. A portion of a street between the curb lines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.
- (g) Street or Highway. The entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.
- (h) Township. Tulpehocken Township, Berks County, Pennsylvania.

Section 3. RESPONSIBILITY FOR REMOVAL OF SNOW, ICE, HAIL, SLEET, AND/OR FROZEN PRECIPITATION FROM SIDEWALKS. Every owner of any building or lot of land fronting or abutting on a paved sidewalk shall remove and clear away or cause to be removed or cleared away snow, ice, hail, sleet and/or frozen precipitation from a path of at least thirty inches (30") in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

- (a) Except as provided in Subsection (b) of this section, snow, ice, hail, sleet and/or frozen precipitation shall be removed from sidewalks within twenty-four (24) hours after the cessation of any fall of snow, hail, sleet, freezing rain and/or frozen precipitation.
- (b) In the event snow, ice, hail, sleet and/or frozen precipitation on a sidewalk has become so hard that it cannot be removed without the likelihood of damage to the sidewalk, the owner shall, within the time mentioned in Subsection (a) of this Section, cause enough sand or other abrasive to be deposited on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least thirty inches (30") in width.

Section 4. DEPOSITING OF SNOW, ICE, HAIL, SLEET AND/OR FROZEN PRECIPITATION RESTRICTED. No person shall deposit or cause to be deposited any snow, ice, hail, sleet and/or frozen precipitation on or immediately next to a fire hydrant or on any sidewalk, roadway or loading or unloading areas of a public transportation system, except that snow, ice, hail, sleet and/or frozen precipitation may be mounded by the Township on public cartways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks in business districts.

Section 5. TOWNSHIP'S RIGHT TO CLEAR AROUND FIRE HYDRANTS. In cases where the owner shall fail, neglect, or refuse to comply with any of the provisions of this chapter, or within the time period required, Tulpehocken Township may in its discretion proceed immediately to clear snow, ice, slush, or any combination thereof or accumulation and/or impediment which would limit access to, from, and/or around fire hydrants and to collect the expenses, with any additional amount allowed by law from fine or penalty imposed under this Ordinance. In no case is Tulpehocken Township liable if it does not exercise the Township option for removal of snow, ice, slush, any combination thereof or accumulation and/or impediment which would limit access to, from, and/or around fire hydrants.



Section 6. ENFORCEMENT. Authority for enforcement of this Ordinance is granted to the Tulpehocken Township Police Department or the duly appointed Code Official for the Township.

Section 7. PENALTIES. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be guilty of a summary offense and for each and every offense shall be sentenced to pay a fine of not more than Six Hundred Dollars (\$600.00) together with costs of prosecution, and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation continues shall constitute a separate summary offense.

Section 8. SEVERABILITY. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Tulpehocken Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 9. REPEAL OF ORDINANCES. Any ordinance or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provision.

Section 10. EFFECTIVE DATE. This Ordinance shall become effective at the earliest date permitted by law.

ENACTED AND ORDAINED into an Ordinance this 10<sup>th</sup> day of May, A.D. 2017, by the Supervisors of Tulpehocken Township, Berks County, Pennsylvania in Lawful Session duly assembled.

BOARD OF SUPERVISORS OF TULPEHOCKEN  
TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

By:

Mary A. Dech  
Chairman

Richard A. Kramer  
Member

Scott A. Feick  
Member

ATTEST:

Christy Flaherty  
Secretary



**CERTIFICATE OF ENACTMENT**

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of Tulpehocken Township, Berks County, Pennsylvania, at a regular meeting of the Board on May 10, 2017.

*Christy Flaherty*  
Secretary

DATED: May 10, 2017

