

SIDEWALK ORDINANCE

BERWICK TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA ORDINANCE NO. 73

AN ORDINANCE REGULATING THE CONSTRUCTION AND REPAIRING OF ALL SIDEWALKS, CURBS AND GUTTERS IN THE TOWNSHIP OF BERWICK, ADAMS 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, PROVIDING FOR THE REMOVAL OF SNOW AND ICE, AND PROVIDING FOR THE ISSUANCE OF PERMITS AND THE FIXING OF FEES AND CHARGES THEREFORE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Berwick, Adams 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 on land which fronts a public road or highway within the Township of Berwick, Adams 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 Berwick, Adams 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 where sidewalks have been constructed prior to the date of this Ordinance, existing conditions shall be taken into consideration by the Township of Berwick 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 ($\frac{1}{4}$) to the foot (2 percent).

SECTION 5. SPECIFICATIONS: Except as otherwise provided herein, all curbs and sidewalks as well as all driveways over sidewalks shall be constructed to the standards set forth in the Berwick Township Subdivision and Land Development Ordinance as may be amended from time to time.

SECTION 6. INSPECTION: All work done hereunder shall be inspected by the Township Engineer, or authorized representative, representing the Board of Supervisors of the Township of Berwick, Adams County, Pennsylvania before concrete installation and upon completion.

SECTION 7. PUBLIC SAFETY: It shall be the duty of the owners of the land abutting upon any curbs and/or sidewalks to keep them in such repair and condition that they may not be or become dangerous to the welfare and safety of the traveling public. The Board of Supervisors of the Township of Berwick, Adams 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. 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 8. 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 9. OPEN GUTTERS - RAIN CONDUCTORS: No open gutters for conducting rain water or drainage of any kind will be permitted to run over top or under the sidewalks and/or through the curb to the gutter.

SECTION 10. 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 Township of Berwick, Adams 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. Contractor's Compliance with Workmen's Compensation Act of 1990, as amended, if applicable;
6. Compliance with the Americans with Disability Act Standards, if applicable; and
7. 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 11. FEES: The cost of obtaining a permit to repair existing curbs, gutters and sidewalks shall be set by Resolution of the Board of Supervisors from time to time.

SECTION 12. REMOVAL OF SNOW AND ICE:

(a) General duty to keep sidewalks clear of snow and ice. The owner, occupant or tenant of every property abutting a public street or highway along which a public sidewalk exists shall have the duty and responsibility to keep such sidewalks clear or any accumulation of snow or ice or made safe for pedestrian traffic by the application of anti-skid materials, as provided in this article. Where such property is occupied by a single tenancy, the duties and responsibilities imposed in this article shall be upon the occupant. Where the property is unoccupied or is occupied in multiple tenancies, then the duties and responsibilities imposed shall be the responsibility of the owner.

(b) Time limit for removal; clearance specifications. All accumulation of snow and ice of a depth in excess of two inches shall be removed from public sidewalks within 24 hours after the precipitation causing the same shall have ceased. Such snow or ice shall be completely cleared from the sidewalk exposing the wearing surface of the same to a width not less than 24 inches.

(c) Application of anti-skid material. All accumulations of snow or ice of a depth of two inches or less shall be removed from public sidewalks as provided in this ordinance, or in lieu of such removal, the sidewalk may be treated within 24 hours after the precipitation causing the same has ceased, with an application of anti-skid material such as sand, gravel, cinders, crushed stone or a similar abrasive substance in sufficient quantity to render the sidewalk safe for pedestrian traffic.

(d) Placement of removed snow or ice. No person removing snow or ice from a public sidewalk as required in this article or removing snow or ice from any portion of the property shall deposit such snow or ice in or upon any public street between the curb lines of such street.

(e) Removal of snow or ice by Township. Should any person fail, neglect or refuse to remove any snow or ice from any public sidewalk as required in this article, the Township may, but shall not be obligated to, remove such snow or ice. In the event that the Township shall elect to remove such snow or ice, the person responsible for such removal shall be liable to the Township for all costs and expenses incurred by the Township in removing the same, which costs and expenses shall be in addition to the penalties provided in this for the violation thereof.

SECTION 13. PENALTIES, VIOLATIONS: Any person or persons, firm or corporation who is in violation of any of the provisions of this Ordinance shall, upon conviction thereof, before a District Justice, be subject to a penalty not to exceed One Thousand (\$1,000.00) Dollars, costs of prosecution and imprisonment for each and every offense, for a period not exceeding thirty (30) days.

SECTION 14. 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.

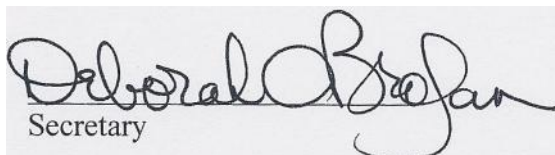
SECTION 15. CONFLICTING ORDINANCE REPEALED: Any Ordinance or part of Ordinance conflicting with this Ordinance is hereby repealed.

SECTION 16. 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 Berwick Township, Adams 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.

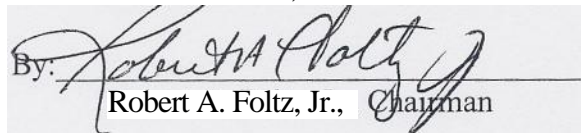
SECTION 17. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after its enactment.

DULY ENACTED AND ORDAINED this 23rd day of June, 2008 by the Board of Supervisors of Berwick Township, Adams County, Pennsylvania, in lawful session duly assembled.

ATTEST:


Secretary

BERWICK TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA

By: 
Robert A. Foltz, Jr., Chairman