

ORDINANCE NO. 10 of 2011

AN ORDINANCE OF SILVER SPRING TOWNSHIP,  
CUMBERLAND COUNTY PENNSYLVANIA  
TO BE KNOWN AS THE SILVER SPRING TOWNSHIP SNOW,  
ICE AND INCLEMENT WEATHER ORDINANCE

**TITLE**

This Ordinance shall be known and may be cited as the “Silver Spring Township Snow, Ice, and Inclement Weather Ordinance.”

**SECTION 1: DEFINITIONS; WORD USAGE**

A. The following words, terms, and phrases, as used in this article, shall have the meanings given herein, except where the context in which the word or phrase is used clearly indicates otherwise. When not inconsistent with the context, words used in the singular include the plural and words in the plural include the singular and words used in the present tense include the future. The word “shall” is mandatory.

B. As used in this article, the following terms shall have the meanings indicated:

**CLEARED AND/OR TREATED PORTION OF A PUBLIC STREET OR ROAD -** That portion of a public street or road which has been plowed or otherwise cleared of snow or which has been treated with deicing or antiskid material.

**ENTITY -** Any organization of people, other than an individual person, whether in the form of a partnership, joint venture, association, corporation (whether for or not for profit) or otherwise.

**ICE -** Frozen water, whether as a result of precipitation or otherwise.

**OWNER -** The real or equitable owner of property abutting a sidewalk or public street or road, as defined in this Ordinance.

**PERSON -** A natural person.

**PUBLIC STREET OR ROAD -** Any street or road within the territorial limits of the Township as maintained by the Township or the Commonwealth of Pennsylvania

**SIDEWALK -** Any space located between the curb line or the lateral line of a cartway of a street or road and the adjacent property line or right-of-way line of a street or road, intended for use by pedestrians whether improved or unimproved.

**SNOW -** Natural frozen precipitation.

TENANT - The occupant, lessee or person having charge of any building, lot or parcel of ground abutting the sidewalk or street, as is defined in this article.

TOWNSHIP - The Township of Silver Spring

## **SECTION 2: PROHIBITED CONDUCT**

A. It shall be unlawful for any person to place any snow, ice, slush or any combination thereof (whether by shoveling, sweeping, plowing, blowing, pushing, dumping or otherwise) upon any public street or road within the Township.

B. It shall be unlawful for any person or entity to cause or permit any person to place any snow, ice, slush or any combination thereof (whether by shoveling, sweeping, plowing, blowing, pushing, dumping or otherwise) upon any public street or road within the Township.

C. A person or entity shall be presumed to have caused or permitted a person to place snow, ice, slush or any combination thereof upon a public street or road where such person or entity owns, occupies or otherwise controls the land from which the snow, ice, slush or any combination thereof originated and employs, contracts with or otherwise engages the person placing the snow, ice, slush or any combination thereof upon said street or road.

D. It shall be unlawful for any person or entity to cause or permit any person to place any snow, ice, slush or any combination thereof (whether by shoveling, sweeping, plowing, blowing, pushing, dumping, or otherwise) upon the property of another with the exception of employees and authorized agents of the Township in the course of snow, ice and slush removal from the public streets or roads or sidewalks.

## **SECTION 3: SNOW AND ICE REMOVAL**

A. Every person in charge or control of any building or lot of land fronting or abutting on a sidewalk, whether as owner, tenant or otherwise, shall remove and clear away or cause to be removed or cleared away all snow, ice, slush, or any combination thereof from all of the sidewalks in front of or alongside such building or lot from a path of at least 36 inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land within 24 hours after the snow, ice, slush, or combination ceases to fall, to form or to accumulate. If the sidewalk is less than 36 inches in width, said sidewalk shall be cleared the entire width thereof, unless the sidewalk is immediately adjacent to the curb on one side and a building on the other side. In that event, the sidewalk need only be cleared to a width that allows a pedestrian to pass.

B. In the event that the snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its



removal shall, within the time set forth in paragraph A of this Section, cause enough sand, anti-skid or any other abrasive material to be put on the sidewalk to make travel reasonably safe and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least a width that allows a pedestrian to pass.

**SECTION 4: VIOLATIONS AND PENALTIES.**

Any person who violates or permits a violation of this Ordinance, upon being found liable therefore in a civil enforcement proceeding, shall pay a civil penalty of not more than \$600.00 plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this Ordinance. No judgment shall be imposed until the date of the determination of the violation by the District Justice or Court of Common Pleas. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. In addition to the aforementioned remedy, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

**SECTION 5:** Any ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 6:** This Ordinance shall become effective five (5) days after enactment.

**SECTION 7:** The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted as it such unconstitutional, illegal or invalid provision had not been included therein.

DULY ENACTED AND ORDAINED INTO LAW as Ordinance No. 10 of 2011 this 26<sup>th</sup> day of October, 2011 by the Board of Supervisors of the Township of Silver Spring.

ATTEST:

BOARD OF SUPERVISORS  
TOWNSHIP OF SILVER SPRING

Kathy Krane  
Township Secretary

Arment T. D. Dwyer  
Chairman