

**UNION CITY BOROUGH
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1110**

AN ORDINANCE OF THE BOROUGH OF UNION CITY, COUNTY OF ERIE, COMMONWEALTH OF PENNSYLVANIA, REPEALING UNION CITY BOROUGH ORDINANCE NO. 1015 REGARDING SIDEWALK CONSTRUCTION, RECONSTRUCTION, AND REPAIR; PROVIDING FOR PROPERTY OWNER COMPLIANCE; AND CONSTRUCTION, RECONSTRUCTION AND REPAIR OBLIGATIONS, AND NOTICE OF VIOLATIONS AND INSPECTIONS; ESTABLISHING A DUTY TO REPAIR; PROVIDING FOR PERMITS, VIOLATIONS, PENALTIES, AND ENFORCEMENT, AND PROVIDING FOR A REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, on or about July 10, 2001, the Borough Council of the Union City Borough (the "Borough Council") adopted Ordinance No. 1015, colloquially known as the Union City Sidewalk Ordinance (the "Sidewalk Ordinance"); and

WHEREAS, upon review, the Borough Council finds the Sidewalk Ordinance to be outdated and inefficient regarding the construction, reconstruction, and repair procedures necessary to preserve the Borough's sidewalks; as the Borough Code has been updated since the enactment of the Sidewalk Ordinance; and

WHEREAS, the Borough Council is desirous of adopting a "new" Sidewalk Ordinance, in order to be consistent with the terms of the Borough Code, at 8 Pa.C.S. §1800 *et seq*; and

WHEREAS, the Borough Council finds that such enactments are in the best interest of the citizens and residents of the Borough.

NOW THEREFORE, this 22nd day of August, 2017, **BE IT ORDAINED AND ENACTED** by the Borough Council, Union City Borough, Erie County, Pennsylvania, the following:

Section 1. Recitals That the above recitals are incorporated as if more fully set forth within.

Section 2. Repeal of Ordinance No. 1015 Union City Borough Ordinance No. 1015 is hereby repealed, in its entirety.

Section 3. Ownership Compliance The owner of any property in the Borough containing or abutting a sidewalk in the public right-of-way shall maintain said sidewalk in a safe and passable condition, free of obstructions and hazards that could cause bodily injury. Each owner shall repair any defects in said sidewalks and remove any obstructions and hazards which make the sidewalks unsafe or impassable to pedestrians.

Section 4. Construction, Reconstruction, and Repair Specifications All sidewalks shall be constructed, reconstructed, and repaired in accordance with the specifications determined by resolution of the Borough Council and kept on file at the office of the Borough Secretary. It shall be unlawful for any person to construct, reconstruct, or repair a sidewalk at a different grade, different width, different length, or in a manner otherwise contrary to the specifications furnished by the Borough Council.

Section 5. Sidewalk Repair Each owner of property within the Borough shall have the obligation of repairing their sidewalks; "repair" shall include but not be limited to the following:

- A. Repair of holes and cracks having a width in excess of $\frac{1}{2}$ inch at any one point along a length of one foot or greater on a sidewalk.
- B. Maintenance of a constant grading, which includes but is not limited to the following:
 - 1) Repair shall be made when one or more sections of a sidewalk rises above or drops below the grade of the edges immediately adjacent to sections that result in an irregular surface, with depression greater than $\frac{1}{2}$ inch in depth.
 - 2) Repair shall be made when a sidewalk curb is out of vertical alignment with the adjacent curb, an adjacent section, or a slab of sidewalk in excess of $\frac{3}{4}$ inch.
 - 3) Repair shall be made when a curb is out of horizontal alignment with an adjacent curb in excess of $\frac{1}{2}$ inch.
- C. Repair of any section of sidewalk that contains spalled concrete on twenty-five percent (25%) or more of its surface area.
- D. 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 six (6) feet, eight (8) inches above the sidewalk. Each property owner shall be responsible for the prompt removal of any such items whether or not such items were deposited by the owner or his tenants, guests, any individual acting under his direction, control, license, or any other 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 removal of such items onto Borough streets or other public roadways is prohibited.
- E. Removal of snow, ice, or sleet from sidewalk within twelve (12) hours after the snow, ice, or sleet has ceased to fall or form. If the ice or snow is so hardened or frozen that it cannot be removed without injury, an owner shall sprinkle sand, sawdust, or salt to ensure that the surface of the sidewalk is safe for pedestrian traffic. The deposit or removal of snow, ice, or sleet onto Borough streets or other public roadways is prohibited.

