

**HEIDELBERG TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF HEIDELBERG TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, GOVERNING THE CONSTRUCTION, REPAIRING, OR RE-LAYING OF CURB AND SIDEWALK; TOWNSHIP INSPECTIONS; RESPONSIBILITY FOR REPAIR OF DAMAGED CURB AND SIDEWALK; MAINTENANCE OF SIDEWALKS; AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Board of Supervisors of Heidelberg Township wishes to establish and maintain safe pedestrian walkways to limit pedestrian traffic on streets and highways and to promote recreational walking throughout the Township; and

WHEREAS, the Board of Supervisors of Heidelberg Township believes that it is in the best interest of the Township and its residents to regulate curb and sidewalk installation, maintenance, and safety for the benefit of the Township;

It is hereby ENACTED AND ORDAINED by the Board of Supervisors of Heidelberg Township, Lebanon County, as follows:

SECTION 1 – TITLE, PURPOSE, AND APPLICATION

- A. Title. This Ordinance shall be known as the "Heidelberg Township Curb and Sidewalk Ordinance."
- B. Purpose. The general purposes of this article are to:
 - 1. Further the general intention of the Township that pedestrian circulation be directed off from streets and highways, to encourage passive recreation, and to serve the public health and safety.
 - 2. Establish and reference regulations requiring the construction, maintenance, and repair of sidewalks to provide a clear statement of applicable regulations.
 - 3. Ensure that property owners construct and maintain sidewalks when they are required to do so.
 - 4. Establish a process for implementation and administration of applicable regulations.

This ordinance is enacted for safety purposes to protect the public which use such sidewalks, and to prevent dangerous conditions on sidewalks intended for public use, whether on public rights-of-way, on easements for the use of the public, or on sidewalks located on private property. Such dangerous conditions, in the form of improperly maintained or deteriorated

sidewalks, or in the form of obstructions, are declared to be nuisances constituting a danger to the public.

- C. **Application.** This Ordinance is not intended to amend, modify, or supersede the provisions of the Township's Subdivision and Land Development Ordinance or the Township's Zoning Ordinance, insofar as said ordinances require or pertain to sidewalks, including any standards governing design, construction, and inspection of sidewalks.

SECTION 2 – DEFINITIONS

General words and phrases used in this Ordinance shall be given their common and ordinary meaning. Where a word or term is not defined in this Ordinance, it shall be defined in accordance with definitions established in the Second Class Township Code, the Municipalities Planning Code, the Township's Subdivision and Land Development Ordinance, and the Township's Zoning Ordinance, as now existing or as may be amended in the future.

- A. **Curb** – The raised edge of street to confine surface water to the pavement and to protect the abutting land from vehicle traffic.
- B. **Engineer** – The duly appointed Township Engineer or his or her authorized representative.
- C. **Permit** – A permit issued by the Township through the Township Engineer to signify approval of the work to be done or improvement to be constructed under the specific regulations of this ordinance.
- D. **Person** – Any natural person, partnership, firm, association, or corporation.
- E. **Sidewalk** – A pedestrian walkway for public use located along a street in the Township. This term shall include any sidewalk within the public right of way and/or adjoining any public street. The term shall not include any portion of any driveway between the street and the proposed or existing walk, or any crosswalk.
- F. **Street** – Any public street, avenue, road, square, alley, highway, or other public place located in the Township and established for the use of vehicles.
- G. **Township** – Heidelberg Township, Lebanon County, Pennsylvania.

SECTION 3 - CONFORMITY REQUIRED

All new construction, reconstruction, maintenance, repairing, and re-laying of sidewalks and curbs shall be in strict conformity with these regulations; provided, however, that the governing body may, at its sole discretion, make adjustments to these regulations where special or unusual topographic and/or physical conditions exist.

