

**BOROUGH OF LEMOYNE CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 766**

ARTICLE VII

Construction, Reconstruction and Repair of Sidewalks and Curbs [Adopted 4-11-2013 by Ord. No. 712 (Ch. 21, Part 4, of the 1984 Code of Ordinances)]

§ 472-42. General.

- A. The construction, repair, replacement, or maintenance of any new or existing curbs, curb ramps, or sidewalks in the Borough shall be in conformance with the following specifications.
- B. The construction, repair, replacement, or maintenance of any new or existing curbs, curb ramps, or sidewalks in the Borough shall be the responsibility of the owner or owners of the lot or lots abutting thereon.
- C. When required by the Borough, the property owner shall enter into an agreement in form and substance acceptable to the Borough, providing for the maintenance of pedestrian facilities, including curbs, sidewalks and curb ramps.
- D. The grade to which every curb, gutter, or sidewalk shall be hereafter laid, constructed, or repaired, other than that established in an approved subdivision and land development plan, shall be that fixed and designated by the Borough. When required by the Borough, grade cut sheets for the curb or sidewalk shall be provided for review prior to the installation of the structure.
- E. No open gutters for conducting rainwater or drainage of any kind will be permitted to run over the top of curbs or sidewalks. All underground rain conductors shall be of pipe material such as cast iron, wrought iron, or approved plastics, and shall be connected directly to a storm sewer pipe. When a storm sewer pipe is not available the owner shall consult with the Borough for an acceptable alternative.
- F. No persons or person, firm or corporation shall construct or repair any curb, sidewalk, curb ramp or gutters within the public right-of-way without first applying for and obtaining a permit for the same from the Borough. No permit will be required for new curbing, gutters, or sidewalk to be constructed in an approved subdivision and/or land development, which is to be installed by the property owner/developer.
- G. The Borough reserves the rights to waive or modify any or all of the requirements contained in this Article VII upon the recommendation of the Borough Engineer.

§ 472-43. Curbs.

- A. The standard construction and material specifications contained in this section shall supplement Article VII, Construction, Reconstruction and Repair of Sidewalks and Curbs, of this chapter, and all other ordinances and regulations of the Borough that pertain to the construction, reconstruction and repairing of curbing. Failure of existing sidewalks and curbs to meet these standard construction and material specifications contained in this section shall not, by themselves, provide sufficient justification for the issuance of a repair notice by the Borough.
- B. All curbs shall be constructed in accordance with PennDOT Publication 408 and

PennDOT Publication 72M, as each may be amended from time to time.

- C. In built-up areas, the proposed curb reveal shall match the reveal of the existing adjacent curb if the adjacent curb is four inches or more in height. If the existing curb has a reveal that is less than four inches high, the replacement curb shall have the minimum reveal of four inches. The required curb reveal will be determined by the Borough Engineer at a Site Meeting with the Contractor. The Contractor shall prepare for this meeting by surveying the fifty (50) feet of existing curbing immediately on each side of the proposed run of curbing. The Contractor shall prepare a scale drawing (scale: 1 inch = 25' horizontal; 1 inch = 5' vertical) showing the existing gutter line and top-of-curb profile on each side of the proposed run of curbing. The Borough Engineer may require a site meeting to review the proposed curb reveal.
- D. When a curved curb joins with a tangent curb, at curb returns, on sharp curves, where a curb is jointed to an inlet, and elsewhere as directed by the Borough, there shall be embedded in the concrete two No. 4 reinforcing bars 24 inches long. These bars shall extend 12 inches into the curb on each side of the joint. The portion of the bar extending into the tangent curb shall be rendered bondless by a coating of approved material and enclosed in part in approved tubes or caps which will provide a 1/2-inch minimum positive clearance pocket. The top surface of the curb shall be finished true to line and grade in a smooth, neat, and even manner and the edge of the faces and back shall be rounded to a radius of one inch.
- E. The depressed curb at driveways shall be no higher than 1 1/2 inches and no lower than 1/2 inch above the street surface. The length of this depressed curb shall not exceed 35 feet without a safety island that shall not be less than 15 feet in length. Pipes or grates or other constructions shall not be placed in the gutter to form a driveway ramp.
- F. Where it is necessary to replace existing vertical curbs with depressed curbing, at least two ten-foot-long sections of existing curb shall be removed down to the subgrade without disturbing the adjacent cartway paving. Any portions of the cartway disturbed during curbing removal or installation shall be repaired to new condition.
- G. Curb cut ramps, shall be provided at all street intersections, as directed by the Borough Engineer.
- H. All joints between curbs and bituminous pavement shall be sealed with PG 64-22 conforming to PennDOT Bulletin 25 or approved equal.

§ 472-44. Sidewalks.

