

**JEFFERSON TOWNSHIP, BERKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO 2017- 1**

**AN ORDINANCE OF THE TOWNSHIP OF JEFFERSON, BERKS COUNTY, PENNSYLVANIA, REQUIRING REPAIR OF SIDEWALK AND CURBS BY OWNERS OF PROPERTY ADJACENT TO TOWNSHIP STREETS**

**WHEREAS**, the Township of Jefferson is a second class township in the Commonwealth of Pennsylvania; and

**WHEREAS**, the Township of Jefferson is governed by the Second Class Township Code of the Commonwealth of Pennsylvania; and

**WHEREAS**, per Section 1506 of the Second Class Township Code, 53 P.S. §1506, the Board of Supervisors may make and adopt ordinances necessary for the health and welfare of the Township; and

**WHEREAS**, per Section 1704 of the Second Class Township Code, 53 P.S. §1704, the Board of Supervisors may enact property maintenance ordinances regulating maintenance of properties in the Township; and

**WHEREAS**, pursuant to the authority granted them under the Second Class Township Code, the Board of Supervisors of Jefferson Township desires to enact an Ordinance requiring maintenance of sidewalks and curbs fronting Township streets.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Jefferson, Berks County, Pennsylvania pursuant to the authority conferred by the Second Class Township Code, that the following be and is hereby adopted:

**SECTION 1. Repair and Construction Required.** Except as required by Section 8 in this Ordinance, the owners of all lots and parcels of real estate fronting on any street which is now laid out and has sidewalks and curbs shall maintain, repair or replace the sidewalks and the curbs at the edge of the sidewalks within a period of ninety (90) days after written notification to do so by the Township. The owners of all lots and parcels of real estate fronting on any street which is now laid out, opened and dedicated to the public use by the Township of Jefferson, and which at the time of enactment of this article does not have a sidewalk or curb, shall construct a sidewalk and curb within a period of six (6) months after written notification to do so by the Township. The owners of all lots and parcels of real estate fronting on any street which hereafter is laid out, opened and dedicated to public use by the Township of Jefferson shall construct sidewalks and curbs along such street within six (6) months after written notification to do so by the Township.

**SECTION 2. Design Standards.**

A. All new sidewalks and curbs to be constructed shall be made of concrete cement or a like material approved by the Township. Sidewalks shall be constructed in accordance with the standards provided for in the Jefferson Township Subdivision and Land Development Ordinance ("SALDO"). The owner shall have the right but not the obligation to leave a clear space of at least four feet (4') between the curb and pavement unless otherwise directed by the Township, which shall be planted with grass. Curbs shall be constructed in accordance with the standards set forth in the SALDO. Whenever a new curb or sidewalk is constructed or an existing curb or sidewalk is replaced at an intersection, it must be constructed with a depressed curb ramp, accessible to the physically handicapped in accordance with the Federal ADA Guidelines. The Township of Jefferson may also establish such additional specification for the construction of sidewalks within the Township as it may deem appropriate from time to time.

B. Hereafter, all curbs at the corners of streets shall have a radius as provided for in the SALDO.

**SECTION 3. Slope.** The slope of all sidewalks from curb to house or lot shall be at the rate provided for in the SALDO or as directed by the Township Engineer.

**SECTION 4. Cross drains and gutters.** Cross drains or gutters running from house to curb shall be in accordance with the Township SALDO and shall have a gradual slope from sides to center.

**SECTION 5. Permit required; fee.** It shall be unlawful for any person, whether owner or contractor, to begin the laying or repairing of any curb or sidewalk without first obtaining a permit therefor from the Township as herein provided. The Township Engineer shall issue such permit upon application filed, setting forth the location of the property and the width of the sidewalk or curb to be constructed, upon payment of the permit fee, as set forth from time to time by resolution of the Township Board of Supervisors, unless he is of the opinion that the proposed work would be in violation of law or ordinance or that it will not conform with paving previously constructed along such street, in which cases he shall refer such application to the Township Board of Supervisors for such action as it thinks proper. Whenever, based on the extent of curb or sidewalk being replaced and the absence of existing facilities showing the line and grade, it is the opinion of the Township Engineer that line and grade must be secured by the applicant prior to the issuance of a sidewalk/curbing permit for the installation of sidewalk, curbing or both, the applicant shall pay the expenses of the Township Engineer or Surveyor for the line and grade information at the time of the payment of the sidewalk/curbing expenses.

**SECTION 6. Safety measures.** All excavations made in paving, curbing or repair work shall be properly protected by safety barriers at all times, as shall all other work in connection therewith, and a sufficient number of flashing safety lights shall be conspicuously placed along the property and street upon which the work is being done, from sunset to sunrise, so as to render it safe for the users of the sidewalks and streets.

