

**BOROUGH OF BELLEVUE
ORDINANCE NO. 10-06**

**AN ORDINANCE OF THE BOROUGH OF BELLEVUE
REQUIRING OWNERS, OCCUPANTS, AND TENANTS
OF PROPERTY TO REMOVE SNOW AND ICE FROM
ABUTTING SIDEWALKS; PRESCRIBING THE
CONDITIONS UNDER WHICH SUCH SNOW AND ICE
MAY BE REMOVED BY THE BOROUGH AT THE
EXPENSE OF THE OWNER; AND PRESCRIBING
PENALTIES FOR VIOLATION THEREOF**

- A. The failure of owners, occupants, and tenants of property to remove snow and ice from sidewalks abutting their respective properties is hereby declared to be a nuisance, creating considerable danger to the health, safety, and welfare of the citizens of the Borough of Bellevue; and
- B. It is necessary for the health, safety, and welfare of the citizens of the Borough of Bellevue and the general public to require that all sidewalks currently existing in the Borough be placed in a usable condition in a reasonable period of time following snow falls occurring in the Borough.

NOW, THEREFORE, BE IT HEREBY ENACTED AND ORDAINED this 27 day of APRIL, 2010 by the Borough of Bellevue Council as follows:

SECTION 1. The following definitions shall apply in the interpretation and enforcement of this Ordinance:

- (a) Owner: Any person, firm, association, syndicate, co-partnership or corporation being one or more of the record owners of the property.
- (b) Possessor: Any person, firm, association, syndicate, co-partnership or corporation having any possessory or proprietary interest in any land.
- (c) Person: Any individual, firm, association, syndicate, co-partnership or corporation.
- (d) Sidewalk: That paved area beside the curb or berme or edge of the roadway intended for use by pedestrians.
- (e) Thoroughly cleaned: The full removal of all snow and ice from the pathway supporting an individual without danger of slipping or

falling, so that no hazardous condition exists.

Section 2. Every possessor of any building or lot of land within the Borough fronting or abutting on a sidewalk shall remove and clear away and have thoroughly cleaned or cause to be removed and cleared away and thoroughly cleaned or cause to be removed and cleared away and thoroughly cleaned from all sidewalks fronting or abutting on their land or building, snow and ice within twenty-four (24) hours after the snow or ice shall have ceased to fall or to be formed.

Section 3. In the event snow or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, every possessor of any building or lot of land within the Borough fronting or abutting on a sidewalk, shall, within twenty-four (24) hours after the snow or ice shall have ceased to fall or to be formed, remove all snow and ice that can be removed without damage to the sidewalk and they shall further cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe and shall then, as soon thereafter as weather

permits (but no later than forty-eight (48) hours thereafter), cause a path in said sidewalk to be thoroughly cleaned.

Section 4. In the case where the possessor of any building or lot of land in the Borough fronting or abutting on a sidewalk shall fail, neglect or refuse to comply with the provisions of this Ordinance, within the time limit prescribed herein, the Borough may proceed immediately to clear all snow and/or ice from the sidewalk and/or place thereon sand or other abrasives of such delinquent, and to collect the expense thereof, with an additional amount of twenty percent (20%) thereof, from the owner, which may be in addition to any fine or penalty imposed upon the sixth section of this Ordinance.

Section 5. In all events the owner of the land shall always be additionally responsible for conforming to the requirements of this Ordinance regardless of how the property is occupied or the terms and conditions of any lease or other agreement between the owner and any other occupier or possessor to the contrary.

Section 6. The Zoning Officer, upon ascertaining that a property is in violation of this Ordinance, shall give a written notice by first-class mail or certified mail, return receipt requested, or by hand delivered letter to the owner or

occupant of the property is in violation of the provisions of the Ordinance, and shall direct the owner or occupant to remove the snow and/or ice to conform to the requirements of the Ordinance within twenty-four (24) hours. In the event the owner or occupant of the property fails to comply with the notice, the Borough may bring an appropriate action before the District Justice for a violation of the Ordinance, without any further notices being mailed by the Zoning Officer or Code Enforcement Office.

Section 7. Penalties – Any possessor of any tract of land located within the Borough fronting or abutting a sidewalk who shall have failed to remove any snow or ice from the sidewalk as required herein, or who removes the same otherwise than is required herein, shall be guilty of a violation of the Ordinance, and upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) plus costs and attorney fees. Such fines and costs shall be collected by the Borough as otherwise provided by law. Each day that a violation continues shall be deemed to be a separate offense.

Section 8. Effective Date – This Ordinance shall become effective five (5) days after its enactment.

