

**SHIPPENSBURG TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 99-7.

SIDEWALKS

AN ORDINANCE OF SHIPPENSBURG TOWNSHIP, CUMBERLAND COUNTY, COMMONWEALTH OF PENNSYLVANIA, GOVERNING THE REPAIR AND MAINTENANCE OF SIDEWALKS.

IT IS HEREBY ENACTED AND ORDAINED, by the Board of Supervisors of Shippensburg Township, Cumberland County, Pennsylvania, that Ordinance No. 99-7, SIDEWALKS, is enacted to read as follows:

SECTION 1. DEFINITIONS.

- A. TOWNSHIP – The Township of Shippensburg, its designated representatives or employees.
- B. TOWNSHIP ENGINEER – The Township Engineer of the Township of Shippensburg or a duly authorized representative.
- C. DETERIORATION – When a sidewalk contains a hole one (1) or more inches in depth and four (4) or more square inches in the area of the surface or contains an abrupt elevation at a crack or joint, or broken sidewalk or joint, where the differential is one (1) or more inches between the sections of the sidewalk or the curb contiguous thereto; when one-half (1/2) or more of the bricks are missing in a brick sidewalk or such sidewalk meets the criteria above; when a concrete sidewalk is crushed and/or broken into more than five (5) pieces in an average square of the sidewalk or eight (8) square feet, whichever shall be smaller; when the surface of the sidewalk is spalled exposing a rough surface or stone and gravel in an area of the smaller of eight (8) square feet or the average size of a square of that sidewalk; when a concrete curb is cracked or broken such that the curb has portions missing of a width one (1) inch or more in any one (1) section of the curb or a vertical or horizontal misalignment of one (1) or more inches.
- D. PROPERTY OWNER – Any natural individual or individuals, firm or firms, company or companies, or corporation or corporations owning real estate in the Township of Shippensburg, Pennsylvania.

SECTION 2. RESPONSIBILITIES OF PROPERTY OWNERS.

Abutting property owners shall be responsible for paving and curbing sidewalks and for keeping sidewalks and curbs in good repair and safe condition, shall not allow deterioration to occur, and shall not permit hazards to either pedestrian or vehicle traffic to exist.

SECTION 3. OBSTRUCTIONS.

All abutting property owners shall be responsible to trim or remove trees and stumps which may create a hazardous condition in the sidewalk or curb along such property owner's property and shall construct or install gutters, channels, boxes or inserts in the sidewalk in accordance with specifications determined from time to time by the Township or the Township's Engineer.

SECTION 4. SNOW AND ICE. REMOVAL BY OWNER, OCCUPANT OR TENANT; TIME FOR REMOVAL.

The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Township of Shippensburg is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside of such property all snow or ice thereon fallen or formed within eight (8) hours after the same shall have ceased to fall or to form; provided that snow or ice that has ceased to fall or to be formed after 6:00 p.m. of any evening may be removed at any time before 10:00 a.m. of the next morning or within eight (8) hours, if an eight-hour period shall extend beyond 10:00 a.m.

SECTION 5. FAILURE TO COMPLY.

A. Maintenance and Repairs

Upon the neglect of any property owner to comply with any of the requirements provided in Section 2. or Section 3. of this Ordinance, the Township may, after sixty (60) days' notice, cause the grading, paving, repairing, curbing, removal of obstruction an/or guttering to be done at the cost of such owner, and may collect the cost thereof and ten percent (10%) additional, together with all charges and expenses, from such owner, which may be in addition to any fine or penalty imposed under Section 8. of this Ordinance.

B. Snow and Ice Removal

In any case where the owner, occupant or tenant, shall fail, neglect or refuse to comply with the provisions of Section 4. of this Ordinance within the time limit prescribed therein, the Township may, after eight (8) hours notice, proceed immediately to clear all snow and/or ice from the sidewalk of such delinquents and to collect the cost thereof, and ten percent (10%) additional, together with all charges and expenses, from an owner, occupant or tenant which may be in addition to any fine or penalty imposed under Section 8. of this Ordinance.

C. The Township may file a municipal claim to collect any amount due under A. or B. above and proceed to collect the same by an action in assumpsit.

SECTION 6. NOTICES.

All notices shall be served upon the owner of the premises to which the notice refers, if such owner is a resident of the Township. If the owner is not a resident, then the notice may be served upon the agent or tenant of the owner, or upon the occupant of such premises. If the owner has no agent or tenant or there is no occupier of such premises, then service shall be by notice posted upon the premises.

SECTION 7. LIABILITY.

Nothing contained in this Ordinance shall be construed to place the responsibility of determining when sidewalks may become dangerous to the welfare and safety of the traveling public upon the Township. At all times such responsibility shall be solely upon the property owner whose land abuts the sidewalk.

SECTION 8. VIOLATIONS AND PENALTIES.

Any person, partnership, firm or corporation, who shall violate any provisions of this Ordinance shall, upon conviction thereof before a District Justice, be subject to pay a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and costs of prosecution, and in default of payment of fine and costs, to undergo imprisonment of not more than five (5) days. Each day a violation occurs shall constitute a separate offense.

SECTION 9. LEGALITY.

If any sentence, clause or 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 or sections or part of this ordinance. It is hereby declared as the intent of the Board of Supervisors