

ORDINANCE NO. 2023-09

SIDEWALKS

AN ORDINANCE OF THE BOROUGH OF GREENSBORO, GREENE COUNTY, PENNSYLVANIA, ESTABLISHING OBLIGATIONS OF MAINTENANCE AND REPAIR AND RESTRICTIONS UPON USE OF SIDEWALKS AND ALLOWING FOR PENALTIES IN VIOLATION THEREOF

WHEREAS, it is deemed necessary for the safety and welfare of the citizens of Greensboro Borough to enact this Ordinance.

NOW, THEREFORE, pursuant to the specific powers granted by the Borough Code, 8 Pa. C.S.A. § 1202 and 8 Pa. C.S.A. § 1800, et. seq., the Borough Council of Greensboro Borough, Greene County, Pennsylvania, (hereafter “Borough”) does hereby enact and ordain the following:

SECTION 1: Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

Borough. The term "borough" means the Borough of Greensboro, Pennsylvania.

Borough council, council. The term "borough council" or "council" means the council of the borough.

Controlling. The term “controlling,” as applied to property, includes any person who maintains, oversees, manages, or controls all, or a portion, of such property.

Duly authorized law enforcement officer. The term “duly authorized law enforcement officer” means any police officer who is a member of a municipal police force which has entered into an intergovernmental cooperation agreement with the borough and who has been authorized to enforce this ordinance by resolution of borough council.

Footway. The term “footway” means that portion of the street between the curb line and the adjacent property line intended for the use of the public which has not been improved in a manner whereby it is deemed a sidewalk.

Owner, Owning. The term "owner" or “owning,” as applied to property, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or part of such property, and vendees under a contract for deed.

Person. The term "person" means any human being, any governmental or political subdivision or public agency, any public or private corporation, any partnership, any firm, association or

other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

Personal property. The term "personal property" means any property other than real property.

Premises. The term "premises", as applied to real property, includes land and structures.

Property. The term "property" includes real property and personal property.

Public Property. The term "public property" means all property owned, leased, licensed, or otherwise maintained by the borough.

Real property, real estate, land. The terms "real property," "real estate," and "land" include lands, buildings, tenements and hereditaments and all rights and interests therein except chattel interests.

Sidewalk. The term "sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians, excluding parkways.

Street. The term "street" means any street, avenue, boulevard, road, alley, lane, viaduct, and any other public way in the borough and includes all areas thereof embraced between the property lines and dedicated to the public use.

Occupant, Occupying. The term "occupant" or "occupying" as applied to this Ordinance, includes:

- 1) Any person holding, either alone or with others, a written or oral lease of such building or land.
- 2) Any person who, either alone or with others, occupies such building or land.

Writing. The term "writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is authorized or required, it shall be made in writing in the English language.

SECTION 2: Removal of Snow and Ice

- A) No person owning, controlling, or occupying any lot, ground or premises adjoining or fronting any of the streets or alleyways in the borough shall permit snow and ice to accumulate or remain upon the pavements, sidewalks, or walkways in front of or adjoining such lot, ground or premises, for a longer period than twenty-four (24) hours after it has stopped snowing or after the accumulation of ice thereon.
- B) In addition to the penalty provided in Section 2(D), the Borough Council, any officer or employee of the Borough designated thereby for the purpose, or duly authorized law enforcement officer is hereby authorized to give notice, by personal service or by

United States mail, to the property owner or occupant, as the case may be of any violation of Section 2(A) of this Ordinance, directing and requiring such property owner or occupant to remove snow and/or ice, so as to conform to the requirements of this Ordinance, within twenty-four (24) hours after issuance of such notice. If the property is occupied by a person or entity other than the property owner, notice shall be provided to both the owner and the occupant.

- 1) In the event there is no occupant, or the property owner cannot be personally located within the Borough, then notice shall be served 1) by United States mail to the property owner at the address noted in the records of the Greene County Tax Assessment Office as the address to which real estate taxes are to be directed and 2) by posting the property with the notice and obtaining a photograph of the posting as evidence of the placement of said notice.
- C) In case any owner or occupant or person in control shall neglect, fail or refuse to comply with such notice, within the period of time stated herein, the borough authorities may remove snow and ice, and the cost thereof, together with any additional penalty authorized by the law, may be collected by the borough, from such owner or occupant.
- 1) An invoice will be served upon the property owner or occupant, or in the case the occupant is not the owner, then upon both owner and occupant. Said invoice will reflect the cost borne by the Borough in the payment of its employees in conducting the necessary removal of said nuisance together with a penalty of ten (10%) percent of the total cost.
 - 2) Should the property owner or occupant fail to make full payment upon the invoice within thirty (30) days of the issuance thereof, the Borough may enforce collection of said sums through any manner afforded by law, including but not limited to, the filing of a municipal claim, an action of assumpsit or seeking relief by bill in equity.
- D) Penalties: Any person or entity violating this Section shall pay a fine of \$75.00. Any person convicted of any violation of this section by a magisterial judge shall pay an amount equal to twice the underlying fine plus costs of prosecution, as set forth in this section. The fine noted herein may be subsequently revised from time to time by resolution of borough council.

