

SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 00-12

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SOUTH MIDDLETON TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, GOVERNING THE CONSTRUCTION, REPAIRING OR RELAYING OF CURB AND SIDEWALK, PERMIT REQUIREMENTS, TOWNSHIP INSPECTIONS; RESPONSIBILITY FOR REPAIR OF DAMAGED CURB AND SIDEWALK AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of South Middleton Township, Cumberland County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1 – CONFORMITY REQUIRED

All new construction, repairing and relaying 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 2 – NOTICE TO CONSTRUCT

Where the governing body determines that sidewalks and curbs are necessary to protect the health, safety and welfare of the residents in a specific area, owners of property abutting public streets in said area shall construct new sidewalks and curbs to Township specifications within six (6) months of service of a written notice to do so by the Township. If any owner of property fails to construct sidewalks and curbs within six (6) months as required, the governing body shall do so in accordance with Article XXIV of the Second Class Township Code.

SECTION 3 – RESPONSIBILITY OF PROPERTY OWNERS

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.

SECTION 4 – 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 5 – REPAIR OR RELAY

At locations where the Township determines that sidewalks and curbs do not meet Township specifications, owners of property abutting said locations shall repair or relay sidewalk and/or curb within sixty (60) days of service of a written notice to do so by the Township. If any owner of property fails to act as directed within sixty (60) days, the governing body shall act, and the expense thereof shall be borne by the owner of property. The Township shall have all available remedies at law or in equity.

SECTION 6 – 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 relay of the same, the Township shall be contacted in order that a final inspection can be made for approval.

SECTION 7 – CONFORMANCE WITH SPECIFICATIONS REQUIRED

- a. All curbing hereafter constructed or reconstructed shall be constructed or reconstructed, as the case may be, in conformity with the official specifications for curbing as adopted by the Board of Supervisors in the Township's Subdivision and Land Development Ordinance.
- b. All sidewalks hereafter constructed or reconstructed shall be constructed or reconstructed, as the case may be, in conformity with the official specifications for sidewalks as adopted by the Board of Supervisors in the Township's Subdivision and Land Development Ordinance.

SECTION 8 – SAFETY PRECAUTIONS

During the excavation, construction, repair or relay, 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 9 – FAILURE TO COMPLY WITH NOTICE; WORK BY TOWNSHIP;
AND COSTS

Whenever a property owner fails to act in accordance with the provisions of this Ordinance, the Township may cause such construction, repairing or relaying as the case may be, either by letting the work to contractors after advertisements for bids or by employees of the Township. The cost thereof and an additional fifteen (15) percent, together with all the charges and expenses, shall be collected from such owner by filing a municipal claim therefor and 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 11 – 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 28th day of September, 2000.

BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP

ATTEST:

/s/ Sandra A. Quickel
Secretary

/s/ Linda G. Adcock, Chairman
/s/ Phyllis W. Givler, Vice Chairman
/s/ Thomas E. Faley
/s/ R. Duff Manweiler
/s/ James N. Baker