

ORDINANCE NO 54 - 1991

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY, PENNSYLVANIA, REGULATING THE GRADING OF SIDEWALK AREAS AND THE CONSTRUCTION AND REPAIR OF CURBS, SIDEWALKS, DRIVEWAY ENTRANCES AND RETAINING WALLS, AND REQUIRING PERMITS THEREFOR, REQUIRING THE PLACEMENT OF SIGNS, BARRIERS, AND LIGHTS, PROVIDING FOR INDEMNIFICATION OF THE TOWNSHIP FOR LIABILITY; REQUIRING THE CONSTRUCTION OF CURB AND SIDEWALK UNDER CERTAIN CIRCUMSTANCES, PROVIDING PENALTIES AND REMEDIES FOR VIOLATION THEREOF; PROVIDING FOR REPEAL OF CERTAIN ORDINANCES.

BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Centre Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION 1. Grading of sidewalk areas and construction and repair of sidewalks, curbs, driveway entrances, and retaining walls, and permits therefor;

(a) The grading of sidewalk areas, the constructing and repairing of sidewalks, curbs, and driveway entrances along the designated streets of the Township of Centre shall be done by the owner or owners of the lot or lots abutting thereon in accordance with the lines and grades established by the Township Engineer of the Township of Centre and in accordance with the provisions of this ordinance.

(b) It is hereby declared unlawful for any person, firm, or corporation to grade any sidewalk area, construct or repair any sidewalk, curb, gutter, driveway entrance, or front or rear retaining wall within the Township of Centre except in compliance with the provisions of this ordinance.

(c) Any person, firm, or corporation desiring to grade any sidewalk area, which is defined as the area located between the curb line and the building line or desiring to construct or repair any sidewalk, curb, gutter, driveway entrance, or front or rear retaining wall, shall first obtain a permit therefor from the Township Ordinance Enforcement Officer, said permit to be issued by said Township Ordinance Enforcement Officer only after the following conditions have been satisfied: (1) the filing of

a written application with said Township Ordinance Enforcement Officer upon such form as is approved by the Supervisors by resolution, setting forth the location, purpose and detailed description of the improvement; (2) the approval of said application by the Township Engineer; (3) the payment of a permit fee of Twenty and 00/100 Dollars (\$20.00) to the Township Secretary at the time of filing application, which fee shall be the total fee regardless of the number of improvements set forth in the application; and (4) in all cases of new construction of any curb or of resetting any curb in excess of ten feet (10') in length, and in the case of any other type improvement when requested by the applicant, the Township Engineer shall furnish applicant with necessary lines and/or grades, the cost of which shall be paid for by applicant by depositing the amount of Fifty and 00/100 Dollars (\$50.00) with the Township Secretary at the time of filing the application, and any difference in cost above or below the amount of deposit shall be paid by or returned to applicant at time of issuance of permit. If an application is made for a permit for a type of improvement for which said deposit is not required, but the Township Engineer considers it necessary nevertheless to furnish lines and/or grades, he shall furnish such lines and/or grades and the cost thereof shall be paid by applicant at the time of issuance of permit or renewal thereof. A permit shall be effective for a period of ninety (90) days from date of issuance, and may, prior to expiration of the original or renewal period be renewed by the Township Secretary for a period of ninety (90) days upon application and payment of Twenty and 00/100 Dollars (\$20.00) for each ninety (90) days by the person, firm, or corporation to whom the original permit was issued.

(d) In the designated area, all sidewalk areas shall be graded and all sidewalks, curbs, driveway entrances, and front or rear retaining walls, shall be constructed, reconstructed or repaired only on the grade and lines established by the Engineer of the Township of Centre and furnished by the Township Engineer, and in accordance with the following provisions:

(1) All sidewalk areas shall conform to curb grades except that the area shall have a one-fourth inch (1/4") pitch per foot measured from the outside curb line to the building line of the respective lot or property.

(2) All curbs shall be eight inches (8") wide across the top, shall be nine inches (9") wide seven inches (7") below top of curb at street elevation, and shall extend for a width of nine inches (9") downward to a point twenty-four inches (24") from the top of the finished curb and shall be constructed on a well tamped four inch stone base (slag may be substituted for broken stone).

