

ORDINANCE NO. 72-A

AN ORDINANCE OF THE BOROUGH OF HOWARD, CENTRE COUNTY, PENNSYLVANIA, PROVIDING FOR THE CONSTRUCTION, REPAIR, RECONSTRUCTION AND REMOVAL OF OBSTRUCTIONS TO PUBLIC SIDEWALKS, REQUIRING PROPERTY OWNERS TO MAINTAIN EXISTING SIDEWALKS IN GOOD REPAIR, PROHIBITING PROJECTIONS BEYOND THE BUILDING LINE EXTENDING INTO SIDEWALK AREAS, REQUIRING THE TRIMMING OF TREES AND BUSHES NEAR SIDEWALKS, PROVIDING FOR INSPECTION, EMERGENCY REPAIRS, DRIVEWAY/SIDEWALK INTERCONNECTIONS, AUTHORIZING BOROUGH TO REPAIR WHEN NECESSARY, PROVIDING PENALTIES FOR VIOLATIONS AND ESTABLISHING STANDARDS FOR SIDEWALKS, CURBS, GUTTERS AND DRAINS WITHIN THE BOROUGH OF HOWARD.

Sidewalk Construction and Repair

101. Purpose. This ordinance is intended to provide for the construction, repair, reconstruction and removal of obstructions on or to public sidewalks intended for use by the public which presently exist or which may be constructed in the future. This ordinance is enacted for safety purposes in order to protect the health, welfare and safety of the general public using such sidewalks whether located on public rights-of-way, easements intended for public use or sidewalks located on private property utilized by the public. Such dangerous conditions, in the form of improperly maintained or deteriorated sidewalks or in the form of obstructions, are declared to be nuisances.

102. Definitions. Unless a contrary intention clearly appears, the following words and phrases shall have the following meaning given in this ordinance. All words and terms not defined herein shall be used with a meaning of standard usage.

CONSTRUCT – the building or laying of a new sidewalk on areas of land where none previously existed.

OBSTRUCTION – any obstacle or impediment which renders the sidewalk impassable or otherwise impairs the utilization of a sidewalk resulting in unreasonable inconvenience or hazard.

REPAIR, RECONSTRUCTION – the restoration or repair of a sidewalk, curb, gutter or drain which has previously been in existence and shall be deemed to include patching, the relaying or reconstruction of certain parts thereof or any other measures necessary to make the said sidewalks, curbs, gutter and drains safe and in good condition and within the provisions of this ordinance.

SIDEWALK – a walkway for pedestrians available for use by the general public whether located on the owners' property, in an easement for public passage or within the right-of-way of any street, drive, avenue, highway, road, lane or alley.

103. Duty of Property Owner. It shall be the duty of owner of property upon which sidewalks presently exist or are constructed to maintain them in good repair, to repair and reconstruct them when necessary and to keep them free from obstructions and safe for passage by pedestrians.

104. Projections Not to Extend Beyond Building Line. No projection of any doorway, cellar-way, coal hole, porch steps or other obstruction shall be permitted to extend beyond the building line, where the same results from new construction or alterations or additions to existing structures. All constructions or materials of all porches, steps and other projections herein before enumerated, new or hereafter built, placed or maintained contrary to this ordinance are hereby declared unlawful and to be a nuisance and to be abatable as such.

105. Notice to Trim Trees and Bushes. Trees, shrubbery, bushes, pipes, etc., hereafter placed or maintained on the sidewalk limitations, or which overhang the sidewalk pavements as are herein provided, shall be so placed or maintained as to prevent injury to persons or property, and shall be removed, changed or trimmed upon ten (10) days notice whenever in the discretion of the Borough Council it is deemed necessary for the safety, convenience and best interest of the inhabitants of the particular section thereof.

106. Designated Areas for Sidewalks. Sidewalks for the use of pedestrians shall be built and maintained along the highways of the Borough and shall be kept in thorough repair and in a safe condition. Sidewalks shall be built upon notice to the owner and shall be paid by said owner. Said notices shall be given by the Borough Secretary at the direction of Council. Where curbs, gutters and drains are not already provided, Council may in the notice to lay the sidewalk, also require that curbs gutter and drains be laid. Construction of sidewalk shall conform to specifications hereinafter set forth.

107. Notice to Do Work. Notice to construct or reconstruct and/or repair sidewalks and curbs shall be given by registered or certified mail to abutting property owners. Such owners shall have one hundred and eighty (180) days to comply with said notice in conformity with and construction specifications prescribed as hereinafter set forth. Failure of the owners to comply with the provisions of this section shall subject property owner to fines and penalties as hereinafter set forth.

108. Condition for Repair of Sidewalk. Sidewalk section shall be deemed repairable or replaceable if broken up with holes of one inch or more, or where a section is elevated or lowered one inch or more above or below the adjoining section or sections.

