

Ordinance 455

AN ORDINANCE OF THE BOROUGH OF SUSQUEHANNA DEPOT, COUNTY OF SUSQUEHANNA, COMMONWEALTH OF PENNSYLVANIA, ORDINANCE NO. 455 PROVIDING FOR AMENDMENTS TO ORDINANCE #23 FOR THE REMOVAL OF SNOW, ICE, LEAVES, TREE LIMBS AND OTHER DEBRIS FROM SIDEWALKS TO PREVENT SLIPPING AND FALLING IN THE BOROUGH OF SUSQUEHANNA DEPOT.

BE IT ORDERED AND ENACTED by the Council of the Borough of Susquehanna Depot, County of Susquehanna, Commonwealth of Pennsylvania, in regular meeting assembled.

THE BOROUGH OF SUSQUEHANNA DEPOT HEREBY ORDAINS AS FOLLOWS:

Snow and Ice Removal from Sidewalks.

Section 1. Responsibility for Removal of Snow and Ice:

Time Limit. The owner of every property fronting upon or alongside any street in the Borough of Susquehanna Depot is hereby required to remove or cause to be removed from all the sidewalks in front of or alongside such property, all snow and ice thereon fallen or formed, within twenty-four (24) hours after the same shall have ceased to fall or to be formed. Provided: The owner of a property shall be responsible for conforming to the requirements of this section where such property is occupied by such owner, is unoccupied or vacant, or is a multiple-business or multiple-dwelling property, having more than one occupant or tenant; the tenant or occupant of every single-unit property, occupied by such tenant or occupier only, shall be responsible for conforming to the requirements of this section in the case of such single-unit property.

Section 2. Authority for Borough to Remove Snow and Ice and Collect Costs, Plus 10%

In any case where the owner, as aforesaid, shall fail, neglect or refuse to comply with any provision of this Ordinance with the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent, and

to collect the expenses thereof, with the additional amount of ten (10%) percent from such owner, which may be in addition to any fine or penalty imposed under the third section of this ordinance.

Section 3, Use of Rock Salt Prohibited in Certain Areas. Due to its corrosive nature, the use of rock salt or sodium chloride based de-icing products is strictly prohibited on concrete and bomenite sections of sidewalk found in the commercially-zoned district of the borough.

Section 4. Removal of leaves, tree limbs, grass clippings, debris, cinders, gravel, grits or any other refuse. The removal of leaves, tree limbs, grass clippings, debris, cinders, gravel, grits or any other refuse on such sidewalks or projecting branches and other obstructions below six feet, eight inches (6'8") above the sidewalk. The adjacent property owner shall be responsible for the prompt removal of any such items whether or not such items, were deposited by the owner, his tenants, anyone acting under his direction, control, license or any third person. Such leaves, tree limbs, grass clippings, debris, cinders, gravel, grits and other refuse shall be properly bagged and disposed of upon being removed from such sidewalk. The sweeping or other removal of such items onto Borough streets or state highways is prohibited.

Section 5. Repairs to sidewalks. The adjacent property owner shall be responsible for the repair or any other instance or condition which may create a pedestrian safety hazard as determined by the Borough Code Enforcement Officer.

Section 6. Penalty for Violation. Any owner of any property in the Borough of Susquehanna Depot who shall fail to remove any snow or ice or leaves, tree limbs, grass clippings, debris, cinders, gravel, grits or any other refuse on such sidewalk or projecting branches or other obstructions pursuant to Section 4, upon conviction thereof, shall be sentenced to pay a fine of not more than Twenty-five Dollars (\$25.00) and costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than ten (10) days. Provided. Such fine and costs of prosecution may be in addition to any expenses and additional amount

imposed as provided in the second section of this ordinance. Each day of violation will be deemed to constitute a separate offense. Each second or subsequent offense shall be punishable by a fine of not more than Fifty Dollars (\$50.00) and costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than twenty (20) days. Fines levied will constitute civil forfeitures to the Borough of Susquehanna Depot.

Section 7. Sledding and Snowmobiling or Construction Equipment, ATV's Prohibited on Sidewalks: Restricted on Streets and Alleys. It shall be unlawful for any person to coast or ride upon any snow-tracked construction equipment, ATV, or similar conveyance upon any sidewalks in the Borough of Susquehanna Depot, or upon any street or alley in said Borough, unless:

a. Such street or alley shall have been specially set apart and designated by the Mayor as a "play highway" for the purpose of sledding or snowmobiling, and :

b. Shall have been blocked off or otherwise adequately protected from vehicular traffic.

