

**BOARD OF SUPERVISORS
EAST MARLBOROUGH TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2019-05

AN ORDINANCE PROVIDING FOR AND REGULATING THE MAINTENANCE OF SIDEWALKS ABUTTING PUBLIC ROADS OR HIGHWAYS WITHIN EAST MARLBOROUGH TOWNSHIP, INCLUDING THE REMOVAL OF SNOW AND ICE THEREFROM.

PURSUANT TO THE AUTHORITY SET FORTH IN THE SECOND CLASS TOWNSHIP CODE OF THE COMMONWEALTH OF PENNSYLVANIA, THE BOARD OF SUPERVISORS OF EAST MARLBOROUGH TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, DO HEREBY ENACT AND ORDAIN THE FOLLOWING ORDINANCE TO REGULATE THE MAINTENANCE OF SIDEWALKS ABUTTING PUBLIC ROADS OR HIGHWAYS WITHIN THE TOWNSHIP.

Section 1 SHORT TITLE

This ordinance shall be known as and may be cited as "The East Marlborough Township Sidewalk Maintenance Ordinance."

Section 2 PURPOSE AND APPLICABILITY

The purpose of this Ordinance is to protect the health and safety of pedestrians utilizing sidewalks abutting Route 1 (Baltimore Pike) within the Township. This roadway is the only State Highway in the Township and the only stretch of road in the Township with more than one lane of traffic travelling in each direction. Due to the volume and speed of traffic using this stretch of road and the multiple lanes, the Township Board of Supervisors deems it essential that sidewalks remain accessible to pedestrians to the maximum extent feasible, especially during times when snow or ice can accumulate.

The Ordinance shall apply to all properties within the Township which abut Route 1 (Baltimore Pike).

Section 3 SIDEWALK MAINTENANCE

A. Obligation of Abutting Property Owner:

Unless otherwise specified by written agreement with the Township, the owner of each property abutting the right-of-way of Route 1 (Baltimore Pike) shall keep any sidewalk or paved public walk open to the public for pedestrian traverse on such property and located, in whole or in part, within such right-of-way in good order and repair and, at all times, free

and clear of all obstructions to safe and convenient passage, including but not limited to the accumulation of snow or ice.

B. Snow and ice removal:

Unless otherwise specified by written agreement with the Township, the owner of every property described in Subsection A above shall be required to remove or cause to be removed from the full width and length of all of said abutting sidewalk or public walk snow and/or ice thereon fallen or formed, within 24 hours after said snow or ice shall have ceased to fall or be formed.

C. Notice of violation:

If the owner of any such property neglects at any time to perform the duties herein described, the Township Board of Supervisors or the Township Manager may serve written notice upon him or her requiring him or her to perform the necessary maintenance, repair or removal. The notice shall specify the time by which said maintenance, repair, or removal shall be commenced and the time by which it shall be completed. The notice provided for in this section may be served on the property owner by mailing it to the address for mailing the tax bills to such property owner or by posting the same on the owner's property.

D. Violations and penalties:

If the property owner fails to comply with the notice of violation within the time period specified therein, a civil enforcement action shall be brought before a District Justice in the same manner provided for enforcement of civil actions under the Pennsylvania Rules of Civil Procedure. A property owner convicted of a violation shall pay a fine of not more than \$600, plus costs and reasonable attorneys fee. Each day in which a violation is found to exist shall constitute a separate violation. All penalties collected for the violations shall be paid to the Township.

Section 4 **SEVERABILITY**

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts thereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid, sentence, clause, section or part thereof not been included in herein.

Section 5 REPEALER

All ordinances or parts of ordinances conflicting with any provisions of this Ordinance are hereby deemed to be repealed insofar as the same affects this Ordinance.

Section 6 EFFECTIVE DATE

This Ordinance shall be effective five (5) days after enactment, as by law provided.

ENACTED AND ORDAINED this 9th day of September, 2019.

**BOARD OF SUPERVISORS
EAST MARLBOROUGH TOWNSHIP**

The image shows a series of horizontal lines representing a signature strip. There are four distinct handwritten signatures in black ink. The signatures are written in a cursive style. The first signature is at the top, followed by three more below it. The lines are evenly spaced and extend across the width of the signature area.

Attest:

Secretary