

RICHLANDTOWN BOROUGH ORDINANCE
Bucks County, Pennsylvania

ORDINANCE NO. 2016 - 269

**AN ORDINANCE OF BOROUGH COUNCIL OF THE
BOROUGH OF RICHLANDTOWN, BUCKS COUNTY,
PENNSYLVANIA, AMENDING AND CONFIRMING THE CODE
OF ORDINANCES OF RICHLANDTOWN BOROUGH TO
ASSURE THE PROPER MAINTENANCE, CARE, REPAIR AND
REPLACEMENT OF SIDEWALKS AND CURBS WITHIN THE
BOROUGH OF RICHLANDTOWN, BUCKS COUNTY,
PENNSYLVANIA**

WHEREAS, curbs, sidewalks, bikepaths, pedestrian walkways, and storm drainage ways, otherwise sometimes known as gutters or swales, have become integral parts of much of the developed portion of Richlandtown Borough (“Borough”); and

WHEREAS, as such amenities age, it becomes necessary to create a mechanism to assure their proper maintenance, care, and if necessary, replacement; and

WHEREAS, the Borough has experienced situations in which property owners attempt to avoid their obligations to maintain their properties to the edge of adjacent roadways.

NOW, THEREFORE, it is hereby **ENACTED** and **ORDAINED** by the Borough Council of the Borough of Richlandtown, as follows:

SECTION I

Chapter 21, Part 1, Section 21-101 et seq. of the Richlandtown Code of Ordinance is hereby amended to establish a mechanism to assure the proper maintenance, care, repair and replacement of sidewalks and curbs within the Borough:

§21-101 Definitions.

1. Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. The present tense shall include the future; the singular number shall include the plural; words used in the masculine gender shall include the feminine and the neuter; the word “shall” is always mandatory; the word “may” is always permissive.
2. Any word or term not defined herein shall be used with a meaning of standard usage.

BOROUGH – Richlandtown Borough, Bucks County, Pennsylvania.

CURB – A raised line of concrete, stone, or asphalt at and/or forming the edge of the paved cartway.

GUTTER – A concrete or stone ditch constructed along the edge of a cartway or between the cartway and the curb used to carry surface water runoff.

OWNER - The legal owner or owners of land within the Borough including a lessee, if he/she is authorized under the lease to exercise the rights of the legal owner, or other person having a proprietary interest in the land.

RIGHT-OF-WAY, EXISTING - The legal right-of-way as established by the Commonwealth of Pennsylvania or other appropriate governing authority and currently in existence.

RIGHT-OF-WAY, ULTIMATE - The right-of-way deemed necessary to provide adequate width for future street improvements as set forth in the Borough's Zoning Ordinance and Subdivision and Land Development Ordinance. Ultimate Right-of-Way may also be referred to as Future Right-of-Way.

SIDEWALK – A path for pedestrians alongside a street or alley, usually constructed of concrete, stone, or brick.

BIKEPATH/PEDESTRIAN WALKWAY – a paved path for pedestrians/bicycles alongside a street or alley or reverse frontage properties, usually constructed of asphalt.

STREET TREE – A tree installed or maintained in the Right-of-Way in accordance with approved subdivision or land development plans and/or in compliance with the Borough's Zoning Ordinance and Subdivision and Land Development Ordinance (those trees adjacent to sidewalks and roadways).

SWALE - A low-lying stretch of land characterized as a depression used to carry surface water runoff.

§21-102 Care and Maintenance.

1. Owners of real property abutting any curb, sidewalk, bikepath, pedestrian walkway, or gutter shall keep same free of refuse, debris and vegetation. Owners of real property abutting any swale shall keep same free of refuse and debris and shall properly maintain vegetation in the swale. Such care and maintenance shall be undertaken to ensure that all sidewalks, bikepaths, and pedestrian walkways remain passable by pedestrians, and that all swales and gutters permit the unrestricted flow of storm water.