- F. Repair of any other instance which may create a pedestrian safety hazard, as determined by the Borough Council.

Section 6. Notice of Violation and Inspection

- A. Notice of Violation. The Borough Secretary shall send a Notice of Violation to each violating property owner, detailing each material item of noncompliance, the recommended repairs necessary and indicating the time period the property owner has to remedy all violations.
- B. Construction, Reconstruction and Repair Inspection. The Streets Supervisor shall, during the course of the work of constructing, reconstructing or repairing any sidewalk, visit the site of such work to ascertain whether such work is being done according to the Borough's specifications. The Streets Supervisor may visit any site for inspection purposes when requested by an affected property owner. In addition, the Streets Supervisor shall inspect all construction, reconstruction, and repair work at least once upon the completion of the respective project.

Section 7. Duty to Repair Each property owner within the Borough, within thirty (30) days of receiving a Notice of Violation, shall remedy each item of noncompliance stipulated in said Notice of Violation. However, where a noncompliant condition exists of an emergency nature, such emergency repairs shall be made within ninety-six (96) hours of receipt of a Notice of Violation.

Section 8. Owner -Initiated Repair Any property owner within the Borough, upon their own initiative and without receipt of a Notice of Violation from the Borough Secretary, may repair a sidewalk or curbing along their property, provided that said property owner shall have obtained all permits specified in this Ordinance and shall make such repairs in accordance with all requirements specified in this Ordinance and as prescribed by the Borough Council.

Section 9. Permits A permit shall be obtained from the Borough Secretary prior to any individual performing construction, reconstruction, or repairs on any sidewalk within the Borough. Permits shall be sought through the submission of a completed Application for Permit. The Application for Permit shall be developed on a Form prepared by the Borough Secretary and shall be submitted according the following procedures:

- A. An applicant shall submit three (3) copies of an Application for Permit and three (3) copies of all information requested by the Borough Secretary on a form created by the Borough.
- B. An application fee, of \$_____, as approved by Borough Council, shall be submitted with the application to the Borough Secretary.

Section 10. Owner's Failure to Timely Repair Upon failure of any property owner in the Borough to repair any sidewalk or curb following the applicable time period specified in a Notice of Violation, the Borough may make or cause the necessary repairs to be

made at the expense of the violating owner and may collect the cost thereof and all additional charges, expenses and penalties as authorized.

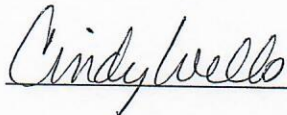
Section 11. Violations and Penalties Any person in violation of any provision of this Ordinance, upon receipt of a Quality of Life Citation, shall be fined and penalized under the Quality of Life Ticketing Ordinance, as may be amended.

Section 12. Repealer All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

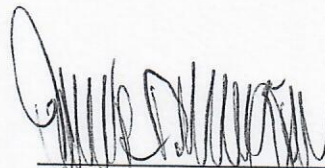
Section 13. Severability If any sentence, clause, section or amendment of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or amendments of this Ordinance. It is hereby declared as the intent of the Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or amendment thereof not been included herein.

Section 14. Effective Date This Ordinance shall become immediately effective as permitted by law.

ATTEST:



Cindy Wells, Secretary



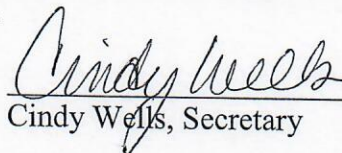
Daniel Brumagin, President

APPROVED



Robert King, Mayor

I certify that the above is a true copy of the Borough of Union City, Erie County, Pennsylvania, Ordinance No. 1110 adopted by the Union City Borough Council on August 22, 2017 and advertised in the Corry Journal on August 12, 2017.



Cindy Wells, Secretary