SECTION 3: Sidewalk Obstruction, Damage, or Injury

- A) No person shall place or knowingly drop upon any part of a sidewalk or other public property any tacks, bottles, wire, glass, nails, or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or public property.
- B) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

- C) No person shall place, deposit, or maintain any merchandise, goods, material, or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no case shall the obstruction remain on such sidewalk for more than one hour.
- D) No person shall unload upon, or transport any heavy merchandise, goods, material, or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.
- E) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.

SECTION 4: Grading, Width and Construction

- A) The borough may, at its exclusive discretion, pay for all or any part of the cost and expense of grading all sidewalks and footways along the streets in the borough which shall be done and put to such grade as herein provided.
- B) All sidewalks and footways shall have a downward pitch or slope from the inside edge toward the outside edge of the curb of one-fourth inch to the foot and conform to the grade established for the curb; provided, however, that the grade of any sidewalk may hereafter, by ordinance, be ordained at the time of ordaining the curb and gutter, to be other than the grade of the curb whenever circumstances of topography, etc., require.
- C) All sidewalks and footways shall conform in width, to that now established, but new work shall not be less than five feet in width with a two-foot grass strip between the street side of the sidewalk and the curb making a distance of seven feet from the curb or, at the option of the owner of land abutting the sidewalk, the new walk may be seven feet in width, thus eliminating the two foot grass strip. However, when circumstances of topography, etc., so require, on recommendation of the borough engineer, council may by resolution, authorize and direct that new sidewalks may be constructed at a width narrower than above specified.
- D) All new sidewalks and footways, unless as hereafter provided, shall be constructed of concrete using a standard mix of one part cement to two parts clean sand and three parts gravel, broken stone, or slag, laid to grade as above specified and separated by expansion joints, not more than six feet apart, and shall have a uniform thickness of four inches. The surface of all such sidewalks shall be sufficiently roughened to prevent slipping and each section joined to the section next abutting so that the surface of the finished pavement will be uniform and free from holes, offsets, or depressions.

SECTION 5: Notice to Construct or Repair

Upon direction of council, the borough secretary shall prepare a proper notice in writing, directing the property owner to lay either a temporary or a permanent pavement or sidewalk, or to repair a defective sidewalk. The notice shall state the kind of pavement to be laid, the width and the time when it shall be completed. Like information shall be given in the case of notice to repair defective sidewalks. In the case of temporary sidewalks or footways, the notice shall state the width of the sidewalks and the time when the same shall be completed. All such notices shall have printed thereon the manner of service thereof as required by law. The Borough Code Enforcement Office or any duly authorized law enforcement officer is hereby designated as the proper officer to serve all notices and statements pertaining to sidewalks or footways, and he or she shall make a sworn return of the service of all such notices within two days from the service thereof; and the borough secretary shall place a copy of the notice together with the return of the service thereof on file.

SECTION 6: Temporary Sidewalks

In localities where the value of the abutting real estate will not reasonably justify the expenditure necessary to provide permanent sidewalks or footways, as specified in Section 4 of this ordinance, then council may, upon written application of the property owner, or of its own motion, authorize and direct the laying of temporary sidewalks on the natural grade.

SECTION 7: Temporary Sidewalk Specifications

Temporary sidewalks shall be constructed by the use of two-inch by four-inch oak plank, spaced and staked five feet apart, and laid parallel with the curb or property lines and filled with cinders, broken stone, slag or red-dog or a combination thereof, as the borough council or its designated agent may direct. The top or surface of every such temporary sidewalk shall be raked level and made smooth and even and shall be maintained by the property owner free from grass and weeds.