2. Owners of unwooded, developed real property within the Borough shall maintain their properties up to the edge of the cartway of all adjacent streets and alleys with well-maintained

gardens or properly trimmed grass in accordance with the Richlandtown Code of Ordinances and any other applicable law. Trimmed Grass shall mean less than six (6) inches.

3. Owners shall maintain all curbs and sidewalks, within or adjacent to their property without breaks, irregular surfaces, or missing parts, and shall promptly repair or replace curbs and sidewalks, when such breaks, irregular surfaces or missing parts occur. Missing parts shall mean any portion of the curb and/or sidewalk that is absent or has been removed and/or broken off.

4. Owners shall maintain all street trees within or abutting their property to ensure that they are free of damage and disease, and shall not create a risk of harm to passersby. Owners trimming and/or maintaining street trees must take all proper precautions to protect the public from these activities. Where street tree maintenance will possibly affect the safe use of a public street, the area affected shall be cordoned off and the Borough's approval of such work and street closure shall be obtained.

5. No street trees may be removed by an Owner unless such trees are dead, diseased, or at risk of collapse, and only then upon receipt of a tree removal permit from the Borough. Any street tree removed from a property in the Borough shall be replaced by the Owner of the property within six (6) months of such removal (unless ordered to act more promptly pursuant to Section 6 of this Ordinance). All replacement trees shall be of a size and species required by the Borough Subdivision and Land Development Ordinance for street trees and shall be approved by the Borough. Prior to removing or replacing street trees, an Owner shall apply for and receive a permit from the Borough for this work. There shall be no fee for this permit.

6. With the exception of leaves on public streets during Autumn, no debris may be thrown onto or into public streets, sidewalks, bikepaths, pedestrian walkways, swales, gutters, or storm sewer facilities.

§21-103 Construction and Repair Required.

1. The Borough may require Owners of property abutting any street or alley, including state highways, to construct, pave, repave, and repair sidewalks, curbs, swales, and gutters along such property, at such grades as may be prescribed by the Borough Engineer or Borough Representative, and under such regulations as may be prescribed by the Borough Council, and to maintain or replace missing, dead, damaged, or diseased street trees. Prior to conducting such work, an Owner shall apply for and receive a permit from the Borough for this work.

2. Every owner of property in the Borough shall, on receipt of ninety (90) days' written notice from the Borough and/or the receipt of notice from the Borough prior to any property changing ownership by transfer from grantor to grantee by legal deed, reconstruct any section of sidewalk and/or curb where one or more of the following conditions exist:

A. Replace sidewalk sections which are not vertically aligned in excess of ½ inch at any location along an abutting level section.

B. Sidewalk sections cracked with settlement or upheaval of a portion of the section in excess of ½ inch at any location along the abutting portion.

C. Sidewalk section spalled where surface deteriorated to a depth of 1/8 inch and concrete surface is loose, peeled, and pitted at least 25% of the sidewalk section.

D. Sidewalk sections abutting separately installed curbs which have settled adjacent to the curb ½ inch or greater.

E. Where curb and sidewalk are monolithic construction and curb is suitable and sidewalk sections are not, the property owner has the option of:

(1) Complete removal of curb and sidewalk and replacement as a monolithic installation or separate curb/sidewalk construction.

(2) Saw curb joint between curb and sidewalk; remove sidewalk; place one-fourth-inch premoulded joint material between curb and sidewalk section to be installed; replace sidewalk section.

F. Sidewalk sections having cracked areas ½ inch or wider having no vertical difference. Replace in entirety or repair by cleaning cracked area and coat with epoxy; install concrete, smoothing area to blend with surrounding sidewalk.

G. Curb that is cracked or misaligned vertically and/or horizontally one inch or more must be replaced.

H. Curb surfaces deteriorated or spalled must be replaced.

I. Curb damaged with large chunk either loose or removed, having a dimension of one inch or greater, shall be repaired by:

(1) Removing all loose material, cleaning of surface.

(2) Application of epoxy.

(3) Installation of concrete.

