

ORDINANCE NO. 2006-05

AN ORDINANCE REGULATING THE CONSTRUCTION AND REPAIRING OF ALL SIDEWALKS, CURBS AND GUTTERS IN THE TOWNSHIP OF COUNTY, PENNSYLVANIA, BY PROVIDING FOR THE FIXING AND DESIGNATION AND REPAIR THEREOF, FOR SPECIFICATIONS AND EXPENSES OF CONSTRUCTION AND REPAIR THEREOF, PROHIBITING THE PLANTING AND MAINTENANCE OF TREES BETWEEN CURBS AND SIDEWALKS PROHIBITING OPEN GUTTERS IN CURBS AND SIDEWALKS AND PROVIDING FOR THE ISSUANCE OF PERMITS AND THE FIXING OF FEES AND CHARGES THEREFORE, AND REQUIRING THE OWNERS, TENANTS OR OCCUPANTS OF PROPERTIES ABUTTING ON PUBLIC STREETS IN PENN TOWNSHIP, SNYDER COUNTY, TO KEEP THE PUBLIC SIDEWALKS IN FRONT OF THEIR PROPERTIES CLEAN OF SNOW AND ICE, OR TO COVER THEM WITH CINDERS, SAWDUST, OR SIMILAR ICE AND SNOW CONTROL MATERIALS, AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Penn, Snyder County, Pennsylvania, as follows:

SECTION 1. GENERAL PURPOSES: The construction of any new sidewalks or curbs, and the repairing of any existing sidewalks or curbs in the Township of Penn, Snyder County, Pennsylvania, shall be done in conformance with the following specifications, regulations and/or provisions.

SECTION 2. GRADES: The grade to which every curb, gutter, or sidewalk shall be hereafter laid, constructed or repaired, other than that established in an approved subdivision plan, shall be that fixed and designated by the Township Engineer representing the Board of Supervisors, of the Township of Penn, Snyder County, Pennsylvania.

SECTION 3. SIDEWALK WIDTH AND LOCATION: The space between the street side of the curb to the street side of the paved edge of the sidewalk shall be four (4) feet seven (7) inches, and the sidewalk paved width shall be four (4) feet and no (0) inches in all new developments or street construction. In existing developed sections of the Township, and where sidewalks have been constructed prior to the date of this Ordinance, existing conditions shall be taken into consideration by the Township of in applying the width and location regulations.

SECTION 4. DRAINAGE: Finished sidewalks and curbs shall have a grade from the inner edge of the sidewalk to the outer edge of the curbs of one quarter of an inch (1/4) to the foot.

SECTION 5. INSPECTION: All work done hereunder shall be inspected by the Township Engineer, or authorized representative, representing the Board of Supervisors of the Township of County, Pennsylvania.

SECTION 6. PUBLIC SAFETY: It shall be the duty of the owners of the land abutting upon any curbs, and/or sidewalks to keep them in clear and open to the public and in such repair and condition that they may not be or become dangerous to the welfare and safety of the traveling public.

(a) **Repair:** The Board of Supervisors of the Township of Penn, Snyder County, Pennsylvania, is hereby empowered to notify property owners when sidewalks and curbs are in need of repair or renewal and the repair or renewal thereof shall be made by the property owners within thirty (30) days after said written notice is given to the said property owners.

(b) **Obstructions:** The Board of Supervisors of the Township of Penn, Snyder County, Pennsylvania, is hereby empowered to notify property owners when sidewalks and curbs are obstructed and in need of obstruction removal, and the removal of such obstruction shall be made by the property owners within seven (7) days after said written notice is given to the said property owners.

(c) **Snow Removal:** It shall be the duty of all tenants or occupants of occupied properties, and the owners or agents in charge of unoccupied properties abutting on public streets in Penn Township not later than thirty (30) hours after snow or sleet has ceased to fall, to clear, or cause to be cleared, a pathway in the sidewalk in front of their respective properties in the event of snow and to cover the sidewalk with cinders, sawdust, or similar snow and ice control materials in the event of ice and sleet. Such pathway shall not be less than twenty-four (24) inches in width and shall be thoroughly cleared of snow and ice or covered with cinders, sawdust, or similar snow and ice control materials. Where snow and ice are removed from the pathway it may be placed or piled on the curb side of the sidewalk, but it shall not be piled or placed in the gutter or the cartway.

Nothing herein contained shall be construed to place the responsibility of determining when sidewalks may become dangerous to the welfare and safety of the traveling public upon the Township. At all times such responsibility shall be solely upon the property owner whose land abuts the curb or sidewalk.

SECTION 7. CERTAIN TREES PROHIBITED: It shall hereafter be unlawful to plant and maintain any trees between curb and corresponding sidewalk. This shall not apply to any trees presently so growing. All new trees shall be planted on the residence side of the sidewalk at a distance which will not interfere with the sidewalk at any time in the future.

SECTION 8. OPEN GUTTERS - RAIN CONDUCTORS: No open gutters for conducting rain water or drainage of any kind will be permitted to run over top of the sidewalk or curbs. All underground rain conductors shall be of pipe material such as cast iron, wrought iron, clay or approved plastics, constructed under the sidewalk and through the curb to the

gutter.