(3) The outside of all sidewalks shall be set back three feet (3') from the outside face of the curb and a grass plot area shall separate curb from sidewalks, except that said grass plot area may be paved as an addition to the sidewalk if so directed or authorized by resolution of the Supervisors of the Township of Centre. All sidewalks shall be not less than four inches (4") in thickness and shall rest on a compact bed of broken stone or slag or cinders of a depth of at least four (4") inches, and the surface shall have a one-fourth inch (1/4") pitch per foot measured from the outside face of the curb. Sidewalks shall be four feet (4') on sidewalk areas ten feet (10') or less in width and shall be five feet (5') wide on sidewalk areas of more than ten feet (10') feet in width.

(4) All driveway entrances shall have a curb radius of two feet (2') on each side, shall have the outside edge raised one and three-quarters inches (1-3/4") above the flow line of the gutter and shall have a straight slope therefrom to the prescribed outside sidewalk edge located three feet (3') from the outside face of the curb, shall have a sidewalk surface of the same grade and width prescribed for sidewalks, and all driveway entrances including gutter, slope and sidewalk surface shall be eight inches (8") in thickness. No driveway entrance shall be constructed with a frontage exceeding twelve feet (12') along the curb line except upon specific approval by resolution of the Supervisors of the Township of Centre.

(5) The outside edge of all front retaining walls, defined as those located along any street, shall be on or in back of the building line and the outside edge of all rear retaining walls shall be on or in back of the alley line and shall be constructed in accordance with good engineering practice of such

height, thickness and materials as shall be approved by the Township of Centre.

(6) All sidewalks, curbs, and driveway entrances shall be constructed of concrete having a 28 day strength of 3000 p.s.i. All concrete shall be thoroughly compacted by suitable means during the operation of placing, and shall be thoroughly worked in the corners of the forms. Exposed concrete surfaces shall be true and even, free from open or rough areas, depressions or projections. The finish shall be of steel or wood float type. No patching will be permitted. Forms shall be of wood or metal and constructed of materials sufficient in strength to hold the concrete without deforming. Forms shall be used at grade points in all cases.

(7) In the construction of sidewalks, no indentation or other provisions shall be made or provided for in the surface thereof for the passage of storm water from roof spoutings, drainpipes, downspouts, or from any other source whatsoever. Henceforth, during the construction of sidewalk, provisions shall be made for the installation of approved piping underneath the sidewalk area to the curb so as to permit such storm water to flow from the applicable property or structure to the adjacent gutter.

(e) In the designated area, on neglect or refusal of the owner or owners of the abutting lot or lots to grade any sidewalk areas, to construct, pave, repave or repair any sidewalk, to construct, set, reset or repair any curb or driveway entrance, within thirty (30) days after notice so to do from the Supervisors of the Township of Centre through its proper officials, said Supervisors shall cause the same to be done and shall collect from said owner or owners of the lot or lots the cost thereof and ten percentum (10%) additional, together with all charges and expenses, and if payment is not made, shall file a municipal lien therefor against such lot or lots or shall bring an action in assumpsit against said owner or owners for collection thereof.

(f) In the designated area, sidewalk areas not graded, or sidewalks, curbs and driveway entrances not laid in conformity with the provisions of this Ordinance and with the established grade and line established by the Engineer of the Township of Centre, are hereby declared to

be nuisances, and must be taken up and regraded and/or relaid according to the provisions of this Ordinance within thirty (30) days after notice to the owner or owners so to do by the Supervisors of the Township of Centre, and upon failure of said owner or owners thereof to regrade said sidewalk area, and/or relay said sidewalk, curb or driveway entrance within the time stipulated, said Supervisors shall cause the same to be done in the manner herein provided and said Supervisors shall collect the cost thereof and ten percentum (10%) additional, together with all charges and expenses, from the owner or owners of the lot or lots in the manner hereinbefore provided to subsection (e).

(g) No sidewalk, curb or driveway entrance heretofore laid with material or materials not prescribed herein shall be permitted to be repaired but whenever any such sidewalk, curb or driveway entrance becomes, in the opinion of said Supervisors in dangerous condition, notice shall be given to the owner or owners of the lot or lots abutting thereon to relay the sidewalk, curb or driveway entrance with the material herein provided, and upon his, her, its or their failure so to do within thirty (30) days after notice of the Supervisors, said Supervisors shall cause the same to be done in the manner herein provided and said Supervisors shall collect the cost thereof and ten percentum (10%) additional, together with all charges and expenses, from the owner or owners of the lot or lots in the manner hereinbefore provided in subsection (e).

