

BOROUGH OF ST. LAWRENCE  
BERKS COUNTY, PENNSYLVANIA

Ordinance No. 386

AN ORDINANCE OF THE BOROUGH OF ST. LAWRENCE, BERKS COUNTY, PENNSYLVANIA, REQUIRING OWNERS, OCCUPANTS, AND TENANTS OF PROPERTY TO REMOVE SNOW AND/OR ICE FROM SIDEWALKS ABUTTING THEIR PROPERTY; PROHIBITING THE REMOVAL OF SNOW AND/OR ICE ONTO THE CARTWAY OF A PUBLIC STREET OR ONTO PRIVATE PROPERTY WITHOUT THE CONSENT OF THE OWNER; PRESCRIBING THE CONDITIONS UNDER WHICH SNOW AND/OR ICE MAY BE REMOVED BY THE BOROUGH AT THE EXPENSE OF THE OWNER, OCCUPANT, OR TENANT OF THE PROPERTY, AND PRESCRIBING PENALTIES FOR VIOLATION

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of St. Lawrence, Berks County, Pennsylvania, and it is hereby enacted and ordained by authority of the same as follows:

Section I. **Definitions.** The following terms shall have the following definitions for purposes of this Ordinance:

A. "Borough" - shall mean the Borough of St. Lawrence, Berks County, Pennsylvania.

B. "Remove" or "Removal" - shall mean physically taking away of snow and/or ice from the sidewalk, or, in the event that snow and/or ice is so frozen or hardened that it cannot be physically taken away from the sidewalk without injury, the use of salt, sand, or similar abrasive to provide safe passage over the sidewalk.

C. "Sidewalk" - shall mean any improved pavement or part thereof fronting on a street and located within the curb line and the building (property)

line of said street as it appears on the topographical map of the Borough. This term shall also mean any unimproved or ground surface area or part thereof fronting on a street and located within the curb line and the building (property) line of said street as it appears on the topographical survey of the Borough if such area is used or usable as a walkway by the general public. The singular shall include the plural.

D. "Snow and/or ice" - shall include any and all frozen precipitation, including snow, ice, slush, sleet, hail, and freezing rain.

E. "Winter Season" - shall mean the time period between November 1 and April 30 of the succeeding year.

**Section II. Snow and/or Ice to be Removed From Sidewalks.**

A. The owner, occupant, or tenant of every property fronting upon or alongside of any of the streets of the Borough of St. Lawrence is hereby required to remove or cause to be removed all snow and ice from sidewalks in front of or alongside such property, for the entire width of the sidewalk within twenty four (24) hours after said snow and/or ice has ceased to fall or be formed on said sidewalks.

B. The owner of record of a property shall be responsible for compliance with the requirements of this Ordinance, whether such property is occupied by such owner or not, or is unoccupied or vacant, or is a multiple-business, multiple-residential, or other multiple-dwelling property occupied by more than one tenant or occupant.

C. The tenant or occupant of a property shall be jointly responsible with the owner of record for conforming to the requirements of this Ordinance where such property is occupied by one commercial or residential tenant or occupant.

D. It shall be deemed to be a violation of this Ordinance to remove snow and/or ice in such a manner as to place said snow and/or ice in the cartway of a public street, or on the property of another person or entity without the consent of the owner or person authorized to act on behalf of the owner. Any person or persons violating this provision of this Ordinance, or causing or contributing to such a violation, shall be subject to all costs, fines, property liens, and penalties set forth in this Ordinance.

**Section III. Borough May Clear Snow and/or Ice at the Expense of Owner, Occupant, or Tenant.**

A. In any case where the owner, occupant, or tenant, as aforesaid, shall fail, neglect, or refuse to comply with any of the provisions of Section II of this Ordinance, above, within the time limit set forth therein, the Borough may proceed immediately to clear the snow and/or ice from the sidewalk of the delinquent property.

B. The Borough may collect all costs and expenses of snow and/or ice removal necessitated by violation of this Ordinance, together with any additional sum permitted by applicable law, in addition to any costs, fines or penalties set forth in Section IV, below.

C. In the event of failure to pay costs and expenses related to snow and/or ice removal, the Borough shall file a lien against the property for said costs and expenses, which shall include reasonable attorney's fees for the filing of such lien(s).

**Section IV. Penalties for Violation.**

A. Any owner, occupant, or tenant who shall fail to remove snow and/or ice from any sidewalk as required by Section II of this Ordinance shall, upon conviction thereof before a Magisterial District Judge be sentenced to pay a fine or penalty as follows:

1. Twenty Five Dollars and 00/100 (\$25.00) for the first offense in any Winter Season.
2. Fifty Dollars and 00/100 (\$50.00) for the second offense in any Winter Season.
3. One Hundred Dollars and 00/100 (\$100.00) for the third or subsequent offense in any Winter Season.

