

SIDEWALKS AND CURBS

Maintenance of Curbs and Sidewalks. Owners of land within the Borough on which sidewalks and / or curbs are constructed, and persons in possession of any such premises, shall properly maintain, in accordance with criteria developed by the Borough Engineer and approved by Resolution by Borough Council, such curbs and sidewalks, and shall be responsible for the repair thereof in a manner satisfactory to the Borough. All sidewalks and curbs or sections thereof hereafter constructed, reconstructed or repaired, shall conform to the requirements of this Ordinance.

Permit Required. No person or group of persons, partnership or corporation shall commence the construction or reconstruction or repair of any sidewalk or curb in the Borough without first making application for and securing a permit therefore from the Borough Manager. Applications for a sidewalk and/or curb construction or reconstruction permit shall contain the necessary information and in the case of new construction, a plot plan showing the location of the proposed work in relation to existing buildings, curbs and sidewalks. No work under this section shall be commenced without first having secured a line and grade from the Borough Engineer, where applicable. Permits shall be issued by the Borough Manager in accordance with the applicable provisions.

- a) A permit shall be required for patching or repair of existing sidewalks and/or curbs.
- b) As used in this Chapter, “reconstruction” shall mean the complete replacement of sidewalk and/or curb to either existing or new line and grade.
- c) Permit fees shall be established from time to time by resolution of Council.
- d) Any permit issued under this part shall be null and void unless work is commenced within six (6) months of its issuance. If work is commenced within said six-month period and abandoned within one (1) year of the date of issuance of the permit, said permit shall be null and void. One (1) or more ninety (90) day extensions of time may be granted by the Borough Manager for cause shown after written application therefore.

Work to be Done in Accordance with Specifications Contained in Subdivision Ordinance. Curbs and/or sidewalks shall be constructed, repaired or reconstructed in accordance with the specifications and requirements of the Ordinances of the Borough entitled Subdivision and Land Development.

Notice Given by the Borough. Notice to reconstruct, repair, and or replace existing sidewalks and/or curbs, due to unsafe conditions, shall be provided in writing to the

owners of property containing said sidewalks and/or curbs. Such owners shall have 6 months in which to reconstruct, repair or replace said unsafe conditions, except where repairs are required, which in the opinion of the Borough Manager, are of an emergency nature, in which event forty-eight hours (48) written notice shall be given.

Remedies. Upon the neglect of any owner or owners of property to reconstruct, repair or replace existing sidewalks and/or curbs, in a safe and useable condition, the Borough shall, after notice as herein provided, cause the reconstruction, repair or replacement of said sidewalk and/or curb to be done at the cost of such property owner or owners and shall collect the cost thereof, together with all charges and expenses up to an amount of 10%, from such owner and or owners, and may file a municipal lien therefore in the Court of Common Pleas or collect the same by action in assumpsit according to the Acts of Assembly of the Commonwealth of Pennsylvania pertaining thereto.

Faulty Construction. If any sidewalk and/or curb shall be reconstructed, repaired or replaced without conforming to the requirements of this Ordinance, or of any other ordinance or law, the Borough Manager may require the owner of the premises and other persons responsible for such construction to remove the faulty curb or paving as a nuisance, and replace it with conforming construction, and on failure of such person to do so within such time as the Manager shall fix, the Borough may proceed to do so and collect the cost thereof by entry of lien or otherwise.

Penalties. Any person, firm or corporation who shall violate any provision of this Ordinance, shall upon conviction thereof, be sentenced to pay a fine of not more than three hundred (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days.

This is a sample ordinance. We suggest that it be modified, as appropriate, to fit the needs of your borough. We also suggest that all proposed ordinances be reviewed by your solicitor. Although these are samples of ordinances which have been adopted by other municipalities, the Association cannot assume responsibility for ensuring their legality. We are pleased to provide this service free of charge to our members. If we can be of further assistance, please do not hesitate to contact us: **PENNSYLVANIA STATE ASSOCIATION OF BOROUGHS**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.