

**TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 196-11-07

AN ORDINANCE

**AMENDING THE CODE OF ORDINANCES OF LOWER NAZARETH
TOWNSHIP RELATING TO THE MAINTENANCE OF SIDEWALKS
AND CURBING WITHIN THE TOWNSHIP AND PROVIDING FOR
PENALTIES FOR VIOLATION THEREOF.**

WHEREAS, the Township of Lower Nazareth, by and through its Board of Supervisors, desires to define the property owner responsibilities regarding maintenance of sidewalks.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lower Nazareth, Northampton County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, and pursuant to the authority granted by law, the Second Class Township Code, Act of May 1, 1933, P.L. 103, as amended, as follows:

SECTION 1.

The Code of Ordinances of Lower Nazareth Township is hereby amended to add the following:

7.61 Removal of Snow, Dirt, and Debris.

A. It shall be the duty of every owner and occupant of any dwelling, tenement, store, shop, place of business, church, school, or any other building, be it public or private, fronting on any sidewalk in or upon any street in Lower Nazareth Township, Northampton County, Pennsylvania, to remove or cause to be removed all snow, ice, or sleet from said sidewalks in front of and around their respective premises within twelve (12) hours after the same has ceased to fall or accumulate thereon. Similarly, sidewalks fronting vacant lots or vacant buildings shall be cleaned as aforesaid by the owner or owners of such vacant lots or vacant buildings. Wherever and whenever it may be impossible to remove all snow, sleet, or ice, as aforesaid, which may have become compacted by travel or formed on sidewalks so as to present a slippery surface, it shall be the duty of every owner and occupant of the premises abutting the same to cover such snow, sleet, or ice with an acceptable anti-skid or de-icing material or combination thereof, or any other suitable substance designed for that purpose, in such

a manner as to facilitate safe walking upon the aforesaid sidewalks. No owner or occupant shall allow snow, sleet, or ice to remain on or accumulate in any drain located on or near any sidewalk so as to impede the flow of water therein in case of thaw or rain.

B. No person, whether an owner, occupant, or otherwise, shall place or cause the placement of any dirt or debris on or in the sidewalks fronting his respective premises.

C. No person, whether owner, occupant, or otherwise, shall place or cause the placement of any materials or merchandise of any kind or description whatsoever, whether for sale, display, storage, construction or otherwise, in or on any sidewalk or gutter fronting their respective premises or business except in those areas approved for such practices. The provisions of this section shall not apply to the temporary placing of necessary building material in or upon such sidewalk or gutters permitted under other Township rules and regulations.

SECTION 2.

The Code of Ordinances of Lower Nazareth Township is hereby amended to add the following:

7.62 Sidewalks, Curbs, and Gutters to Be Kept in Repair.

A. It shall be the duty of the owners of lots or real estate abutting on any street to keep the sidewalks, curbs, and gutters in front of the property in good and sufficient repair at all times, where such structures exist.

B. If any owners of lots or real estate shall neglect or refuse to repair or replace curbing, or repair the sidewalks within thirty (30) days after being notified by Lower Nazareth Township, said owner shall be subject to the provisions of Section 7.64 of this Ordinance.

SECTION 3.

The Code of Ordinances of Lower Nazareth Township is hereby amended to add the following:

7.63 Outrigger Protection.

Except for emergency vehicles, all backhoes, cranes, elevating platforms, and other vehicles operating on public roads with outrigger or jack-type supports shall have boards or other materials inserted between such supports and the pavement of any public road, sidewalk, curb, or gutter, to prevent injury to the pavement, sidewalk, curb, or gutter. Failure to take such protective measures is hereby declared to be a nuisance, and the Township may, in addition to fines imposed by this Ordinance, collect the cost of restoring injured roads from the persons or organization responsible.

SECTION 4.

The Code of Ordinances of Lower Nazareth Township is hereby amended to add the following:

7.64 Penalties for Violations.

Any person who shall violate the provisions of this Ordinance shall, upon summary conviction thereof before a Magisterial District Judge, or other Court of competent jurisdiction, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars and costs of prosecution, and in default of payment thereof, shall undergo imprisonment in Northampton County Prison for not more than thirty (30) days.

SECTION 5.

All Ordinances or portions thereof which are inconsistent with this Ordinance are hereby specifically repealed.

SECTION 6.

If any section, subsection, paragraph, sentence, clause or portion or part of this Ordinance shall be declared to be invalid or unconstitutional by any Court of record of competent jurisdiction, then, in that event, the remaining portions of this Ordinance shall remain unaffected and remain in full force and effect.

SECTION 7.

This Ordinance shall be effective immediately.

ORDAINED AND ENACTED this 12 day of November, 2009.

ATTEST:


TIMM TENGES, Secretary

LOWER NAZARETH TOWNSHIP

BY:


ALAN DILSAVER, Chairman