B. Each successive twenty four (24) hours of failure to remove said snow and/or ice as required by this Ordinance shall constitute a separate offense punishable by a like fine or penalty.

**Section V. 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 Borough Council of the Borough of St. Lawrence that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

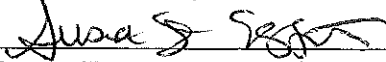
**Section VI. Repealer.** All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

**Section VII. Effective Date.** This Ordinance shall become effective on the earliest date allowable under applicable law.


DULY ENACTED AND ORDAINED this 12<sup>th</sup> day of April, 2007.

BOROUGH OF ST. LAWRENCE  
BERKS COUNTY, PENNSYLVANIA

By:   
Robert J. May, President of Council   
*Dawn W. Eggert*

Attest:   
Susan Eggert, Borough Secretary

Approved as an Ordinance this 12<sup>th</sup> day of April, 2007:

By:   
Warren L. Lubenow, Mayor

### Proof of Publication of Notice in Reading Eagle

Under Act No. 587, Approved May 16, 1929.

Commonwealth of Pennsylvania, }  
County of Berks } ss:

Jo Ann Gottschall, Assistant Secretary, READING EAGLE COMPANY, of the County and Commonwealth aforesaid, being duly sworn, deposes and says that the READING EAGLE established January 28, 1868 is a newspaper of general circulation published at 345 Penn Street, City of Reading, County and State aforesaid, and that the printed notice or publication attached hereto is exactly the same as printed and published in the regular edition and issues of the said READING EAGLE on the following dates, viz.:

**Reading Eagle Thursday, March 29, 2007, A.D.**

Effective July 1, 2002 Reading Times Ceased Publication. The Reading Eagle will be a daily morning and Sunday edition.

Affiant further deposes that this person is duly authorized by READING EAGLE COMPANY, a corporation, publisher of said READING EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place, character of publication are true.

Copy of Notice or Publication

**NOTICE**

The Borough Council of the Borough of St. Lawrence will consider the adoption of an ordinance at its meeting on Thursday, April 12, 2007 at 7:30 p.m. at the Borough of St. Lawrence Municipal Building, 3540 St. Lawrence Avenue, Reading, Pennsylvania 19606. A summary of the ordinance is as follows:

**AN ORDINANCE OF THE BOROUGH OF ST. LAWRENCE, BERKS COUNTY, PENNSYLVANIA, REQUIRING OWNERS, OCCUPANTS, AND TENANTS OF PROPERTY TO REMOVE SNOW AND/OR ICE FROM SIDEWALKS ABUTTING THEIR PROPERTY; PROHIBITING THE REMOVAL OF SNOW AND/OR ICE ONTO THE CARTWAY OF A PUBLIC STREET OR ONTO PRIVATE PROPERTY WITHOUT THE CONSENT OF THE OWNER; PRESCRIBING THE CONDITIONS UNDER WHICH SNOW AND/OR ICE MAY BE REMOVED BY THE BOROUGH AT THE EXPENSE OF THE OWNER, OCCUPANT OR TENANT OF THE PROPERTY AND PRESCRIBING PENALTIES FOR VIOLATION**

Copies of the full text of the ordinance may be examined without charge or obtained for a charge not greater than the cost thereof at the Borough of St. Lawrence Municipal Building, 3540 St. Lawrence Avenue, Reading, PA 19606, at the Berks County Law Library, Berks County Courthouse, Sixth and Court Streets, Reading, PA 19601, and at the Reading Eagle-Times, 345 Penn Street, Reading, PA 19601.

Joan E. London, Esquire  
Solicitor,  
Borough of St. Lawrence

*Jo Ann Gottschall*  
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Jo Ann Gottschall

Sworn to and subscribed before me this 29 th day

of March, 2007

*Ann L. Liptak*  
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Notary

#### Statement of Advertising Costs

#### SNOW AND ICE REMOVAL

ST. LAWRENCE BOROUGH  
BOROUGH MANAGER  
3540 ST. LAWRENCE AVENUE  
READING, PA 19606-2392

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
ANN L. LIPTAK, NOTARY PUBLIC  
CITY OF READING, BERKS COUNTY  
MY COMMISSION EXPIRES OCT. 2, 2008

To READING EAGLE, DR.:

For publishing the notice or publication attached hereto on the above stated dates	<b>\$152.50</b>
Probating same	<b>\$10.00</b>
<b>Total</b>	<b><u>\$162.50</u></b>

#### Publisher's Receipt for Advertising Costs

The READING EAGLE COMPANY, publisher of the READING EAGLE, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid notice and publication costs and certifies the same have been duly paid.

READING EAGLE COMPANY, a Corporation

By -----