

Part 1

Sidewalk Construction and Repair

§101. Maintenance of Existing Sidewalks. All sidewalks presently in existence in the Borough of Smithton must be maintained and no property owner may, without the consent of said Borough, repair, replace or remove said sidewalk. (Ord. 147, 6/7/1977, §1)

§102. Property Owners to Construct Sidewalks on Notice From Borough. Every owner of property in the Borough of Smithton shall, on twenty (20) days' notice from the Borough Council, construct or reconstruct a sidewalk, which shall conform to all applicable requirements of this Part 1, in front of or alongside of such property. (Ord. 147, 6/7/1977, §2)

§103. Property Owners to Repair Sidewalks on Notice From Borough. Every owner of property in the Borough of Smithton shall, on five (5) days' notice from the Borough Council, repair the sidewalk, in the manner stipulated in such notice, in front of or alongside such property. (Ord. 147, 6/7/1977, §3)

§104. Manner of Notification. The notice referred to in this Part 1 shall be in writing and sent by certified mail, return receipt requested, and must be sent to the last registered owner of said property. (Ord. 147, 6/7/1977, §4)

§105. Sidewalk Materials. All sidewalks shall be constructed, reconstructed and repaired of concrete only and any new concrete must have a minimum thickness of three and one-half inches (3 1/2"). Where existing sidewalk is of material other than concrete, it shall be legal to retain said sidewalk until such time as repairs or replacement are required. At that time, the repairs or replacement must be made with concrete. (Ord. 147, 6/7/1977, §5)

§106. Width of Sidewalks. All sidewalks constructed, reconstructed or repaired after the adoption of this Part 1 shall have a minimum width of four feet (4'). (Ord. 147, 6/7/1977, §6)

§107. Excavations Beneath Sidewalks. In all cases where sidewalks are constructed, reconstructed or repaired over coal cellars or other excavations under such sidewalks, such sidewalks shall be supported by iron or steel beams or girders, or stone or concrete arches. In no case shall any support of wood or other perishable materials be used. (Ord. 147, 6/7/1977, §7)

§108. Grading. All sidewalks shall be constructed, reconstructed or repaired according to the grade supplied by the Borough Council and therefore the property owner must obtain said grade from the Borough Council before any work commences. (Ord. 147, 6/7/1977, §8)

§109. Property Owner to Notify Borough of Completion of Work; Inspection. It shall be the duty and responsibility of the Borough Council to determine, in the case of each individual property, whether or not a sidewalk shall be reconstructed or repaired. Within two (2) days after the completion of all work, it shall be the duty of the owner of the property where such work was done, to notify the Borough Council of that fact, so that they may inspect such work and determine whether the correct grade has been followed. (Ord. 147, 6/7/1977, §9)

§110. Borough May Do Work and Collect Costs Plus Additional Amount. On the neglect or refusal of the owner or owners of the lot or lots as aforesaid, to grade, pave or repave or repair any sidewalk or pavement, after thirty (30) days' notice so to do from the Council of the said Borough, the Borough through its proper officials shall cause the same to be done and shall collect from such owner or owners of the lot or lots the cost thereof and ten percent (10%) additional, together with all charges and expenses, and if unpaid shall file a municipal lien therefor against such lot or lots. (Ord. 147, 6/7/1977, §11)

§111. Actions of Borough in Case of Faulty Work. If any owner or owners of the lot or lots abutting on any street in said Borough shall violate the provisions hereof by paving the sidewalk in front of his or her or their property with material or materials not herein specified or by laying the pavement on any other than the established grade or in any manner than as hereinbefore provided, the Council of said Borough shall serve notice on said owner or owners to regrade and repave said sidewalk to conform to the provisions hereof within thirty (30) days after the service of said notice, and upon the failure of said owner or owners to regrade and repave said sidewalks within the time stipulated, the said Council shall cause said sidewalk to be regraded and repaved in the manner hereby required, and the said Borough Council shall collect the cost thereof, together with all charges and expenses, from the owner or owners of the lot or lots as aforesaid, according to law. (Ord. 147, 6/7/1977, §12)

§112. Repair/Reconstruction of Existing Sidewalks. No pavement heretofore laid with material or materials not hereinbefore prescribed or in a different manner, shall be permitted to be repaired, as a whole, or to be repaved with any other material, or in any other manner than hereinbefore specified, but whenever any such pavement becomes in the opinion of the Council of said Borough in unsafe condition, notice shall be served upon the owner or owners of the lot or lots fronting thereon to regrade and repave with the material and in the manner herein provided, and upon his, her or their failure to do so, after thirty (30) days' notice, the said Council shall cause the same to be done, and the cost thereof, with penalty and expenses, shall be collected by the said Borough from the owner or owners as aforesaid. (Ord. 147, 6/7/1977, §13)

Part 2

Street/Sidewalk Obstructions

§201. Restrictions on Construction Around Sidewalks and Streets. It shall be unlawful for any person, persons, firm or corporation to place, erect or build any porch, portico, door steps, railing, bulk, bay or jut window, areaway, cellar door and cellar window, sign and sign post, board, pole or frame, awning, awning post or other device or thing, projecting over, under, into, or otherwise occupying the sidewalk or other portion of any street or alley, including the surface of the sidewalk, except any traffic or other sign placed, erected or maintained by the proper state or municipal authorities and any sign attached to a building erected and maintained under permit and meeting the requirements of the ordinance of the Borough of Smithton. (Ord. 167, 9/18/1989)

§202. Construction Not to Protrude into Right-of-Way. When any new building is erected or an addition made to an existing building, none of the new construction shall be allowed to protrude into or over the right-of-way for any street or sidewalk which adjoins said new construction. (Ord. 167, 9/18/1989)

§203. Penalties. Any person, firm or corporation, who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine not more than three hundred dollars (\$300.00), and/or to undergo imprisonment for a term not to exceed ninety (90) days. (Ord. 167, 9/18/1989)

§204. Authority to Remove Illegal Construction and Collect Cost. In addition to the penalties imposed by this Part 2 for the violation of any provision thereof, the person, firm or corporation, upon notice of the violation, shall immediately remove the offending structure or obstruction, and on failure to so remove the offending obstruction, the Borough shall remove the same at the cost of the property owner, and collect the costs therefor in the manner provided by law. (Ord. 167, 9/18/1989)