

BROOKHAVEN BOROUGH

Ordinance No. 768

AN ORDINANCE OF THE BOROUGH OF BROOKHAVEN, DELAWARE COUNTY, PENNSYLVANIA AMENDING EXISTING REGULATIONS REGARDING SNOW AND ICE REMOVAL WITHIN THE BOROUGH TO REQUIRE THAT ANY ACCUMULATION OF SNOW OR ICE UPON PAVEMENT OR SIDEWALKS ON PROPERTIES WITHIN THE BOROUGH BE REMOVED WITHIN TWENTY FOUR (24) HOURS AFTER SUCH ACCUMULATION HAS CEASED, AND THAT DURING SUCH PERIODS SNOW AND/OR ICE ACCUMULATING ON SIDEWALKS ON OR ADJACENT TO ANY COMMERCIAL PROPERTY LOCATED ON EDMONT AVENUE BE REMOVED TO CREATE A CLEAR WALKWAY A MINIMUM OF FORTY EIGHT INCHES (48") IN DEPTH, AND REPEALING ALL ORDINANCES OR RESOLUTIONS DIRECTLY INCONSISTENT HEREWITH TO THE EXTENT OF ANY SUCH INCONSISTENCY ONLY.

WHEREAS, the accumulation of snow and ice upon properties in the Borough create a hazard to public safety;

WHEREAS, the Codified Ordinances of the Borough of Brookhaven (the "Code") contains certain provisions requiring the removal of accumulated snow and ice on properties in the Borough; and

WHEREAS, the Borough desires to regulate the removal of snow and ice in a manner that minimizes the risk to the public, but still provides property owners sufficient opportunity to remedy any accumulation.

NOW, THEREFORE, COUNCIL OF THE BOROUGH OF BROOKHAVEN HEREBY ORDAINS that:

1. Amendment to Section 680.08 of the Code - Removal of Ice and Snow Required.

Section 680.08 of the Code, regulating the removal of snow and ice within the Borough, is hereby amended to read as follows:

(a) Now owner, tenant or other person, firm or corporation in possession of any real property in the Borough shall permit snow or ice to remain on any pavement or sidewalk on such property for a

period of more than twenty four (24) hours after the accumulation of such snow or ice has ceased.

(b) During the aforesaid twenty four hour period, the owner, tenant or other person, firm or corporation in possession of such real property shall remove such snow or ice from the pavement so as to create a pathway on such pavement or sidewalk for pedestrian traffic, which pathway shall be at least four feet (4') across any pavement or sidewalk on or adjacent to any commercial property within the Borough along Edgmont Avenue, and three feet (3') across any pavement or sidewalk on or adjacent to any other property within the Borough.

(c) a separate offense shall be deemed committed each and every day that an owner, tenant or other person, firm or corporation in possession of real property permits ice and snow to remain in violation of subsection (b) hereof.

3. Effective Date. This Ordinance shall be effective upon its adoption by Brookhaven Borough Council and its approval by the Mayor.

4. Repealer. All ordinances, resolutions or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled to the extent of such inconsistency.

5. Severability. The provisions of this ordinance and code sections adopted hereby are severable, and if any clause, sentence or section thereof shall be adjudged invalid or unconstitutional, such decision or judgment shall not affect the validity of the remaining provisions.

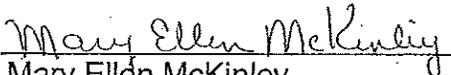
DULY ENACTED THIS 7th DAY OF January 2013 BY
THE COUNCIL OF THE BOROUGH OF BROOKHAVEN.

By:



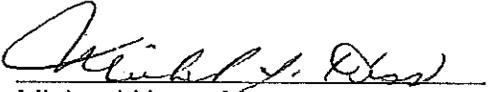
Daniel M. McCray, President
Brookhaven Borough Council

Attest:



Mary Ellen McKinley
Secretary of Borough

EXAMINED AND APPROVED THIS 7th DAY OF January, 2013.

By: 
Michael Hess, Mayor