

**BOROUGH OF ST. CLAIR
SCHUYLKILL COUNTY, PENNSYLVANIA**

ORDINANCE NO. 400

**AN ORDINANCE OF THE BOROUGH OF ST. CLAIR, IN
THE COUNTY OF SCHUYLKILL AND
COMMONWEALTH OF PENNSYLVANIA, FIXING
RESPONSIBILITY FOR SNOW AND ICE REMOVAL
FROM PRIVATE ROADWAYS WITHIN THE BOROUGH,
REGULATING THE DEPOSIT THEREOF, AND
PRESCRIBING PENALTIES FOR VIOLATION.**

The Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania (the "Borough"), hereby enacts and ordains as follows:

WHEREAS, the St. Clair Borough Council has enacted and ordained an ordinance known as the Subdivision and Land Development Ordinance, hereinafter referred to as "SALDO"; and

WHEREAS, the St. Clair Borough Council believes and hereby determines that the general health and public safety of the Borough requires St. Clair Borough to monitor commercial and residential developments within the Borough as it relates to the public use of publicly owned roadways; and

WHEREAS, Section 1201 of the Borough Code, 53 P.S. §46201, entitled "General Powers", authorizes the Borough to make and adopt ordinances necessary for the proper management, care and control of the Borough, and the maintenance of the health and welfare of the Borough and its citizens; and

WHEREAS, Section 1202 of the Borough Code, found at 53 P.S. §46202, entitled "Specific Powers", authorizes the Borough to adopt ordinances to secure the safety of persons or property within the Borough.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania, in accordance with the general powers permitted by the Borough Code (53 P.S. §46201, et seq.), as follows:

CHAPTER 1. ADMINISTRATION.

Section 101. Title.

This Ordinance shall be known as the “St. Clair Borough Private Roadways Ordinance”.

Section 102. Scope.

~~The provisions of this Ordinance shall apply to any street, cartway, right-of-way, or any~~
area of land used by the public as a street or thoroughfare by vehicular or pedestrian traffic, including any street, avenue, road, highway, freeway, boulevard, parkway, lane, alley, cul-de-sac or viaduct, as defined by the St. Clair Borough SALDO.

Section 103. Intent.

The purpose of this Ordinance shall be to require all developers to remove snow and ice from roadways, as defined herein, if said roadways are used by the public for residential or commercial purposes.

CHAPTER 2. DEFINITIONS.

As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

Alley. A right-of-way providing secondary access to the side or rear of one or more properties.

Cartway. The portion of a street or highway right-of-way, paved or unpaved, designed for vehicular use.

Commercial Development. Any development containing more than one hundred (100') feet of roadway and more than two (2) or more subdivided lots for commercial or industrial use in accordance with the St. Clair Borough SALDO or any similar ordinance existing at all relevant times.

Cul-de-Sac Street. A local street which is permanently terminated at one end by a vehicular turnaround and intersects another street at the other end.

Developer. Any landowner, agent of such landowner or tenant with permission from a landowner, who makes or causes to be made a subdivision of land or land development pursuant to the St. Clair Borough SALDO for commercial or residential purposes.

Development. Any subdivision or residential development within St. Clair Borough which contains more than one hundred (100') feet of roadway used by the public and more than two (2) or more individual lots for residential purposes.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active an option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner and if such lease is for a remaining period of at least twelve (12) months), or authorized officers of a partnership or corporation that is a "landowner" or other person having a proprietary interest in land. A person who has clearly received formal notarized powers of attorney relating to a landowner may act in the capacity of the landowner, if legally authorized.

Lot. Any parcel or tract of land regardless of size, intended as a unit of ownership, transfer of ownership, use, lease, rent, improvement or development.

Contiguous nonconforming lots under common ownership shall be considered one lot. Lot shall also mean parcel, plot, site, or any similar term.

Person. Any individual, partnership, organization, association, trust, or corporation. When used in a penalty provision, “person” shall include the members of such partnership, the trustees of such trust, and the officers of such organization, association, or corporation.

Private Roadway. Any street, cartway, right-of-way, or any area of land used by the public as a street or thoroughfare by vehicular or pedestrian traffic, including any street, avenue, road, highway, freeway, boulevard, parkway, lane, alley, cul-de-sac or viaduct, as defined by the St. Clair Borough SALDO, which has not yet been formally accepted by St. Clair Borough as part of its Borough road system.

