

**ORDINANCE NO. 2 of 2026**  
**Borough of New Florence**  
**Westmoreland County, Pennsylvania**

AN ORDINANCE OF THE BOROUGH OF NEW FLORENCE, WESTMORELAND COUNTY, PENNSYLVANIA, RESTRICTING OBSTRUCTIONS AND ENCROACHMENTS AND HAZARDS ON SIDEWALKS AND GENERALLY REGULATING THE SIDEWALKS WITHIN THE BOROUGH.

**WHEREAS**, the Borough of New Florence ("Borough") has enacted Ordinance Number 43 and Ordinance Number 181, each providing certain rules and regulations relating to sidewalks in the Borough; and

**WHEREAS**, the Borough has determined that it is in the best interest of the Borough and its residents to amend Ordinance Numbers 43 and 181 to provide for, among other things, general maintenance of sidewalks and the clearing of snow and ice and other obstructions from sidewalks the Borough; and

**NOW THEREFORE**, BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of New Florence, Westmoreland County, Pennsylvania, as follows:

Section 1.     Title. This Ordinance shall be known and may be cited as the "Borough of New Florence Sidewalk Ordinance."

Section 2.     Definitions. The following words shall be construed to have the meanings set forth below. The singular number includes the plural, and the masculine includes the feminine and the neuter.

**CARTWAY**

The portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**CORPORATION**

Any natural person, partnership, corporation, association or any other legal entity.

**PERSON**

Any natural person, association, partnership, firm or corporation or any other legal entity.

## **SIDEWALK**

The portion of a street between the curblines, or the lateral lines of any cartway, street, or highway and the adjacent property lines, intended for use by pedestrians.

## **STREET or HIGHWAY**

The entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

### Section 3. Construction, Maintenance, and Repair Required.

- A. The Borough may require owners of property abutting on any street or highway, including State highways, to construct and repair the sidewalk along such property, at such grades and under such regulations as may be prescribed by Borough Council or its designee.
- B. On and along the line of all streets, avenues and highways in the Borough now or hereinafter to be paved, it shall be the duty of owners of lots abutting thereon to lay, maintain and keep in good repair substantial curbing and sidewalks of concrete, according to specifications to be furnished upon application to the Borough or its designee. Said curbing and sidewalks shall be placed upon lines and grades established by the Borough or its designee and given upon application; provided, however, that in all cases where curbing or sidewalks do not currently exist along streets, avenues and highways in the Borough, no property owner shall be forced to construct the same until such time as the Borough shall engage in an improvement to the roadway, which improvement could be paving, macadamizing and installation of storm sewers or otherwise disturbing it or improving the cartway of said street or highway.
- C. Failure to Comply. If the owner of any lot or lots in the Borough shall neglect or refuse to lay, maintain or keep in good repair curbings or sidewalks as provided for in Section 3.A. and 3.B. within thirty (30) days after notice from the Borough or its designee to lay or repair the same, then the Borough shall have the option to:
  - 1. File charges in accordance with Section 7, below; or
  - 2. The Borough or its designee may forthwith cause the same to be done at the cost of the owner or owners of such lot or lots, and the proper officers of the Borough shall thereupon collect the cost thereof, together with all charges and expenses, including reasonable legal fees incurred by the Borough, from such owner or owners and shall file a municipal claim therefor or collect the same by action in assumpsit.

- D. Notice to Property Owner. Notice of thirty (30) days shall be given to any property owner to do work on curbing or sidewalks when, in the case of curbing, recurbing or repaving the sidewalk, it shall form part of an improvement resulting also in the paving, macadamizing and/or installation of sewers or otherwise improving the cartway of said highway.
- E. Payment of Costs; Municipal Lien. The Borough will allow a period of thirty (30) days after the completion of the improvement for the voluntary payment of the cost thereof by the owner of the abutting property before filing a municipal lien against such property according to law.
- F. Penalties. Any person who shall violate any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of not more than Fifty Dollars (\$50.00), plus the costs of prosecution, for a first offense, and One Hundred Dollars (\$100.00), plus the costs of prosecution, for a second and each subsequent offense, and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Section continues shall constitute a separate offense. Nothing herein contained shall prevent the Borough from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

Section 4.      Removal of Snow and Ice.

