

ORDINANCE NO. 489
Township of Kennedy
Allegheny County, Pennsylvania

**AN ORDINANCE OF THE TWP OF KENNEDY FOR MATTERS OF PUBLIC
SAFETY, RELATING TO THE REMOVAL OF SNOW AND ICE FROM
PUBLIC SIDEWALKS, AND THE MAINTENANCE OF CLEAR SIDEWALK
CONDITIONS IN OTHER RESPECTS**

Whereas, the Board of Commissioners of the Township of Kennedy believe that considerations of public safety require that action to be taken to make the sidewalks in the township safe for clear passage after snowfalls and other weather conditions; and,

Whereas, issues exist at other times of the year with regard to impediments existing on or about the sidewalks in the Township, creating hazardous conditions for residents and visitors attempting to travel on such sidewalks; and,

Whereas, the Board believes that adoption of an ordinance, requiring specific guidelines and mandates are in the best interests of the safety of the residents of the Township, and those coming into the Township to patronize local businesses and/or otherwise visit residences and business establishments in the Township; and,

Whereas, the Board finds that the unabated accumulation of snow, ice and other hazards on public property threatens the public health, safety and welfare of the community, and constitutes a public nuisance unless abated in accordance with the requirements of this Section,

NOW THEREFORE, be it ordained, and the Board of Commissioners does hereby adopt the following Ordinance, as follows:

1. It shall be the duty of the owner, occupant or other person or entity in charge of any property, whether occupied or vacant, in the Township, which is adjacent to and/or includes any form of public sidewalk, to remove or cause to be removed snow or ice from the entire width of such sidewalk, including any adjacent curb-cut, up to a maximum width of thirty-six inches. If ice is so thick so that the same cannot be wholly removed, sand, ashes, and/or rock salt, or other proper substance, shall be applied so that such sidewalk shall be safe for public travel.

2. Snow or ice below six (6) inches shall be removed, or appropriate treatment, as referenced in section 1, shall be accomplished, within twenty-four (24) hours, and six (6) inches or above shall be removed within thirty-six (36) hours, after the same has fallen or been formed. (Snowfall or other precipitations measurements shall be as measured by the National Weather Service, National Oceanic and Atmospheric Administration, or other agency, at Greater Pittsburgh International Airport) For individual owners or tenants who are handicapped, over the age of sixty-five, or

otherwise physically incapable of complying with the requirements of the ordinance, such owner or tenant must establish that he or she has contracted for removal services within the specified time limits, and that removal shall occur within the next twenty-four (24) hours thereafter.

3. Business operations, Private developments, and the like. Notwithstanding the provisions of the prior section, the owner of any residential complex, apartment development, nursing home, office building, hospital, restaurant or shopping center and the owner of any property within the township to which the public is invited for business purposes shall remove all snow and ice from the driveways, fire lanes, garbage pickup areas, parking areas, walkways, sidewalks that abut the premises, steps and fire hydrants located upon such property within 12 hours after any snowfall or accumulation of ice occurs. If ice is so thick as to make removal impractical, the owner shall only cause the walkways and steps to be thoroughly covered with sand, ashes, sawdust or rock salt within six hours of daylight after the accumulation or re-accumulation of such ice and shall maintain the driveways, fire lanes, garbage pickup areas, parking areas, walkways, sidewalks that abut the premises, steps and fire hydrants thereafter in safe condition.

4. Private roads. The owner or developer of any residential property within the township which contains any unaccepted roads or streets shall remove any snow and ice from the roadways within 12 hours of the time any snowfall or accumulation of ice occurs. If ice is so thick as to make removal impractical, the owner or developer shall only cause unaccepted roads or streets to be thoroughly covered with sand, ashes or rock salt within 12 hours after the accumulation of such ice.

5. No person shall place, cause to be placed or permit to be placed any snow or ice upon any street, road or sidewalk within the Township in any manner that will obstruct or impede vehicular or pedestrian traffic, or block access to any street, road or sidewalk. The owners, tenants and occupants of the subject property from which the snow is removed, as well as any person who caused the snow or ice which obstructs or impedes vehicular or pedestrian traffic or blocks access to any street, road or sidewalk, shall be responsible for compliance with terms of this section.

6. Other conditions. No person shall place, cause to place, or allow to be placed, on any sidewalk in the Township, any form of impediment which would prohibit or in any way limit the ability of any person to travel or pass on such sidewalk. This shall specifically include any form of vehicle, any form of debris or garbage, including placing garbage bags, signage or any other form of material or the like. No form of obstruction or hazard shall be allowed to exist on any sidewalk and must be immediately removed.

7. Violations. Any owner or tenant who shall violate the above Sections shall, upon conviction thereof by the Magisterial District Justice, be punished by a fine not exceeding Fifty Dollars (\$50.00), together with any and all costs of prosecution. Further, as noted herein, the Township may also seek recovery of any costs of remediation. Every day's continuance of the violation shall be deemed a separate offense. Any member of the Township Police Department, or the Township Manager or Building/Zoning Inspector, is authorized to file a complaint with the Magisterial District Justice to enforce the provisions of this Ordinance.

8. Action deemed necessary by Township Officials. Notwithstanding the assessment of a penalty hereunder, the Township may remove any snow or ice which has not been removed pursuant to this Ordinance, and/or may remove any form of impediment, obstruction or hazard on the sidewalks, and may recover abatement/remediation costs against the property owner or other person or entity in charge of maintenance of the property, in addition to any penalties set forth herein. In cases where the owner or tenant shall refuse or neglect to remove the same, in the manner and within the time provided previously, the Township Manager, Public Safety Commissioner, Street Commissioner, Chief of Police, any member of the Township Police Department, or Chief or Assistant Chief of the Fire Department, may direct the Township Road Crew or outside contractor authorized by the Manager, to cause the same to be done. In all cases where snow or ice is removed from the sidewalks under this Article, the Manager shall determine and shall certify the cost thereof to the Board of Commissioners, which shall examine the certificate and, if found correct, shall cause the cost shown thereon to be charged against the owner or tenant of such lands abutting or bordering such sidewalk or other area where remediation work was accomplished. The amount so charged shall be made the subject of a civil action for recovery before the local Magisterial District Justice or be part of costs associated with any ordinance violation action, and shall forthwith become a lien upon such land and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the collector of taxes and in the same manner as other taxes.

9. Any ordinance or any part of any ordinance which is in conflict with the provisions of this Ordinance shall be deemed repealed.

10. This Ordinance shall be in full force and effect immediately upon and from and after its passage and/or enactment.

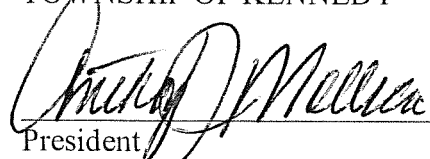
IN WITNESS WHEREOF, the Board of Commissioners of the Township of Kennedy have adopted this Ordinance, and do enact and ordain the provisions set forth herein.

Adopted this 11th day of June, 2013.

ATTEST:


Township Manager

TOWNSHIP OF KENNEDY


President
Kennedy Township Board of Commissioners