SECTION 4 – AUTHORITY TO REQUIRE INSTALLATION; NOTICE TO CONSTRUCT

The Board of Supervisors of Heidelberg Township, Lebanon County, Pennsylvania, may require the installation of sidewalks along any street in the Township when the Board of Supervisors, in its discretion, determines that sidewalks are necessary to assure the safe movement of pedestrians in the Township, subject to the requirements of the Second Class Township Code, 53 Pa.C.S.A. § 65101 *et seq.* and this Ordinance. The Board of Supervisors may give notice to any owner of property abutting on any street, highway, or public right of way within the Township to construct, install, pave, curb, repave, and recurb the sidewalks along their said property. The Township Engineer shall establish the line, grade, slope, and design standards for all sidewalk and curb construction, repair, or reconstruction. Said notice to the property owners shall be in writing, and may be served on the property owner by leaving the same at his or her place of residence, or if he or she has no residence in the Township, then by posting the same on the premises and mailing a copy thereof to the owner at his or her last known address. If the said owner shall fail to perform the duty required of him or her in said notice, within the designated time period for completion as indicated therein, the Board of Supervisors may, in their sole discretion, construct, install, pave, curb, repave, or recurb, and shall collect the cost of such construction, paving, curbing, repaving, or curbing from such owners of property abutting such sidewalk by the filing of a lien in the manner provided by law for the filing and collection of municipal claims, or by filing an action in *assumpsit*.

SECTION 5 – RESPONSIBILITY OF PROPERTY OWNERS FOR MAINTENANCE AND UNOBSTRUCTED USE; SNOW AND ICE REMOVAL REQUIRED

Wherever sidewalks and curbs exist, regardless of when they were constructed, every owner of land abutting any public street or public alley in the Township shall maintain the sidewalks and curbs abutting such land in a good and safe condition and at all times free and clear of all obstructions to safe and convenient passage and hazardous conditions, including but not limited to snow, ice, mud, and debris. It shall be the responsibility of the owner and/or legal resident of the property to remove from the sidewalk any object or other materials which might endanger a pedestrian. Failure to do so, shall cause the property owner to be subject to the same penalties as set forth in Section 4.

All sidewalks shall be kept free from ice or snow by the owner of the abutting property. Ice or snow must be removed within twenty-four (24) hours of the end of a weather event; provided, however, that ice may be treated with a de-icing agent so as to make the use of sidewalks by pedestrians safe. The Township Supervisors may, in their sole discretion, remove snow or ice from the sidewalk if the abutting property owner fails to do so in accordance with this Section, and may collect the cost of such removal plus a penalty of 10% from such property owners by filing a lien or action in *assumpsit*, as described in this Ordinance.

SECTION 6 – MAINTENANCE OF TREES AND VEGETATION ALONG SIDEWALKS

No owner and/or legal resident of a property abutting a sidewalk shall permit trees to interfere with the free use of said sidewalks. Branches of trees shall be trimmed so that the lowest part of said trees or branches are at least 8 feet above the sidewalk, or higher if deemed necessary to provide a clear view of intersections and traffic signs. It shall be unlawful to permit weeds, grasses, plants, bushes, or shrubbery to grow upon or lean over or obstruct the sidewalk in any manner whatsoever. The owner of an abutting property shall be responsible for the proper maintenance of any grassed, landscaped, or planted area between the sidewalk and curblines or pavement of the street.

SECTION 7 – ESTABLISHMENT OF INSPECTION PROGRAM

The Township may, at its discretion, establish a program of inspecting sidewalks and curbs within the Township to ensure that existing sidewalks and curbs are maintained in a safe and functional manner in conformity with the Township's established grades, lines and specifications.

SECTION 8 – PERMIT REQUIRED

No curb or sidewalk construction or reconstruction or repairs shall be performed by or for any property owner unless the property owner or person doing the work shall first have obtained from the Township Engineer a permit for such work, which permit shall be valid for a period of sixty (60) days unless an extension of time is granted by the Board of Supervisors. The permit fee is to be established from time to time by resolution of the Board of Supervisors. It shall be a violation to do any work without having first secured this permit. In securing a permit the applicant shall state the following:

- A. Actual owner of the real estate;
- B. Number of lineal feet of curb and sidewalk to be constructed;
- C. Name of contractor to do the construction; and
- D. Location of the pavement relative to curb and property line.

