

ORDINANCE NO. 163

AN ORDINANCE OF MILFORD TOWNSHIP REQUIRING

BACKGROUND

A. Milford Township ("Township") is a Township of the second class in the Commonwealth of Pennsylvania.

B. The Board of Supervisors of Milford Township finds that it is in the interests of the public safety, health and welfare of the residents of the Township to provide for snow removal from sidewalks along public streets in the Township.

C. The Board of Supervisors by the enactment of this Ordinance intends to set forth the requirements that property owners maintain and repair sidewalks abutting their property and to remove snow and ice from same.

NOW THEREFORE, be it RESOLVED and ENACTED by the Board of Supervisors of Milford Township as follows:

ARTICLE 1 – GENERAL REQUIREMENTS AND OBLIGATIONS

Section 101. Snow Removal Requirements

Abutting property owners are required to remove accumulations of snow greater than one inch (1") and ice from any sidewalk along any public street or highway abutting their property within twenty-four (24) hours of the cessation of a snow fall which deposited such snow or ice.

ARTICLE 2 – ENFORCEMENT AND PENALTIES

Section 201. Public Nuisance

A. The violation of any provision of this ordinance is hereby deemed a Public Nuisance.

B. Each day that a violation continues shall constitute a separate violation.

Section 202 Enforcement

A. If an owner fails to remove accumulations of ice and snow as required by Section 101 hereof, the Township shall have the right, but no obligation, to perform the required snow and/or ice removal and to recover the costs incurred in doing so, including reasonable attorney's fees and costs from the property owner along whose frontage the snow and/or ice removal is needed to comply with Section 101 hereof..

B. If an owner fails to pay the costs incurred by the Township for snow and/or ice removal from the sidewalks along the frontage of his or her property, the Board of Supervisors shall have a municipal lien on the property where snow and/or ice removal was performed by the Township and may recover the costs incurred, together with reasonable attorney's fees and court costs, in assumpsit or in the manner provided by law for the collection of municipal liens.

Section 203. Penalties

A. Anyone violating the provisions of this Ordinance shall be subject to a fine of not more than \$1000.00 for each violation, recoverable with costs, or imprisonment of not more than 90 days, or both. Each day that the violation continues shall constitute a separate offense and the applicable fines are cumulative.

B. In addition, the Township, through its solicitor, may institute an action to reimburse the Township for expenditures incurred by the Township for the removal of accumulations of snow and for attorney's fees and costs incurred to collect the cost thereof. In addition, the Township may institute an appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

ARTICLE 3. MISCELLANEOUS

Section 301. Repeal

All Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, are hereby repealed. Specifically, those portions of Ordinance #140 that regulate the obligation to remove accumulations of snow and ice are repealed

Section 302. Severability

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance, it being the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect

Section 303. Effective Date

This Ordinance shall take effect five (5) days after adoption.

ENACTED and ORDAINED into an Ordinance by the Board of Supervisors of Milford Township, Bucks County, Pennsylvania this 15th day of March AD 2016.

**BOARD OF SUPERVISORS
MILFORD TOWNSHIP**

ATTEST:

Marilyn Stecker

Robert B. Mansfield

Robert B. Mansfield, Chair

Charles Strunk

Charles Strunk, Vice Chair

Thomas Courduff

Thomas Courduff, Member