

ORDINANCE 128

AN ORDINANCE OF THE TOWNSHIP OF BENNER, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING CONSTRUCTION STANDARDS AND MAINTENANCE REPOSNSIBILITIES FOR EXISTING AND PROPOSED PUBLIC SIDEWALKS LOCATED ALONG PUBLIC ROADWAYS WITHIN BENNER TOWNSHIP.

It is the intent of Benner Township to establish clearly defined construction standards and maintenance responsibilities for public sidewalks located along public roadways.

A. Construction of Sidewalks

- 1) All sidewalks are to be cement concrete, 5' in width, in accordance with PennDOT Publication 408, Section 676.
- 2) All materials used in sidewalk construction are to be in accordance with PennDOT Publication 408, Section 676.2
- 3) Construction methods are to be in accordance with PennDOT Publication 408, Section 676.3 except that the aggregate bed may be 4" in depth.
- 4) For new sidewalk construction curb ramps in accordance with PennDOT Publication 72M, RC-67M, must be provided at all intersections with public or private roadways.

B. Maintenance, repair and reconstruction of sidewalks. All property owners who abut a sidewalk available for public use, whether such sidewalk is located in a public right of way or adjacent to it shall be responsible for keeping it free of obstructions and for the repair and maintenance of the sidewalk. Deficiencies requiring repair are as follows:

- 1) Horizontal alignment. A sidewalk shall be repaired when a crack within a square or a joint between two adjacent squares has separated to a distance of one inch or greater or when the edges of a crack are chipped or broken to create surface openings of one inch or greater.
- 2) Vertical alignment. Repairs shall be made when a sidewalk square or portion of a square has risen or sunk one inch or more in relation to the remainder of the square or to an adjacent square.
- 3) Surface deterioration. A sidewalk square much be repaired when 25% or more of the exposed horizontal surface of the square has spalled or crumbled, exposing aggregate and creating peaks and valleys to a depth of ½ inch or more below the original surface.

C. Maintenance or repair procedures are as follows:

1) In the event that the condition of any sidewalk requires removal of an obstruction or the maintenance, repair or replacement of the sidewalk as required by the regulations of this or any other ordinance of Benner Township, The Benner Township Supervisors or their designee shall cause notice to be sent in writing, to the owners of the property requiring repairs. Said notice shall state the nature of the repairs, maintenance or obstruction removal that is required. The following conditions shall apply to said notice:

- a) Deficiencies as detailed in the notice shall be corrected by the property owner.
- b) The property owner shall be given 90 days to correct the deficiencies detailed in the notice.
- c) Fines for non-compliance by the owner shall be set by resolution by the Benner Township Board of Supervisors.

2) Upon failure of any property owner to make necessary repairs required by the notice provided for hereinabove within the time fixed by this ordinance, the Township is hereby authorized and empowered through its duly authorized agents, or employees, to enter upon the premises and make the necessary repairs, or remove the offending obstructions and the expense thereof shall be levied against the property and collected from the owners of said property in the manner provided for the collection of municipal liens.

3) It shall be unlawful for any person to tear up, destroy, remove, deface or excavate or otherwise damage any sidewalk in the public right-of-way or adjacent to the public right-of way except as may be permitted by Benner Township.

This Ordinance shall become effective within five (5) days after adoption.

ORDAINED AND ENACTED at a Regular meeting of the Board of Supervisors, Benner Township, Centre County, Pennsylvania, on this 7th day of December, 2015.

TOWNSHIP OF BENNER

By 

David R. Wise, Chairman

ATTEST:


Sharon L. Royer, Secretary