SECTION 9 – RESPONSIBILITY FOR REPAIRS OR REPLACEMENT

At locations where the Township determines that sidewalks and curbs do not meet Township specifications, owners of property abutting said locations shall repair or replace sidewalk and/or curb upon service of a written notice to do so by the Township. The property owner shall have a period of thirty (30) days to enter into a contract for the repair or replacement of such sidewalk and/or curb, with said contract specifying a date certain by which the repair and/or replacement shall be completed. If any owner of property fails to act as directed within thirty (30) days, the governing body may take action to complete the repair or replacement, and the expense thereof shall be borne by the owner of property. The Township shall have all

available remedies at law or in equity by filing of a lien or by filing an action in assumpsit as described above in Section 4.

SECTION 10 – INSPECTIONS

All curbs and sidewalks, when formed, shall be inspected by the Township prior to the pouring of concrete. A minimum twenty-four (24) hour notice shall be given prior to the start of concrete placement. Upon completion of the construction, repair, or re-lay of the same, the Township shall be contacted in order that a final inspection can be made for approval.

SECTION 11 – CONFORMANCE WITH SPECIFICATIONS REQUIRED

All sidewalks and/or curbing hereafter constructed or reconstructed shall be constructed or reconstructed in conformity with the official specifications for curbing as adopted by the Board of Supervisors in the Township’s Subdivision and Land Development Ordinance. All sidewalks and/or curbing hereafter constructed or reconstructed shall be constructed or reconstructed in conformity with the requirements of the Americans with Disabilities Act (ADA).

SECTION 12 – SAFETY PRECAUTIONS

During the excavation, construction, repair or re-lay, curing, and backfilling of any curb and/or sidewalk, the owner shall, at his or her expense, place and maintain adequate hazard warnings to vehicular and pedestrian traffic by means of barricades, flares, lights, or similar means.

SECTION 13 – PENALTIES

Any person who shall violate any provision of this Ordinance, may be brought before a magisterial district judge in the manner provided for the enforcement of summary offenses, and upon conviction, shall be sentenced to pay a fine of not less than \$100 nor more than \$600 plus costs, including reasonable attorney fees incurred by the Township, and/or a term of imprisonment of up to thirty (30) days. A separate offense shall arise for each day or portion thereof in which a violation of this Ordinance is found to exist and for each section of this Ordinance found to have been violated. The Township may also file a civil complaint in the Court of Common Pleas requesting compliance with the provisions of this Ordinance and any other equitable relief as may be deemed appropriate by the Court. The Township may avail itself of any additional remedies, in law or in equity, for non-compliance with this Ordinance. The Township may recover from the property owner its attorney’s fees incurred as a result of a civil enforcement proceeding or other action initiated by the Township, said attorney’s fees to be at the current Solicitor’s rate as approved by the Board of Supervisors.

Whenever a property owner fails to act in accordance with the provisions of this Ordinance, the Township may cause such construction, repairing, or re-laying to be completed either by letting the work to contractors after advertisements for bids or by employees of the Township. The cost thereof *and an additional ten (10) percent*, together with all the charges and expenses, shall be collected from such owner by filing a municipal claim therefor or by action of assumpsit. In no event shall the amount charged to the property owner exceed the maximum expense permitted by Article XXIV of the Second Class Township Code.

SECTION 14 – SEVERABILITY

The provisions of this Ordinance shall be severable, and if any provision hereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent of the Township that this Ordinance would have been amended as if such unconstitutional, illegal or invalid provision or provisions had not been included herein.

ENACTED AND ORDAINED this _____ day of _____, 20____.

BOARD OF SUPERVISORS
HEIDELBERG TOWNSHIP

ATTEST:

Secretary

