

Chapter 109**SIDEWALKS**

- § 109.1. Authority to lay out, ordain and establish grades and acquire land.**
- § 109.2. Width of sidewalks.**
- § 109.3. Paving and curbing sidewalks.**
- § 109.4. Cost to become lien.**
- § 109.5. Responsibility of property owner to repair sidewalks.**
- § 109.6. Snow and ice removal.**
- § 109.7. Violations and penalties.**

[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair at time of adoption of Code; see Ch. 1, Adoption of Township Code. Amendments noted where applicable.]

GENERAL REFERENCES

Definitions and rules of interpretation - See Ch. 3.
Penalty for failure to pay assessments - See Ch. 43.
Collection of improvement costs by installment - See Ch. 78.
Procedures and specifications for public improvements - See Ch.99.
Streets and highways - See Ch. 112.

- § 109.1. Authority to lay out, ordain and establish grades and acquire land.**

The township may lay out, ordain and establish sidewalks along any street, including state highways and county roads, and may establish grades for such sidewalks, which grades may be separate and apart from the grade established for the street or highway; and, for this purpose, the township may acquire land by purchase, gift or by the right of eminent domain.

- § 109.2. Width of sidewalks.**

The width of any sidewalk shall be fixed by the Board of Commissioners either by ordinance or resolution.

§ 109.3. Paving and curbing sidewalks.

109.3.1. The township may, upon such notice as may be provided by ordinance, require owners of property abutting on any street, including state highways and county roads, to construct, pave, curb, repave and recurb the sidewalks along such property with such materials, at such grades and under such regulations as may be prescribed by ordinance. Upon the failure of such owners to comply with such notice, or without notice to the property owners as above provided, the township shall in either case have power to cause the same to be done by the township and to levy and collect the cost thereof from such owners of property abutting such sidewalks.

109.3.2. All reconstruction, repaving and recurbing may be provided for in the ordinance providing for the original construction, paving and curbing, without the necessity for adopting a new ordinance providing for such reconstruction, repaving and recurbing.

§ 109.4. Cost to become lien.

109.4.1. The cost of any such grading, paving, curbing, repaving and recurbing shall be a lien upon the premises from the time of the commencement of the work, which date shall be filed by the Township Engineer, and shall be filed with the Township Manager. Any such lien may be collected by action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims.

109.4.2. The cost of any such paving, curbing, repaving and recurbing may, in any case, be borne in whole or in part by the township.

§ 109.5. Responsibility of property owner to repair sidewalks.

109.5.1. The owner of the abutting property shall keep the sidewalk, together with any portion of his property paved and used as a sidewalk or public walk, immediately in front of his property, in good order and repair and at all times free and clear of any obstruction to safe and convenient passage, and free of any merchandise placed there for display, if the removal thereof is ordered by the Board of Commissioners.

109.5.2. If the owner of any property neglects to perform the duties so required of him by Subsection A above, the Board of Commissioners may serve written notice upon him requiring him to do what is necessary. If such property owner fails to comply with the requirements of such notice within thirty (30) days from the date of its service, the Board of Commissioners may make the necessary repaired or remove any obstruction. The cost of the same, together with a penalty of ten percent (10 %) shall be paid by the delinquent property owner and may be collected by action of assumpsit, or the Board of Commissioners may file a municipal lien against the property.

109.5.3. The notice provided for in this section may be served on the property owner by leaving the same at his place of residence or, if he has no residence in the township, by

posting the same on the premises and mailing a copy thereof to the owner at his last-known address.

§ 109.6. Snow and ice removal.

109.6.1. The owner of the abutting property shall remove or cause to be removed from the sidewalk, together with any portion of his property paved and used as a public sidewalk or public walk, on his property, all snow and ice or any combination thereof fallen or formed within (12) hours after the same shall have ceased to fall or be formed.

109.6.2. In any case where the owner as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of Section 109.6.1 hereof or within the time limit prescribed therein, the Township of Upper St. Clair may, in its discretion, proceed immediately to clear the snow and ice from the sidewalk of such delinquent or to place salt, sand or other abrasive material upon the snow and ice on the sidewalk of such delinquent, and to collect the expense thereof, with any additional amount allowed by law, from such owner, which may be in addition to any fine or penalty. This is not applicable to Township owned sidewalks which are designated "no winter maintenance".

§ 109.7. Violations and penalties.

Any person violating any of the provisions of this chapter shall be subject to the penalties provided in Chapter 5, Enforcement of Ordinances; Penalties, of this Code. The continuation of a violation shall, for each successive day, constitute a separate offense. Such penalty shall be in addition to any costs, plus penalty, which may be assessed under the provisions of § 109.5.