

ORDINANCE NO. 563 -2014

**BENTLEYVILLE BOROUGH
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE REGULATING THE CONSTRUCTION AND REPAIRING OF ALL SIDEWALKS, CURBS AND GUTTERS IN BENTLEYVILLE BOROUGH, WASHINGTON COUNTY, PENNSYLVANIA, BY PROVIDING FOR THE FIXING AND DESIGNATION AND REPAIR THEREOF, FOR SPECIFICATIONS AND EXPENSES OF CONSTRUCTION AND REPAIR THEREOF, PROHIBITING THE PLANTING AND MAINTENANCE OF TREES BETWEEN CURBS AND SIDEWALKS PROHIBITING OPEN GUTTERS IN CURBS AND SIDEWALKS AND PROVIDING FOR THE ISSUANCE OF PERMITS AND THE FIXING OF FEES AND CHARGES THEREFORE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Council of Bentleyville Borough has concerns regarding the renovation and repair of sidewalks in the Borough; and

WHEREAS, the Council of Bentleyville Borough believes it to be in the best interest of its residents to adopt this Ordinance.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Council Members of Bentleyville Borough, Washington County, Pennsylvania, as follows:

Section One: Title

This Ordinance shall be known as the “Bentleyville Borough Sidewalk Construction/Repair Ordinance of 2014”.

Section Two: General Purposes

The construction of any new sidewalks or curbs and the repairing of any existing sidewalks or curbs in Bentleyville Borough, Washington County, Pennsylvania, shall be done in conformance with the following specifications, regulations and/or provisions.

Section Three: Grades

The grade to which every curb, gutter or sidewalk shall hereafter laid, constructed or repaired, other than that established in an approved subdivision plan, shall be that fixed and designated by the Borough Engineer representing the Council Members of Bentleyville Borough, Washington County, Pennsylvania.

Section Four: Sidewalk Width and Location

The space between the street side of the curb to the street side of the paved edge of the sidewalk shall be two (2) feet, and the sidewalk paved width shall be four (4) feet and no (0) inches in all new developments or street construction. In existing developed sections of the Borough, and where sidewalks have been constructed prior to the date of this Ordinance, existing conditions shall be taken into consideration by Bentleyville Borough in applying the width and location regulations.

Section Five: Drainage

Finished sidewalks and curbs shall have a grade from the inner edge of the sidewalk to the outer edge of the curbs of one quarter of an inch (1/4") to the foot.

Section Six: Inspection

All work done hereunder shall be inspected by the Borough Engineer, or authorized representative, representing the Council Members of Bentleyville Borough, Washington County, Pennsylvania.

Section Seven: Public Safety

It shall be the duty of the owners of the land abutting upon any curbs, and/or sidewalks to keep them in such repair and condition that they may not be or become dangerous to the welfare and safety of the traveling public. The Council Members of Bentleyville Borough, Washington County, Pennsylvania, is hereby empowered to notify property owners when sidewalks and curbs are in need of repair or renewal and the repair or renewal thereof shall be made by the property owners within thirty (30) days after said written notice is given to the said property owners. Nothing herein contained shall be construed to place the responsibility of determining when sidewalks may become dangerous to the welfare and safety of the traveling public upon the Borough. At all times such responsibility shall be solely upon the property owner whose land abuts the curb or sidewalk.

Section Eight: Certain Trees Prohibited

It shall hereafter be unlawful to plant and maintain any trees between curb and corresponding sidewalk without seeking the written permission of the Bentleyville Borough Council and/or Park and Shade Tree Commission. This shall not apply to any trees presently so growing. The Borough shall adopt a schedule of possible trees to be used by Resolution.

Section Nine: Open Gutters – Rain Conductors

- A. No open gutters for conducting rain water or drainage of any kind will be permitted to run over top of the sidewalk or curbs. All underground rain conductors shall be of pipe material such as cast iron, wrought iron, clay or approved plastics, constructed under the sidewalk and through the curb to the gutter.

- B. The Borough on the recommendation of the Borough Engineer may waive the requirement on a case by case basis.

Section Ten: Permits

No persons or person, firm or corporation shall construct or repair any sidewalk, curb or gutters, without first applying for and obtaining from the Building Inspector of Bentleyville Borough, Washington County, Pennsylvania, a permit for the same use. The application for such permit shall set forth:

- a. The full name and address of the owners of the land affected;
- b. The name and address of the contractor, or the person to perform the work;
- c. The precise location of the property upon which the work is to be done;
- d. The length of the proposed project;
- e. Contractor's compliance with Worker's Compensation Act of 1990, as amended, if applicable; and
- f. Such other pertinent information as may be considered necessary.

