

ORDINANCE NO. 2018-6

AN ORDINANCE OF THE TOWNSHIP OF BROWN, MIFFLIN COUNTY, PENNSYLVANIA, RELATING TO THE MAINTENANCE OF SIDEWALKS AND CURBS IN BROWN TOWNSHIP AND CONTAINING ABATEMENT, PENALTY, REMEDY, SEVERABILITY, REPEALER AND SAVINGS AND EFFECTIVE DATE PROVISIONS.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ACTED, by the Board of Supervisors of the Township of Brown, Mifflin County, Pennsylvania, as follows:

**SECTION ONE: SHORT TITLE** - This Ordinance shall be known as the "Brown Township Sidewalk and Curb Maintenance and Repair Ordinance".

**SECTION TWO: LEGAL BASIS** - This Ordinance is ordained and enacted pursuant to the Second Class Township Code, Section 101 et seq., as amended (53 P.S. Section 65101 *et seq.*, as amended) including but not limited to, the power of the General Powers of the Board of Supervisors of the Township to make or adopt ordinances necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and of its citizens per Section 1506 of the Second-Class Township Code, as amended, (53 P.S. Section 66506, as amended), per Section 2401 of the Second-Class Township Code, as amended, (53 P.S. Section 67401, as amended) of the and otherwise per law.

**SECTION THREE: PURPOSE** - For the health and safety of the pedestrians and other residents of the Township and others, the owner or owners of any lot or lots in the Township abutting sidewalks used as a walkway by the general public, shall maintain such sidewalks in proper repair and in a safe and passable condition, free of tripping or slipping hazards and obstructions. The said owner or owners shall repair any defects in such sidewalks and remove any obstructions, which make them unsafe or impassable to pedestrians. It is the purpose of this Ordinance to require such owners to properly maintain and repair sidewalks used as a walkway by the general public and/or which are located within the public right of way of such street or highway in the Township of Brown.

**SECTION FOUR: DEFINITIONS** - As used in this Ordinance, the following terms shall mean the following:

PROPERTY OWNER — The real or equitable owners of real property abutting sidewalks or streets, as defined in this Ordinance, and the term shall include natural persons, corporations, partnerships, associations, and any other legal entity.

SIDEWALK — A paved path or foot-walk alongside of any street or highway in the Township of Brown, Mifflin County, Pennsylvania, used as a walkway

by the general public.

**STREET or HIGHWAY** — Any roadway, including an alley, used for vehicular traffic which is maintained by the Township of Brown and/or the Commonwealth of Pennsylvania.

**TENANT** — Tenant shall mean the occupant, lessee or person having charge of any building or lot of ground abutting a sidewalk or street or highway, as defined in this Ordinance.

**SECTION FIVE: MAINTENANCE AND REPAIR OBLIGATIONS** - The obligation of maintenance and repair shall include, but not be limited to the following:

1. Repair of holes, and repair of cracks having a width in excess of 3/4 inch at any one point along a length of one foot or greater.
2. Maintenance of a constant grade.
  - a. Repair shall be made when one or more sections of the sidewalk rises above or drops below the grade of the edges of immediately adjacent sections resulting in an irregular surface with depression greater than 3/4 inch in depth.
  - b. Repair shall be made when the curb is out of vertical alignment with the adjacent curb or an adjacent section or slab of sidewalk in excess of 3/4 inch in depth.
  - c. Repair shall be made when the curb is out of horizontal alignment with the adjacent curb in excess of 3/4 inch.
3. Repair of any section of sidewalk that has spalling on twenty-five percent (25%) or more of its surface.
4. The removal of leaves, tree limbs, grass clippings, debris, cinders, gravel, grits, or any other refuse on such sidewalk or projecting branches and other obstructions below seven feet above the grade of the sidewalk. The Property Owner and/or Tenant shall be responsible for the prompt removal of any such items whether or not such items were deposited by the owner, his tenants, anyone acting under his direction, control, license or any third person. Such leaves, tree limbs, grass clippings, debris, cinders, gravel, grits and other refuse shall be properly bagged and disposed of upon being removed from such sidewalk. The sweeping or other removal of such items onto Township streets or State roads or highways is prohibited. In all cases whatsoever,

if the Tenant of a property fails to comply herewith, the Property Owner has ultimate responsibility so to do.

5. Repair of any other instance, which may create a pedestrian safety hazard as determined by the Township Engineer.

**SECTION SIX: MAINTENANCE SPECIFICATIONS** - All repairs or other maintenance required relating to sidewalks or curbs shall be performed in accordance with the specifications set forth from time to time in accord with a duly adopted Resolution of the Township on Construction of Sidewalks, Curbs and Gutters Construction Standards.

**SECTION SEVEN: PERMIT REQUIRED** - A permit shall be obtained from the Township Secretary before doing any repairs or maintenance required. Application for the permit shall be made in accordance with the following rules and regulations:

1. The applicant shall submit three (3) copies of the application and three (3) copies of the information requested on the form of application to the Township Secretary.
2. An application fee, in accordance with the Fee Schedule as approved by Township Supervisors and on file in the Township office, shall be submitted with the application to the Township Secretary.
3. The Township Engineer, or other person authorized by the Township so to do, shall inspect the work to determine the degree of compliance to the regulations governing the work.

