

BOROUGH OF PICTURE ROCKS
SIDEWALK MAINTENANCE ORDINANCE

ORDINANCE NO. 2013-02

AN ORDINANCE OF THE BOROUGH OF PICTURE ROCKS, LYCOMING COUNTY,
PENNSYLVANIA SETTING STANDARDS FOR THE MAINTENANCE AND CONSTRUCTION
OF SIDEWALKS WITHIN THE BOROUGH OF PICTURE ROCKS AND ESTABLISHING
PENALTIES FOR VIOLATION OF SAID ORDINANCE.

IT IS HEREBY ENACTED AND ORDAINED by the Council of the Borough of Picture Rocks,
Lycoming County, Pennsylvania, as follows:

ARTICLE I - DEFINITIONS

Sidewalk – A hard surfaced walkway, e.g. concrete or flagstone, normally adjacent to a Borough street,
which provides a safe area for pedestrian traffic.

Applicant – A landowner, developer or other person who has filed an application with the Borough for
approval to engage in any Sidewalk project in accordance with this Ordinance in the Borough..

Existing Condition – A Sidewalk that is in existence as of the date of this ordinance.

ARTICLE II - GENERAL PROVISIONS

Section 201. Short Title

This Ordinance shall be known and may be cited as the "Picture Rocks Borough Sidewalk Ordinance."

Section 202. Statement of Findings

- A. Improperly maintained Sidewalks within the Borough create a hazard to pedestrian traffic and adversely affect the aesthetic beauty of the Borough.
- B. Sidewalks that are properly maintained and cleared of ice and snow in a timely manner provide a safe avenue for foot traffic within the Borough.

Section 203: Purpose

The purpose of this Ordinance is to promote health, safety, and welfare within the Borough while maintaining the quality of life provided to its residents

Section 204. Statutory Authority

Primary Authority: The Borough is empowered to regulate these activities by the authority of Act 43 of 2012, The Borough Code.

Section 205. Applicability

All activities that may affect the maintenance and/or construction of Sidewalks within the Borough, are subject to regulation by this Ordinance.

Section 206. Repealer

Any other ordinance provision(s) or regulation of the Borough inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

Section 207. Severability

In the event that a court of competent jurisdiction declares any section or provision of this Ordinance invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 208. Compatibility with Other Ordinance Requirements

Approvals issued and actions taken under this Ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation or ordinance.

Section 209. Effective Date

This Ordinance shall take effect upon enactment.

ARTICLE III - SIDEWALK MAINTENANCE STANDARDS

Section 301. General Requirements

- A. Sidewalks in existence as of the effective date of this ordinance shall not be removed.
- B. It shall be the property owner's responsibility to maintain existing and newly constructed Sidewalks in a manner which provides for the safety of pedestrian traffic.
- C. Accumulations of snow and/or ice shall be removed within 24 hours of the end of such storms in accordance with the provisions of Borough Ordinance 1999-04.
- D. Applicants desiring to construct new Sidewalks or repair existing Sidewalks shall submit an application for a permit, as outlined in Section 302 below. Minor repairs to existing Sidewalks are permitted without obtaining a permit, at the discretion of the Codes Enforcement Officer.
- E. All new Sidewalks are to be constructed of concrete. The Picture Rocks Borough Council may permit the construction of a new Sidewalk with materials other than concrete upon written application to the Borough Council; said application should state the type of material to be used and the reason for the use of an alternate material. Cost of material is not a valid reason for use of a material other than concrete for the construction of a new Sidewalk.

Section 302. Permit Required.

No person or group of persons, partnership or corporation shall commence the construction or repair of any Sidewalk or curb in the Borough without first making application for and securing a permit therefore from the Codes Enforcement Officer. Application for a Sidewalk and/or curb construction permit shall contain the necessary information and in the case of new construction, a written plan showing the location of the proposed work in relation to existing buildings, curbs and Sidewalks and that such construction/reconstruction is within the prevailing standards of The American With Disabilities Act (ADA) and proper engineering standards. Permits shall be issued by the Codes Enforcement Officer in accordance with the applicable provisions.

A. A permit shall be required for construction of new or major repair of existing Sidewalks and/or curbs.

B. Any permit issued under this part shall be null and void unless work is commenced within six (6) months of its issuance. If work is commenced within said six-month period and abandoned within one (1) year of the date of issuance of the permit, said permit shall be null and void. One or more ninety (90) day extensions of time may be granted by the Codes Enforcement Officer for cause shown after written application therefore.

Section 303. Codes Enforcement Officer

The Codes Enforcement Officer, as mentioned in this Ordinance, shall be an individual or entity appointed by the Picture Rocks Borough Council from time to time by resolution to act in accordance with this Ordinance.

