

AN ORDINANCE PROVIDING FOR  
CONSTRUCTION, REPAIR AND  
UPKEEP OF SIDEWALKS WITHIN THE  
BOROUGH OF ELDRED AND FIXING  
PENALTIES FOR THE VIOLATION  
THEREOF.

Section 1 - Definitions.

- A. PERSON - Any natural person, partnership, association, firm or corporation.
- B. STREET - Any public street, lane, alley or highway in the Borough of Eldred.

Section 2 - Duty of Owners to Construct. It shall be the duty of any person owning property abutting any street in the Borough of Eldred, within ninety (90) days after receiving notice from the Borough of Eldred and weather permitting, to build and construct in good and substantial manner and of the material and width hereinafter specified, a sidewalk on the side of said street, abutting their lots, in the location prescribed by the Borough Council, and the expense of such work shall be borne by the owner or owners of such abutting lots. If said owner shall neglect to comply with said order, the Borough may cause the work to be done at the cost of the owners and may collect from such owner the cost thereof and ten percent (10%) additional together with all damages and expenses, and may file a municipal claim therefor or collect the same by action in assumpsit, as by law provided.

Section 3 - Owners to Keep in Repair. It shall be the duty of all owners of property on which or adjacent to which a sidewalk is constructed to keep the side walk in good repair, and if such owner shall neglect to make necessary repairs after reasonable notice has been given as provided by law, the Borough Council may cause the same to be repaired and to assess the costs of said repairs and to add ten percent (10%) to the cost and to collect the same as provided in Section 2 hereof after reasonable notice and demand for payment made to the owner in each case.

Section 4 - Obstructions Unlawful. It shall be unlawful for any person or persons in said Borough to place on any sidewalk any obstruction whatsoever, and any person or persons who shall place on any sidewalk any obstruction shall be civilly liable for the cost of removal of the obstruction and shall be liable for a fine as provided in Section 10.

Section 5 - Specifications for Construction or Repair.

- A. Whenever the Council shall order the building of any sidewalk under this Ordinance, and whenever any public sidewalk is repaired or constructed in said Borough with order of the Council, it shall be constructed of concrete four inches (4") thick by four feet (4') wide by 4 feet (4') long or six inches (6") thick minimum for driveways, so laid as to have a true pitch from the side of the walk away from the street and toward the center of the street of one-fourth inch (1/4") for each lineal foot in width of said walk.
- B. No persons shall construct a side walk without a permit first had and obtained from the Borough Council and upon construction in violation of the terms of this Ordinance in an unsafe manner in a location not approved by the Borough Council or without a request, the person constructing said sidewalk shall be liable for the cost of removal of the same plus ten percent (10%) penalty or shall be liable for a fine as provided in Section 10, the cost of removal plus ten percent (10%) of said fine and costs.

Section 6 - Owners to Repair Within Thirty Days. - Whenever a public sidewalk is out of repair and dangerous or inconvenient for the persons using the same, the owner of the land on or along which the sidewalk lies shall repair the same within thirty (30) days after notice to said owner given by the Borough Council.

- A. In case of neglect or refusal by the owner to repair the same, the owner shall be liable for a fine as provided in Section 10 of the expense of repairing the same plus ten percent (10%), or both the fine and costs of repair plus penalty.
- B. The Borough Council may extend the time for repair for good cause shown, but the owner, in any such case, shall be required to take all reasonable steps to warn pedestrians of any danger.
- C. For the purposes of this section, a dangerous condition shall be considered to be any holes, in, upheavals of, breaking away of or damage to the sidewalk, which could be reasonably expected to cause any person using the sidewalk to fall or be otherwise injured thereon despite the use of reasonable care by such person.

Section 7 - Owners Permitting Ice and Snow Accumulation Guilty of Offense. Any person owning or controlling a sidewalk, as hereinbefore defined, who shall permit any accumulation of ice or snow which becomes irregular on its surface to the extent that ridges or hills there exist which would foreseeably result in injury to any person using the sidewalk despite the use of reasonable care by such person, shall be guilty of a summary offense. In no case shall any owner of a sidewalk be deemed to have violated his section unless a period of at least twelve (12) hours shall have passed after the cessation of any snowstorm causing the accumulation.

Section 8 - Construction and Repair on Owners' Initiative. Any person owning property abutting any street in the Borough of Eldred may construct or repair the sidewalk abutting his property, provided, that the person obtain a permit from the Borough of Eldred and construct or repair the sidewalk in the manner set forth in Section 5.

Section 9 - Notice. The notice required herein shall be served personally or by certified or registered mail upon the owner, if such can be done within the County. When it cannot be so done, then the notice may be served upon the person's agent or party in possession of the property, and if the latter cannot be done, then the notice may be served by posting conspicuously upon the premises.

Section 10 - Violations and Penalties; Enforcement.

- A. Any person who shall violate any provisions of this Ordinance shall, upon conviction thereof, be punishable by a fine of not more than six hundred dollars (\$600.00) and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than thirty (30) days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.
- B. In addition to prosecution, or in the alternative, for a violation of Section 7 hereof, the Borough Council may cause any unlawful snow or ice accumulation to be removed and may recover the cost of removal, plus ten percent (10%) from the owner in an action of assumpsit.

Section 11 - Effective Date. This Ordinance shall be effective January 1, 1998.

ENACTED AND ORDAINED as an Ordinance of the Borough of Eldred this 9  
day of December, 1997.

ATTEST:

Donna Luce  
Borough Secretary

BOROUGH OF ELDRED

By Wayne D. King  
President of Council

Approved:

William Luce  
Mayor