**SECTION EIGHT: SNOW AND ICE REMOVAL** - The obligation for snow and ice removal shall be as follows:

1. Duties of Property Owners and Tenants. It shall be the duty of every Property Owner and every Tenant, not later than twenty-four (24) hours after snow or sleet has ceased to fall, to clear or cause to be cleared a pathway on the sidewalk in front of their respective properties, to the extent that their property abuts upon the sidewalk. Such pathway shall not be less than thirty-six (36) inches in width and shall be thoroughly cleared to that extent of snow and ice or other obstruction. If snow, ice or slush is so hardened or frozen upon the sidewalk that it cannot be removed without injury to the sidewalk, then the Property Owner or Tenant is required to place salt, sand, or other abrasive material upon the snow, ice or slush within the time period provided above.
2. Placement of removed snow, ice or slush. No Property Owner or Tenant shall place snow, ice or slush from their property or his or her sidewalk onto any street; instead, the snow, ice or slush shall be placed upon the

property of the Property Owner or Tenant. If there is an excessive amount of snow, ice or slush and there is no longer any place on the Property Owner's or Tenant's property to place the snow, ice or slush, then it may be placed along the curb-line, but not in the street.

3. Responsibilities of Property Owners and Tenants. The Property Owner of a property shall be responsible for conforming to the requirements of this Ordinance in situations in which the property is occupied by such Property Owner or is unoccupied or vacant, or is a multi-business, multi-dwelling or multi-apartment property occupied by more than one Tenant or occupant. The Tenant of a property shall be responsible for conforming to the requirements of this Ordinance in situations in which such property is occupied by the Tenant only. However, upon default of the Tenant to conform to the requirements of this Ordinance, the Property Owner shall be finally and ultimately responsible so to do.

**SECTION NINE: ABATEMENT PERFORMED BY TOWNSHIP, COLLECTION OF COSTS** - In case of the violation of any of the provisions of this Ordinance, the Township may, in addition to any other remedies, have the right, upon seven (7) days' written notice to the appropriate person or entity responsible for the violation to abate or cause to be abated the cause of the violation of this Ordinance and to collect the cost of such abatement from the person or entity responsible who created, continued, caused, maintained or permitted such violation to exist and/or failed, neglected or refused to comply with his/her/their/its responsibilities and duties hereunder by the filing of a municipal claim in the manner provided by law for the collection of municipal claims or by an action in assumpsit (a civil action).

**SECTION TEN: PENALTIES FOR VIOLATION** - In that this Ordinance regulates property maintenance, health, fire, parking, public safety, or air or water pollution, it shall be enforced pursuant to Section 1601 (c.1) (2), of the Second-Class Township Code, as amended (53 P.S. 66601(c.1) (2), as amended) as applicable. Enforcement thereof shall be by an action brought before a Magisterial District Judge (formerly known as a "District Justice") in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Board of Supervisors hereby prescribes a criminal fine in the amount not to exceed One Thousand (\$1,000.00) Dollars per violation and the costs of prosecution, and, in default of payment of such fine and costs of prosecution, to undergo imprisonment of not more than ninety (90) days, provided, further, that each day's continuance of a violation shall constitute a separate event.

**SECTION ELEVEN: REMEDY IN EQUITY** - The Township, by means of a complaint in equity, may compel the owner and, if applicable, the occupant of the premises to comply with the terms of any notice of violation, or otherwise may seek any such other relief as any court of competent jurisdiction is empowered to afford.

**SECTION TWELVE: REMEDIES OR PENALTIES NOT EXCLUSIVE** - The imposition of the remedies or penalties herein prescribed are not exclusive, but, on the contrary, they are

cumulative and the exercise of one remedy or penalty shall not preclude the Township from instituting an appropriate action, in law or equity, or taking appropriate action under this Ordinance or otherwise to restrain, correct or abate the violation and/or stop any illegal act or conduct.

**SECTION THIRTEEN: SEVERABILITY** - If any sentence, clause or section or any 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 Township Supervisors that this Ordinance would have been adopted if such unconstitutional, illegal and invalid sentence, clause, section or part thereof had not been included therein.

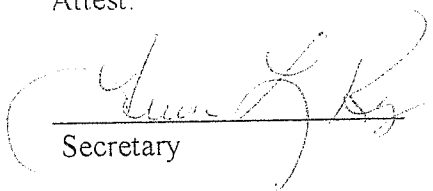
**SECTION FOURTEEN: REPEALER AND SAVINGS** - Any Ordinance or part of any Ordinance or Resolution or part of any Resolution or Motion or part of any Motion conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance or is inconsistent with this Ordinance.

**SECTION FIFTEEN: EFFECTIVE DATE** - The effective date of this Ordinance shall be five (5) days after the date of adoption of this Ordinance.

[SIGNATURES ON THE NEXT PAGE]

**ORDAINED AND ENACTED** by the Supervisors of the Township of Brown, Mifflin County, Pennsylvania, in public session assembled, this 20<sup>th</sup> day of August, 2018.

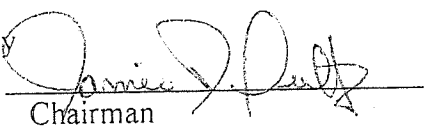
Attest:

  
Secretary

(SEAL)

**TOWNSHIP OF BROWN,**  
Mifflin County, Pennsylvania

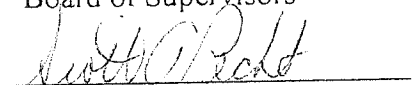
By

  
Chairman

Board of Supervisors

  
Vice Chairman

Board of Supervisors

  
Supervisor