

**BOROUGH OF PENNINGTON  
ORDINANCE NO. 2009- 4**

**AN ORDINANCE CLARIFYING ENFORCEMENT OF MANDATORY SNOW REMOVAL BY  
PROPERTY OWNERS AND AMENDING ARTICLE I OF CHAPTER 177  
OF THE CODE OF THE BOROUGH OF PENNINGTON**

**WHEREAS**, Article I of Chapter 177 of the Code of the Borough of Pennington requires property owners and tenants to remove snow and ice from the sidewalks in front of or bordering on their lands within 12 hours of daylight after same has fallen or formed ;

**WHEREAS**, the said Article I presently provides overlapping means of enforcement, one involving notice by Borough Police to the delinquent property owner or tenant directing removal of the snow and ice forthwith and upon failure of the owner or tenant to do so, clearance of the snow or ice by the Department of Public Works with a bill to the property owner for the cost, same to become a lien against the property; the other involving issuance of a summons to the owner or tenant and imposition of a fine or fines with each day the snow or ice remains to be considered a separate offense;

**WHEREAS**, Borough Council seeks to amend existing enforcement provisions to ensure that clearance of snow and ice by the Department of Public Works, albeit at the expense of the property owner, is optional on the Borough's part and does not relieve property owners and tenants from their obligations under the ordinance;

**WHEREAS**, Borough Council further amends existing enforcement provisions to relieve the Police Department of having to notify property owners and tenants before Public Works may remove snow or ice or Police may issue a summons to the owner or tenant for failing to remove snow and ice;

**WHEREAS**, Borough Council also intends to clarify the basis for reimbursement in the event the Department of Public Works must remove snow and ice that the owner or tenant is required to remove;

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pennington, as follows:

1. Section 177-2 of Article I of Chapter 177 of the Code of the Borough of Pennington is hereby amended as follows:<sup>1</sup>

In case such owner or owners, tenant or tenants of any land abutting or bordering upon any public street, avenue or highway in said borough shall neglect or refuse to remove such snow and ice within 12 hours of daylight after the same shall have fallen, or formed, or to spread the same with salt, ashes or sand as hereinbefore provided, [it shall be the duty of the Pennington Borough Police Department to notify, where possible, such owner or owners, tenant or tenants to forthwith remove said snow and ice from the sidewalk in front of or bordering on such land; and where impossible, to notify such owner or owners, tenant or tenants by reason of their non-residence or absence from said borough, or where, having given such notices such owner or owners, tenant or tenants, shall fail to forthwith comply with said notice,] the Department of Public Works [shall] may remove or cause to be removed such snow or ice from the sidewalk in front of or bordering on such land or to [be] spread or cause same to be spread with salt, ashes or sand as hereinbefore provided.

2. Section 177-3 of Article I of Chapter 177 is hereby amended as follows:

The cost paid and incurred by the borough for removing such snow and ice from any sidewalk or for spreading same with salt, ashes or sand, as the case may be, shall be certified to the Mayor and Council of the borough, which shall examine the certificate and, if found to be [current] reasonable, shall cause such costs to be charged against the abutting lands. The amounts so charged shall thereupon become a lien and tax upon such real estate and be added to and become a part of the taxes next to be levied and assessed thereon. Computation of charges shall be based on the following rates:

A. Equipment hourly rates, including the time required to mobilize and demobilize from the site, shall be as follows:

- (1) Snow blower: \$25.00
- (2) Service truck: \$60.80
- (3) Dump truck: \$60.80
- (4) Deicer: cost.

B. Labor hourly rates, including the time required to mobilize and demobilize

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<sup>1</sup>Deletions are indicated by brackets [ ]; new language is underlined.

from the site, shall be as follows:

- (1) Foreman: \$81.15
- (2) Operator: \$59.30
- (3) Laborer: \$59.30.

C. For overtime (OT), a multiplier will be applied to labor rates equal to the highest applicable multiplier from the following :

- (1) Work before 7:30 a.m.: 1.5
- (2) Work after 3:30 p.m.: 1.5
- (3) Work on Saturday: 1.5
- (4) Work on Sunday: 2.0
- (5) Work on Borough-recognized holidays: 2.0
- (6) Continuous work in excess of 12 hours.

3. This ordinance shall be effective upon passage and publication as provided by law.

Introduced: March 9, 2009

Advertised: March 19, 2009

Public Hearing: May 4, 2009

Adoption: May 4, 2009

Advertised: May 14, 2009

ATTEST:

APPROVE:

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Elizabeth Sterling, Borough Clerk

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Anthony Persichilli, Mayor