

ORDINANCE NO. 232

AN ORDINANCE REQUIRING AND REGULATING THE CONSTRUCTION, RECONSTRUCTION AND REPAIR OF SIDEWALKS BY EVERY OWNER OF PROPERTY FRONTING ON ANY STREET STREETS, LANES, ALLEYS OR COURTS WITHIN THE BOROUGH OF CLYMER.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Clymer, County of Indiana and Commonwealth of Pennsylvania, and it is hereby ordained and enacted as follows:

Section 1. Responsibility for Construction and Reconstruction of Sidewalks; Time Limit. It shall be the responsibility and duty of every owner of property fronting on any street, streets, lanes, alleys or courts laid out within the limits of the Borough of Clymer, on sixty(60) days notice from the Borough Council to construct or reconstruct a sidewalk which shall conform to all applicable requirements of this Ordinance, in front of and/or alongside such property.

Section 2. Responsibility for Repair of Sidewalks. It shall be the responsibility and duty of every owner of property fronting on any street, streets, lanes, alleys or courts laid out within the limits of the Borough of Clymer, on sixty (60) days notice from the Borough Council to repair the sidewalk, in the manner and to the extent stipulated in such notice, in front of and/or alongside such property.

Section 3. Material for Sidewalks. All sidewalks shall be constructed, reconstructed and/or repaired of concrete only, in conformity with specifications adopted by the Borough Council from time to time.

Section 4. Conformity to Line and Grade. All sidewalks shall be constructed, reconstructed and/or repaired upon the line and grade obtained by the property owner from the Borough Engineer, and shall be so constructed, reconstructed and/or repaired so as to make a firm, dry and smooth sidewalk.

Section 5. Width. All sidewalks shall be four (4) feet in width subject to the following exceptions:

(a) The sidewalk on the north side of Franklin Street between the east line of Lot No. 62 and the east line of Lot No. 70 shall be eight (8) feet in width.

(b) The sidewalk on those portions of Franklin Street between Third and Seventh Streets not referred to in subsection (a) above, shall be ten (10) feet in width.

(c) The sidewalk in Sixth Street between Morris Street and the bridge over Two Lick Creek shall be ten (10) feet in width.

(d) The sidewalk on Sixth Street from the bridge over Two Lick Creek to Penn Street shall be six (6) feet in width.

(e) The sidewalk on Sixth Street from Morris Street southward to Williams Street shall be six (6) feet in width.

(f) The sidewalk on Morris Street between Third Street and Seventh Street shall be five (5) feet in width. Provided, however, that on Sixth Street and Franklin Street, the outside of said pavement shall be ten (10) feet from the building line, and on all other street shall be nine (9) feet from the building line, whether full width or not. Provided further, that owners of lots located at intersections of streets and/or alleys shall be required to pave sufficiently beyond the corner of the lot to join the paved sidewalk from the intersecting street or alley.

Section 6. Determination of Extent of Work Required; Inspections. It shall be the duty and responsibility of the Borough Engineer to determine, in the case of any individual property, whether or not the sidewalk shall be reconstructed or repaired, and if so, the specific part or parts thereof to be reconstructed or repaired. The Engineer may, at any time during the course of constructing, reconstructing or repairing any sidewalk, visit the site of such work to ascertain whether such work is being done according to requirements; and he or one of his assistants shall visit such site for the purpose, at any reasonable time when so requested by the property owner. Within two (2) days after completion

of the work of construction, reconstruction or repair of any sidewalk, it shall be the duty of the owner of the property where such work was done to notify the Borough Engineer of that fact, so that he may inspect such sidewalk to determine whether the work was done in conformity with such requirements of this Ordinance.

Section 7. Conditions Under Which Property Owners May Do Work On Their Own Initiative. Any property owner, upon his own initiative, and without notice from any Borough Authority, may construct, reconstruct and/or repair a sidewalk in front of or along side his property, provided that such owner shall first make application to the Borough Engineer for the line and grade and shall conform to the requirements of this Ordinance as to line and grade, as to material used, and as to width, and that he shall notify the Borough Engineer, as required by this Ordinance, within two (2) days after completion of the work.

Section 8. Failure of Property Work to Construct, Reconstruct and/or Repair Sidewalks. Upon the failure of any property owner to construct, reconstruct and/or repair any sidewalk in compliance with a notice from Borough Council to so act, the Borough of Clymer may cause said sidewalk to be so constructed, reconstructed and/or repaired, and shall levy the cost of its work, together with the cost of 10% upon such property owner as a lien to be collected in the manner provided by law.

Section 9. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed: Ordinance No. 4, as amended by Ordinance No. 131.

Section 10. 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.

Section 11. Effective Date. This Ordinance shall become effective on the 11th day of December, 1985

ORDAINED AND ENACTED this 11th day of December, 1985.

BOROUGH OF CLYMER

Attest:

Melanie A. Williard
Secretary

By William Britsky
President of Council

APPROVED this 11th day of December, 1985

Norman Richardson
Mayor