

Private Roads - Keeping Private Roads Clear of Snow and Ice

ORDINANCE 2009-4An Ordinance Requiring the Owners of Private Roads that are Open and Accessible to the Public to Keep Those Roads Clear from Snow and Ice

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF HAZLETON THAT:

1. It shall be the duty of the owners of private roads, alleys and streets that are open and accessible to the public to ensure that those private roads, alleys and streets are kept passable and drivable, and that snow and ice are cleared from those private roads, alleys and streets in a timely manner.
2. The owner of a private road, alley or street that is open and accessible to the public shall have a duty to ensure that the road, alley or street is plowed in a timely manner to ensure that not more than four (4) inches of snow shall be permitted to accumulate on the road, alley or street.
3. The owner of a private road, alley or street that is open and accessible to the public shall have a duty to apply sufficient amounts of ice melt and/or anti-skid materials to the road, alley or street during icy conditions, and/or during temperatures below freezing, to ensure that the road, alley or street is safely passable to vehicles and pedestrians.
4. Any individual, firm, corporation, association or partnership violating any of the provisions of this Ordinance shall be subject to a fine of not more than \$1,000 plus costs, or in default of such fine and costs, by imprisonment for not more than 90 days, in accord with the penalties set forth in Chapter 1, Article II, "Violations and Penalties" of the Code of the City of Hazleton. Each day that any violation of this Ordinance continues shall constitute a separate offense.
5. This Ordinance shall not infringe upon any person's ability to pursue a private cause of action against the owner of a private road, alley or street for injuries or damages that result from the violations of this Ordinance.
6. Any court determination that a portion of section of this Ordinance is unconstitutional or invalid shall not effect the remaining portions of said section or the other sections of this Ordinance.

ORDAINED AND ENACTED by Council this 24th day of February, 2009.