Any person who shall violate any provision of Section 7 of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Twenty-five Dollars (\$25.00) and costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than ten (10) days. Provided. Such fine and costs of prosecution may be in addition to any expenses and additional amount imposed as provided in the second section of this ordinance. Each day of violation will be deemed to constitute a separate offense. Each second or subsequent offense shall be punishable by a fine of not more than Fifty Dollars (\$50.00) and costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than twenty (20) days. Fines levied will constitute civil forfeitures to the Borough of Susquehanna Depot.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE AND APPROVAL.

Ordained and enacted this 28th day of October, 2008 A.D. by the Borough of Susquehanna Depot in regular meeting assembled.

BOROUGH OF SUSQUEHANNA DEPOT

Michael Matis, President of Council

Denise Reddon, Mayor

ATTEST:

Ann Stewart, Secretary

ORDINANCE NOTICE

Notice is hereby given that Ordinance # 455 providing for amendments to Ordinance #23 for the removal of snow, ice, leaves, tree limbs and other debris from sidewalk in the Borough of Susquehanna Depot will be adopted and effective at a council meeting of the Borough of Susquehanna Depot to be held on October 28th, 2008 at 7:00 p.m. at the Borough building. Anyone objecting to all or any portion of said amendments to the Ordinance should be present to state their objections at said meeting.

A full copy of the Amendment may be examined at the Borough of Susquehanna Depot office, the Office of the County Transcript or the Office of DeWitt & Cordner, 249 Main Street, Susquehanna, Pennsylvania 18847.

Myron B. DeWitt, Esq.
Solicitor

BOROUGH OF SUSQUEHANNA DEPOT*Rescheduled Council Meeting***Minutes of September 30, 2008**

The rescheduled meeting of the Council of Susquehanna Depot was called to order at 7:10 p.m. by President Mike Matis followed by the Pledge of Allegiance.

Councilmen present: Vice President Bill Perry, Bill Kuiper, and Dave Scales.
Councilmen absent: Bill Iveson, Roy Williams and Allen Wolf

Mayor Denise Reddon and Secretary Ann Stewart were present.

Guests present: Barb Whitehead/Transcript, Joe & Rose DeCicco, Joan Bezdziecki.

MOTION: by Dave Scales, second by Bill Kuiper to approve the agenda with the addition of donation/use of borough equipment under New Business. All were in favor; motion carried.

MOTION: by Bill Kuiper, second by Bill Perry to approve minutes of previous council meeting of August 26, 2008. All were in favor; motion carried.

MOTION: by Dave Scales, second by Bill Kuiper to approve the minutes of Special Meeting of September 13, 2008. All were in favor; motion carried.

MOTION: by Dave Scales, second by Bill Perry to approve the minutes of Special Meeting of September 17, 2008. All were in favor; motion carried.

MOTION: by Bill Perry, second by Bill Kuiper to approve the bill list of September 30, 2008 as presented. Roll call: Bill Kuiper; aye; Mike Matis, aye; Bill Perry, aye; Dave Scales; aye. Motion carried.

MOTION: by Bill Perry, second by Bill Kuiper to advertise to adopt Ordinance #455 pertaining to snow and debris removal from sidewalks. All were in favor, motion carried.

MOTION: by Dave Scales, second by Bill Perry to accept Lindsey Oil's fuel bid price for heating oil which will be the wholesale price of the day. All were in favor, motion carried.

MOTION: by Dave Scales, second by Bill Perry to accept Mirabito's service contract agreement for both the borough building and the library. All were in favor, motion carried.

MOTION: by Bill Perry, second by Dave Scales to donate the police bike to Lanesboro. All were in favor, motion carried.

MOTION: by Bill Perry, second by Bill Kuiper to transfer \$5,000.00 from Capital Reserve to the Streets gas budget. Roll call: Bill Kuiper, aye; Mike Matis, aye; Bill Perry, aye; Dave Scales, aye. Motion carried.

MOTION: by Bill Perry, second by Dave Scales to purchase 12,000 biodegradable leaf bags for approx. \$4,500.00. All were in favor, motion carried.

MOTION: by Dave Scales, second by Bill Perry to advertise for the sale of leaf bags and leaf pickup. All were in favor, motion carried.

MOTION: by Bill Kuiper, second by Bill Perry to approve the 2009 Minimum Municipal Obligation for the Police pension fund in the amount of \$14,383.00. All were in favor with Dave Scales abstaining from vote due to personal conflict.

MOTION: by Bill Perry, second by Bill Kuiper to advertise for budget meetings to begin the following Wednesday at 7 p.m. and every Wednesday thereafter until completion. All were in favor, motion carried.

