

**ORDINANCE OF THE BOROUGH OF BENTLEYVILLE  
REQUIRED REPAIRS, IMPROVEMENTS AND CONSTRUCTION OF SIDEWALKS  
FOR PROPERTY LOCATED IN THE BOROUGH OF BENTLEYVILLE**

**WHEREAS**, the Borough Council for the Borough of Bentleyville is desiring of providing for the repair, replacement and construction of sidewalks in the Borough of Bentleyville for property located in the Borough of Bentleyville in order to provide for the safety and convenience of the residents of the Borough of Bentleyville.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED, IT IS SO ORDAINED AND ENACTED AS FOLLOWS:**

**SECTION 1. "Person" Defined.** The word "person" as used in this Part 4, shall mean and include any natural person, partnership, association, firm or corporation. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

**SECTION 2. "Sidewalk" Defined.** For the purpose of this Part 4, the word "sidewalk" shall be taken to intend and mean the entire space between the property line and its adjacent curb line on either side of any street or avenue.

**SECTION 3. New Sidewalks to Conform to Existing Width and Lines.** On any street, alley or driveway in the Borough of Bentleyville where sidewalks exist on any portion thereof at the time of enactment of this Ordinance, the sidewalk width and line shall conform to the width and line of the existing sidewalk, except that no sidewalk shall be less than five (5') feet in width where there is a grass plot of not less than eighteen (18") inches.

**SECTION 4. Sidewalk Widths and Lines on New Streets.** On any street, alley or driveway in the Borough of Bentleyville where no sidewalk exists at the time of enactment of this Ordinance and on every new street, alley or driveway:

1. Where the street, alley or driveway is less than fifty (50') feet wide, the sidewalk be not less than five (5') feet wide, with a grass plot of eighteen (18") inches; the grass plot requirement may be waived for B-1 Zoning District.
2. Where the street is fifty (50') feet or more in width, the sidewalk shall not be less than six (6') feet wide, with, a grass plot of two (2') feet. The grass plot requirement may be waived for B-1 Zoning District.

**SECTION 5. Sidewalk Specifications.** The specifications for all sidewalks hereafter laid or relaid in the Borough, except for the handicapped, shall be as follows:

1. The forms shall be placed firmly, set line and grade on a subgrade that is firmly compacted and evenly graded.
2. The sidewalk shall be four (4") inches in thickness and composed of 1:2:3: properly graded cement concrete, broom finished.
3. The sidewalk shall have a fall one-fourth (1/4") inches for every one (1') foot in width. The sidewalk shall fall towards the street.
4. One-half (1/2") inch approved expansion shall be placed where needed and not over five (5') feet apart.
5. The sidewalk shall be cut or marked to make even slabs.

**SECTION 6. Sidewalks Over Filled Ditches.** Where a sidewalk is to be placed over a filled ditch, the specifications shall be the same as prescribed in this Ordinance except that 6-6-6-6 wire mesh shall be placed one and one-half (1 1/2") inches from the bottom slab and one-half (1/2") inch rods shall extend around the entire perimeter of each section.

**SECTION 7. Handicapped Features.** In compliance with the handicapped Ordinance and Building Code Regulations for and of the Borough of Bentleyville and after the effective date of the Part, there shall be constructed upon any new street, alley or driveway or sidewalk, through the Borough, a minimum of one (1) ramp for the

Handicapped at each curb radius between the intersection of a street, alley or driveway, and the existing sidewalk. Where ramps with gradients are necessary, they shall conform to the following specifications.

1. The ramp shall not have a slope greater than one (1') foot rise in twelve (12') feet or eight and thirty three one hundredths (8.33%) or four (4) degrees fifty (50) feet.
2. The ramp shall be at least thirty-two (32") inches wide, inside clear measurement, and have a surface that is non-slip.
3. The ramp shall meet the grade of the existing or proposed street; but in no case shall water drainage be such as to allow the pounding of water at the foot of the ramp.
4. The ramp shall have either a textured surface or rumble strips not exceeding a height as to provide adequate warning for the blind.
5. Where handicapped ramps are to be placed, at least ten (10') shall be reserved on each side of the ramp for sight distance. No parking shall be permitted in this area.
6. All handicapped ramps shall be clearly marked with signs.

**SECTION 8. Rise in Grass Plot.** From the curb line to the sidewalk, there shall be a rise in the grass plot of one (1') inch to the lineal foot.

**SECTION 9. Driveways.** Curb reveal for any driveway shall be no less than one (1') inch and no greater than two (2") inches. That portion of all concrete driveways within the property lines of the street shall be six (6') inches in thickness.

**SECTION 10. Excavations in Sidewalks.** No person, utility company or corporation shall cause an excavation to be made in a sidewalk area without first having obtained a permit as covered by this Ordinance of this chapter.

**SECTION 11. Sidewalk Construction in Hot and Cold Weather.** No sidewalk shall be laid when the temperature of the atmosphere is less than thirty-five (35) degrees Fahrenheit. In the laying of

sidewalks, proper and approved measures shall be taken to keep the concrete from freezing. A solution of from one to two percent of calcium chloride shall be used in the aggregate when there is danger of freezing. During hot weather, the concrete shall be covered with burlap and kept moistened for a period of forty-eight (48) hours.

