

**NEW BETHLEHEM BOROUGH,
CLARION COUNTY, PENNSYLVANIA**

Ordinance No. #883

**AN ORDINANCE REGULATING
CONSTRUCTION AND MAINTENANCE OF SIDEWALKS
WITHIN THE BOROUGH OF NEW BETHLEHEM**

WHEREAS, it is the intent of the Council of New Bethlehem Borough to take reasonable measures to protect the health, safety and well-being of the community and, in particular, to maintain clean and safe public areas for Borough residents and visitors;

WHEREAS, the Council of New Bethlehem Borough believes there is a need for clarification and consistency and continued enforcement of the duty of residents and property owners to maintain clean and safe sidewalks to promote safety, then;

BE IT ORDAINED BY THE COUNCIL OF NEW BETHLEHEM BOROUGH, CLARION COUNTY, PENNSYLVANIA THAT THE SIDEWALK ORDINANCE IN CHAPTER XXIII OF THE CODE OF NEW BETHLEHEM IS HEREBY AMENDED AND REENACTED TO READ AS FOLLOWS:

**Part 2
Sidewalks**

Section 51. Width and Materials for Sidewalks. Unless otherwise provided by Resolution of Council for special circumstances and as otherwise provided herein, the owner or owners of any lot abutting on any of the streets within the Borough or parts of streets within the Borough, but not including alleys, and as hereafter designated in this section, are hereby required to lay and build, upon grades fixed by the Council, substantial sidewalks of concrete, of at least four (4) feet in width unless otherwise provided below, in front and along the side or rear of each lot, such concrete for all new construction, reconstruction or repair, to conform to specifications established by the Council. All sidewalks shall be laid under the direction of the Street Commissioner. The owner or owners of every lot shall keep sidewalks abutting streets in constant and good repair. Sidewalks abutting driveways or along the side or rear of lots may be of such material as authorized by resolution of Council.

(a) Broad Street, from West end to Wood Street, on both sides shall be laid with sidewalk from the building to the curb and from Wood Street to Vine Street a minimum of seven and one-half (7 ½) feet wide from the line of the street to the curb line, from Vine Street to East End, on south side, a minimum of six (6) feet wide.

(b) Garfield Street, from Liberty Street to Lafayette Street, four (4) feet wide.

(c) Liberty Street, from Water Street to Washington Street, four (4) feet wide.

(d) Wood Street, from Broad Street to Arch Street, a minimum of six and one-half (6 ½) feet wide; from Arch Street to Borough limits, a minimum of four (4) feet wide, or four (4) feet wide with one (1) foot of sod next to property line and one (1) foot of sod next to border on the street line.

(e) Vine Street, from Broad Street to Washington Street, a minimum of four (4) feet wide.

(f) Lafayette Street, from Water Street to cemetery gate a minimum of four (4) feet wide or a minimum of four (4) feet with one (1) foot of sod next to property line and one (1) foot of sod to border on the street line.

(g) Penn Street, to be paved with sidewalk a minimum of four (4) feet wide with one (1) foot of sod next to the property line and one (1) foot of sod to border on the street side, and from there to be sloped uniformly to the gutter.

(h) Keck Avenue, from Penn Street to Franklin Avenue, to be paved with sidewalk a minimum of four (4) feet wide with one (1) foot of sod next to property line, and one (1) foot of sod to border on the street side and from there to be sloped uniformly to the gutter.

(i) Washington Street, from Liberty Street to Vine Street, a minimum of four (4) feet wide or said sidewalk may be four (4) feet wide with one (1) foot of sod next to property line and one (1) foot of sod to border on street line.

Section 52. Property Owner to Keep Grassplots Along Sidewalk in Good Order.

The sod along the sidewalks shall be maintained level with the sidewalk and shall be kept in a neat and tidy condition. Upon failure on the part of any property owner to keep such sod in a neat and tidy condition, after five (5) days' notice from the Mayor, the Street Commissioner shall be authorized to put such sod or grass in proper condition at the expense of such property owner with ten per centum (10%) added.

