

**BOROUGH OF UNION CITY
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NO. _____**

AN ORDINANCE OF THE BOROUGH OF UNION CITY, ERIE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NUMBER 1015, AS AMENDED, PROVIDING FOR A SHORT TITLE; PROVIDING FOR CERTAIN CLARIFICATIONS PERTAINING TO SNOW REMOVAL AND ENFORCEMENT THEREOF; PROVIDING FOR CERTAIN CLARIFICATIONS PERTAINING TO THE CONSTRUCTION, RECONSTRUCTION OR REPAIRING OF SIDEWALKS AND THE ENFORCEMENT THEREOF; UPDATING TERMS AND PROVISIONS AS NECESSARY; RESTATING ORDINANCE NO 1015 AS AMENDED; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, The Borough Council ("Borough Council") of the Borough of Union City (the "Borough") adopted an Ordinance regulating Sidewalks within the Borough, such Ordinance known as Ordinance No. 1015, and adopted on or about July 10, 2001; and

WHEREAS, the Borough Council amended Ordinance No. 1015 on or about September 10, 2002 through the passage of Ordinance No. 1031; and

WHEREAS, the Borough Council desires to amend Ordinance No. 1015, as amended by Ordinance No. 1031, to provide for short title, to provide for certain clarifications pertaining to the removal of snow from sidewalks and the enforcement thereof, to provide for certain clarifications pertaining to the construction, reconstruction or repairing of sidewalks and the enforcement thereof, to update other miscellaneous terms and provisions as may be necessary and to restate the entirety of Ordinance No. 1015; and

WHEREAS, the purpose of such an amendment is to provide for the health and safety of residents and those who utilize the sidewalks within the Borough.

NOW THEREFORE on this ____ day of _____, 2012 **IT IS HEREBY ENACTED AND ORDAINED** by the Borough Council of the Borough of Union City, Erie County, Pennsylvania as follows:

Section 1. Inserting a new Section 1 of Ordinance 1015, as amended, entitled "Short Title" as follows:

Section 1. Short Title.

This Ordinance shall be known as, and may be referred to as, "The Borough of Union City Sidewalk Ordinance."

Section 2. All Sections of Ordinance No. 1015, as amended, shall be renumbered in sequential order following the insertion of the new Section 1.

Section 3. New Section 2 of Ordinance No. 1015, as amended, is amended as follows:

Section 2. Property Owner to Construct, Reconstruct and Repair Sidewalks.

1. The owners of land fronting or abutting on any of the streets of the Borough of Union City, Pennsylvania, are hereby ordered and directed to construct, reconstruct or repair sidewalks in front of their respective properties whenever, in the judgment of the Borough of Union City sidewalk committee, such construction, reconstruction or repair is necessary.

2. The owners of land fronting or abutting on any of the streets of the Borough of Union City, Pennsylvania are hereby ordered and directed to remove, or cause to be removed, all snow, ice or sleet from the sidewalk(s) in front of the respective property pursuant to Section 10 of this Ordinance.

Section 4. New Section 3 of Ordinance No. 1015, as amended, is amended as follows:

Section 3. Notice to Construct, Reconstruct or Repair.

Whenever, in the judgment of the Borough of Union City sidewalk committee, it shall become necessary to construct, reconstruct or repair any sidewalk abutting any of the streets of the Borough, the Borough of Union City sidewalk committee shall give written notice by certified mail and U.S.P.S. First Class Mail to the owners of such land, or to their duly authorized agent in charge of such land, to construct, reconstruct or repair the sidewalk. Such construction, reconstruction or repair shall be completed within a reasonable period of time as dictated in the judgment of the sidewalk committee, such time not to exceed one hundred twenty (120) ~~sixty (60)~~ days after the owner's receipt of notice.

Section 5. New Section 6 of Ordinance No. 1015, as amended, is amended as follows:

1. The Union City Borough ~~Building Inspector~~ Code Enforcement Official ~~or sidewalk committee as directed by Borough Council~~ may at any time, during the course of the work of constructing, reconstructing or repairing any sidewalk, visit the site of such work to ascertain whether such work is being done according to the specifications. The ~~Building Inspector~~ Code Enforcement Official ~~or sidewalk committee~~ shall visit any such site at a reasonable time for that purpose ~~whenever upon requested by~~ of the property owner.

2. Within two (2) days after the completion of the work of constructing, reconstructing or repairing any sidewalk, it shall be the duty of the owner of the property where such work was done to notify the ~~Building Inspector~~ Code Enforcement Official ~~or sidewalk committee~~ that the construction, reconstruction or repair project has been completed so that the ~~Building Inspector~~ Code Enforcement Official ~~or sidewalk committee~~ may inspect such sidewalk to determine whether the specifications ~~have been observed and followed~~ the work was performed in compliance with this Ordinance and the specifications as adopted by Borough Council.

