ORDINANCE NO. 371 of 2026

AN ORDINANCE OF THE BOROUGH OF BERLIN, SOMERSET CONTY, PENNSYLVANIA, REQUIRING THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS ABUTTING PROPERTIES WITHIN THE BOROUGH WHEN SNOWFALL ACCUMULATION EXCEEDS THREE (3) INCHES; REQUIRING REMOVAL OF ANTI-SKID MATERIALS AND WINTER MAINTENANCE DEBRIS FROM SIDEWALKS BY APRIL 30 OF EACH YEAR; PROVIDING FOR ENFORCEMENT BY THE BOROUGH POLICE DEPARTMENT THROUGH THE ISSUANCE OF CITATIONS; PROVIDING FOR ABATEMENT AND PRESCRIBING PENALTIES.

Section 1. Title

1. This Ordinance shall be known and may be cited as the "Sidewalk Snow Removal and Winter Debris Ordinance."

Section 2. Findings and Purpose

1. The Borough Council finds that sidewalks are intended for pedestrian travel and must be maintained in a reasonably safe condition.

2. The Borough Council further finds that, under Pennsylvania law, the primary responsibility for maintaining sidewalks in a condition reasonably safe for travel, including removal of snow and ice, lies with abutting property owners, and the Borough's duty is secondary and supplemental.

3. The purpose of this Ordinance is to protect public health, safety, and welfare by establishing clear, definite, and enforceable requirements for timely snow and ice removal and seasonal removal of anti-skid materials and winter debris from sidewalks.

Section 3. Definitions

1. For purposes of this Ordinance, the following words and phrases shall have the meanings set forth below:

    1. **Abutting property**: Any lot or parcel of land that fronts upon, borders, or adjoins a sidewalk within the Borough.

    2. **Anti-skid materials**: Cinders, grit, sand, stone, salt residue, or similar traction materials applied for winter maintenance.

    3. **Borough**: The Borough of Berlin, Somerset County, Pennsylvania.

    4. **Debris (winter maintenance)**: Anti-skid materials and other accumulated winter maintenance residue, including loose gravel, cinders, and similar materials, located on the sidewalk walking surface.

    5. **Owner**: The owner of record of the abutting property, including any person, partnership, or corporation holding legal title.

    6. **Occupant**: Any person in possession of the abutting property, including a tenant, lessee, or other person having charge or care of the property.

    7. **Sidewalk**: The improved pedestrian walkway area within the public right-of-way intended for pedestrian travel, located adjacent to an abutting property.

8. **Snow accumulation**: The depth of snow measured in inches on the sidewalk surface, resulting from a snowfall event, as reasonably determined by the Borough or its authorized personnel.

Section 4. Duty to Remove Snow and Ice (Three-Inch Trigger)

1. **General duty.**

    1. It shall be the duty of every Owner and Occupant of abutting property to remove, or cause to be removed, snow and ice from the sidewalk abutting such property when snow accumulation exceeds three (3) inches.

2. **Time for compliance.**

    1. Snow and ice removal shall be completed within twenty-four (24) hours after the snowfall has ceased, or within twenty-four (24) hours after the accumulation first exceeds three (3) inches, whichever occurs later.

3. **Continuing duty.**

    1. Where snow or ice continues to accumulate due to ongoing precipitation, the duty to remove shall be satisfied by commencing removal within a reasonable time after the precipitation ceases and completing removal within the time stated in Section 4.2.

4. **Scope of clearing.**

    1. The sidewalk shall be cleared to provide a passable walking surface three feet (3) in width across the sidewalk where practicable; where not practicable due to physical obstructions, the cleared path shall be of sufficient width to permit safe pedestrian passage.
    2. Collected snow from the snow removal process shall not be placed on areas of the lot where the collected snow will impede access to fire hydrants, dumpsters, or other garbage collection facilities or reduce visibility of signs or visibility at driveways or intersections.
    3. Collected snow and ice shall not be placed on the street or in any public right of way.

5. **No creation of civil liability.**

    1. This Ordinance is enacted under the Borough's police power and is intended to establish enforceable public duties; it is not intended to create or expand civil liability.

Section 5. Duty to Remove Anti-Skid Materials and Winter Debris by April 30

1. It shall be the duty of every Owner and/or Occupant of abutting property to remove, or cause to be removed, all anti-skid materials and winter maintenance debris from the sidewalk abutting such property on or before April 30 of each calendar year.

2. Removal shall include sweeping or other effective means to clear the sidewalk walking surface of accumulated anti-skid materials and winter debris so as to reduce slip, trip, and drainage hazards.

Section 6. Enforcement; Citations

1. This Ordinance may be enforced by the Borough Police Department or any other such person designated by the Borough Council.

2. Any Borough police officer is authorized to issue a non-traffic citation for a violation of this Ordinance, and such citation may be filed and prosecuted in the appropriate magisterial district court having jurisdiction within the Commonwealth of Pennsylvania.

Section 7. Abatement

1. In addition to any other remedies, if the Owner and/or Occupant fails to comply, the Borough is authorized to cause the property to be cleared of snow and/or ice and/or otherwise brought into compliance.

2. The Borough, its employees, contractors, and authorized agents may enter upon the property at reasonable times for the limited purpose of performing the work authorized by this section following the Owner's and/or Occupant's failure to comply.

3. The **costs** of Borough abatement may include, as applicable:
    a. Labor, equipment, and materials.
    b. Contractor charges.

c. Administrative costs reasonably related to inspection, notice, and coordination of the abatement.

d. The Borough shall prepare an itemized statement of the costs incurred and shall **assess** such costs to the Owner of the property.

e. The Borough may invoice the Owner for the assessed costs, which shall be due and payable within **thirty (30) days** of the invoice date.

f. If the assessed costs are not paid timely, the Borough may pursue collection **as permitted by law**, in addition to any other remedies available.

Section 8. Penalties

1. **Summary offense.**

    1. A violation of this Ordinance shall constitute a summary offense.

2. **Fines and costs.**

    1. Upon conviction, a violator shall be sentenced to pay a fine of not less than $25.00 and not more than $1,000.00, plus costs of prosecution.

    2. The penalties set forth in this Section are intended to provide clear notice of the sanctions that may accrue for noncompliance.

3. **Continuing violations.**

    1. Each day, or portion of a day, that a violation continues after the applicable compliance deadline shall constitute a separate offense.

Section 9. Severability

1. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 10. Repealer

1. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 11. Effective Date

1. This Ordinance shall take effect five (5) days after enactment as provided by law.

ORDAINED AND ENACTED THIS 6th day of August, 2026.

ATTEST:

BOROUGH OF BERLIN

Traci Horning, Executive Secretary

Michael Lottig, President

APPROVED BY THE MAYOR this 6th day of August, 2026

Joseph Krause