109. Inspection. At anytime during the performance of the required work, the Howard Borough Council or the Borough's designated representative may inspect the work to determine whether construction materials and methods meet the specifications prescribed as hereinafter set

forth. Sidewalks, curbs, gutter and drains not laid in conformity with the provisions of this ordinance and established grade lines on which they are constructed are hereby declared to be a nuisance and must be taken up and relaid according to the provisions of this ordinance within 30 days after notice to the owner or owners is given. Failure of the owners to comply with the provisions of this section shall subject them to a fine as hereinafter set forth.

110. Emergency Repairs. The owner or owners of abutting property shall make emergency repairs to the sidewalks upon 48 hours notice where the Borough Council deems it necessary and where the cost thereof will not exceed \$500.00. The notice shall be given by the Borough Secretary at the direction of the Borough Council. Failure of the owners to comply with the provisions of this section shall subject them to a fine as hereinafter set forth.

111. Driveway/Sidewalk Interchange Standards. Where driveways exist or are hereafter constructed over the sidewalk from the street to the abutting property, they must be so constructed that the material used will not work loose or scatter from the driveway.

112. Borough Authorized to do Work. Whenever in this ordinance the owner or owners shall refuse or neglect to construct or repair any sidewalk, curb, gutter or drain when so ordered, the Borough may cause said sidewalk, curb, gutter or drain to be constructed or repaired in the manner herein and hereby required and the Borough shall collect the cost thereof, together with all charges, penalties and expenses from the owner or owners of the lot or lots as permitted by law.

The election of the Borough to so construct or repair any sidewalk, curb, gutter or drain shall not relieve the owner or owners of abutting properties from the penalty as provided for hereinafter except that new violations shall cease to occur upon the day the Borough authorizes the construction or repair to be done.

113. Penalties for Violation. 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 \$300 to be collected for the use of the Borough as fines of like amount are by law recoverable. Provided further that each day or part thereof a violation exists shall constitute a separate offense.

114. Standard Specifications for Sidewalks, Curbs, Gutters and Drains. Sidewalks, curbs, gutter or drains shall be constructed, repaired or replaced according to the following specifications and using the following materials only:

1. Concrete Walks. All sidewalks shall be of one course class A 3300 PSI concrete construction and shall be built as a series of independent sections not more than sixteen (16') feet in length, except that sidewalks may be constructed as set forth hereafter using alternate materials. All sidewalks and curbs shall be constructed, repaired or replaced in accordance with the grade and lines established by the Borough. The following shall be the specifications for the construction, repair or replacement of all sidewalks,

curbs, gutters and drains, except necessarily altered by the provisions of subparagraph B hereunder.

2. Cement or Concrete. Cement or Concrete will be of commercially acceptable quality commonly used in the Howard area.
3. Fine Aggregate. Natural sand or screenings from hard, rough, crushed rock. Must be clean and well graded. All fine aggregate shall pass 1/4-inch screen, and 95 percent shall be retained on a 100-mesh screen. Not more than 3 percent by weight shall be removed by decantation, and mortar briquets shall develop a strength at least equal to that of Ottawa sand of the same proportions.
4. Coarse Aggregate. May be pebbles, broken stone or blast furnace slag. Must be clean, hard, durable and uncoated. All coarse aggregate shall pass a 1-inch screen and 95 percent shall be retained on a 1/4-inch screen.
5. Water. Water shall be clean enough to drink.
6. Mixing. Mixed until each particle of fine aggregate is coated with cement and each particle of coarse aggregate is coated with mortar and not less than 1 1/2 after all materials have been placed in the mixer.
7. Joint Filler. Shall be premolded strips of bituminous filled fibre or mineral aggregate, 1/2 - inch thick, as wide as the thickness of the sidewalk and at least 2 feet long.
8. Forms. Shall be of 2 inches thick or of steel of equal strength. Flexible strips may be used on curves. They shall be rigidly held to any grade by stakes or braces.
9. Division Plates. Shall be of 1/8 - inch steel as wide as the depth of the slab and as long as the width of the walk.
10. Subgrade. Shall be well drained and compacted to a firm surface with a uniform bearing strength.
11. Drains. When necessary, 4- inch concrete, terra cotta or PVC drains shall be laid to protect the walk from damage by frost action.
12. Sub-base. On poorly drained soil, where drains are impractical, a 5-inch sub-base of cinders, gravel or other porous material shall be constructed. It shall be thoroughly tamped and drained into a street gutter.

