

**ORDINANCE NUMBER 2019-26**

**CALLERY BOROUGH, BUTLER COUNTY, PENNSYLVANIA**

**AN ORDINANCE REQUIRING SIDEWALKS; REQUIRING PERMITS PRIOR TO PERFORMING SIDEWALK CONSTRUCTION OR REPAIR; PROVIDING SPECIFICATIONS FOR CONSTRUCTION AND REPAIR; REQUIRING REMOVAL OF SNOW AND ICE FROM SIDEWALKS; REQUIRING INSPECTIONS; AUTHORIZING THE BOROUGH TO PERFORM CONSTRUCTION AND MAKE REPAIRS AND COLLECT EXPENSES; AND ESTABLISHING PENALTIES FOR VIOLATIONS.**

**BE IT ENACTED AND ORDAINED**, and it is hereby enacted and ordained, by Callery Borough council, that Chapter 73, Streets and Sidewalks, Article I, Sidewalks, of the Code of the Borough of Callery is hereby revised in its entirety to read as follows:

**CHAPTER 73  
STREETS AND SIDEWALKS**

**ARTICLE I  
SIDEWALKS**

**§ 73-101. SIDEWALK CONSTRUCTION AND REPAIR REQUIRED.**

A. Council may require owners of property abutting any public street or roadway within the Borough to construct sidewalks along such property and to maintain, repair and/or replace sidewalks according to regulations and specifications adopted and modified from time-to-time by council

B. Sidewalks intended and used for private on-lot movement, such as sidewalks providing access to individual structures, service walks and similar types of walks on private property with limited pedestrian traffic are excluded from the requirements of this Article.

**§ 73-102. REQUIREMENT FOR REMOVAL OF SNOW AND ICE.**

A. The owner, occupant or tenant of any real estate abutting any public street or road in the Borough is hereby required to remove, or cause to be removed from the sidewalks in front of or alongside said real estate all snow, ice or sleet accumulations within twenty-four (24) hours after any fall of snow, ice storm, freezing rain or sleet ceases or upon notice given by the Borough to remove such snow and ice accumulations.

B. No person shall remove snow or ice from private or commercial property and place, dump, or pile such snow or ice onto any public street, road or alley or against a fire hydrant.

C. Snow removal contractors shall not plow, shovel, or blow snow onto Borough streets or state roads when removing snow from parking lots, access roads, driveways, or sidewalks.

**§ 73-103. RESPONSIBILITY FOR REMOVAL OF SNOW AND ICE.**

Property owners shall be responsible for conforming to the requirements of this Article where such real estate is occupied by such owner or is unoccupied; the tenant or occupier thereof where such real estate is occupied by such tenant or occupier only; and the owner thereof where the real estate is a multiple-business or multiple-dwelling property, occupied by more than one tenant or occupier.

**§ 73-104. AUTHORITY OF PROPERTY OWNERS TO DO WORK ON OWN INITIATIVE.**

Any owner of property abutting any public street or roadway within the Borough, may construct, repair or replace their sidewalk, or a portion thereof, along the public street and/or roadway abutting their property, upon their own initiative provided that the owner shall first obtain a sidewalk permit for the work from the Borough.

**§ 73-105. PROPERTY OWNERS TO CONSTRUCT SIDEWALKS ON NOTICE.**

Every owner of property in the Borough shall, upon notice from the Borough, construct sidewalks in the manner stipulated in such notice.

**§ 73-106. PROPERTY OWNERS TO REPAIR SIDEWALKS ON NOTICE.**

Every owner of property in the Borough shall, upon notice from the Borough, maintain, repair or replace their sidewalk in the manner stipulated in such notice.

**§ 73-107. PERMIT REQUIRED.**

It shall be unlawful for any person whether as owner or contractor to lay or repair or begin the laying or repairing of any sidewalk along any public street or roadway within the Borough, unless a permit is first obtained from the Borough.

**§ 73-108. PERMIT APPLICATION.**

A. No permit shall be issued unless an application is made on forms provided by the Borough and signed by the land owner or a duly authorized agent or contractor for the land owner. The fee for the sidewalk permit, established from time-to-time by resolution by council, shall be paid at the time application is made to the Borough.

B. The application must contain all the information needed to enable the Borough to ascertain the exact location, extent and character of the work. The Borough shall investigate the application and, unless the work would be done in violation of law, ordinance or regulation, shall issue a permit.

C. If, in the opinion of the Borough the work would be in violation of any law, ordinance or regulation, the application shall be denied.

D. If the application is denied, that applicant shall have the right to appeal the determination to council.

**§ 73-109. TERM OF PERMIT; RENEWAL.**

A. Permits are to be granted for a definite period, which is to be as short as the circumstances of the case will permit, but in no case shall a permit be granted to cover a period longer than sixty (60) consecutive days.

B. One (1) or more thirty (30) day extensions of time may be granted by council, upon written application, for good cause shown.

**§ 73-110. MATERIAL AND SPECIFICATIONS.**

A. All sidewalks shall be constructed, repaired or replaced according to regulations and specifications adopted and modified from time-to-time by council.

