

**TOWNSHIP OF SOUTH WHITEHALL
LEHIGH COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1089
(Duly Adopted September 4, 2024)**

016225

AN ORDINANCE OF THE TOWNSHIP OF SOUTH WHITEHALL, COUNTY OF LEHIGH, AND COMMONWEALTH OF PENNSYLVANIA, AMENDING PART II (“GENERAL LEGISLATION”), CHAPTER 304 (“STREETS AND SIDEWALKS”), TO ADD A NEW ARTICLE V ENTITLED “SNOW, ICE AND SLEET REMOVAL” TO THE CODIFIED ORDINANCES OF SOUTH WHITEHALL TOWNSHIP AND FURTHER PROVIDING FOR REMOVAL OF SNOW, ICE AND SLEET FROM SIDEWALKS; RESTRICTING THE DEPOSITING OF SNOW; ENFORCEMENT AND VIOLATIONS; VIOLATION TICKET APPEAL PROCESS; FINES AND PENALTIES; PROVIDING FOR THE REMOVAL FROM THE CODIFIED ORDINANCES OF CHAPTER 148 (CONDUCT) SECTION 148-1(A)(5), CHAPTER 155 (DRUG PARAPHERNALIA) IN ITS ENTIRETY, AND CHAPTER 221 (LOITERING) IN ITS ENTIRETY; REPEALER; FAILURE TO ENFORCE NOT A WAIVER; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, by various ordinances and amendments thereto, the South Whitehall Township (“Township”) Board of Commissioners has previously adopted regulations governing streets and sidewalks within the Township, which ordinances and amendments were consolidated into Chapter 304 upon the Township’s adoption of its Codified Ordinances on December 7, 2016; and

WHEREAS, the Board of Commissioners desires to amend a portion of Chapter 304, to include new provisions relating to snow, ice, and sleet removal from public sidewalks; and

WHEREAS, the Board of Commissioners desires to amend a portion of Chapter 304, to include new provisions restricting the placement of snow and ice in public streets; and

WHEREAS, the Board of Commissioners believes that this Ordinance amendment is necessary in order to protect the public safety and general welfare of the general public that resides in and traverses through the Township and makes use of its multi-modal transportation network.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of South Whitehall Township, Lehigh County, Commonwealth of Pennsylvania as follows:

SECTION I – ADOPTION OF CHAPTER 304, ARTICLE V.

PART II (“GENERAL LEGISLATION”), CHAPTER 304 (“STREETS AND SIDEWALKS”) of the Codified Ordinances of the Township is and shall hereby be amended to create a new Article V titled “Snow, Ice and Sleet Removal”, which shall state in its entirety as follows:

§ 304-45 REMOVAL OF SNOW, ICE AND SLEET FROM SIDEWALKS, BUILDINGS AND STRUCTURES

- A. The owner(s) of the property on which a sidewalk is located, or which fronts the right-of-way within which the sidewalk is located, shall keep said sidewalk in a snow- and ice-free condition at all times. Said property owner(s) shall remove said snow and/or ice no later than twenty-four (24) hours after the cessation of the snowstorm or weather event which causes the buildup of snow or

ice on the sidewalk. Said snow and/or ice shall be removed from the above-referenced sidewalk for the entire width and the entire length of the sidewalk on or fronting said property.

- B. When impossible to remove all snow, sleet or ice which may have been compacted by travel or formed on sidewalks so as to present a slippery surface, the owner(s) of the property on which a sidewalk is located, or which fronts the right-of-way within which the sidewalk is located, shall cover the above-referenced sidewalk with a melting and/or traction agent within the above-referenced twenty-four (24) hour period in such manner as to make walking upon the sidewalk safe. The property owner(s) shall continue to cover any slippery areas on the above-referenced sidewalk with a melting and/or traction agent in such manner as to make walking upon the sidewalk safe until all compacted snow and/or ice on said sidewalk has been removed.
- C. The owner(s) of the property on which an ADA ramp, school bus stop, or LANTA bus stop is located, or which fronts the right-of-way within which an ADA ramp, school bus stop, or LANTA bus stop is located, shall keep said ADA ramp, school bus stop, or LANTA bus stop in a snow- and ice-free condition at all times. Said property owner(s) shall comply with the standards of subsections A and B above with regard to the removal or remediation of snow and/or ice on the ADA ramp, school bus stop, or LANTA bus stop. If snow/ice is pushed onto sidewalks and driveways or other curb openings as a result of snowplow operations, the clearing of such snow/ice remains the responsibility of the property owner so that a clean, clear path to the street from the sidewalk, ADA ramp or crosswalk is accessible.
- D. The owner(s) of the property on which a fire hydrant is located, or which fronts the right-of-way within which the fire hydrant is located, shall keep a three (3) foot radius centered on said fire hydrant in a snow- and ice-free condition at all times. Said property owner(s) shall remove said snow and/or ice no later than twenty-four (24) hours after the cessation of the snowstorm or weather event which causes the buildup of snow or ice around the fire hydrant.
- E. In all cases, the snow, ice or sleet, when so removed, shall be thrown toward the private property side of the sidewalk. No person shall shovel, plow, throw or deposit snow or ice into or upon any public street in South Whitehall Township. No person shall cause or allow snow and/or ice to remain or accumulate so as to impede the flow of water along the curb of a public street or within a stormwater management swale or structure.
- F. Every person or business in charge of any building or structure within the Township, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away any accumulation of snow and ice on said building or other structure, which presents a risk of falling on any sidewalk or roadway. Such work shall be completed within four (4) hours after sunrise after the cessation of any fall of snow, sleet or freezing rain.

