

ORDINANCE NO. 490

**BOROUGH OF PARKESBURG
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE REPLACING AND SUPERCEDING ORDINANCE 448 OF THE BOROUGH OF PARKESBURG TO REQUIRE THE REMOVAL BY THE OWNER OF THE PROPERTY IN THE BOROUGH OF PARKESBURG ABUTTING ON PUBLIC SIDEWALKS OF ACCUMULATIONS OF SNOW FROM THE SIDEWALKS ON THE PROPERTY OWNED OR OCCUPIED BY THEM AND PROVIDING FOR AMENDMENT BY RESOLUTION.

BE IT ORDAINED AND ENACTED by the Mayor and the Council of the Borough of Parkesburg, Pennsylvania, and it is hereby ordained by the authority of the same:

SECTION I. That from and after enactment of this Ordinance it shall be the duty of the owner or occupant of all occupied, unoccupied and leased property to remove, at his or her expense, all snow or ice from the sidewalks abutting on the property occupied or owned by him or them within a period of the first thirty-six (36) hours after the cessation of a fall of snow, hail or sleet, or the lifting of a snow emergency the Borough had issued. Residential units under construction or under control of a developer will remain the responsibility of the developer to clear and maintain the property.

SECTION II. The snow, hail or sleet shall be removed from the sidewalk or pavement abutting the property a minimum width of twenty-four (24) inches. Snow packed or frozen surfaces must be treated with salt, sand, aggregate or chemicals to a width of twenty-four (24) inches and kept clear of drifting, pushed or plowed snow and any other cause of accumulation blocking the twenty-four (24) inch path or full sidewalk width. Any person who deposits snow back into the street after plowing is in violation of this Ordinance. Any snow, hail or sleet that is removed from properties shall not be shoveled, blown or deposited on or into the paved or improved portion of any street or alley that is open to motor vehicle traffic.

SECTION III. Any singular pronoun herein shall be taken and deemed to refer to either the masculine or feminine gender in any case in which a corporation shall be the owner or lessee of any premises the duty of complying herewith shall be upon the principal officer or manager immediately in charge thereof.

SECTION IV. The Chief of Police of Parkesburg or his designee is hereby designated as a proper officer to file a complaint against the persons violating this Ordinance, serve any notice(s), or to prosecute any violations on the proper persons. At the time the violation is found, the Chief of Police or his designee will attempt to notify the occupant of any property in violation by personal contact or printed notice posted in a conspicuous place on the property in question listing the violation time, date and corrective action needed. Any contact with any occupant does not relieve the property owner as the person responsible for the property.

SECTION V. Non-compliance with the provisions of this Ordinance may result in clearing of the walkway(s) by the Borough, its employees, or designated contractors at the expense of the occupant and/or owner of applicable property(ies). Such action will not preclude, exempt or otherwise waive the enforcement of any and all penalties for non-compliance by the Borough for any prosecutions of this Ordinance. The Borough of Parkesburg may collect the amount due by Suit in Assumpsit or by filing liens against the property owner, or in any other manner authorized by law.

SECTION VI. Any persons violating the provisions of this Ordinance shall, upon summary conviction by the Magisterial District Judge in said Borough, be fined the sum of not less than Fifty Dollars (\$50.00), nor more than Three Hundred Dollars (\$300.00) for each and every offense, or upon failure to pay such fine and costs, shall suffer imprisonment in the jail of Chester County for a period not exceeding thirty (30) days.

SECTION VII. Each and every thirty-six (36) hour period set forth in this Ordinance in which violation of this Ordinance is persisted in shall be a separate and distinct offense punishable as above set forth.

SECTION VIII. The Borough Council recognizes that changes to this Ordinance may be necessary from time to time to address changes in circumstances and does hereby authorize amendments to this Ordinance by means of Resolution, duly enacted by the Borough Council.

SECTION IX. All other Ordinances inconsistent herewith are hereby rescinded including Ordinance No. 448 which is replaced and superceded hereby.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon enactment.

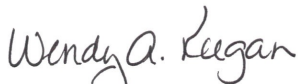
ORDAINED AND ENACTED by the Council of the Borough of Parkesburg in a public meeting held this day of , 2011.

PARKESBURG BOROUGH COUNCIL



KATHLEEN RICK, Vice-President

ATTEST:



WENDY A. KEEGAN, Secretary

Approved this day of , 2011.



JOHN P. HAGAN, II, Mayor