B. Where a unique topographic or site circumstance exists that warrants a modification of the sidewalk regulations, council may approve, upon the written request of the land owner, a reasonable modification, on a case-by-case basis.

**§ 73-111. DETERMINATION OF SCOPE OF WORK; INSPECTIONS.**

A. All sidewalks, on a case-by-case basis, shall be constructed, repaired or replaced and the grading thereof shall be done upon and according to the line and grade obtained by the property owner from the Borough Engineer.

B. It shall be the duty and responsibility of the Borough Engineer to determine, in the case of any individual property, whether the sidewalk shall be repaired or replaced, and, if so, the specific part or parts thereof to be repaired or replaced.

C. The Engineer may, at any time during the construction, repair or replacement of any sidewalk, visit the work site to ascertain whether the work is being done according to applicable requirements and specifications or at any reasonable time when requested by the property owner.

D. Within forty-eight (48) hours after the completion of any work, it shall be the duty of the property owner to notify the Borough Engineer so that the Engineer may inspect the work to determine compliance with the terms of the permit.

**§ 73-112. FAULTY CONSTRUCTION.**

If any sidewalk shall be constructed, repaired or replaced without conforming to the requirements of this Article, or of any other ordinance or law, the Borough may require the owner of the premises and other persons responsible for such construction to remove the faulty sidewalk as a nuisance, and replace it with conforming construction, and on failure of such person to do so within such time as the Borough shall fix, the Borough may proceed to do so and collect the cost thereof, with

an additional amount of ten percent (10%) from such person, which may be in addition to any fine or penalty imposed under this Article.

**§ 73-113. BOROUGH MAY PERFORM WORK AT EXPENSE OF PROPERTY OWNER.**

Upon the neglect or refusal of any property owner to comply with any of the provisions of this Article, within sixty (60) days after notice, the Borough may, after subsequent notice, may cause the sidewalk to be constructed, repaired or replaced, as the case may be, in the manner as set forth in the notice, at the expense of such owner, and may collect the cost thereof, with an additional amount of ten percent (10%), from such property owner, which may be in addition to any fine or penalty imposed under this Article.

**§ 73-114. BOROUGH MAY REMOVE SNOW AND ICE AND COLLECT EXPENSES.**

In any case where the owner, occupant or tenant, shall fail, neglect or refuse to comply with any of the provisions of this Article within the time limit prescribed, the Borough may proceed immediately to clear all snow and/or ice from the sidewalk, and to collect the charges and expenses of such removal, with an additional amount of ten percent (10%) from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under this Article.

**§ 73-115. PENALTIES.**

A. Any person who violates any provision of this Article relating to the construction, repair or replacement of sidewalks shall, upon conviction thereof, be sentenced to pay a fine not to exceed Six Hundred Dollars (\$600) per violation, including additional daily penalties for continuing violations, plus all court costs and reasonable attorney's fees incurred by the Borough. Each day of violation shall constitute a separate offense and be subject to the penalty set forth herein.

B. Any owner, occupant or tenant who shall fail to remove any snow and/or ice from any sidewalk as required by this Article, shall, upon conviction thereof, be sentenced to pay a fine of Fifty Dollars (\$50) for the first offense, One Hundred Dollars (\$100) for the second offense, and a fine of not less than One Hundred Fifty Dollars (\$150) or more than Three Hundred Dollars (\$300) for each offense thereafter, together with court costs and costs of prosecution incurred by the Borough.

**§ 73-116. AMENDMENTS.**

From time to time, council may adopt additional specifications and/or requirements, or revise, supplement, or modify the specifications and requirements set forth in this Article.

**§ 73-117. SEVERABILITY.**

A. If any sentence, clause, phrase or section of this Article 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 sentences, clauses, phrases or sections of this Article.

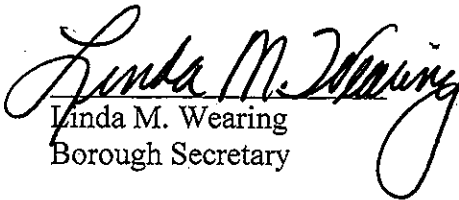
B. It is hereby declared as the intention of council that this Article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, or section thereof not been included therein.

§ 73-118. **REPEALER.** Ordinance Number 7, adopted August 10, 1905, and Chapter 73, Streets and Sidewalks, Article II, Snow and Ice Removal, of the Code of the Borough of Callery, adopted at the time of adoption of the Code, and all other ordinances, or parts of ordinances inconsistent herewith are hereby repealed.


§ 73-119. **EFFECTIVE DATE.** This Article shall become effective five (5) days after adoption.

**DULY ENACTED AND ORDAINED**, this the 6<sup>th</sup> day of May 2019, by Callery Borough council in public session duly assembled.

ATTEST:

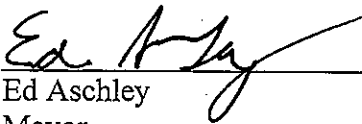
  
Linda M. Wearing  
Borough Secretary

**CALLERY BOROUGH**

By:   
Edward Conway  
Council President



**APPROVED:**

By:   
Ed Ashley  
Mayor

Date: May 6, 2019