

**UNION CITY BOROUGH
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1110
AS AMMENDED BY ORDINANCE 1160**

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WHEREAS, upon review, the Borough Council finds the Sidewalk Ordinance to be outdated and inefficient regarding the construction, reconstruction, and repair procedures necessary to preserve the Borough’s sidewalks; as the Borough Code has been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 Repeal of Ordinance No. 1015 Union City Borough Ordinance No. 1015 is hereby repealed, in its entirety.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 or designee 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. **(Amended by Ordinance No. 1160, adopted June 27, 2023)**

- 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 \$ 5.00 , 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. Administration and Enforcement The Borough Code Enforcement Officer, also known as the Code Official, shall enforce this Ordinance. The Code Enforcement Officer shall provide for enforcement of this Ordinance pursuant to Borough Ordinance No. 1111, adopted on or about August 22, 2017, as amended, known as the Quality of Life Ticketing Ordinance. **(Amended by Ordinance No. 1160, adopted June 27, 2023)**

Section 12. Violations The Borough Code Enforcement Officer shall engage in the disposition of violation tickets issued pursuant to Ordinance No. 1111, as amended, through bringing summary proceedings against the offender before the Magisterial District Judge. Any person who shall violate any of the provisions of this Ordinance upon conviction thereof before a Magisterial District Judge shall be sentenced to pay fines as expressed in Ordinance No. 1111, as amended, in addition to the costs of prosecution. Failure to pay such fine and cost may lead to a sentence of imprisonment in the Erie County Prison for a period not to exceed thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense and the person(s) allowing or permitting this continuation or violation may be prosecuted as provided above for each separate offense. **(Amended by Ordinance No. 1160, adopted June 27, 2023)**

Section 13. Repealer Any ordinances, rules or resolutions or parts of ordinances, rules or resolutions in conflict herewith shall be, and the same are hereby repealed. **(Amended by Ordinance No. 1160, adopted June 27, 2023)**

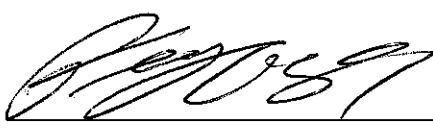
Section 14. Severability In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance. Borough Council hereby declares that it would have adopted this Ordinance and each section, subsection, paragraph, provisions, regulation, limitation, restriction, sentence, clause, phrase or word hereof irrespective of the fact that any one or more of the sections, subsections, paragraphs, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid. **(Amended by Ordinance No. 1160, adopted June 27, 2023)**

Section 15. Effective Date This Ordinance shall take effect and be in force immediately after enactment as provided by law. **(Amended by Ordinance No. 1160, adopted June 27, 2023)**

ATTEST:



Cindy Wells, Secretary




Riley Cross, President

APPROVED



Natalie Wilmoth, 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

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