

BOROUGH OF FOREST CITY

ORDINANCE NO. 506 of 2017

AN ORDINANCE OF THE BOROUGH OF FOREST CITY REGULATING THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF SIDEWALKS AND CURBS WITHIN THE BOROUGH AND PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, as the improper care and maintenance of all public sidewalks and curbs abutting public streets in the Borough can constitute a public hazard, regulations are deemed necessary for the proper care, maintenance, repair, and replacement of sidewalks and curbs in the Borough for the preservation of the public health, welfare and safety;

THEREFORE, BE IT ORDAINED AND ENACTED and **IT IS HEREBY ORDAINED AND ENACTED** by Borough Council of the Borough of Forest City, Susquehanna County, Pennsylvania, as follows:

1. Maintenance of Sidewalks and Curbs.

A. Duty. It shall be the duty of all owners of land abutting sidewalks and curbs along portions of Main Street (as set forth in Appendix A) and persons in possession of any such premises, to keep them in such repair and conditions that they may not be or become dangerous to the welfare and safety of the traveling public. They shall properly maintain, in accordance with criteria developed by the Borough Engineer, and shall be responsible for the repair thereof in a manner satisfactory to the Borough. All sidewalks and/or curbs or sections thereof hereafter constructed, reconstructed or repaired, shall conform to the requirements of this Ordinance. The Borough requires the repair of cracks one inch or greater or when the edges of a crack are chipped or broken to create a surface opening of one inch or more. Expansion joints that have opened to one inch or greater shall also be repaired in such a way that expansion and contraction can still occur. Vertical alignment repairs shall also be made when a crack, edge of a concrete slab or expansion joint has separated vertically one inch or greater.

B. Drainage. No open gutters for any open drainage shall be permitted to run over the top of any sidewalk.

C. Blocking sidewalks. There shall be no blocking or obstructing of sidewalks; including vending machines (amusement) or signs.

D. Use of Sidewalks. There shall be no snowmobiling, sledding, motorized vehicles or bicycles allowed on sidewalks.

2. Permit Required. No person or group of persons, partnership or corporation shall commence the construction or reconstruction or repair of any sidewalk or curb in the Borough without first making application for and securing a permit therefore from the Borough. Applications for a sidewalk or curb construction or reconstruction permit shall contain the necessary information and in the case of new construction, a plot plan showing the location of the proposed work in relation to existing buildings, curbs and sidewalks. No work under this section shall be commenced without first having secured a line and grade from the Borough Engineer, where applicable. Permits shall be issued by the Borough in accordance with the applicable provisions.


- a) A permit shall be required for patching or repair of existing sidewalks or curbs.
- b) As used in this Ordinance, "reconstruction" shall mean the complete or partial replacement of sidewalk or curb to either existing or new line and grade and replacing in kind. All repaired or replaced curbs shall be constructed of granite and not concrete.
- c) Permit fees shall be established from time to time by resolution of Council.
- d) Any permit issued under this part shall be null and void unless work is commenced within fifteen (15) days of its issuance. If work is commenced within said fifteen (15) day period and abandoned within thirty (30) days of the date of issuance of the permit, said permit shall be null and void. One (1) or more fifteen (15) day extensions of time may be granted by the Borough for good cause shown.

3. **Work to be Done in Accordance with Specifications Contained in the Permit.** Sidewalks and curbs shall be constructed, repaired or reconstructed in accordance with the specifications and requirements of the Borough Engineers as set forth in the Sidewalk Construction Standards Materials, Equipment and Construction Methods incorporated as part of the Permit.
4. **Notice Given by the Borough.** Notice to reconstruct, repair and/or replace existing sidewalks or curbs, due to unsafe conditions, shall be provided to the owners of property containing said sidewalks and/or curbs or properties which abutting them. Such owners shall have fifteen (15) days in which to reconstruct, repair or replace said unsafe conditions, except where repairs are required, which in the opinion of the Borough Code Officials or Engineers are of an emergency nature, in which event said repairs shall commence within twelve hours (12) of notice of being given.
5. **Remedies.** Upon the neglect of any owner or owners of property to reconstruct, repair or replace existing sidewalks or curbs, in a safe and useable condition, the Borough shall, after notice, cause the reconstruction, repair or replacement of said sidewalk or curb to be done at the cost of such property owner or owners and shall collect the cost thereof, together with all charges and expenses up to an amount of 10%, from such owner and or owners, and may file a municipal lien therefore in the Court of Common Pleas or collect the same by action in assumpsit according to the Acts of Assembly of the Commonwealth of Pennsylvania pertaining thereto.
6. **Faulty Construction.** If any sidewalk or curb shall be reconstructed, repaired or replaced without conforming to the requirements of this Ordinance, or of any other ordinance or law, the Borough may require the owner of the premises and other persons responsible for such construction to remove the faulty construction paving as a nuisance, and replace it with conforming construction, and on failure of such person to do so within such time as the Borough shall fix, the Borough may proceed to do so and collect the cost thereof by entry of lien or otherwise.
7. **Penalties.** Any person, firm or corporation who shall violate any provision of this Ordinance, shall upon conviction

thereof, be sentenced to pay a fine of not more than fifty (50) dollars and costs of prosecution; and each day or part of a day in which the violation continues to exist shall constitute a separate crime.


8. **Repealer.** All ordinances or parts or provisions of such ordinances which are in conflict with the provisions hereof shall be and the same are hereby expressly repealed. However nothing in this ordinance shall prevent the Borough from proceeding under any provisions of the previously adopted Property Maintenance Code.
9. **Severable.** The provisions of this Ordinance are severable. If any sentence, clause or section of this Ordinance for any reason is found to be unconstitutional, illegal, invalid or otherwise unenforceable by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.
10. **Effective Date.** This Ordinance shall become effective immediately upon its enactment and as otherwise provided by law.

ORDAINED AND ENACTED at a duly constituted and held regular meeting of Borough Council of the Borough of Forest City this 3RD day of APRIL 2017.


Sharon M. Vannan,
Forest City Borough Secretary/Treasurer


William D. Orasin,
Forest City Borough Council President

The foregoing Ordinance is approved on the 3RD day of April 2017.


Pauline Wilcox
Forest City Borough Mayor

APPENDIX A

MAIN STREET - WEST SIDE

From the borough line to the property line south of 707 Main Street.

MAIN STREET - EAST SIDE

From the North property line of the current Turkey Hill Convenience Store to the intersection with Grand Avenue.