BOROUGH OF FORTY FORT
LUZERNE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024 – __3___
(SIDEWALK CONSTRUCTION AND MAINTENANCE)

AN ORDINANCE ESTABLISHING SIDEWALK CONSTRUCTION AND MAINTENANCE WITHIN FORTY FORT BOROUGH

WHEREAS, the Borough of Forty Fort has determined that it is in the best interest of the Borough to enact Sidewalk Construction and Maintenance requirements within Forty Fort Borough.

NOW THEREFORE, the Borough of Forty Fort, Luzerne County, Pennsylvania does hereby **ENACT** and **ORDAIN** the 'Sidewalk Construction and Maintenance' Ordinance as follows:

1. Construction responsibility of owners fronting streets.

The owner or owners of any lot or lots fronting upon any street, avenue or highway within the Borough of Forty Fort shall, after notice as hereinafter provided, grade and pave the sidewalk along the front thereof within 30 days from the date of the giving of such notice. Construction of sidewalks where none exist on the effective date of this ordinance shall be required only when ordered by action of Borough Council.

2. Construction and repair by municipality; recovery of costs.

Upon the neglect of any property owner or owners to comply with any of the requirements provided in the preceding sections of this Article, the Borough may, after giving notice as called for in the preceding sections, cause the grading, paving or repairing to be done at the cost of such owner or owners and may collect the cost thereof and 10% additional, together with all charges and expenses, from such owner or owners and may file a municipal claim therefor or collect the same by action of assumpsit.

3. Service of notice.

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

4. General responsibilities of owners fronting streets and highways.

A. The owner or owners of any lot, lots or property fronting or abutting on any public highway, street, lane or alley in the Borough of Forty Fort, Pennsylvania, shall, after notice as

hereinafter provided, be and they are hereby required to construct sidewalks and keep the same in good repair and condition and shall construct, replace, and repair the same in accordance with the provisions of this Article.

B. No tree, shrub or other plant growth shall be permitted less than seven (7) feet above sidewalks.

C. If any such owner or owners, subject to the provisions of this Article, shall refuse or neglect to comply therewith for a period of more than 30 days after the passage of this Article, or after 30 days' notice so to do by the Borough of Forty Fort, then the Borough of Forty Fort shall have sidewalks constructed, repaired or replaced in accordance with this Article and the cost and expense of the same, together with a penalty of 10% additional cost, shall be collected from the person or persons so refusing or neglecting, in the manner provided by law.

5. Responsibility upon issuance of building permit.

Upon the issuance of a building permit for a new building, the owner through his contractor is obligated to install sidewalks, if required, as a part of the building contract. Such installation to be in accord with the regulations herein.

6. Required lines and grades.

All sidewalks constructed or repaired in and about the Borough of Forty Fort shall be constructed and/or repaired to lines and grades as established and on file, or to be placed on file in the Borough Engineer's office, and where feasible, they are hereby fixed at a uniform width of not less than four feet on the respective highways from the line of the highway towards the curb, gutter or cartway on each side, the four-foot width may be increased by waiver, dependent upon existing conditions and location, but in no case shall said width be less than four feet. Said waiver shall be in accordance with directions set forth by the Borough Engineer upon written application by owner or owners to the Borough Engineer.

7. Construction regulations.

Sidewalks in and about the Borough of Forty Fort may be constructed only of concrete or stone flagging and must be constructed under the following regulations:

A. In replacement of old sidewalks, the new constructed walks shall be of concrete and shall be the same width as the two adjoining properties' sidewalks.

B. All driveways in the sidewalk area shall consist of concrete and shall be constructed to borough specifications.

C. All new sidewalk elevations must be approved by the Borough Engineer before forms are set or concrete is poured. Walks and grades not approved by the Borough Engineer shall be removed at the expense of the property owner.