13. Thickness and Proportions. The walk shall never be less than 4 inches thick in a residential section and 5 inches thick in a business section and never less than 6 inches thick where a driveway crosses the walk. Concrete shall be mixed in the approximate proportion of 1 part cement, 2 parts fine aggregate and 3 parts of coarse aggregate with a maximum of 6 gallons of water per sack of cement, including the moisture in the aggregate. The concrete shall not have a slump of less than 2 inches nor more than 6 inches.
14. Placing and Finishing. Concrete shall be laced immediately after mixing. It shall be tamped and struck off with a template and shall be floated with a float until the surface has a true contour. Care shall be taken to not bring to the surface an excess of water and fine sand by overfinishing. A slip-resistant texture shall be achieved by coarse-brooming the finished surface in a transverse direction.
15. Jointing. The walk shall be cut into separate rectangular slabs not greater than 5 feet wide nor 6 feet long. The surface edges of each slab shall be rounded to a 1/4 inch radius. Markings shall be exactly at cuts between slabs.
16. Curing and Sealing. All concrete shall be cured by applying a white pigmented liquid membrane-forming curing compound or another method with authorization of the Municipality.
17. Expansion Joints. Shall extend from the surface to the subgrade and shall be at right angles to the sidewalk surface and completely filled with compressible material. A 1/2-inch expansion joint shall be made across the walk at approximately 16-foot intervals. At all places where the walk intersects a curb or line or another walk, expansion joints shall be made.
18. Curbing. Finished concrete shall be kept wet for 7 days.
19. Width of Pavement. The standard width for all sidewalk pavement shall be 4 feet, except as follows:
 - A. Additional Width. In commercial areas or other areas deemed appropriate by the Howard Borough Council, Council may require by resolution an additional width so that the sidewalk shall extend from the curb to the property line.
 - B. Less Width. In the areas where trees or other physical obstacles do not permit a 4 foot sidewalk to be constructed, the Howard Borough Council may, upon request of the property owner, allow a lesser width, but in no case shall the width be less than 3 feet.

20. Finish. A slip resistant surface shall be achieved on all sidewalks by a coarse brooming of the finished surfaces in a transverse direction to pedestrian traffic. Concrete sidewalks shall be placed and formed separately from the placement of concrete curbs.
21. Paver Blocks. Sidewalks may also be constructed with concrete 4 inches in thickness and an additional 2 inches in thickness on top compound of (1) said and mortar grout or (2) an acceptable substitute as approved by the Municipality, with paving blocks set firmly in said grout. Such paver blocks must be kiln-fired paving brick of durable and substantial nature. No such paver block sidewalks shall be installed without first receiving written permission from the Municipality. If any single paving block or more is broken, the same shall be promptly replaced by the owner of the premises.
22. Other Materials. Sidewalks may also be constructed from other materials such as wood, steel or some other material if unusual topography, trees or other similar conditions make it impractical to construct sidewalks from the materials set forth herein. Such other materials may be used only when such unusual circumstances exist and after specific approval by the Municipality on written application of the property owners.

115. Repair Standards.

1. Horizontal Alignment. A sidewalk shall be repaired when a crack within a square or a joint between two adjacent squares has separated to a distance of 1-inch or greater or when the edges of a crack are chipped or broken to create surface openings of 1-inch or more. Where expansion or contraction joints have widened to 1-inch or greater, repairs shall be made in such a way to allow for expansion to occur later. If vertical movement occurs around a crack which, in the opinion of the Municipality, creates a tripping hazard, the square should be removed and replaced. Cracks shall be chipped out in a V-shape to sound concrete and thoroughly cleaned before repair.
2. Vertical Alignment. Repairs shall be made when a sidewalk square has risen or sunk 1 inch or more in relation to the remainder of the square or to an adjacent square. If a portion of the block has risen or sunk more than 1 inch, measured 15 inches from the edge of the block, repairs shall be made. The square can be physically raised or lowered to be realigned with the adjacent squares. If an entire square has sunk, it may be patched with concrete bounded overlay of the entire square. The minimum thickness of this patch cannot be less than 1 inch. Placing a wedge of patch material over a portion of the square is not acceptable.

3. Surface Deterioration. A sidewalk square must be repaired when 25 percent or more of the exposed horizontal surface has chipped or crumbled, exposing aggregate and creating peaks and valleys to a depth of any point of ½ inch or more below the original surface. A square must also be repaired if an area of 16 square inches or more has deteriorated or has developed a hole at least 1-inch deep in the surface. Deteriorated material must be removed down to sound concrete and the area thoroughly cleaned before repair.
4. Materials. When sidewalks are reconstructed, they shall conform as herein provided. Repairs shall be made by first applying bonding agent and next placing patch material composed of half-and-half mixture of cement and sand, or with a commercial epoxy-type concrete patch material. Other commercial material such as vinyl modified may be approved by the Engineer.

116. Accessibility Standards. Sidewalks, including those adjacent to driveways, shall meet accessibility requirements of prevailing federal, state and/or local laws, when reconstructed.

117. Effective Date. The within ordinance shall take effect 60 days from the date of enactment.

ENACTED AND ORDAINED, this 13th day of March, 2006, by the Council of the Borough of Howard.

Philip J. Winchell
Council President

ATTEST:

Sharon R. Day
Secretary - Treasurer

AND NOW, to wit, this 13th day of March, 2006, the within and above Ordinance is approved.

John C. Wittenberg
Mayor of Howard Borough