- A. The standard construction and material specifications contained in this section shall supplement Article VII, Construction, Reconstruction and Repair of Sidewalks and Curbs, of this chapter, and all other ordinances and regulations of Lemoyne Borough that pertain to the construction, reconstruction and repairing of sidewalk. Failure of existing sidewalks to meet these standard construction and material specifications contained in this section shall not, by themselves, provide sufficient justification for the issuance of a repair notice by the Borough.
- B. The materials, location and construction of all proposed pathways shall be approved by the Borough.
- C. Sidewalks shall be constructed in accordance with PennDOT Publication 408 and Publication 72M, as amended.
- D. The Borough may approve alternate construction methods and materials (brick, concrete pavers, stone, etc.). Requests for alternate construction methods and materials shall be made to the Borough as a part of the permit process. Permit

applications for alternate methods and materials shall include but not be limited to justification for request, proposed alternate methods and materials, construction standards and specifications for alternate methods and materials.

- E. At driveway entrances, when there is curb, the apron between the curb and sidewalk shall be concrete.
- F. All joints between sidewalks and bituminous pavement shall be sealed with PG 64-22 or approved equal.

§ 472-45. Curb ramps.

- A. Curb ramps shall be designed and constructed in accordance with the latest PennDOT and ADA standards.
- B. The physical geometry of the ramps shall comply with PennDOT Publication 72M, latest revision.
- C. The design of the ramps shall further comply with the PennDOT Design Manual Part 2, Highway Design Publication 13M, latest edition.

§ 472-46. Repair, replacement and maintenance of existing sidewalk and curb.

- A. The standard construction and material specifications contained in this section shall supplement Article VII, Construction, Reconstruction and Repair of Sidewalks and Curbs, of this chapter, and all other ordinances and regulations of the Borough that pertain to the construction of sidewalk and curb.
- B. The Borough recognizes the necessity for repair, maintenance, and upkeep of existing sidewalks in order to provide safe, unimpeded and unobstructed pedestrian access within the municipality. The safe, unimpeded, and unobstructed pedestrian access throughout the Borough is necessary to preserve the health, safety and general welfare of the citizens and businesses. The Borough further recognizes the need to provide safe and unimpeded access throughout the business district to maintain a viable environment community attractive to general public use and pedestrian traffic.
- C. All existing sidewalks and curbs shall be repaired, replaced, or maintained by the owner of real estate abutting such sidewalk and curbs within the limits of the Borough.
- D. No owner of any real estate with existing sidewalks or curbs shall remove such sidewalks or curbs, or cause or permit such existing sidewalks or curbs to deteriorate or decay to a state which creates a dangerous condition or prevents the safe and unimpeded passage of pedestrians. A dangerous condition shall be defined as a reasonably foreseeable condition which creates a risk of accident or injury through tripping, falling, or slipping as a result of the condition or state of a sidewalk.
- E. Unless otherwise approved by the Borough in writing, repairs to sidewalks shall be made using similar building materials and methods as present in the existing sidewalk (e.g., in the event the sidewalk is constructed using brick pavers, the sidewalk shall be repaired using brick pavers of similar size, shape, and color, and installed in a manner matching the existing brick pattern).
- F. When existing sidewalk is being repaired or replaced, the width of the new sidewalk shall match the width of the existing sidewalk. All repaired and replaced sidewalk shall be a minimum of four feet wide, unless approved otherwise by the Borough.
- G. No fixed or permanent structure, including but not limited to porches, steps, building entrances, bay or bowed windows, adjacent to a residential, commercial, or industrial

use, shall extend over any sidewalk so as to restrict the free and unimpeded movement of pedestrian traffic or to create a dangerous condition.

- H. The Borough may require repair, replacement, or maintenance of existing sidewalk as result of any of the following conditions:
- (1) Vertical fault. Vertical offsets in the sidewalk of one inch or greater and when abutting curb, with no grass planting strip between them, two inches or greater.
 - (2) Horizontal fault. Horizontal gaps or openings in the sidewalk of one inch or greater.
 - (3) Structural failure. Three or more cracks and/or single voids two inches or greater in diameter in a single sidewalk panel or section.
 - (4) Spalling. Surface deterioration of 1/4 inch or greater on the sidewalk.
 - (5) Obstructions. Any obstruction that restricts the operating width of the sidewalk to less than 36 inches.
 - (6) Cross slope. Cross slope of greater than 3/5-inch vertical per foot horizontal.
 - (7) Ponding. Standing water or evidence of standing water on the sidewalk.
 - (8) Cleanliness. Excessive debris and/or poor cleanliness on the sidewalk.
 - (9) Tree roots. Root systems causing any of the conditions listed above. Root systems shall be entirely removed prior to sidewalk repair or replacement.
 - (10) Any condition which may endanger the health, safety and general welfare of the citizens and businesses within the Borough.
- I. The Borough may require repair, replacement or maintenance of existing curb, or section of curb, as a result of any of the following conditions:
- (1) Less than four inches of exposed reveal or vertical facing on the public street.
 - (2) Exposed aggregate, spalling, and/or crumbling concrete for a length of five linear feet or more.
 - (3) Having material (asphalt, concrete, mortar, etc.) added to the gutter so as to impede normal drainage flow.
 - (4) A horizontal gap between individual curb sections of one inch or more.
 - (5) Adjoining sections of curb or portions thereof whose top surfaces differ vertically by more than one inch.
 - (6) Horizontal fault causing spalling or breaking away of the curb section for a length of five linear feet or more.
 - (7) Vertical face of curb that has an offset angle to the public street of less than eighty degrees or greater than one-hundred-and-ten degrees.
 - (8) Vertical cracks that penetrate the entire width of the curb, the following repair guidelines shall be followed:
 - a) If vertical crack is in the center of a ten-foot section of curb (plus or minus one-half inch), the crack shall be saw cut and grouted.
 - b) If vertical crack is located in a ten-foot section of curb outside of the tolerance in subsection (I)(8)(a) above, half the curbing section shall be removed and replaced.
 - (9) Tree roots. Root systems causing any of the conditions listed above. Root systems shall be entirely removed prior to curb repair or replacement.
 - (10) Any condition which may endanger the health, safety and general welfare of the citizens and businesses within the Borough.
- J. Unacceptable Curb Repair/Replacement Practice:
- (1) Pinning and Doweling - This practice involves avoiding removal of existing concrete curb

