

AN AMENDMENT TO ORDINANCE 1992-2 REGULATING THE WIDTH,
CONSTRUCTION AND REPAIR OF THE SIDEWALKS AND CURBS IN
THE BOROUGH OF ROARING SPRING

The Borough of Roaring Spring hereby ordains as follows:

SECTION 1. A. Every owner of property in the Borough of Roaring Spring shall, on the One (1) Year notice from the Borough Council, upon recommendation from the Street Committee, construct or reconstruct a sidewalk and/or curb which will conform to all applicable requirements of this Ordinance in front of or along side such property.

B. As used in this section "reconstruction" shall mean the complete replacement of sidewalk and/or curb to either existing or new line and grade.

SECTION 2. Every owner of property in the Borough of Roaring Spring shall on Six (6) month notice from the Borough Council, upon recommendation of the Street Committee, repair the existing sidewalk and/or curb in the manner stipulated in such notice in front of or along side such property.

SECTION 3. All sidewalks and/or curbs shall be constructed, reconstructed and/or repaired in accordance with the specifications as determined from time to time by the Borough Engineer. The specifications by the Borough Engineer concerning the construction, reconstruction and repair of sidewalks is attached hereto and made a part hereof and marked Exhibit "A". Where there are unusual situations with regard to the construction, reconstruction or repair of a sidewalk in the Borough, the property owner shall do said work in accordance with Borough Engineer requirements as the Borough Secretary prescribes for the particular sidewalk in question. All construction, reconstruction or repair shall be done in accordance with that line and grade obtained from the Borough Secretary or if said line and grade is obvious from surrounding circumstances, the line and grade as given to the property owner by the Borough Secretary. In all instances, said line and grade shall follow the grade of the curb as near as possible. All new construction or reconstruction shall be concrete. All repairs can be the same as the materials that are already there (i.e., brick sidewalks can be repaired with brick, macadam sidewalks with macadam and concrete with concrete.) However, as herein set forth, all new construction or reconstruction shall be concrete. All construction, reconstruction or repair of a sidewalk will conform to existing sidewalks on the block that have all concrete or a grass stripe between the sidewalk and curb.

SECTION 4. During construction, reconstruction or repair, notice in advance shall be given to the Borough by the property owner, so the Borough Engineer or other Borough Representative can inspect the construction, reconstruction or repair to assure that said work is done in accordance with Borough specifications.

SECTION 5. If any sidewalk and/or curb shall be reconstructed, repaired or replaced without conforming to the requirements of this Ordinance, or of any other ordinance or law, the Borough Secretary may require the owner of the premises and other persons responsible for such construction to remove the faulty curb or paving as a nuisance, and replace it with conforming construction, and on failure of such person to do so within such time as the Borough Secretary shall fix, the Borough may proceed to so do and collect the cost thereof by entry of lien or otherwise.

SECTION 6. 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).

SECTION 7. Wherein the opinion of the Street Committee of the Borough of Roaring Spring is that a dangerous condition exists that can be repaired by an expenditure of Five Hundred (\$500.00) dollars or less, the Roaring Spring Borough shall send such property owner notice by registered mail stating the emergency repairs that are required. Upon failure of such owner to comply with the notice within seven (7) days after receiving notice, the Borough of Roaring Spring may make emergency repairs and levy costs of its work on such owner as a property lien to be collected in the manner provided by law with interest at the rate of 10% percent.

SECTION 8. Any property owner not required by notice to construct, reconstruct or repair their sidewalk, curbs or gutter, may nevertheless repair their sidewalks, curbs or gutter provided that such owner makes application to the Borough of Roaring Spring before commencing work, so that the property owner receives Borough specifications concerning the work to be done. Said property owner shall give at least two (2) days notice prior to commencement of construction, so the Borough Engineer or representative may inspect the project during the course of construction.

SECTION 9. If the Street Committee determines that the curb or sidewalk is in disrepair because of action or inaction of the Borough of Roaring Spring, then in that instance, the Borough of Roaring Spring shall be responsible for the repair or reconstruction of the curb and/or sidewalk as the case may be.

SECTION 10. Permit required. No person or group of persons, partnership or corporation shall commence the construction, reconstruction or repair of any sidewalk or curb in the Borough without first making application for securing a permit from the Borough Office. The permit "Exhibit B" to install, replace, alter or change curbs or sidewalks shall be ten dollars (\$10.00). The Borough Secretary in accordance with the applicable provisions shall issue permits.

SECTION 11. All Ordinances or parts of Ordinances which are inconsistent herewith repealed. Specifically, the old Ordinance 1966-6, and 1992-2 is repealed in all respects.

SECTION 12. If any Borough property owner is dissatisfied with the recommendation of the Street Committee or with the decisions of the Borough they shall have the right to request a hearing by doing so in writing within 15 days of the date of the notice by the Borough. If a hearing is requested, the same shall be conducted within 30 days of the date of the request by the property owner. If no request for a hearing is made the decision of the Borough shall be final. Any notices sent to the property owner shall contain this information. All notices to the property owner shall be sent by Certified Mail.

SECTION 13. If any sentence, clause, section or part of the 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 or parts of this Ordinance.

SECTION 14. This Ordinance shall become effective on
April 11, 2005.

THE BOROUGH OF ROARING SPRING

ATTEST:

Lisa A. Gates
Secretary

Russell D. Varner
President

AND NOW, this 11, day of April, 2005 the above Ordinance is
Hereby approved.

BY: Paul J. Halinger
Mayor