SECTION 8: Payment of Costs

Ten days' written notice shall be given to each property owner, directing him to repair, lay or provide such sidewalk, pavement or footway as council may direct and as required by this Ordinance. Failure on the part of any property owner to comply with the requirements of the written notice shall authorize the borough, through its designated agent authorized by council, to do the work specified in the notice, and collect from the property owner the whole cost of the improvement together with ten percent of the cost as a penalty, and all costs and charges. Upon completion of any such work by the borough, the property owner shall be served with a written statement showing the total amount owing the borough. This statement shall be served in the same manner as the notice requiring the work to be done. Thirty days after the service of the statement and nonpayment thereof, the borough may, after the completion of the work, collect the whole cost of the improvement, together with the penalty aforesaid and all costs and charges from the delinquent property owner by municipal lien or by action of assumpsit as authorized by law.

SECTION 9: Urgent Repair of Dangerous Conditions

When, in the opinion of the borough council or its designated agent, a dangerous condition exists in any sidewalk, pavement or footway in this borough that can be repaired by an expenditure of not more than \$1,000.00, a certificate verifying the cost of repair made by said agent shall be executed. The borough secretary shall, at the direction of the mayor, prepare a notice directing the owner of the property abutting thereon to repair the defective or dangerous sidewalk within 48 hours after service of notice. If the owner cannot be served within the county, notice may be served upon the agent of the owner, or the party in possession, or if there is no agent or party in possession, the notice may be served by posting upon the most public part of the premises. Failure on the part of the property owner to meet the requirements of the notice shall authorize the borough to make the necessary repairs, and upon completion of the work, the cost thereof shall be a charge against the owner of the property abutting said repaired sidewalk, and shall be a lien, until paid, upon the property, provided a claim is filed according to law.

SECTION 10: Restriction on Planting Trees and Shrubs

After the effective date of this Ordinance, no person shall plant any tree, shrub, or bush within five feet of the sidewalk of any public street in the borough.

SECTION 11: Maintenance Obligations of Owners and Occupants

- A) The owner of any lot in the borough with abutting sidewalks, in the public right-of-way shall maintain such sidewalks in a safe and passable condition, free of tripping hazards and obstructions. The said owner shall repair any defects in such sidewalks and remove any obstructions, which make them unsafe or impassable to pedestrians.
- B) The obligation of maintenance shall include, but not be limited to:
 - 1) Repair of holes, and repair of cracks having a width in excess of one-half-inch at any one point along a length of one foot or greater.
 - 2) Maintenance of a constant grade.
- C) The obligation of repair shall occur upon the following conditions:
 - 1) Repair shall be made when one or more sections of the sidewalk rises above or drops below the grade of the edges of immediately adjacent sections resulting in an irregular surface with depression greater than one-half inch in depth.
 - 2) Repair shall be made when the curb is out of vertical alignment with the adjacent curb or an adjacent section or slab of sidewalk in excess of three-fourths inch.
 - 3) Repair shall be made when the curb is out of horizontal alignment with the adjacent curb in excess of one-half inch.

- 4) Repair of any section of sidewalk that has spalling on 25 percent or more of its surface.
- 5) The removal of leaves, tree limbs, grass clippings, debris, cinders, gravel, grits, or any other refuse on such sidewalk or projecting branches and other obstructions below six feet, eight inches above the sidewalk. The property owner shall be responsible for the prompt removal. Such leaves, tree limbs, grass clippings, debris, cinders, gravel, grits, and other refuse shall be properly bagged and disposed of upon being removed from sidewalk. The sweeping or other removal of such items onto borough streets or state highways is prohibited.
- 6) Repair of any other instance which may create a pedestrian safety hazard as determined by the borough engineer.

SECTION 12: Time Limits of Repair by Property Owner

Every owner of property in the borough shall, on 60 days' notice, repair the sidewalk or curbing, or both, in the manner stipulated in such notice, in front of or alongside the property of said owner. If the 60 days concludes after November 15, then said repairs shall be made on or before April 30 of the following year of said notice. However, where a condition exists of an emergency nature, such repairs shall be made within five (5) days of said notice.

SECTION 13: Construction and Repair on Initiative of Property Owners

Any property owner, upon his own initiative and without notice from any borough authority, may repair a sidewalk or curbing along his property, provided that such owner shall have obtained the permits specified in this Ordinance and shall do such repairs in accordance with the requirements of this Ordinance.

SECTION 14: Maintenance Specifications

All repairs or other maintenance required shall be performed in accordance with the specifications set forth in the construction of sidewalks, curbs, and gutters construction standards pursuant to this Ordinance.

