

WAMPUM BOROUGH

ORDINANCE NO. 283

AN ORDINANCE OF THE BOROUGH OF WAMPUM REGULATING THE  
CONSTRUCTION AND REPAIR OF SIDEWALKS WITHIN THE BOROUGH

An Ordinance of the Borough of Wampum providing for the construction and repair of sidewalks within the borough.

1. For the purposes of this ordinance, the term "sidewalk" shall mean and include the portion of a street located outside the cartway, and may include paved footway, unpaved grassplot, curb and gutter.
2. It shall be unlawful for the owner or occupant of any premises abutting upon a sidewalk to permit or allow snow or ice to remain thereon for longer than 24 hours after it has ceased snowing, or to permit debris or other materials to accumulate at any time, such that pedestrians may not conveniently and safely pass.
3. All persons occupying commercial establishments or premises abutting a sidewalk or fronting on any street or public place shall keep the sidewalk immediately in front of their premises clear of debris or other materials so that pedestrians may conveniently and safely pass.
4. Persons occupying commercial establishments or premises may not sell, display or advertise goods or services on the sidewalk without obtaining special permission from the operations manager.
5. It shall be unlawful for the owner or occupant or agent caring for or in charge of ("owner, occupant or agent") of any premises abutting upon a sidewalk to permit grass or weeds to grow on the sidewalk. Such owners and occupants must also cut the grass between the sidewalk and the curb at regular intervals.
6. In the event that an owner, occupant or agent of the premises, permits grass or weeds to grow more than a length of 6 inches on the sidewalk or in the area between the sidewalk and the curb, then the Mayor or his authorized agents shall issue a summons to be served personally or by certified mail upon the owner, occupant or agent of the premises. The summons shall cite the violation of this Ordinance and shall be accompanied by a copy of the relevant provisions of the ordinance stating what corrective action must be taken, and shall state the consequences for failure to take such corrective action. If the violation is not corrected within three(3) days from the date of personal service or within seven(7) days from the date of mailing, then the Borough, at the direction of the Mayor, may remove the grass or weeds growing more than six inches on the sidewalk or growing between the sidewalk and curb in violation of this ordinance and charge the responsible person fifty(\$50.00) dollars per hour for such work that must be done to render the

property in compliance with this ordinance. When the owner or occupant or agent of any premises has received an aforesaid summons and fails to take corrective action, requiring the Borough to correct the violation in accordance with this section, then no further notification shall be necessary for the Borough to take any further corrective action on any subsequent violations within the following twelve-month period, starting from the date of the first corrective action by the Borough.

7. In the event that the aforesaid charges for the Borough's corrective action are not paid, the Borough shall place its charges and expenses as specified in the municipal lien docket as a lien against said property and in the Lien Docket maintained by the Prothonotary. The Borough Solicitor shall then be directed to enforce said lien or to collect the charges by any other means that he may deem desirable and most advantageous.
8. No person shall use a sidewalk for any purpose other than pedestrian traffic. The use of bicycles, skateboards, roller blades, motor scooters, motorcycles or any other motor vehicles is strictly prohibited. Small children using tricycles or other small-wheeled toys shall be permitted providing such children are supervised by their parent or guardian. No person shall leave, store or maintain any objects of any type whatsoever upon any sidewalk.
9. The property owner, occupant or agent of any premises abutting a sidewalk within the Borough of Wampum upon which any person is injured by reason of a defect upon the sidewalk, an object left upon the sidewalk, or an unauthorized use of a sidewalk by the owner, occupant or agent or his licensee or lessee, shall be responsible for any damages that result, and shall hold Wampum Borough harmless and indemnify the Borough for any and all claims and suits brought against the Borough, and any losses or expenses sustained by the Borough.
10. It shall be the duty of the owners of the land abutting upon any sidewalks to keep them in such repair and safe and usable condition that they may not be or become dangerous to the welfare and safety of the traveling public. The Council of the Borough of Wampum is hereby empowered to notify property owners when sidewalks are in need of repair or renewal, and the repair or renewal thereof shall be made by the property owners within thirty(30) days after said written notice is delivered to the said property owners. Nothing herein contained shall be construed to place the responsibility of determining when sidewalks may become dangerous to the welfare and safety of the traveling public within the Borough. At all times such responsibility shall be solely upon the property owner whose land abuts the curb or sidewalk.
11. No persons or person, firm or corporation shall construct or repair any sidewalk, curb or gutters without first applying for and obtaining from the Borough of Wampum a permit for the same use. The application must set out:
  - A. The full name and address of the owners of the land affected

