

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

**ORDINANCE NO. 238-05-21**

**AN ORDINANCE**

**REGULATING SNOW REMOVAL, REMOVAL OF SNOW FROM  
SIDEWALKS, PROVIDING ACCESS TO FIRE HYDRANTS, AND  
PROVIDING PENALTIES FOR VIOLATION THEREOF.**

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania, pursuant to the authority granted it under the Second Class Township Code, as amended, and upon recommendation from the Lower Nazareth Township Public Works Department and Hecktown Volunteer Fire Department, for the protection of the health, safety, and welfare of the community, as follows:

**SECTION 1: DEFINITIONS**

For the purposes of this Ordinance, the following terms shall have the meanings indicated herein:

**DRIVEWAY** - A minor vehicular right-of-way providing access between a street and a parking area or garage within a lot or property.

**PERSON** - One or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees in bankruptcy or receivers.

**PRIVATE OR NONPUBLIC STREETS** - All streets which are not public, including but not limited to streets maintained by private agreements, by private owners, or for which no maintenance responsibility has been established.

**PUBLIC STREET/ROAD** - A street ordained or maintained or dedicated and accepted by the Township, county, state or federal government and open to public use.

**RIGHT-OF-WAY** - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for other special use, including a public or private thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land or however designated.

**SIDEWALK/WALKWAY** - An area designed for pedestrians constructed to the standards set forth in the Lower Nazareth Township Subdivision and Land Development Ordinance.

**STREET** - Street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

**TOWNSHIP** - The Township of Lower Nazareth, Northampton County, Pennsylvania, its Board of Supervisors, its agents or authorized representatives.

## **SECTION 2: REMOVAL FROM SIDEWALKS**

It shall be the duty of the owner and occupant, jointly and severally, of every property or parcel of real estate fronting upon or alongside any of the streets within Lower Nazareth Township to remove all snow, slush, and ice along the full width of the sidewalks and across driveways adjoining said real estate or property within 24 hours after such snow or slush has ceased to fall or ice to form thereon.

## **SECTION 3: REMOVAL FROM FIRE HYDRANTS**

It shall be the duty of the owner and occupant, jointly and severally, of every property or parcel of real estate fronting upon or alongside any of the streets within Lower Nazareth Township to remove or cause to be removed all snow, slush, and ice, or any accumulation and/or impediment which would limit access to, from, and/or around all of the fire hydrants which are located on said

property, so as to provide immediate access by fire rescue personnel in cases of emergency. In cases involving a storm, fire hydrants shall be cleared of all snow, ice, slush, or any combination thereof with 24 hours following the storm; in any event, any accumulation shall be removed not less than once in every twenty-four-hour period. Specifically, a three foot (3') wide path from the street to the fire hydrant and a three foot (3') wide circle around the fire hydrant shall be cleared for access by fire rescue personnel.

**SECTION 4: REMOVAL FROM PRIVATE OR NONPUBLIC STREETS**

It shall be the duty of any person who owns or has a legal duty to maintain a private or nonpublic street to keep that street passable and drivable by clearing snow and ice from the street in a timely and reasonable manner in order to allow for access by emergency service vehicles and personnel. In order to meet this duty the person shall comply with the following conditions:

A. The owner or maintainer of a private or nonpublic street shall not allow more than four inches (4") of snow or slush to accumulate, or allow ice to accumulate to a degree which renders the street impassable or unsafe for travel at any time.

B. The owner or maintainer of a private or nonpublic street shall apply sufficient amounts of ice melt and/or anti-skid material to the roadway during icy conditions and/or during freezing temperatures to ensure that the street is safely passable to all vehicles and pedestrians.

**SECTION 5: UNLAWFUL TO THROW, SHOVEL, PUSH OR PLOW SNOW ONTO ROADS, STREETS OR SIDEWALKS**

It shall be unlawful to throw, shovel, push or plow snow into, across or upon any roads, streets or sidewalks or Township rights-of-way within the Township.

**SECTION 6: ENFORCEMENT**

The Colonial Regional Police Department, or other law enforcement agencies of the Commonwealth of Pennsylvania, as well as the Township Zoning Officer, or other designed Township official, shall be responsible for administration and enforcement of this Ordinance.

**SECTION 7: PENALTIES**

Enforcement shall be by action brought before a District Justice in the same manner provided for enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Municipal Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.CRIM.P. No. 83(c) (relating to trial in summary cases). Any person who violates any provision of this Ordinance shall be guilty of a summary offense, and upon conviction, be sentenced to pay a fine of not less than Twenty-Five (\$25.00) Dollars plus costs of prosecution, and not more than One Hundred (\$100.00) Dollars plus costs of prosecution, for each violation, and imprisonment to the extent allowed by law for the punishment of summary offenses.

**SECTION 8:** In the event any provision of this Ordinance is declared unconstitutional, unlawful, or unenforceable by a Court of competent jurisdiction,

such declaration shall not affect the validity of the remainder of this Ordinance or of this Ordinance as a whole, but shall continue in full force and effect as though the unconstitutional, unlawful, or unenforceable provision has never been a part hereof.

**SECTION 9:** All Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance hereby adopted are hereby repealed.

**SECTION 10:** This Ordinance shall be effective immediately.

DULY ENACTED AND ORDAINED by the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania, this 12 day of May, 2021.

**LOWER NAZARETH TOWNSHIP**

**ATTEST:**

  
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**TAMMI DRAVECZ, Secretary**

By:   
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**JAMES PENNINGTON, Chairman**