

ORDINANCE NO. 2022 - 357

AN ORDINANCE OF MIDDLEBURG BOROUGH, SNYDER COUNTY, PENNSYLVANIA, AMENDING CHAPTER 21 PART 1 OF THE MIDDLEBURG BOROUGH CODE REGULATING THE REMOVAL OF SNOW FROM SIDEWALKS BY AN OWNER OR OCCUPANT OF PREMISES FOLLOWING ANY SNOWFALL.

WHEREAS, the Middleburg Borough Council, in order to advance the welfare and safety of the residents of the Borough and such other persons who use the sidewalks in the Borough, deems it necessary to adopt an Ordinance regulating the removal of snow and ice on or along Borough sidewalks following any snowfall or ice accumulation.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is ENACTED AND ORDAINED, by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, as follows:

Section 1. Chapter 21, Part 1 Removal by Owner, or Occupant of Premises; Notice, Section 21-101 of the Code of the Borough of Middleburg is amended to read, in its entirety, as follows:

§21-101. Removal by Owner, or Occupant of Premises; Notice.

1. The owner, occupant or tenant of each piece or parcel or lot of ground situate in the Borough of Middleburg, adjacent to any side of which is a sidewalk, shall remove from all such sidewalk any snow or ice which may accumulate thereon within 24 hours after such snow or ice shall have been caused to fall or form; provided, however, that no citation for a violation of this section shall be issued until a notice has been given to the owner, tenant or occupier of premises, the sidewalk of which is in violation of this section. Pursuant to this section, each owner, occupant, or tenant is only entitled to 1 notice each 12 month period beginning on October 1st of each year, after which violations can be enforced without any additional notice. If any ice should accumulate upon any such sidewalk to the extent that it is incapable of being removed with reasonable effort, it shall be sufficient to satisfy the intent and purpose of this section if the owner, tenant, or occupier of the premises abutting said sidewalk shall apply ashes, cinders, salt, or other such nonskid material in such a manner as to render the sidewalk reasonably safe for pedestrian use.
2. In the absence of an agreement to the contrary with the tenant or occupier, it shall be the duty of the owner of the real estate to comply with the requirements of this section. If the owner does have such an agreement with

the tenant or occupier, the owner shall provide such agreement to the Borough within 24 hours of receipt of a notice or of a citation for violation of this Ordinance.

Section 2. If any section, subsection, sentence, clause or phrase or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion thereof

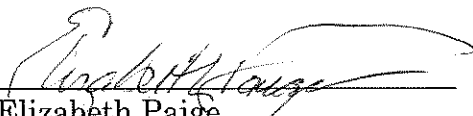
Section 3. Repealer. All ordinances and parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency. The remainder of Chapter 21 Part 1, to the extent not inconsistent herewith, shall remain fully binding and effective.

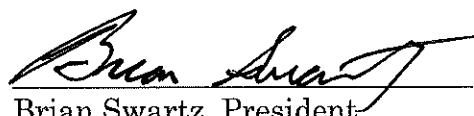
Section 4. This Ordinance shall be effective five (5) days after enactment.

DULY ENACTED AND ORDAINED this 12th day of April, 2022, by the Council of the Borough of Middleburg, Snyder County, Pennsylvania, in lawful session duly assembled, after receiving public comment thereon and following proper notice of its intent to consider adoption of this Ordinance.

ATTEST:


BOROUGH OF MIDDLEBURG:


Elizabeth Paige,
Administratrix/Secretary

BY: 
Brian Swartz, President

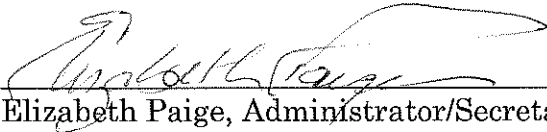
(Middleburg Borough Seal)

APPROVED AS AN ORDINANCE OF THE BOROUGH OF MIDDLEBURG,
SNYDER COUNTY, PENNSYLVANIA, THIS 12th day of APRIL 2022.


Heidi Potter, Mayor

CERTIFICATE OF ADOPTION

AND NOW, this 12th day of April, 2022, I hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, at a properly called and duly-advertised meeting held on April 12 2022, at which time a quorum was present.


Elizabeth Paige, Administrator/Secretary

(Middleburg Borough Seal)

CERTIFICATE OF PREPARATION

AND NOW, this 12th day of April 2022, I hereby certify that I prepared the foregoing Ordinance adopted by the Borough Council of the Borough of Middleburg, Snyder County, Pennsylvania, at a properly called and duly advertised meeting held on April 12 2022.



Beau A. Hoffman, Solicitor