§ 304-46 ENFORCEMENT OF VIOLATIONS

- A. The provisions of this Article shall be enforced by the South Whitehall Township Code Enforcement Officer.
- B. Any violation of the provisions of this Article may be cause for the issuance of a warning, a notice of violation, a violation ticket and/or a citation to the violator. If violations are continuous or egregious, the South Whitehall Township Code Enforcement Officer has the right to issue citations without first issuing a warning, or a notice of violation or a violation ticket.
- C. A written warning, or notice of violation or violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the written warning, or notice of violation or violation ticket to the property where the violation exists,

by handing it at any office or usual place of business of the violator, to an agent or to the person for the time being in charge thereof, or by mailing via regular US mail, the written warning, or notice of violation or violation ticket to the violator's address of record.

- D. Any written warnings, notice of violations, violation tickets and/or citations will be issued to the violator's last known address of record.
- E. Each day a violation continues or is permitted to continue may constitute a separate offense.

§ 304-47 VIOLATION TICKET APPEAL PROCESS

- A. The South Whitehall Township Manager or designee shall be responsible for the reviewing and the rendering of a decision on any appeal as it pertains to this Article.
- B. A person in receipt of a violation ticket may appeal the violation ticket by filing an appeal request in writing on a form to be provided by South Whitehall Township within ten (10) calendar days of the date of the violation ticket, stating the reasons for appeal.
- C. The violator may request an opportunity to meet in person concerning their appeal, and the request may be granted at the sole discretion of the South Whitehall Township Manager, who may also deem it appropriate to consult with the issuing officer(s) involved in the matter or any other concerned parties.
- D. Within five (5) days of the appeal date, the South Whitehall Township Manager or designee may decide to uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines or penalty amounts as they deem appropriate, and will issue written notice of the decision to the violator.

§ 304-48 FINES AND PENALTIES

- A. Violation Ticket Fines
 - 1. Each violation of the sections of this Article may result in a separate offense fine.
 - 2. Fines shall be fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense under this Article.
- B. Violation Ticket Penalties
 - 1. If the person in receipt of a violation ticket does not pay the fine or appeal the violation within ten (10) calendar days from the date of the violation ticket, the person will be subject to an additional penalty in the total amount of ten dollars (\$10.00).
 - 2. A citation for the offense shall be issued against any person failing to make payment within twenty (20) days of the issuance of a violation ticket or failing to submit a written appeal of the violation ticket to the Township. The citation will be issued for the original offense that resulted in the issuance of the violation ticket.
- C. Citation Fines. Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Article, or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) for each separate offense.
- D. Restitution. The Magisterial District Judge may order the violator to make restitution where appropriate, to pay the Township's costs of collection/citation proceedings and to pay the Township reasonable attorneys' fees associated with the prosecution of the same.

SECTION II - AMENDMENT TO PART II ("GENERAL LEGISLATION") OF THE CODIFIED

ORDINANCES OF SOUTH WHITEHALL TOWNSHIP TO REMOVE SPECIFIED SECTIONS

Part II ("General Legislation") of the Codified Ordinances of South Whitehall Township is hereby amended to REMOVE the following:

- Chapter 148 Conduct, Section 148-1(A)(5); and
- Chapter 155 Drug Paraphernalia in its entirety; and
- Chapter 221 Loitering in its entirety.

SECTION III - REPEALER

All other ordinances, resolutions and other regulations of the Township, or any parts of ordinances, resolutions, and other regulations of the Township, in conflict herewith, are hereby repealed. All other provisions of the ordinances, resolutions and other regulations of the Township of South Whitehall, Lehigh County, Pennsylvania shall remain in full force and effect.

SECTION IV - FAILURE TO ENFORCE NOT A WAIVER

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION V - 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 is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION VI - EFFECTIVE DATE


This Ordinance shall become effective immediately following its adoption by the Board of Commissioners.

DULY ENACTED AND ORDAINED as an Ordinance this 4th day of September, 2024 by a majority of the Board of Commissioners of South Whitehall Township, Lehigh County, Pennsylvania, at a duly advertised meeting of the Board of Commissioners at which a quorum was present. As part of this Ordinance, the Board of Commissioners has directed that the President, or Vice-President in the absence of the President, execute this Ordinance on behalf of the Board.

**TOWNSHIP OF SOUTH WHITEHALL
BOARD OF COMMISSIONERS**


Diane Kelly, President

ATTEST:


Tricia Dickert, Township Secretary

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Government Forms & Supplies 844-224-3338