

STREETS, SIDEWALKS AND DRIVEWAYS

Maintenance of Sidewalks and Curbs

Compliance Required

The owner or owners of any lot or lots in the Borough with sidewalks in the public right of way shall maintain such sidewalks in a safe and passable condition, free of tripping hazards and obstructions. The said owner or owners shall repair any defects in such sidewalks and remove any obstructions, which make them unsafe or impassable to pedestrians.

Maintenance Obligation

The obligation of maintenance shall include but not be limited to:

1. Repair of holes, and repair of cracks having a width in excess of $\frac{1}{2}$ inch at any one point along a length of one foot or greater.
2. Maintenance of a constant grade.
 - a. Repair shall be made when one or more sections of the sidewalk rises above or drops below the grade of the edges of immediately adjacent sections resulting in an irregular surface with depression greater than $\frac{1}{2}$ inch in depth.
 - b. Repair shall be made when the curb is out of vertical alignment with the adjacent curb or an adjacent section or slab of sidewalk in excess of $\frac{3}{4}$ inch.
 - c. Repair shall be made when the curb is out of horizontal alignment with the adjacent curb in excess of $\frac{1}{2}$ inch.
3. Repair of any section of sidewalk that has spalling on twenty-five percent (25%) or more of its surface.
4. The removal of leaves, tree limbs, grass clippings, debris, cinders, gravel, grits, or any other refuse on such sidewalk or projecting branches and other obstructions below six (6) feet, eight (8) inches above the sidewalk. The 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.

5. Repair of any other instance, which may create a pedestrian safety hazard as determined by the Borough Engineer.

Annual inspection

Once each year, the Borough Engineer shall inspect all sidewalks and curbing in the Borough. Within thirty days of his/her inspection, he/she shall forward a report to the Borough Manager containing a list of those properties not in compliance with the requirements of this Ordinance. The report shall include a brief description of each noncompliance and shall specify the required repairs.

Property owner to repair; time limits

Every owner of property in the Borough shall, on sixty (60) days notice, repair the sidewalk or curbing, or both, in the manner stipulated in such notice, in front of or alongside such property. If the sixty (60) days concludes after November 15, then said repairs shall be made on or before April 30 of the following year of said notice. However, where a condition exists of an emergency nature, such repairs shall be made within ninety-six (96) hours of said notice.

Construction and repair on initiative of property owners

Any property owner, upon his own initiative and without notice from any borough authority, may repair a sidewalk or curbing along his property, provided that such owner shall have obtained the permits specified in this Ordinance and shall do such repairs in accordance with the requirements of this Ordinance.

Maintenance specifications

All repairs or other maintenance required shall be performed in accordance with the specifications set forth in ordinance on Construction of Sidewalks, Curbs and Gutters Construction Standards.

Permit required

A permit shall be obtained from the Borough Engineer before doing any repairs or maintenance required. Application for the permit shall be made in accordance with the following rules and regulations:

1. The applicant shall submit three (3) copies of the application and three (3) copies of the information requested on the form of application to the Borough Engineer.

2. An application fee, in accordance with the Fee Schedule as approved by Borough Council and on file in the Borough office, shall be submitted with the application to the Borough Engineer.
3. The Borough Engineer shall inspect the work to determine the degree of compliance to the regulations governing the work.

Borough to act at expense of property owner

Upon failure of any owner of property in the Borough to repair any curb or sidewalk after notice has been given in accordance with this Ordinance, the borough may cause the necessary repairs to be done at the expense of said owner and may collect the cost thereof and all additional charges, expenses and penalties as authorized.

Violations and penalties

Any person who violates any of the provisions of this Ordinance shall, upon conviction in a summary proceeding before any District Justice of the County, be punishable by a fine of not more than three hundred dollars (\$300.) 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.

If any portion or portions of this Ordinance shall be declared invalid by a Court of competent jurisdiction, the remaining portion hereof shall remain in full force and effect as if having been adopted without inclusion of said portion or portions.

All ordinances or parts thereof inconsistent herewith are repealed as to any such inconsistency or inconsistencies.

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 BOROUGHES**, 2941 North Front Street, Harrisburg, PA 17110. 717-236-9526.