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**ARTICLE IX, Installation of Sidewalks [Adopted by Ord. No. 2-11-74B]**

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**59.45 Determination of necessity**

[Amended by Ord. No. 11-15-76C]

59.45.1 In considering all future subdivisions, land development plans or site plan applications the Planning Commission shall require the applicant or developer to provide sidewalks when the Commission, in its discretion, determines that sidewalks are necessary to properly assure the safety of the property owners in the proposed plan and the residents of the municipality. Upon submission of the proposed subdivision, land development plan or site plan to the Municipal Council, the Council shall render a final decision as to the necessity of sidewalks in any given situation.

**59.46 Authority of Council to require installation; definitions**

59.46.1 The Municipal Council may, in its discretion, require the installation of sidewalks along any municipal or other public right-of-way in the municipality when Council, in its discretion, determines that sidewalks are necessary to assure the safer movement of pedestrians in the municipality.

59.46.2 As used in this ordinance, the following terms shall have the meanings indicated:  
[Added by Ord. No. 5-5-80A]

59.46.3 SIDEWALK -- A pedestrian walkway and, for the purposes of this ordinance, includes supporting walls, retaining walls, railings, grass area between sidewalk and curb and any other structures or appurtenances necessary, desirable or incidental to the installation and safe use of a sidewalk.

**59.47 Allocation of costs**

59.47.1 The cost of the initial installation of sidewalks shall be allocated as follows:

1. When required as part of a subdivision or site plan, the cost of installation shall be the responsibility of the developer.
2. When authorized by the Municipal Council in areas where no subdivision or site

plan approval is involved, the cost shall be borne by the municipality.

**59.48 Construction specifications**

59.48.1 The sidewalks shall be constructed of concrete, and the specifications as to size and material shall be in accordance with standards promulgated by the Municipal Engineer. The location and size of the sidewalks as well as the material utilized in its construction shall be subject to the Municipal Engineer's approval.

**59.49 Responsibility for repairs**

59.49.1 After the initial installation of any sidewalk, all repairs and replacement shall be the responsibility of the abutting property owner.

**59.50 Responsibility for maintenance**

59.50.1 Sidewalks constructed pursuant to this ordinance shall be for the use of pedestrians only. It shall be the responsibility of the owner and/or legal resident of the property abutting on the sidewalk to clean the sidewalk of snow, ice and other debris which might endanger pedestrians. The sidewalk shall be cleared within twenty-four (24) hours after the accumulation of snow, ice or debris has occurred or as otherwise required in the premises. It shall be unlawful to shovel snow, ice or other debris into the paved portion of any street or highway in the municipality.

59.50.2 In any case where the owner and/or legal resident of the property abutting on the sidewalk shall fail, neglect or refuse to comply with any provision of Section 6 hereof, the Manager or his designee may proceed immediately by forced account work or by contract, as deemed most expedient in the Manager's sole discretion, to clear the snow and/or ice from the sidewalk of such owner and/or legal resident. [Added by Ord. No. 7-11-83C]

59.50.3 Upon completion of snow and/or ice removal, the Manager shall certify the cost thereof and shall authorize the Solicitor to collect the expenses thereof with ten per centum (10%) added thereto, from the owners and/or legal resident as the case may be, which may be in addition to any fine imposed pursuant to Section 8 hereof and said owner and/or legal resident shall be jointly and severally liable for all loss and expenses. [Added by Ord. No. 7-11-83C].

**59.51 Motor vehicles and bicycles; removal of dangerous objects**

- 59.51.1 Sidewalks are intended for the use of pedestrians only. The riding of two-wheeled bicycles shall be prohibited on any sidewalk in the municipality. Two-wheeled bicycles may be wheeled on the sidewalks, provided the operator walks alongside the bicycle and has it under control at all times.
- 59.51.2 It shall be the responsibility of the owner or legal resident of the property abutting on the sidewalk to remove from the sidewalk, prior to darkness, any toys, items or other material which might endanger a pedestrian.

### **59.52 Violations and civil penalties**

- 59.52.1 Any person, partnership, firm or corporation or other legal entity who or which shall violate or fail or neglect or refuse to comply with any of the provisions of this ordinance shall be subject to a fine by a District Justice of not more than three hundred dollars (\$300.00) and court costs, provided that each day's violation shall constitute a separate offense and notice to an offender shall not be necessary in order to constitute an offense and provided further that any penalty and costs hereunder shall be in addition to and not in substitution for any costs and expenses imposed by Section 11 of this ordinance. No civil penalty assessed under this section shall subject a violator to imprisonment. All fines shall be collected in the same manner as civil judgments. [Amended by Ord. No. 7-11-83C]

### **59.53 Installations as precedent to granting of development applications and building permits; additional remedies**

- 59.53.1 Notwithstanding the provisions of this ordinance and in addition to the penalties provided herein, the Planning Commission and/or Municipal Council may require the installation of sidewalks as a condition precedent to granting an application for development or issuing a building permit; and the Planning Commission and/or Municipal Council may, in addition to the remedies provided herein, invoke any other remedy authorized under the Pennsylvania Municipalities Planning Code, 1968, July 31 (53 P.S. 10101, Article I, Section 101), as amended, or as authorized by any other appropriate state or local ordinance which might have application in the premises.

### **59.54 Repealer**

- 59.54.1 Any ordinance or part of ordinance conflicting with the provisions of this ordinance shall be and the same is hereby repealed to the extent of such conflict.