SECTION 9. PERMITS: No persons or person, firm or corporation shall construct or repair any sidewalk, curb or gutters, without first applying for and obtaining from the Building Inspector of the Township of Penn, Snyder County, Pennsylvania, a permit for the same use. The application for such permit shall set forth:

1. The full name and address of the owners of the land affected;
2. The name and address of the contractor, or the person to perform the work;
3. The precise location of the property upon which the work is to be done;
4. The length of the proposed project;
5. Contractors compliance with Workers Compensation Act of 1990, as amended, if applicable; and
6. Such other pertinent information as may be considered necessary.

No permit will be required for new curbing, gutters or sidewalk to be constructed in an approved subdivision which is to be installed by the developer.

SECTION 10. FEES: The cost of obtaining a permit to repair existing curbs, gutters and sidewalks shall be the sum of Two Dollars (\$2.00) and the cost of obtaining a survey permit to stake out line and grade of new curbs, gutters and sidewalks other than that established in an approved subdivision plan required to be surveyed by the developer shall be the sum of One Hundred Dollars (\$1 00.00) for the first ten (10) feet or fraction thereof, and fifty cents (0.50) per foot for each additional foot, or such other fee as may be established by Resolution of the Board of Supervisors from time to time.

SECTION 11. SPECIFICATIONS:

(a) All curbs and sidewalks as well as all driveways over sidewalks shall be constructed of monolithic concrete. Said concrete shall develop compressive strength of 3,500 pounds per square inch (psi) in twenty-eight (28) days. Certification of the concrete mix shall be furnished if required by the Board of Supervisors of the Township of Penn.

(b) Curbs shall be made to the following specifications: The curbs shall have a depth of not less than eighteen inches (18) and shall be eight inches (8) thick at the base and seven inches (7) thick at the top. Curbs shall be constructed with an eight inch (8) reveal and shall rest on a compacted bed of AASHTO No. 57 (PADOT 2B) crushed stone of a depth of not less than four inches (4) .

(c) Sidewalks shall not be less than four inches (4) in thickness and shall rest on a compacted bed of AASHTO No. 57 (PADOT 2B) crushed stone of a depth of not less than four inches (4). For width and location of sidewalks see Section 3.

(d) Mortar shall be used only in case of patching honey-combed concrete and then shall be one (1) part cement and two (2) parts of sand or its equal.

(e) Sidewalk shall have clean cut joints, a minimum one inch (1) deep, every five (5) linear feet, and expansion joints every thirty (30) linear feet or less, at structures, and at the end of a days work. Curbs shall have clean cut joints, a minimum two inches (2) deep, every ten (10) linear feet, and expansion joints every sixty (60) linear feet or less, at structures, and at the end of a days work. Expansion joints shall be one half inches (1/2) wide with premolded expansion joint filler. Expansion joint material shall also be placed between any curb and driveway apron. All sidewalks shall have a float finish except that any sidewalk on a grade of ten percent (10%) or greater shall have a broom finish.

(f) Driveways over sidewalks shall be at least six inches (6) thick and shall include 6 x 6 by 10 gauge welded wire fabric. Driveways over sidewalks shall be constructed to rest on a compacted bed of AASHTO No. 57 (PADOT 2B) crushed stone of a depth of not less than four inches (4). Widths shall be a minimum of ten feet (10) for single driveways and twenty feet (20) for double driveways, except as approved otherwise by the Board of Supervisors.

(g) All joints between curb and bituminous pavement shall be sealed with AC-20.

SECTION 12. PENALTIES, VIOLATIONS: Any person or persons, firm or corporation constructing or repairing sidewalks, curbs or gutters or planting trees in violation of any of the provisions of this Ordinance shall, upon conviction thereof, before a District Justice, be subject to a penalty of not less than FiFty (\$50.00) nor more than One hundred (\$100.00) for each and every offense, and costs of prosecution; and upon default in the payment of said fine and costs, shall be imprisonment for a period not exceeding thirty (30) days in the County Prison.

SECTION 13. COMPLIANCE WITH AMERICAN DISABILITY ACT STANDARDS: Any and all terms, conditions, specifications, or requirements of this Ordinance shall be consistent with the terms, conditions, standards, and specifications as may be established by or in accordance with the American Disabilities Act or any Codes, regulations, standards, specifications, administrative requirements, etc., as may be adopted by the appropriate and authorized agencies to implement the terms and conditions of said Act or any amendments thereto as may be hereinafter adopted or implemented by any federal, state, or county regulatory agency as if said standards, conditions, regulations, Codes or requirements were incorporated herein at length.

SECTION 16. CONFLICTING ORDINANCE REPEALED: Any Ordinance or part

of Ordinance conflicting with this Ordinance is hereby repealed.

SECTION 17. UNCONSTITUTIONALITY. ETC.. OF THIS ORDINANCE: If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Penn Township, Snyder County, Pennsylvania, that this Ordinance would have been adopted and such unconstitutional, illegal, or invalid sentence, clause, section or part thereof should not be included herein.

SECTION 18. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after its enactment.

DULY ENACTED AND ORDAINED this 3rd day of October, 2006.

PENN TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:

Robin M. Peltz
Secretary

Frank R. Miller
Chairman

Ray A. ...
Supervisor

(Township Seal)



[Signature]
Supervisor