Section 53. Borough to Construct or Repair Sidewalk and Collect Cost upon Failure of Property Owner to Do So.

If any person, firm or corporation shall fail to make or repair any sidewalk abutting his, her or its property after twenty (20) days' notice in writing from the Mayor or Council so to do, the Street Commissioner shall proceed under the direction of the Council or Street Committee, to build or repair the same, and collect the cost of the work and materials, with ten per centum (10%) added thereto.

Section 54. Tree Line on Penn and Washington Streets. The line for shade trees shall be: on Penn Street eight feet six inches (8'6") from the property line, on Washington Street seven feet (7') from the property line. (January 19, 1898, Section 114, as amended by Ordinance 563, August 19, 1952, Section 24).

Section 55. (Repealed by Ordinance 727).

Section 56. Sleds and Other Devices not to be Used on Sidewalks. It shall be unlawful for any person to ride a motorcycle, moped, all terrain vehicle or similar motorized vehicle, excluding motorized wheelchairs and snow removal or maintenance equipment, or to coast on a sled on any public sidewalk in the Borough. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than fifty dollars (\$50.00), and, in default of payment of such fine and costs of prosecution, to imprisonment in the County Jail for not more than five (5) days.

Section 57. Responsibility for Removal of Snow and Ice from Sidewalks. The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in New Bethlehem Borough 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 and ice thereon fallen or formed, within twenty-four (24) hours after the same shall have ceased to fall or to form. The owner of a property shall be responsible for conforming to the requirements of this section where such property is occupied by such owner or is unoccupied; the tenant or occupier thereof, where such property is occupied by such tenant or occupier only; and the owner thereof where the property is a multiple-business or multiple-dwelling property, occupied by more than one tenant or occupier.

Section 58. Placement of Removed Snow. The snow removed from the sidewalks shall be piled along the curb line and not thrown onto the street. (Ordinance 726, February 9, 1976, Section 2).

Section 59. Borough May Remove Snow and Ice and Collect Cost, Plus Additional Amount. In any case where the owner, occupant or tenant as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of Sections 57 or 58 of this ordinance within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquents, and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under this ordinance.

Section 60. Penalty for Failure to Remove Snow and Ice or Repair Sidewalk Any owner, occupant or tenant who shall fail to remove any snow or ice from any sidewalk or to repair sidewalks as required by this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more one hundred dollars (\$100.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than ten (10) days. Provided: such fine and costs of prosecution may be in addition to any expenses and additional amounts authorized by law, imposed as provided in Sections 53 and 59 of this ordinance. Each day of violation shall constitute a separate and distinct offense. The costs of repair, removal, fine and penalties hereinabove mentioned may be entered by the Borough as a lien against property in accordance with existing provisions of law.

Section 61. Severability. If any sentence, clause, 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, sections or parts of this ordinance. It is hereby declared the intent of the Council of the Borough of New Bethlehem that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 62. Repealer. Chapter XXIII of the Code of Ordinances of New Bethlehem Borough enacted on January 19, 1898, as Sections 89 and 114, as amended by Ordinance 563, August 19, 1952, Sections 22 and 24, and as amended by Ordinance 726, February 9, 1976, Sections 1, 2, 3 and 4 are hereby repealed and reenacted as stated above, and any other ordinances or part of any ordinance conflicting with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 63. Validation. This Ordinance shall take effect upon its adoption by the Council of the Borough of New Bethlehem and approval of the Mayor.

ORDAINED and ENACTED as an Ordinance of the Borough of New Bethlehem, Clarion County, Pennsylvania, this 17th day of March, 2008.

NEW BETHLEHEM BOROUGH

By: s/ Sandra C. Mateer
Vice President of
New Bethlehem Borough Council

ATTEST:
s/ Richard McGarrity
Secretary

The foregoing Ordinance of the Borough of New Bethlehem is hereby approved by the Mayor of New Bethlehem Borough on the 17th day of March, 2008.

s/ Tom Seidle
Mayor of the Borough of New Bethlehem