\* **SECTION 12. Time Limit for Compliance With Sidewalk and Curb Notices To Property Owners.** When the Borough of Bentleyville shall have given notice to any property owner to construct, pave, curb, repave, recurb or maintain any sidewalk abutting such property, such property owner shall have twenty (20) days in which to comply with such notice, and if any property owner shall have not complied with such notice before the end of such period of twenty (20) days, such property owner shall be deemed to have failed to comply with such notice, and the Borough may proceed as authorized by Borough Ordinances to cause the required work to be done, and may collect the cost thereof, with the penalty allowed by law, from the owner of such property, as authorized by law.

**SECTION 13. Borough May Accept or Reject Work Done.** The Borough or its authorized representatives reserve the right to accept or reject any work performed under this Ordinance and to enforce any violations associated therewith.

**SECTION 14. Penalties.** Any person, firm or corporation who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars; and/or to imprisonment for a term not to exceed ninety (90) days.

**SECTION 15. Sidewalks to be Kept Clean and Abutting Grass Plots to be Kept Trimmed.** The owner, occupant or tenant of every property abutting upon any sidewalk in the Borough of Bentleyville is hereby required to keep such abutting sidewalk at all times clean and in good order, free from soil, clay, stone, gravel and any other substance whatsoever which might interfere with the free, convenient and safe use thereof, and at all times to keep the grass, weeds and other vegetation on the space between the curb and property line, in front, rear and along the sides thereof trimmed and to at all times cut or mow the grass, weeds and other vegetation on their respective lots, so that neither grass nor weeds shall rise above the approximate height of six (6") inches and every such owner, occupant or tenant, shall remove said cuttings or mowings and all accumulation of rubbish or other debris from said premises.

**Provided:** 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 a property having more than one tenantable unit, or is unoccupied or vacant, and the tenant or occupant thereof shall be responsible therefor where such property is occupied by such tenant or occupant only.

**SECTION 16. Snow and Ice to be Removed From Sidewalks.** The owner, occupant or tenant of every property abutting upon any street or public alley in the Borough of Bentleyville is hereby required to remove or cause to be removed from all the sidewalks abutting upon such property all snow and ice thereon fallen or formed, within twelve (12) hours after the same shall have ceased to fall or to be formed.

**Provided:** snow or ice that has ceased to fall or to be formed after six o'clock on any evening may be removed at any time before ten o'clock of the next morning.

**Provided further:** 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 or vacant or is a multiple-business or multiple-dwelling property, occupied by more than one tenant or occupant; the occupant or tenant shall be responsible therefor where such property is occupied by such occupant or tenant only.

**SECTION 17. Authority for Borough to Remove Snow and Ice and Collect Cost and 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 the first section of this Ordinance within the time limit prescribed therein, the authorities of the Borough may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent, 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 Part 4.

**SECTION 18. Snow and Ice not to be Dumped on Streets or Sidewalks.** It shall be unlawful for any person to dump or remove snow or ice from any private property or structure on to the sidewalks or streets of the Borough of Bentleyville.

**SECTION 19. Sidewalks to be Kept Safe and Unobstructed During Building Construction.** Every contractor, engaged in the construction, alteration or repair of any building on or near the line of any street or public alley, or, in case there is no contractor, then the owner of any such building, shall be required to keep the sidewalk adjoining such building at all times safe and unobstructed for public travel.

**SECTION 20. Sidewalks to be Covered or Roofed During Erection or Removal of Walls.** Every contractor, engaged in the erection or removal of any wall on the line of any street or public alley or within five (5') feet thereof, or, in case there is no contractor, then the owner of such wall, shall be required to construct and maintain, during the operation of erecting or removing such wall, a substantial roof or covering over the sidewalk adjoining such wall, sufficient in the opinion of the Borough Engineer to protect persons traveling upon such sidewalks.

**SECTION 21. Conditions for Display of Merchandise on or Over Sidewalk.** From and after the enactment of this Ordinance, no person shall sell, store, exhibit or display any fruit, vegetables, hardware, drygoods, notions or any goods, wares or merchandise whatsoever upon, over or above any sidewalk on any public street or avenue within the limits of the Borough of Bentleyville, Pennsylvania; provided that goods, wares and merchandise in process of delivery to or removal from any property, but the same shall be removed therefrom as speedily as may be done, their kind and weight being considered; and provided further that persons having their places of business on streets having sidewalks of the width of twelve (12') feet or greater, may use and occupy the part of said sidewalk immediately adjacent to the property line of their several places of business for a width of three (3') feet, for the display and advertisement of their goods, wares, and merchandise, and persons having their places of business on streets having sidewalks of the width of ten (10') feet and less than twelve (12') feet, may use and occupy the part of said sidewalk immediately adjacent to the property line of their several places of business for a width of two (2') feet, for the same purpose.

ATTEST:

BOROUGH OF BENTLEYVILLE

Lena Greenfield  
Secretary

Irene Laniga  
President of Council

Approved this 7 day of October 1997.

[Signature]  
Mayor