3. If, in the judgment of the Code Enforcement Official, the sidewalk was not constructed, reconstructed or repaired in compliance with the specifications, the property owner shall cause the work to be performed pursuant to the Specifications within thirty (30) days of the Borough may cause the work to be done at the expense of the property owner. The cost of

construction, reconstruction or repair shall be paid by the property owner within ninety (90) days. If the property owner shall fail to remit such payment in full within the ninety (90) day period, then the Borough shall collect the cost of such work plus ten (10) percent of such cost, together with all charges and expenses from the owner, and levy a lien against the property to be collected in the manner provided for by law.

Section 6. New Section 7 of Ordinance No. 1015, as amended, is amended as follows:

Section 7. Application to Construct, Reconstruct or Repair.

Any property owner, upon his/her own initiative, and without notice from ~~any the Borough authority sidewalk committee~~, may construct, reconstruct or repair a sidewalk in front of or along his/her property, provided that such owner shall make application to the Borough of Union City sidewalk committee before commencing work, shall conform to the requirements of the specifications as approved by Borough Council and on file with in the Borough Secretary's office and provided that such owner shall notify the Borough of Union City ~~sidewalk committee~~ Code Enforcement Official within two (2) days after the completion of the work.

Section 7. New Section 8 of Ordinance No. 1015, as amended, is amended as follows:

Section 8. Building Permit.

All persons must secure a building sidewalk permit for the construction, reconstruction or repair of sidewalks ~~in accordance with Ordinance No. 707 as amended~~ from the sidewalk committee.

Section 8. New Section 9 of Ordinance No. 1015, as amended, is amended as follows:

Section 9. Failure of Property Owner to Repair.

Upon any property owner's failure, neglect or refusal to construct, reconstruct or repair any sidewalk in compliance with ~~Sections 1, 2 and 3~~ of this Ordinance, the Borough Council may cause said construction, reconstruction or repair, as the case may be, to be done at the expense of the owner. The cost of construction, reconstruction or repair shall be paid by the property owner within ninety (90) days. If the property owner shall fail to pay within the ninety (90) day period, then the Borough shall ~~then~~ collect the cost of such work plus ten (10) percent of such cost, together with all charges and expenses from the owner, and levy a property lien to be collected in the manner provided by law.

Section 9. New Section 10 of Ordinance No. 1015, as amended, is amended as follows:

Section 10. Duty to Clear Sidewalks.

1. It shall be the duty of the owner or occupant of property fronting or abutting on any of the streets of the Borough of Union City, Pennsylvania, to remove or cause to be removed all snow, ice or sleet from the sidewalk in front of the respective property within twelve hours after the snow, ice or sleet has ceased to fall or form. If the ice, sleet or snow is so hardened or frozen that it cannot be removed without injury to the sidewalk, the property owner or occupant shall sprinkle sand, ~~or~~ sawdust, ~~or~~ salt or other appropriate material or treatment to make the

surface of the sidewalk safe, but the ice must be removed as soon as it is possible to do so. ~~Failure of an owner or occupant to clear the snow, ice or sleet from the sidewalk adjoining his/her property as required in this Section shall be guilty of a violation of this Ordinance and the Borough will have the snow, ice or sleet removed at the expense of the owner of the land.~~

2. Snow, ice or sleet, when removed from sidewalks used by the public, may be thrown toward the outside of the sidewalk toward the roadway. However, no person shall remove snow, ice or sleet from private property or driveways and deposit that snow, ice or sleet onto the roadways of the Borough of Union City.

3. The Code Enforcement Official shall serve a written notice of violation of this Section, personally delivered or posted on the property, in the event snow, sleet or ice isn't removed, or caused to be removed, by the property owner in accordance with this Section. Failure of an owner or occupant to clear the snow, ice or sleet from the sidewalk adjoining his/her property as required in this Section shall be guilty of a violation of this Ordinance. Upon notification of a violation of this Section, and the Borough will shall have the snow, ice or sleet removed at the expense of the owner of the land-property. The cost of removal of the snow, sleet or rice shall be paid by the property owner within ninety (90) days. If the property owner shall fail to pay within the ninety (90) day period, then the Borough shall collect the cost of such work plus ten (10) percent of such cost, together with all charges and expenses from the owner, and levy a property lien to be collected in the manner provided by law.

Section 10. In all other respects, Ordinance No. 1015, as amended, is confirmed and ratified.

Section 11. 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. It is hereby declared as the intent of the Borough Council of the Borough of Union City that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 12. Effective Date

The provisions of this ordinance shall become effective immediately upon passage.

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DULY ORDAINED AND ENACTED this _____ day of _____, 2012, by the Borough Council of the Borough of Union City, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Borough Secretary

President of Borough Council

APPROVED this _____ day of _____, 200__.

Mayor of Union City Borough

I certify that the above is a true copy of the Borough of Union City, Erie County, Pennsylvania, Ordinance No. _____ adopted by the Union City Borough Council on _____, 2012 and advertised in the *Corry Journal* on _____, 2012.

Union City Borough Secretary