- A. Every person in charge or control of any building or lot of land fronting or abutting on a sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed or cleared away, snow and/or ice from a path of at least thirty-six (36) inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.
- B. Except as provided in Section 4.C. hereof, snow and ice shall be removed from sidewalks within twenty-four (24) hours after the cessation of any fall of snow, sleet or freezing rain.
- C. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in Section 4.B. hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least thirty-six (36) inches in width.

Section 5.      Obstruction of Sidewalks.

- A. Vehicles. It shall be unlawful for any person, persons, firm or corporation to park any vehicle, whether or not in or on a driveway, in such a fashion as to obstruct in any way whatsoever a public sidewalk, or to make use of a sidewalk in such a fashion as to cause an obstruction of the sidewalk, and to prevent the free use of same by the general public.
- B. Trees and Limbs. It shall be the responsibility of the abutting property owner to trim and maintain all trees and shrubs growing along the sidewalks of the Borough. No mature tree limbs or branches shall have a clearance of less than seven (7') feet above the surface of the sidewalk. Shrubs and hedges shall not impinge on the free passage on the full width of the surface of sidewalks.
- C. It shall be unlawful to put or place any box, boxes, barrels, merchandise or other articles that obstruct the free use of any sidewalk upon any of the sidewalks, except articles temporarily placed thereon for the purpose of loading or unloading, removing or storing away.
- D. It shall be unlawful for any person, persons, firm or corporation to place, erect or build any porch, portico, door steps, railing, bulk, bay or jut window, areaway, cellar door and cellar window, sign and sign post, board, pole or frame, awning, awning post or other device or thing projecting over, under, into or otherwise occupying the sidewalk except any traffic or other sign placed, erected or maintained by the proper State or municipal authorities or any sign temporarily placed thereon for construction or related work or loading or unloading merchandise and goods.
- E. In addition to those specific restrictions provided for above, it shall generally be unlawful to obstruct the free use by the general public of any sidewalk within the Borough.
- F. Befouling. It shall be unlawful to scatter, spill, dump or drop, or permit to be scattered, spilled, dumped or dropped, any soil, sand, stone, dirt, grass clippings, debris, refuse, litter or other substance of any kind, including liquids and chemicals, from any vehicle or from the wheels, tires or undercarriage thereof, or from any lawn/property maintenance equipment upon the sidewalks of the Borough.

Section 6.      Prohibited Use of Sidewalks.

- A. Except as provided in Sub-Section B., no person shall drive, ride, use, or otherwise operate or propel any vehicle or gas or electric powered implement or equipment – specifically including, but not limited to, a motorized scooter, motorized bicycle or

pedalcycle, pedalcycle with electric assist, or motorized recreational vehicle or device – on any sidewalk within the Borough.

B. Exceptions.

- a. The prohibition set forth in Section 6.A. shall not restrict or prohibit or regulate the use and operation of a self-propelled wheelchair, an electrical mobility device, electric personal assistive mobility device, or similar devices on a sidewalk for the specific purpose of giving persons with mobility-related disabilities the capability of transporting themselves.
- b. The prohibition set forth in Section 6.A. shall not restrict or prohibit or regulate the *de minimis* use or encroachment of any motorized vehicle set forth herein on sidewalks in the Borough, such as motorized work vehicles and the like crossing or encroaching a sidewalk during the conduct or normal, regular, and customary business purposes and operations during normal business hours.

Section 7. Violations and Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Fifty Dollars (\$50.00), plus the costs of prosecution, for a first offense, and One Hundred Dollars (\$100.00), plus the costs of prosecution, for a second and each subsequent offense, and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense. Nothing herein contained shall prevent the Borough from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

Section 8. Severability. The provisions of this Ordinance are severable, and if any section, clause, sentence, part or provision thereof shall be held illegal, invalid, and unconstitutional by any court of competent jurisdiction, such decision of the court shall not effect impair, or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance.

Section 9. Repealer. The provisions of any prior Ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency. Except to the extent inconsistent with this Ordinance, Ordinance Number 43 and Ordinance Number 181 shall remain in full force and effect.

Section 10. Effective Date. This Ordinance shall become effective immediately upon enactment thereof.

**ENACTED, ORDAINED, AND APPROVED** this 21st day of July, 2026.

Borough Council of the Borough of New Florence,  
Westmoreland County, Pennsylvania

By: \_\_\_\_\_  
Jason L. Beatty, Council President

ATTEST:

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Cheryl A. Priest, Borough Secretary

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Mark Dellett, Mayor