

BOROUGH OF TOPTON
BERKS COUNTY, PENNSYLVANIA

Ordinance No. 1-2023

AN ORDINANCE OF THE BOROUGH OF TOPTON, BERKS COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE BOROUGH OF TOPTON, BERKS COUNTY, PENNSYLVANIA TO AMEND CHAPTER 94, TITLED "STREETS AND SIDEWALKS," SECTION 94.02, TITLED "SNOW AND ICE REMOVAL," SUBSECTION 94.02.A TO REQUIRE THE CLEARING OF A PATH ON A GRASS PLOT ADJACENT TO A STREET IN THE ABSENCE OF A SIDEWALK; TO AMEND CHAPTER 150 OF THE BOROUGH CODE OF ORDINANCES, SECTION 150.015, TITLED "BOROUGH PROPERTY MAINTENANCE CODE," SUBSECTION 150.015.B(6), WHICH ADDS TO THE BOROUGH CODE OF ORDINANCES SECTION 113 OF THE BOROUGH PROPERTY MAINTENANCE CODE TITLED "ENFORCEMENT OF QUALITY OF LIFE REGULATIONS," AND SPECIFICALLY SECTION 150.015.B.7, AMENDING CHAPTER 3 OF THE BOROUGH PROPERTY MAINTENANCE CODE TO AMEND SECTION 302.3.1 THEREOF, TITLED "REMOVAL OF SNOW AND ICE FROM SIDEWALKS," SHALL BE AMENDED TO REQUIRE THE CLEARING OF A PATH ON A GRASS PLOT ADJACENT TO A STREET IN THE ABSENCE OF A SIDEWALK; TO PROVIDE FOR SEVERABILITY AND REPEALER OF INONSISTENT ORDINANCES; AND TO PROVIDE THAT ALL OTHER BOROUGH ORDINANCES SHALL REMAIN IN FULL FORCE AND EFFECT.

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of the Borough of Tipton, Berks County, as follows:

Section 1. Amendment to Borough Code of Ordinances.

A. Chapter 94 of the Code of Ordinances of the Borough of Tipton, titled "Streets and Sidewalks," Section 94.02, titled "Snow and Ice Removal," Subsection 94.02.A, is amended to read as follows:

(A) The owner, occupant or tenant of every property fronting upon or alongside of any of the streets or other public ways in the borough is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside of such property all snow, ice, hail or sleet thereon fallen or formed, to a minimum width of 48 inches, within 24 hours after the same shall have ceased to fall or to form. In the absence of a sidewalk, the owner, occupant or tenant of the property fronting along any street or public way shall clear a path on a grass plot or surface adjacent to the street or public way. No such snow, ice, hail or sleet removed as herein provided shall be deposited in or on any street, road, alley, sidewalk, or public way used for public travel. The owner of a property shall be responsible for conforming to the requirements of this section where such property is occupied by such owner or is unoccupied; the tenant or occupier thereof, where such property is occupied by such tenant or occupier only; and the

owner thereof where the property is a multiple-business or multiple-dwelling property, occupied by more than one tenant or occupier.

B. Chapter 150 of the Borough Code of Ordinances, Section 150.015, titled "Borough Property Maintenance Code," Subsection 150.015.B(6), which adds to the Borough Code of Ordinances Section 113 of the Borough Property Maintenance Code "Enforcement of Quality of Life Regulations," and specifically Section 150.015.B.7, amending Chapter 3 of the Borough Property Maintenance Code to amend Section 302.3.1 thereof, titled "Removal of Snow and Ice From Sidewalks," shall be amended to read as follows:

302.3.1. Removal of Snow and Ice from Sidewalks. The owner, occupant or tenant of every property fronting upon or alongside of any of the streets or other public ways in the borough is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside of such property all snow, ice, hail or sleet thereon fallen or formed, to a minimum width of 48 inches, within 24 hours after the same shall have ceased to fall or to form. In the absence of a sidewalk, the owner, occupant or tenant of the property fronting along any street or public way shall clear a path on a grass plot or surface adjacent to the street or public way. No such snow, ice, hail or sleet removed as herein provided shall be deposited in or on any street, road, alley, sidewalk, or public way used for public travel. The owner of a property shall be responsible for conforming to the requirements of this section where such property is occupied by such owner or is unoccupied; the tenant or occupier thereof, where such property is occupied by such tenant or occupier only; and the owner thereof where the property is a multiple-business or multiple-dwelling property, occupied by more than one tenant or occupier.

Section 2. Full Force and Effect. The remainder of the Code of Ordinances of the Borough of Topton, including but not limited to those regulating streets and sidewalks, property maintenance, and quality of life, shall remain in full force and effect except as expressly amended herein.

Section 3. Severability. The provisions of this Ordinance are severable, and in the event that any provision is held invalid, void, illegal, or unconstitutional by any Court, it is the intent of the Borough Council of the Borough of Topton that such determination by the Court shall not affect or render void the remaining provisions of this Ordinance. It is the declared intent of the Borough Council of the Borough of Topton that this Ordinance would have been enacted if any provision subsequently declared to be void, invalid, illegal or unconstitutional had not been included at the time of enactment.

Section 4. Repealer. If any ordinance or enactment is inconsistent or in direct conflict with this Ordinance, that conflicting ordinance or enactment is hereby repealed, but only to the extent of the inconsistency or conflict.

Section 5. Effective Date. This Ordinance shall be effective on the earliest date allowed by applicable law.

DULY ENACTED AND ORDAINED this 9th day of January, 2023.

**BOROUGH OF TOPTON
BERKS COUNTY, PENNSYLVANIA**

By: Michelle W. Zerk
(Vice) President

Attest: Stacy C. Deilo
Secretary

APPROVED as an Ordinance this 9th day of January, 2023.

By: _____
Mayor