SECTION 15: Permit Required

- A) A permit shall be obtained from the borough council before doing any repairs or maintenance required. Application for the permit shall be made in accordance with the following rules and regulations:
 - 1) The applicant shall submit an application to the borough council.
 - 2) An application fee in the amount of Fifty Dollars (\$50.00) made payable to the Borough of Greensboro shall be submitted with the application to the borough

council. Said fee may be subsequently revised from time to time by resolution of borough council.

- 3) The borough council shall delegate unto its agent the duty to inspect the work to determine the degree of compliance with the regulations governing the work.

SECTION 16: Borough to Act at Expense of Property Owner

Upon failure of any owner of property in the borough to repair any curb or sidewalk after ten days' written notice has been given, the borough may cause the necessary repairs to be done at the expense of said owner and may collect the cost thereof and all additional charges, expenses, and penalties. Upon completion of any such work by the borough, the property owner shall be served with a written statement showing the total amount owing the borough. This statement shall be served in the same manner as the notice requiring the work to be done. Thirty days after the service of the statement and nonpayment thereof, the borough may, after the completion of the work, collect the whole cost of the improvement, together with the penalty aforesaid and all costs and charges from the delinquent property owner by municipal lien or by action of assumpsit as authorized by law.

SECTION 17: Unguarded Excavations

The owner and/or occupier of any parcel of ground located within the Borough shall not permit any excavation or opening in the ground to remain open without placing suitable barriers around such hole or excavation and suitable warnings to the public around such hole or excavation. The barrier shall be of such a nature and the installation thereof shall be in such a manner to prevent unintentional entry by persons, children, vehicles, or animals. The barrier shall be installed during or immediately after the excavation begins.

SECTION 18: Violations and Penalties

This Section does not apply to Section 2 of this Ordinance, the penalty for which is specifically noted therein. Regarding all other sections of this Ordinance, any person, firm, or corporation who or which shall violate or fail, neglect, or refuse to comply with any provision of this Ordinance shall be subject to the following regarding penalties.

- A) In this section, the term "violation of this Ordinance" means:
 - 1) Doing an act that is prohibited, made, or declared to be an unlawful act, an offense, or a violation of this Ordinance by rule or regulation; or
 - 2) Failure to perform an act that is required to be performed by rule or regulation authorized by this Ordinance; or
 - 3) Failure to perform an act if the failure is prohibited or declared a violation of this Ordinance, an offense, or an unlawful omission by rule or regulation authorized by this Ordinance.

- B) The term “violation of this Ordinance” does not include the failure of a borough officer or borough employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section or it is clear from the context of this Ordinance that it is the intent of the borough to impose the penalty provided for in this section upon the borough officer or borough employee.
- C) Except as otherwise provided, a person convicted of a violation of this Ordinance shall be punished as follows:
 - 1) If the violation is not a criminal violation, by a civil penalty of \$600.00 per violation.
 - 2) If the violation is criminal, by a fine of \$1,000.00 per violation.

Unless stated otherwise, violations of this Ordinance (including provisions regulating building, housing, property maintenance, health, fire, public safety, parking, solicitation, curfew, water or air or noise pollution) are criminal violations.

- D) Except as otherwise provided:
 - 1) With respect to violations that are continuous with respect to time, each day that the violation continues is a separate offense.
 - 2) As to other violations, each act is a separate offense.
- E) Violations of this Ordinance that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such means as are provided by law.
 - 1) The imposition of a penalty does not prohibit equitable relief.
 - 2) The imposition of a penalty does not prohibit revocation of a license, permit, or franchise or the imposition of other administrative sanctions.

SECTION 19: Repealer

All prior Ordinances, or parts thereof, enacted by Borough Council of Greensboro Borough which conflict with this Ordinance are hereby repealed.

SECTION 20: Savings Clause

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 as the intent of the Borough Council that this Ordinance would have been


adopted had such unconstitutional, illegal or invalid sentence, clause, sections or part thereof not have been included herein.

SECTION 21: Effective Date

This Ordinance shall become effective immediately after its adoption and enactment.


Adopted and enacted this 3rd day of October, 2023, at a meeting of the Council of the Borough of Greensboro.

Attest:



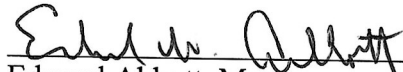
Lisa A. Miller, Borough Secretary

Borough of Greensboro:



Donna J. Neino, President of Council

Examined and Approved this 3rd day of October, 2023.



Edward Abbott, Mayor



Christopher Michael Simms, Esquire