**SECTION 7. Construction or repair by Township; recovery of costs.** If the owner or owners of any lot or parcel of real estate fails and neglects to pave, curb or repair the sidewalk and curbing appurtenant to his or her property within the time requirements set forth in Section 1 of this Ordinance, the Township may cause such paving, curbing and repair work to be done at the cost of such owner or owners and shall collect the costs thereof, plus ten percent (10%) additional, together with all charges and expenses, from the owner or owners. If the costs of said work plus ten percent (10%) is not paid to the Township by the owner or owners within thirty (30) days after service of notice upon the owner or owners to pay the same, the Township may file a municipal lien therefor, together with interest, calculated at the rate of ten percent (10%) per annum from date of completion of the work, and costs, against such lot or lots or proceed to collect the same, together with interest and costs, by other appropriate proceedings.

**SECTION 8. Preliminary steps for street reconstruction.** Whenever the Township of Jefferson authorizes the major reconstruction or overlay of a Township street or portion of a street, the procedure set forth in this Section shall be taken.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

**MAJOR RECONSTRUCTION**

Excavation of the street, or portion of street, to subgrade depth and the complete replacement of the street coating, including base, binder and wearing courses.

**OVERLAY**

Placement of one inch average depth or more of wearing course or leveling course.

B. Establishment of curblines and elevations. The Township Engineer shall establish the curblines and elevations for all properties on both sides of the street or portion of the street scheduled for major reconstruction or overlay where the curbing must be replaced or repaired, as determined by the Engineer. Such curblines and elevations shall be established as a single operation involving all properties in need of curbing.

C. Repair of curbing. Every property owner whose property abuts said street or portion of street that is undergoing major reconstruction or overlay whose curbing must be repaired or replaced shall repair or replace the curbing within sixty (60) days of notification, in writing, by the Township that said street or portion of street has been scheduled for major reconstruction or overlay. Alternatively, said property owner can notify the Township that they waive their right to sixty (60) days' notice and authorize the Township to repair or replace the curbing as part of the major reconstruction or overlay of the street or portion of the street. If the property owner waives his or her right to notice and authorizes the Township to perform the work, the owner shall be billed for the costs of the work as set forth herein except the Township shall not charge them the additional ten-percent costs. In the event any property owner fails to repair or replace the curbing within the allotted time or fails to waive his or her right to said notice and does not authorize the Township to perform the work, the Township or its contractor shall repair or replace the necessary curbing at the costs of the owner and the Township shall collect the cost thereof plus ten percent (10%). If the costs of said work plus ten percent (10%) is not paid to the Township by the owner within thirty (30) days after issuance of the invoice therefor, the Board of

Supervisors may instruct the Township Solicitor to place a lien against the property in the Berks County Court of Common Pleas for the cost of the repair or replacement curbing, plus ten percent (10%) additional, or proceed to collect the same, together with interest and costs, by other appropriate proceedings. Filing of said liens shall be in accordance with the Municipal Claims and Tax Liens Act of 1923, May 16, P.L. 207, as amended (53 P.S. § 7101 et seq., 53 P.S. § 7143), with the accrual of interest calculated at the rate of ten percent (10%) per annum from date of completion of the work, plus recovery of all charges, costs, expenses and attorneys' fees incurred in the recovery of the account. If the property owner's failure to repair or replace the curb or fails to authorize the Township to do the work within the sixty (60) days and this causes the Township's reconstruction or overlay project to be delayed, the Township may undertake the requisite action to recover the costs of the delay from the property owner.

D. Permits and standards. Any property owner electing to repair or replace curbing shall obtain a permit for said work pursuant to this article.

E. Other curbing and driveway construction. Unless otherwise ordered by the Township or its authorized agents, no curbing or driveway construction shall be permitted until one (1) year after major street reconstruction or overlay is completed.

**SECTION 9. Violations and penalties.**

A. Any person who shall change or remove any stake, stone, mark or other designation by which any grade or line is indicated or any safety light, barrier or marker used during construction or repair, upon conviction in a summary proceeding, shall be sentenced to pay a fine of not less than \$100 nor more than \$600. Each such act shall constitute a separate summary offense.

B. Any person who violates any of the provisions of this Section, except as otherwise provided herein, shall be guilty of a summary offense and, for each and every offense, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 upon conviction thereof. Each day of violation shall constitute a separate summary offense.

**SECTION 10. Severability.** If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such provisions not been included herein.

**SECTION 11. Repealer.** All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 12. Effective Date.** This Ordinance shall become effective five (5) days after enactment, as provided by law.

ENACTED AND ORDAINED as an Ordinance of Jefferson Township, Berks County,  
Pennsylvania, this 30 day of January, 2017.

**BOARD OF SUPERVISORS OF  
JEFFERSON TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA**

Chairman

John H. Tub

Vice Chairman

David R. Louak

Member

Gary L. Kimmillbege

ATTEST:

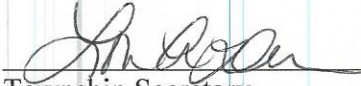
[Signature]

Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2017- 1 adopted by the Board of Supervisors of Jefferson Township, Berks County, Pennsylvania at a public meeting held on January 3, 2017, pursuant to notice as required by law.

Dated: 1/3/2017

  
Township Secretary