

ORDINANCE NO. 2015-09

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF GREENCASTLE, FRANKLIN COUNTY, CHAPTER 169 THEREOF, ENTITLED "STREETS AND SIDEWALKS," BY AMENDING ARTICLE I, "ENTITLED SNOW AND ICE REMOVAL", SECTIONS 169-2, 169-3, and 169-5 THEREOF.

WHEREAS, Borough Council of the Borough of Greencastle, Franklin County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of the Borough to amend Sections 169-2, 169-3, and 169-5 of Chapter 169 of the Code of the Borough of Greencastle to provide additional enforcement remedies.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Council of the Borough of Greencastle and it is hereby ordained by authority of the same as follows:

SECTION I. Chapter 169, of the Code of the Borough of Greencastle, entitled "Streets and Sidewalks", Article I, Section 169-2, entitled "Responsibility for removal of snow and ice from sidewalks", Subsection A is hereby amended by replacing its contents with the following:

- A. Except as provided in Subsection B hereof, snow and ice shall be removed from sidewalks within 24 hours after the cessation of any fall of snow, sleet or freezing rain.

SECTION II. Chapter 169, of the Code of the Borough of Greencastle, entitled "Streets and Sidewalks", Article I, Section 169-3, entitled "Responsibility for removal from roofs", is hereby amended by replacing its contents with the following:

Every person in charge or control of any building or other structure, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on said building or other structure which is liable to fall on any sidewalk, roadway, or other public way. Such work shall be completed within a reasonable time, but not later than 24 hours after the cessation of any fall of snow, sleet, or freezing rain.

SECTION III. Chapter 169, of the Code of the Borough of Greencastle, entitled "Streets and Sidewalks", Article I, Section 169-5 entitled "Violations and penalties" is hereby amended by replacing its contents with the following:

- A. Any owner who or which shall violate, fail, neglect or refuse to comply with the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$450 plus costs of prosecution and reasonable attorney fees and, in default of payment of such fine and costs, to imprisonment for not more than five days, provided that each day's violation shall constitute a separate offense,

and notice to the offender shall not be necessary in order to constitute an offense.

- B. The Code Enforcement Officer or his designee(s) and the Borough Police Officers are hereby duly authorized to issue a ticket in a form established by the Borough to any Owner violating the provisions of this Ordinance. The ticket shall identify the address of the property where the violation exists, as well as the nature of the violation. The ticket may either be handed to an Owner or occupant of the property or may be affixed to a door on the primary structure on the property where the violation exists fronting a right-of-way or otherwise conspicuously posted on the property. The ticket shall instruct such violator that if he, she or it reports to the Borough Office and pays to the Borough the sum of up to \$100.00 for a first offense, \$200.00 for a second offense, and \$300.00 for each subsequent offense within a calendar year, within ten (10) days of the date of issuance of the ticket, then such payment shall save such violator from prosecution by a citation, which prosecution may result in court costs and attorney fees being assessed against the violator in addition to the fine. In any event, if a ticket is not paid in full within ten (10) days of issuance, the official authorized to issue tickets shall issue a citation to the violator, or initiate other appropriate enforcement action.
- C. Officials authorized to issue tickets may, in their sole and absolute discretion, issue a citation or institute other appropriate enforcement action instead of a ticket.

SECTION IV. REPEALER.

All ordinance or parts of ordinances in conflict with the provisions of the ordinance are hereby repealed insofar as same affects this ordinance.

SECTION V. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such work, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION VI. SAVINGS.

In all other respects, the Code of the Borough of Greencastle shall remain as previously enacted and ordained.

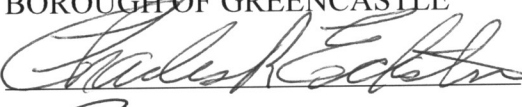
SECTION VII. EFFECTIVE DATE.

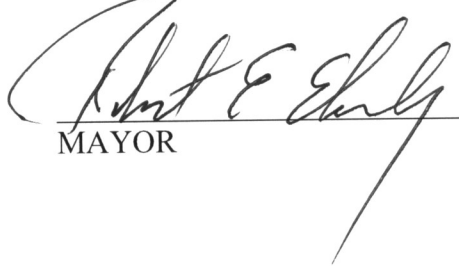
This ordinance shall become effective immediately.

ORDAINED AND ENACTED as an ordinance of the Borough of Greencastle this

2nd day of Nov, 2015.

ATTEST


BOROUGH OF GREENCASTLE




MAYOR