by drilling holes into the existing curb and inserting vertical dowels, pins, or bars for the purpose of attaching new, full reveal curb. This is an unacceptable method of constructing curb because it lacks the strength and durability of full depth curb construction. The bond between the existing and new concrete is easily broken, causing sections of the new curb to break off. As indicated in PennDOT Publication 72M, RC 64M, proper curb construction/replacement requires excavation for removal of the existing curb and monolithic placement of concrete to the required depth for the new curb.

- (2) Surface Repairs - Surface repairs, such as parging, are considered an unacceptable method of curb repair. The bond between the existing and new concrete is easily broken, causing sections of the repaired curb to break off. As indicated in PennDOT Publication 72M, RC 64M, proper curb construction/replacement requires excavation for removal of the existing curb and monolithic placement of concrete to the required depth for the new curb.

§ 472-47. Work by property owner on their own initiative.

A. Any property owner, upon their initiative, and without notice from the Borough, may construct, reconstruct, or repair a sidewalk in front of or abutting upon their property, providing that such property owner shall first submit the required permit application to the Borough containing all necessary information and specifications as to material, width, location, grade, slope and thickness of such walk which shall conform strictly to specifications and requirements contained herein. Provided: where such request shall be for permission to construct a new sidewalk along a block where no sidewalks have previously been constructed, the Council may, at its discretion, deny authority to the property owner to construct such sidewalk or may grant such authority only on condition that if, at some future time, the Borough may direct the construction of sidewalk along the entire block, such property owner shall make any such change necessary to conform to the requirements adopted by the Council for such complete sidewalk along the entire block.

B. Any property owner, upon their initiative, and without notice from the Borough, may construct, reconstruct, or repair a curb in front of or abutting upon their property, providing that such property owner shall first submit the required permit application to the Borough containing all necessary information and specifications as to material and construction standards which shall conform strictly to specifications and requirements contained herein. Provided: where such request shall be for permission to construct a new curb along a block where no curb have previously been constructed, the Council may, at its discretion, deny authority to the property owner to construct such curb or may grant such authority only on condition that if, at some future time, the Borough may direct the construction of curb along the entire block, such property owner shall make any such change necessary to conform to the requirements adopted by the Council for such complete curb along the entire block.

§ 472-48. Authority for Borough to do work and collect cost plus 10%.

It is the intent of the Borough wherever possible, to work with its residents to resolve issues associated with this ordinance. To that end, the Borough recognizes that there may be times when residents may find it difficult to address concerns associated with compliance with this ordinance. Therefore, if any property owner is unable or shall fail to complete the construction, reconstruction or repair of a sidewalk, curb ramp, or curb within 90 days after notice from the Borough to do so, the Borough may cause such work to be done, and the Borough shall collect the cost of such work, plus

an additional amount of 10%, from the property owner. In those cases where the Borough causes the work to be done at Borough expense, the Borough:

- a) May place a lien on the property for the cost of the work plus 10%,
- b) Shall require the property owner to enter into a repayment agreement with the Borough.

If, before commencing work, the Borough determines that a property owner is actively engaged in attempting to comply with said the Borough repair notice, the Borough may, but shall not be required to, grant the property owner an extension for compliance.

§ 472-49. Rectification of nonconforming work.

In case any sidewalk, curb ramp, or curb, constructed, reconstructed or repaired, as the case may be shall not conform to all the applicable specifications and requirements, the Borough may order the owner of the abutting property to rectify all such errors and instances of nonconformity, and if such work of rectification shall not have been completed with the time limit set out in such notice, the Borough may proceed to cause the same to be done and may collect the cost thereof, with an additional amount of 10% from such property owner.

DULY ENACTED AND ORDAINED this 15th day of July 2021, by Borough Council of the Borough of Lemoyne, Cumberland County, Pennsylvania, in lawful session assembled.

BOROUGH OF LEMOYNE

ATTEST:  Secretary BY:  Council President

[BOROUGH SEAL]

APPROVED this 15th day of July 2021.

BY:  Mayor