

ORDINANCE NO. 84-2

AN ORDINANCE OF THE BOROUGH OF BEAVERTOWN, SNYDER COUNTY, PENNSYLVANIA, REQUIRING THE MAINTENANCE, REPLACEMENT AND REPAIR OF THE EXISTING AND FUTURE SIDEWALKS WITHIN THE BOROUGH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

The Council of the Borough of Beavertown, Snyder County, Pennsylvania, enacts and ordains as follows:

Section One. Authority For Ordinance. This Ordinance is adopted in conformance with and pursuant to authority granted by Sections 46202(5), (6), (17) and (74) and Section 46801 of the Borough Code [53 P.S. § 46202 (5), (6), (17) and (74) and § 46801] as amended.

Section Two. Definitions. The following words and phrases when used in this Ordinance shall have, unless the content clearly indicates otherwise, the meanings given to them in this section:

"Borough" shall mean the Borough of Beavertown, Snyder County, Pennsylvania.

"Person" shall mean a natural person, firm, co-partnership, association or corporation.

"Sidewalk" shall mean and include the portion of street located outside the cartway, and includes the paved or cemented footpath, curb and gutter which exist, or will exist, in the Borough as of the effective date of this Ordinance.

"Street" shall mean and include any street, road, lane, court, cul-de-sac, alley, public way and public square and shall include the cartway, sidewalk, gutter and/or the right-of-way, whether or not such street, or any part thereof, is owned in fee by others than the Borough.

Section Three. Purpose. It is the purpose and intent of the Borough Council of the Borough of Beavertown by the enactment of this Ordinance to require the maintenance, replacement and repair of the existing and future sidewalks within the Borough which the Borough Council deem to be unsafe, dangerous, hazardous, or obstructive to the public.

Section Four. Requirement Of Safe Sidewalks. The Borough Council of the Borough of Beavertown hereby requires that any and all sidewalks that exist within the Borough as of the effective date of this Ordinance, or that come into existence thereafter, shall be maintained in a safe, nonhazardous condition and that any and all sidewalks within the Borough which are, or in the future become, deteriorated to such an extent that such sidewalks are

unsafe, dangerous, hazardous, or obstructive to the public be repaired and/or replaced. In determining the condition of a sidewalk, the Borough Council shall consider the following factors among others:

- (a) Size and number of cracks in cement or paving of the sidewalk;
- (b) the continuity of level between individual cemented or paved segments of the sidewalk;
- (c) the existence of holes or other voids within the sidewalk; and
- (d) the existence of any protrusions or obstructions including but not limited to tree roots, metal pins or spikes, or stones extending above the surface of the sidewalk.

Section Five. Inspection. The Street Committee of the Borough Council of the Borough of Beavertown shall conduct an annual inspection of the sidewalks within the Borough and shall report the findings of such inspection to the Borough Council which shall then determine and find which sidewalks within the Borough are unsafe, dangerous, hazardous or obstructive to the public.

Section Six. Notice. Upon a particular sidewalk being found unsafe, dangerous, hazardous or obstructive to the public, the Borough Secretary shall notify the owner of record of the sidewalk of the findings of the Street Committee, and the actions of the Borough Council, and shall request such owner to repair or replace such sidewalk within ninety (90) days of the date of such notice, weather permitting.

Section Seven. Hearing. Any person receiving a notice pursuant to Section Six above may within thirty (30) days of the receipt of such notice, request in writing a hearing before the Borough Council at its next regularly scheduled meeting. At such hearing the aggrieved person may present his or her evidence before the Borough Council and request a redetermination of the condition of the sidewalks in question or such other relief as is appropriate. Within five (5) days of the hearing, the Borough Council shall notify the aggrieved person in writing of its decision. An appeal from such decision may be made to the appropriate courts of the Commonwealth of Pennsylvania.

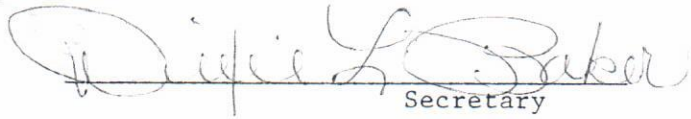
Section Eight. Work By Borough, Municipal Lien. Upon the neglect of any person to comply with the notice mentioned in Section Six above, the Borough may, after notice, cause the grading, paving, repairing, curbing, and/or guttering to be done at the cost of such person, and may collect the cost thereof, with ten percent (10%) additional for administration, together with all charges and expenses, from such person, and may file a municipal claim therefor or collect the same by action in assumpsit.

Section Nine. Effective Date. The effective date of this Ordinance shall be immediately.

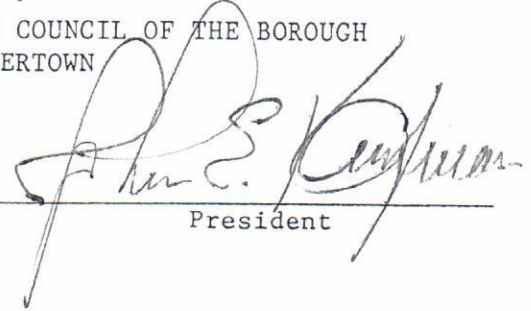
ENACTED AND ORDAINED this 12th day of June, 1984.

BOROUGH COUNCIL OF THE BOROUGH
OF BEAVERTOWN

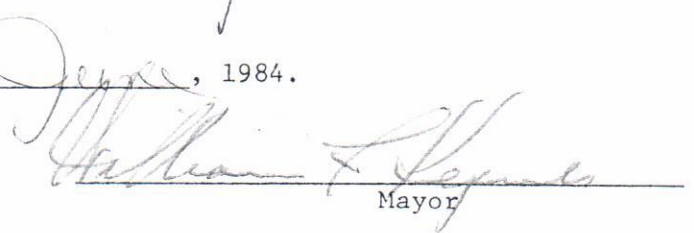
Attest:


Secretary

By:


President

APPROVED this 13th day of June, 1984.


Mayor