MOTION: by Bill Kuiper second by Bill Perry to approve the donated use of the borough street truck to help the school district collect wood for their homecoming event. All were in favor with Dave Scales abstaining from vote due to personal conflict.

Mayor Denise Reddon reported that the borough has been dropped by Chesapeake for the gas lease as they have rescinded their offer. She also gave an update from PennDot explaining their delays for the SR 171/92 Drinker Creek bridge project. She also stated that no weight signs were posted which gave the Drinker Creek Bridge a legal limit weight load of 40 ton. The new water tower proposed by Pennsylvania American Water Co. has also been postponed to 2011 due to budget constraints.

Joe and Rose DeCicco discussed the parking committee and the idea to check on the availability of a vacant home located on Main Street to possibly use for future parking, however the present owner is currently not interested in selling the property. Also discussed that the parking issues always end up being mainly located on West Main Street, however, there are parking issues all throughout the community.

It was agreed to relist the 1995 Chevy Caprice police vehicle and accept a lower payment amount for the vehicle.

Trick or Treating will be on Friday, October 31st from 6 p.m. to 8 p.m.

Bill Perry questioned the alarm system, since he had trouble over the past weekend setting the alarm code and he was surprised that quite a few people have access to the building. It was explained to him that individuals from different committees also have a key to the front door and an access code. The list is to be reviewed periodically to make sure it is updated.

BOROUGH OF SUSQUEHANNA DEPOT

Council Meeting

Minutes of October 28, 2008

The regular meeting of the Council of Susquehanna Depot was called to order at 7:05 p.m. by President Mike Matis followed by the Pledge of Allegiance.

Councilmen present: Vice President Bill Perry, Bill Iveson, Bill Kuiper, Dave Scales and Allen Wolf.

Councilmen absent: Roy Williams.

Mayor Denise Reddon and Secretary Ann Stewart were present.

Guests present: Barb Whitehead/Transcript.

MOTION: by Bill Perry, second by Bill Kuiper to approve the agenda with the addition of hiring new police officer under new business. All were in favor; motion carried.

MOTION: by Bill Perry, second by Bill Kuiper to approve minutes of previous council meeting of September 30, 2008. All were in favor; motion carried.

MOTION: by Bill Iveson, second by Bill Kuiper to approve the bill list of October 28th as presented. All were in favor; motion carried.

MOTION: by Bill Perry, second by Dave Scales to adopt Ordinance #455 which amends Ordinance #23 concerning removal of snow and debris from sidewalk. Roll call: Bill Iveson, aye; Bill Kuiper, aye; Mike Matis, aye; Bill Perry, aye; Dave Scales, aye; Allen Wolf, aye. Motion carried.

MOTION: by Bill Kuiper, second by Bill Perry to accept 2009 Fire Department contribution for the amount of \$21,498.00. Roll call: Bill Iveson, aye; Bill Kuiper, aye; Mike Matis, aye; Bill Perry, aye; Dave Scales, aye; Allen Wolf, aye. Motion carried.

MOTION: by Dave Scales, second by Bill Iveson to pass Resolution 102808 approving and adopting the Susquehanna County Flood Hazard Mitigation Plan dated May 2008. All were in favor, motion carried.

MOTION: by Dave Scales, second by Bill Perry to table LERTA application until all permits are received with the application. All were in favor, motion carried.

MOTION: by Dave Scales, second by Allen Wolf to hire Lance Penzone as a part-time police officer. Roll call: Bill Kuiper, aye; Mike Matis, aye; Bill Perry, aye; Dave Scales, aye; Allen Wolf, aye. Motion carried.

John Benninger from Cabot Oil & Gas presented the borough with a gas lease option totaling \$65,200.00 for 2 parcels of borough land in exchange for an agreement for the borough to allow Cabot Oil & Gas the right of ingress and egress on our for the purpose of collecting water from the Susquehanna River. Council agreed to send both to Myron DeWitt's office for review and to have both executed as soon as possible.

SCDA sent a letter to council setting the date for the Christmas Tree Lighting Ceremony for Friday, December 5th at 7:00 p.m. outside the borough building. The breakfast with Santa at St. John's Hall is scheduled for December 6th at 8:30 to 10:30. The SCDA had requested council to consider a permanent Christmas tree being planted in front of the building, however, council disagreed with this idea and would rather get a bagged tree which could be replanted somewhere else on borough property afterwards.

Mike Matis thanked all departments involved in helping out with homecoming stating it was a success.

Meeting adjourned to executive session and reconvened to hire police officer.