ARTICLE IV-FEES AND EXPENSES

Section 401. Fees and Expenses

The Borough shall charge the applicant a fee, to be set by resolution of the Picture Rocks Borough Council from time to time, to offset municipal costs such as:

- A. Administrative/clerical processing;
- B. Review and approval of the Construction/Reconstruction Plan;
- C. Inspections

ARTICLE V- ENFORCEMENTS AND PENALTIES

Section 501. Right-of-Entry

Upon presentation of proper credentials, the Codes Enforcement Officer may enter at reasonable times upon any property within the Borough to inspect the condition of the Sidewalks in regard to any aspect regulated by this Ordinance.

Section 502. Enforcement

- A. It shall be unlawful for a person to undertake any construction of new or major repair of existing Sidewalk except as provided in an approved Plan.
- B. It shall be unlawful to remove an existing Sidewalk.
- C. Inspections regarding compliance with this Ordinance are the responsibility of the Picture Rocks Borough.
- D. If the Codes Enforcement Officer determines at any time that any Sidewalk within the Borough has been removed, altered, or improperly maintained, the Codes Enforcement Officer shall advise, in writing, the responsible party of required corrective measures and shall provide the said responsible party with a specific time to implement the required corrective measures. If such action is not taken by the responsible party, the Picture Rocks Borough Council may cause the work to be done and back-charge all costs to the responsible party in accordance with this Ordinance, and the Borough may file a municipal claim against the property owner.

Section 504. Suspensions and Revocation

- A. Any approval or permit issued may be suspended or revoked by the Borough for:
1. Non-compliance with or failure to implement any provision of the approved Construction and/or Reconstruction Plan;
 2. A violation of any provision of this Ordinance or any other applicable law, Ordinance, rule or regulation relating to Sidewalks.
 3. The creation of any condition or the commission of any act during the construction or repair in accordance with this Ordinance which constitutes or creates a hazard or nuisance, pollution, or which endangers the life or property of others.
- B. A suspended approval may be reinstated when:
1. The Codes Enforcement Officer has inspected and approved the corrections to the violations that caused the suspension;
 2. The Codes Enforcement Officer is satisfied that the violation has been corrected.
- C. If an approval that has been revoked cannot be reinstated, the Applicant may apply for a new approval under the provisions of this Ordinance.
- D. If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the Codes Enforcement Officer shall provide a reasonable time frame for the owner to correct the violation. In these cases, the Codes Enforcement Officer will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the violation. If the owner does not correct the violation within the allowed time period, the Codes Enforcement Officer may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

Section 505. Penalties

Any person who fails to comply with this Ordinance within the period stated in the notice by the Codes Enforcement Officer shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00). Each and every day of continued violation and each specific violation shall constitute a separate violation.


- A. In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with the terms of this Ordinance within the time specified by the Codes Enforcement Officer, the Picture Rocks Borough Council may take any actions necessary to remove the public nuisance. The costs of removal of the violation shall be in addition to any penalties for violations for failure to comply.
- B. In addition to the fines for violations, costs, and penalties provided for by this Article, the Picture Rocks Borough Council may institute proceedings in Courts of Equity to require owner and/or occupants of real estate to comply with the provision of this Ordinance.
- C. The cost of removal, fine, and penalties herein above mentioned may be entered by the Picture Rocks Borough Council as a lien against such property, or properties of individual members of a Property Owners Association, in accordance with existing provisions of law.

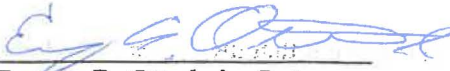
Section 506. Appeals

- A. Any person aggrieved by any action of the Codes Enforcement Officer, relevant to the provisions of this Ordinance, may appeal to the Picture Rocks Borough Council within thirty (30) days of that action. The Picture Rocks Borough Council may include a representative from an appointed engineering firm of its choice.
 1. The Picture Rocks Borough Council may grant an appeal to modify the requirements of one or more provisions of the application of this Ordinance if it will exact undue hardship due to peculiar conditions pertaining to the Sidewalk in question, providing such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed
 2. All requests to the Borough Council shall be in writing. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the Ordinance, and the minimum modification necessary.
- B. Any person aggrieved by any decision of the Picture Rocks Borough Council, relevant to the provisions of this Ordinance, may appeal to the Lycoming County Court of Common Pleas within thirty (30) days of the Borough's decision.


ENACTED and ORDAINED at a regular meeting of the Borough Council of the Borough of Picture Rocks, Lycoming County, Pennsylvania on this 9th day of July, 2013.

ATTEST:


William N. Dorman
Secretary


Eugene R. Otterbein, Sr.
President, Borough Council

APPROVED:


David Bender, Mayor