No permit will be required for new curbing, gutters or sidewalk to be constructed in an approved subdivision which is to be installed by the developer.

Section Eleven: Fees

The cost of obtaining a permit to repair existing curbs, gutters and sidewalks shall be set by Resolution of Council and the cost of obtaining a survey permit to stake out line and grade of new curbs, gutters and sidewalks other than that established in an approved subdivision plan required to be surveyed by the developer shall be established by Resolution of the Council from time to time.

Section Twelve: Specifications

- A. All curbs and sidewalks as well as all driveways over sidewalks shall be constructed of monolithic concrete. Said concrete shall develop a compressive strength of 3,500 pounds per square inch (psi) in twenty-eight (28) days. Certification of the concrete mix shall be furnished if required by the Council Members of Bentleyville Borough.
- B. Curbs shall be made to the following specifications: The curbs shall have a depth of not less than eighteen (18") inches and shall be eight (8") inches thick at the base and seven (7") inches thick at the top. Curbs shall be constructed with an eight (8") inch reveal and shall rest on a compacted bed of AASHTO No. 57 (PADOT 2B) crushed stone of a depth of not less than four (4") inches.
- C. Sidewalks shall not be less than four (4") inches in thickness and shall rest on a compacted bed of AASHTO No. 57 (PADOT 2B) crushed stone of a depth of not less than four (4") inches. For width and location of sidewalks see Section Four (4).
- D. Mortar shall be used only in case of patching honey-combed concrete and then shall be one (1) part cement and two (2) parts of sand or its equal.

- E. Sidewalk shall have clean cut joints, a minimum one (1") inch deep, every five (5) linear feet, and expansion joints every thirty (30) linear feet or less, at structures and at the end of a days work. Curbs shall have clean cut joints, a minimum two (2") inches deep, every ten (10) linear feet, and expansion joints every sixty (60) linear feet or less, at structures, and at the end of a days work. Expansion joints shall be one half (1/2") inches wide with pre-molded expansion joint filler. Expansion joint material shall also be placed between any curb and driveway apron. All sidewalks shall have a float finish except that any sidewalk(s) on a grade of ten (10%) percent or greater shall have a broom finish.
- F. Driveways over sidewalks shall be at least six (6") inches thick and shall include 6" x 6" by ten (10) gauge welded wire fabric. Driveways over sidewalks shall be constructed to rest on a compacted bed of AASHTO No. 57 (PADOT 2B) crushed stone of a depth of not less than four (4") inches. Widths shall be a minimum of ten (10') feet for single driveways and twenty (20') feet for double driveways, except as approved otherwise by the Council Members.
- G. All joints between curb and bituminous pavement shall be sealed with AC-20.

Section Thirteen: Penalties, Violations

Any person or persons, firm or corporation constructing or repairing sidewalks, curbs or gutters or planting trees in violation of any of the provisions of this Ordinance shall, upon conviction thereof, before a District Justice, be subject to a penalty of not less than Fifty (\$50.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each and every offense, and costs of prosecution; and upon default in payment of said fine and costs shall be imprisonment for a period not exceeding thirty (30) days in the Washington County Prison.

Section Fourteen: Compliance with American Disability Act Standards

Any and all terms conditions, specifications or requirements of this Ordinance shall be consistent with the terms, conditions, standards and specifications as may be established by or in accordance with the American Disabilities Act or any codes, regulations, standards, specifications, administrative requirements, etc., as may be adopted by the appropriate and authorized agencies to implement the terms and conditions of said Act or any amendments thereto as may be hereinafter adopted or implemented by any federal, state or county regulatory agency as if said standards, conditions, regulations, codes or requirements were incorporated herein at length.

Section Fifteen: Conflicting Ordinance Repealed

Any Ordinance or part of Ordinance conflicting with this Ordinance is hereby repealed.

Section Sixteen: Unconstitutionality, etc. of this Ordinance

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionally, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this

June 5, 2014

Ordinance. It is hereby declared as the intent of the Council Members of Bentleyville Borough, Washington County, Pennsylvania, that this Ordinance would have been adopted and such unconstitutional, illegal or invalid sentence, clause, section or part thereof should not be included herein.

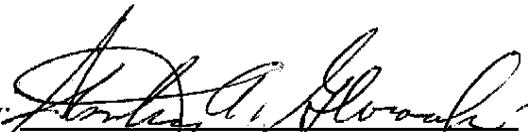
Section Seventeen: Effective Date

This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED into law by the Council of Bentleyville Borough in lawful session assembled this 6 day of May, 2014.




Kimberly Sacco, Secretary

By: 

Stan Glowinski, President

EXAMINED AND APPROVED by me this 12 day of June, 2014.

By: 

Thomas Brown, Mayor