Right-of-Way. Land reserved for the public or others for use as a street or other purpose. Unless otherwise stated, “right-of-way” shall mean the existing street right-of-way line.

Sidewalk. Portion of a street between the curb lines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.

Street. Any public or private thoroughfare intended to be used by vehicular or pedestrian traffic; including street, avenue, road, highway, freeway, boulevard, parkway, lane, alley and viaduct.

CHAPTER 3. REMOVAL OF SNOW AND ICE.

Section 301. Responsibility for Removal of Snow and Ice from Privately Owned Roadways.

Every person or corporation in charge or control of any private roadway in any residential or commercial development within St. Clair Borough, whether as owner, tenant, occupant, or lessee of said roadways, shall remove and clear away or cause to be removed or cleared away, snow and/or ice from said private roadways used by the public for residential or commercial purposes.

a. Except as provided in subsection 2 hereof, snow and ice shall be removed from private roadways within twelve (12) hours after the cessation of any fall of snow, sleet or freezing rain.

b. In the event snow and/or ice on a private roadway has become so hard that it cannot be removed without likelihood of damage to the private roadway, the person charged with its removal shall, within the time mentioned in subsection 1 hereof, cause enough sand or other abrasive to be put on the private roadway to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared the said private roadway or that portion of the street or highway which is used for vehicular travel.

Section 302. Depositing of Snow and Ice Restricted.

No person or corporation shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk or on loading/unloading areas of a public transportation system, which includes school bus stops, except that snow and ice may be mounded by developers/owners, as defined herein, on private roadways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks.

CHAPTER 4. VIOLATIONS.

Section 401. General.

Any person who fails to comply with any of the requirements or provisions of this ordinance or the rules and regulations promulgated pursuant thereto, shall be subject to a fine of not more than six hundred dollars (\$600.00); and in default of payment, to imprisonment of not more than thirty (30) days. Each day's violation of any provision of this ordinance shall constitute a separate offense, and the violation of each section hereof shall constitute a separate offense. ~~In addition to these penalties, all other remedies are hereby reserved, including an~~ action in equity for the proper enforcement of this ordinance or any law of the State of Pennsylvania. The imposition of a fine or penalty for any violation of, or non-compliance with, this ordinance shall not excuse the violation or non-compliance or permit it to continue, and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time.

CHAPTER 5. VALIDITY, REPEALER AND EFFECTIVE DATE.

Section 501. Severability.

The provisions of this ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this ordinance. It is hereby declared to be the intent of St. Clair Borough Council that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

Section 502. Repealer.

The provisions of any prior ordinance which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 503. Effective Date.

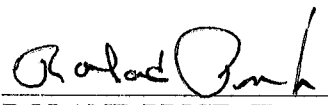
This Ordinance shall become effective immediately.

DULY ENACTED AND ORDAINED by Borough Council of the Borough of St. Clair,
Schuylkill County, Pennsylvania, this 3rd day of FEBRUARY, 2009, in lawful
session duly assembled.


ST. CLAIR BOROUGH


JAMES D. LARISH
Council President

ATTEST:


ROLAND PRICE, JR.
Borough Secretary

Approved by me this 3rd day of FEBRUARY, 2009.

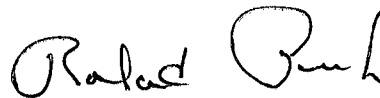

STEPHEN BOBELLA
Mayor

IN RE: AN ORDINANCE OF THE BOROUGH OF ST. CLAIR, IN THE COUNTY OF SCHUYLKILL AND COMMONWEALTH OF PENNSYLVANIA, FIXING RESPONSIBILITY FOR SNOW AND ICE REMOVAL FROM PRIVATE ROADWAYS WITHIN THE BOROUGH, REGULATING THE DEPOSIT THEREOF, AND PRESCRIBING PENALTIES FOR VIOLATION.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by ~~Borough Council of the Borough of St. Clair, Schuylkill County, Pennsylvania,~~ on the 3rd day of FEBRUARY, 2009.

SEAL



Roland Price, Jr., Secretary
St. Clair Borough Hall
16 South Third Street
St. Clair, PA 17970
Telephone No. (570) 429-0640