

**EAST PROSPECT BOROUGH  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO.: 2018-1**

**AN ORDINANCE OF THE BOROUGH OF EAST  
PROSPECT PROHIBITING OBSTRUCTIONS ON  
SIDEWALKS, PROVIDING FOR NOTICE OF VIOLATION,  
AND ENUMERATING PENALTIES FOR CONTINUED  
VIOLATIONS THEREFORE.**

WHEREAS, Section 1202(12) of the Pennsylvania Borough Code authorizes a borough council to enact ordinances regulating sidewalks and prohibiting obstructions thereon; and

WHEREAS, the Borough Council of East Prospect has determined that the placement of obstructions on sidewalks within the Borough is detrimental to the general health, safety, and welfare of the citizens of the Borough.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of East Prospect Borough, York County, Pennsylvania, and by and through the authority of the same, as follows:

Section 1. Purpose.

This Ordinance shall be known and cited as the Sidewalk Obstruction Ordinance of the Borough of East Prospect. The purpose of the Ordinance is to allow the Borough of East Prospect (the "Borough") to maintain unobstructed sidewalks, while eliminating hazards to pedestrians, reducing locations that may serve as breeding ground for mosquitoes and other pests, and promoting the general welfare of residents and businesses in the Borough.

Section 2. Definitions.

The following definitions apply to this Ordinance:

**OBSTRUCTION.** Any man-made or natural object placed within the confines of a public sidewalk that encumbers or hinders the convenient use of the sidewalk.

**OCCUPANT.** An Owner or individual claiming an interest in the subject property through the Owner, including, without limitation, a tenant. In the event a tenant or non-owner occupant of the subject property has caused the violation of the Ordinance, the Borough may pursue the tenant, the legal and/or equitable owner of the subject property, or both in accordance with this Ordinance, and all other applicable local, State, and Federal laws, rules, ordinances, and/or regulations.

OWNER. Any person, agent, operator, firm, corporation, association, or partnership, or other legal entity having a legal or equitable interest in the property, or has a recorded title interest to the property as the same may have been recorded in the official records of the Commonwealth of Pennsylvania, the County of York, or the Borough, including, without limitation, the guardian of an estate, and the executor or administrator of the estate of a person if ordered to take possession of real property by a court of competent jurisdiction.

PERSON. Any individual, firm, corporation, association, partnership, or other legal entity.

SIDEWALK. An improved walkway, constructed of concrete, macadam or other impervious material, which is intended for use by pedestrians and is adjacent to a public or private street.

### Section 3. Prohibited Conduct.

It shall be unlawful for any person to install, erect, or place any man-made or natural object within the confines of any public sidewalk in the Borough of East Prospect, including, without limitation, furniture, mailboxes, and buckets. This shall exclude any item or activity placed within the confines of a sidewalk in accordance with Borough Ordinances or law, such as legally placed refuse or recycling collection containers, as well as large items legally and timely placed for refuse collection.

### Section 4. Notice.

The Borough Secretary, or any officer or employee of the Borough designated thereby for the purpose, is hereby authorized to give notice to the owner or occupant of any property in violation of this Ordinance, by personal service, U.S. mail, or posting at the property. Upon receipt of notice, the owner or occupant shall have seven (7) days to begin removing the obstruction, and seven (7) additional days to permanently remove the prohibited item(s) from the sidewalk.

### Section 5. Fines and Penalties.

Any person who violates any of the provisions of this Ordinance shall, upon conviction in a summary proceeding before any Magisterial District Judge of the County, be punishable by a fine of not to exceed One Thousand (\$1000.00) Dollars and costs of prosecution for each and every offense or, upon default in payment of the fine and costs not caused by indigence or lack of sufficient assets, by imprisonment in the County Prison for a period not to exceed thirty (30) days. Each day that such violation is continued shall constitute a new and separate offense, punishable by like fine, penalty or imprisonment.

Section 6. Severability.

The provisions of this Ordinance are severable, and if any section, clause, sentence, part, or provision herein shall be deemed or held to be illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision or determination shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of this Ordinance.

Section 7. Repealer; Effective Date.

The provisions of any prior Ordinance(s) which is or are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. This Ordinance shall become effective immediately upon adoption by the Council and approval by the Mayor of the Borough of East Prospect.

**ENACTED AND ORDAINED** by the Borough Council of East Prospect Borough this

20<sup>th</sup> day of December, 2018.

Attest:

EAST PROSPECT BOROUGH COUNCIL

Mindy K Barshinger

Mindy Barshinger, Borough Secretary

(SEAL)

BY:

Donald E Barshinger

Donald Barshinger, President

APPROVED this 20<sup>th</sup> day of December, 2018.

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Matthew Mann, Mayor