D. Stone flagging on walks six feet wide or over must consist of stone not less than four feet long by three feet wide and two inches thick; four-foot walks must consist of stone not less

than three feet long by two feet wide by two inches thick. Said stones must be laid evenly on a base of crushed stones, porous cinders or sand not less than four inches in depth with joints not more than *1/2* inch in width.

E. Concrete shall be at least four inches thick, except where driveways cross sidewalks, thickness shall be six inches; sidewalks shall be constructed of not less than one part cement, to two parts sand and four parts of crushed stone or gravel; concrete shall be air-entrained and capable of testing to a 2,500 pounds per square inch compression after 28 days, curing may be by natural means or chemically sprayed. All sidewalks shall be sprayed with an anti-spalling protective treatment after the twenty-eight-day period is fulfilled. Concrete shall be placed on a base of crushed stone, porous cinders or sand not less than four inches in depth, with one layer of six by six (6 x 6) 10/10 welded wire mesh reinforcing placed halfway between the top and bottom of the sidewalk slab. Finish shall be steel troweled, with a light broomed or float finish.

F. Asphalt or asphalt mixture shall not be used for new construction of sidewalks or driveways crossing sidewalks or for patching of sidewalks.

8. Reconstruction by utility contractors.

When a cut is made by a contractor (plumber, electrical, etc.) utility or utility contractor in any existing sidewalk, the walk where damaged shall be reconstructed so that the entire width of the existing walk is replaced with concrete as hereinbefore regulated for a distance not less than eight inches beyond the initial cut opening paralleling the street line. Where existing sidewalk is concrete, and the cut is made with a saw in a straight and neat manner, only the portion removed will need to be replaced subject to approval of the Engineer.

A. Sidewalk must be replaced by contractor within 10 days after backfilling.

B. Trenches must be properly barricaded and lighted.

C. No trees shall be cut or removed without permission of the Shade Tree Committee.

D. Tunneling will not be permitted without permission of the Borough Engineer.

E. Sidewalks shall be level with the driveway grades and in no case shall step-downs be acceptable. When approved by Borough Engineer, sidewalks may be sloped to driveways if excessive grades prohibit a level installation.

9. Required replacement.

A. The Sidewalk Inspector, as hereinto referred, shall direct the owner or owners of properties fronting or abutting on any public highway, street, lane, or alley in the Borough of Forty Fort to repair or replace any sidewalk which in his discretionary opinion does not meet borough standards, such as:

(1) Sidewalks buckled by tree roots or frost upheaval, presenting an uneven variation in elevation between units, in excess of one to one and one-half (1 1/2) inches or more, which would be detrimental and/or injurious to a person walking thereon.

(2) Sidewalks cracked by settling, heavy truck or other vehicular traffic which present the same characteristics as noted in Subsection **A(1).**

(3) Sidewalks overly pitted or deteriorating to a point where a serious condition is prevalent, and the safety of the public is endangered.

B. Driveway curb cuts shall be made only after approval of the Borough Engineer. All cuts shall be 10 feet, 10 inches, in length in residential districts, nor more than 35 feet, zero inches, in length in commercial districts, and shall be elevated two inches minimum above pavement in order to provide a proper gutter for storm water drainage. New curb recesses in new curbing shall also comply with the dimensions set forth herein.

10. Violations and penalties.

Any willful violation of any section of this Article shall constitute a summary offense and, upon conviction, the defendant may be subject to costs, a fine of not more than $300 and, in default of the payment thereof, be sentenced to the municipality's correctional facility for a period not exceeding 10 days or to the Luzerne County Correctional Facility for a period not exceeding 30 day

All Ordinances or Resolutions or parts of Ordinances or Resolutions not consistent with this Ordinance are hereby repealed insofar as the same affect this Ordinance.

This Ordinance shall take effect five (5) days from the date of adoption.

ENACTED and **ORDAINED** this __3rd___ day of _September__, 2024.

THE BOROUGH OF FORTY FORT:

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THOMAS J. MURRAY, III, Council President

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BRIAN THOMAS, Mayor

ATTEST:

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MICHELE PASCARELLA, Secretary