- B. The name and address of the person or business to perform the work
  - C. The precise location of the property upon which the work is to be done
  - D. The length of the proposed project
  - E. A statement that the work will be done in accordance with all federal and state requirements, including but not limited to the Americans with Disabilities Act.
  - F. Such other information as may be considered necessary.
12. The fee for obtaining the aforesaid permit shall be Ten (\$10.00) Dollars. This fee may be amended by resolution of the Borough Council from time to time.
13. The construction of any new sidewalks or curbs and the repairing of any existing sidewalks or curbs in the Borough of Wampum shall be done in conformance with the following specifications:
- A. All federal and state requirements, including but not limited to the Americans with Disabilities Act.
14. If a property owner fails to comply with a request of the Borough to repair or renew a sidewalk within thirty(30) days of the notice to the property owner, the borough may cause the construction, grading, paving, renewal, repairing, curbing and/or guttering to be done, and charge the property owner for the cost of such work, along with a 10% penalty, and may file a municipal claim or file an action in assumpsit to collect said amount.
15. The Borough shall have the power to make emergency repairs to any sidewalk where, in the opinion of the officer or head of the department or committee lawfully having charge of sidewalk repairs, a dangerous condition exists that can be repaired by an expenditure of not more than \$500.00. Before any such repairs are made, a notice to make the repairs within forty-eight hours shall be served upon the property owner(s). If said notice cannot be served within the county, notice may be served upon the agent of the owner or the party in possession, or if there is no agent or party in possession, by posting the notice upon the premises. Upon the completion of said emergency repairs, the cost of the work shall be a charge against the property, and shall be a lien, until paid, upon the abutting property. The certificate of the officer or head of the department or committee in charge of repairs to sidewalks shall be conclusive evidence of the existence of the emergency.
16. Any person or persons, firm or corporation in violation of any of the provisions of this Ordinance shall, upon conviction before a Magisterial District Judge, be subject to a penalty pursuant to the following schedule, for each and every offense, and for costs of prosecution, and upon default in the payment of said fine and costs, shall be imprisoned for a period not exceeding thirty(30) days.

First Offense.....\$25.00  
Second Offense.....\$50.00  
Third and Subsequent Offenses.....\$100.00

Every day that a violation of this Ordinance continues shall be considered a separate offense, for which the violator may be tried and convicted without necessity of further notice. An offense shall be considered a recurring offense for the purpose of this schedule if the violator has pleaded or been found guilty of causing or permitting the same violation at the same location within the past eighteen(18) months, including every day the violation of this Ordinance continued.

17. All previous ordinances or parts thereof conflicting with this Ordinance are hereby repealed.
18. The provisions of this ordinance are severable, and if any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this ordinance. It is hereby declared to be the intent of the (Council-Board) that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.
19. This Ordinance shall become effective five(5) days after enactment.

ENACTED AND ORDAINED THIS 13<sup>th</sup> DAY OF February, 2006, BY THE COUNCIL OF THE BOROUGH OF WAMPUM, LAWRENCE COUNTY, PENNSYLVANIA.

*Howard Langford*  
PRESIDENT

ATTEST:

*Laura Beall*  
SECRETARY

EXAMINED AND APPROVED THIS 13<sup>th</sup> DAY OF February, 2006.

*J. J. [Signature]*  
MAYOR