(h) Present brick or macadam sidewalks requiring the replacement of any portion thereof shall be entirely replaced by a concrete pavement or sidewalk. In the case of concrete sidewalks, in the event any concrete block thereof requires the replacement of more than 25 percent of the total area of said concrete block, then said concrete block in need of repair shall be replaced in its entirety.

(i) In the designated area, curbing and sidewalk shall be constructed along the front of each lot within the Township on which a new building or structure, other than a private garage, is constructed, where said lot adjoins a public street, road or highway. All such curbing and/or sidewalk herein required shall be constructed within one (1) year after the occupancy or use of the said new building or structure. In the case of a corner lot, curbing and sidewalk shall be constructed along both the front of the lot and the side of the lot adjacent to the public street, road or highway.

(8) In cold weather, adequate equipment shall be provided for heating the concrete materials and protecting the concrete during freezing or near freezing weather. All concrete materials and all forms, fillers and ground with which the concrete is to come in contact shall be free from frost. No frozen materials or material containing ice shall be used.

(9) Sidewalks and curbs shall have clean out joints every five linear feet of work. Approved expansion joints shall be placed every ten (10) linear feet or less of work, and at all changes in horizontal alignment.

(10) Driveway entrances over sidewalk areas shall be at least eight (8) inches thick, and twelve (12) feet wide for a single driveway and sixteen (16) feet wide for a double driveway. Curb radii at the driveways shall be determined as the distance from the outside face of the curbing to the inside edge of the pavement. The curbing shall be eight (8) inches thick and thirty (30) inches in depth. Driveway and curbing are to be constructed on a well-tamped four (4") inch thick base of broken stone or slag.

SECTION 2. Conformity to Line and Grade. All sidewalks, and curbs shall be constructed, paved, repaved, or repaired, upon the line and grade obtained by the property owner from the Township Engineer.

SECTION 3. Notice to Do Work. Notice to construct, pave, repave and repair sidewalks or curbs shall be given by registered or certified mail to abutting property owners, and such owners shall have thirty (30) days to comply with said notice in conformity with any construction specifications prescribed by the Township Engineer.

SECTION 4. Inspection. At any time during the performance of the required work, the Township Engineer may inspect the work

to determine whether construction specifications are being observed.

SECTION 5. Municipality May Do work and Collect Costs.

Upon the failure of any property owner to construct, pave, repave or maintain any sidewalk, curb or gutter in compliance with notice to do so, the Township of Centre may do the same or cause the same to be done, and may levy the cost of its work on such owner as a property lien to be collected in the manner provided by law.

SECTION 6. Emergency Repairs. Where in the opinion of the Township Engineer a dangerous condition exists that can be repaired by an expenditure of twenty-five dollars (\$25.00) the Township of Centre shall send such property owner notice by registered or certified mail stating emergency repairs are required. Upon failure of such owner to comply with the notice within forty-eight (48) hours after receiving it, the Township of Centre may make emergency repairs, and levy cost of its work on such owner as a property lien to be collected in the manner provided by law.

SECTION 7. Construction and Repair Done on Owner's Initiative Without Notice. Any property owner not required by notice to construct, pave, repave or keep in repair sidewalks or curbs may construct, pave, repave or repair the sidewalk, curb and gutter abutting his property; provided, such owner shall make application to the Township Engineer before commencing work, shall conform to the provisions of this ordinance

and other regulations as to specifications for construction and repair work and shall notify the Engineer within two (2) days after completion of his work.

SECTION 8. Penalties. Any person who shall violate any provision of this ordinance, upon conviction thereof, shall be sentenced to pay a fine of not more than six hundred dollars (\$600.00). Each day that a violation continues shall constitute a separate offense.

SECTION 9. Severability. If any sentence, clause, section, or part 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 parts of this ordinance. It is hereby declared as the intent of the Township Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 10. Designated Areas. The designated areas are the areas defined in the subdivision ordinance and/or the zoning ordinance.

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

SECTION 12. This ordinance is to take effect on the earliest day allowed by law. *

ENACTED AND ORDAINED as an Ordinance this 22ND day of MAY, 1991.

TOWNSHIP OF CENTRE

By: Albert W. Bunkerage Sr.
Chairman

Attest: George C. Laifuit
Secretary

Joseph Dumais
Supervisor
Harold A. Spatz
Supervisor