(4) Smooth to blend or meet adjacent surfaces.

J. Granite curb stone shall be replaced if not vertically aligned with the sidewalk surface or leaning or irregular alignment along road gutter.

K. Slate curb shall be removed or replaced.

§21-104 Design Standards.

1. All curb and sidewalk construction shall conform to the Borough design standards as shown in the attached Appendix – attachments A-1 through A-5 as prepared by C. Robert Wynn Associates.

2. The Borough shall determine for each street or section of the Borough the standard width of the curb-sidewalk, curb-grass or plot sidewalk which will apply to such street or section.

3. A radius curb shall be constructed at all street, alley and/or vehicular public way intersections. The arc of each radius shall be specified by the Borough Engineer.

§21-105 Supports under Sidewalks and Curbs.

Where sidewalks or curbs are to be constructed, paved, repaved, or repaired over swales, gutters, or excavations of any kind, such sidewalks shall be supported by iron or steel beams, girders, stone, or concrete arches. Any supports constructed of wood or other material prone to decay, rot, or erosion shall be prohibited.

§21-106 Conformity to Line and Grade.

All sidewalks, curbs, swales, and gutters shall be constructed, paved, repaved, or repaired, upon the line and grade obtained by the Owner from the Borough Engineer or Borough Representative, following application by the Owner to the Borough for all necessary permits.

§21-107 Notice to Do Work.

Any notice from the Borough to an Owner to construct, pave, repave, and repair sidewalks, curbs, swales, or gutters or to maintain or replace street trees shall grant the Owner ninety (90) days to comply with said notice in conformity with any construction specifications prescribed by the Borough Engineer or Borough Representative. No work shall be conducted without a permit.

§21-108 Inspection.

At any time during the performance of the required work, the Borough Engineer or Borough Representative may inspect the work to determine whether construction specifications are being observed.

§21-109 Borough May Do Work and Collect Costs.

Upon the failure or refusal of any Owner to timely construct, pave, repave, or maintain any sidewalk, curb, swale, or gutter or to maintain or replace street trees in compliance with a Borough notice to do so, the Borough may do the same or cause the same to be done, and may levy the cost of this work, together with the cost of collection, and a reasonable administrative charge, on the Owner as a property lien to be collected as provided by law.

§21-110 Emergency Repairs.

Where, in the opinion of the Borough, a dangerous condition exists that must be repaired, the Borough shall send the Owner of the property containing this condition a notice by registered or certified mail stating emergency repairs are required. Upon failure of such owner to comply with the notice within forty-eight (48) hours after receiving it, the Borough may make the required emergency repairs, and levy the cost of this work, together with the cost of collection, and a reasonable administrative charge, on the Owner as a property lien to be collected as provided by law.

§21-111 Construction and Repair Done on Owner's Initiative Without Notice.

Any Owner not required by notice to construct, pave, repave, or keep in repair sidewalks, curbs, swales, or gutters, may construct, pave, repave, or repair the sidewalk, curb, swale and gutter abutting his/her property; provided such Owner shall make application to the Borough for a permit before commencing work, shall obtain property grades from the Borough Engineer or Borough Representative before commencement of work, shall conform to the provisions of this Ordinance and other regulations as to specifications for construction and repair work, and shall notify the Borough Engineer or Borough Representative no less than forty-eight (48) hours before commencement of said work. There shall be no fees charged for any Borough permits issued in conjunction with this work.

§21-112 Penalties.

Any person who shall violate or permit violation of any provision of this Ordinance shall pay a civil penalty of not more than One Thousand Dollars (\$1000.00) together with all court costs and reasonable attorneys' fees actually incurred by the Borough. Each day that a violation continues shall constitute a separate offense. This penalty may be levied upon the Owner, any tenant, and any other occupant of the real property containing the violation subject to the provisions hereof.

§21-113 Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed, but only to the extent of such conflict.

§21-114 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 Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

§21-115 Effective Date.

This Ordinance shall become effective five (5) days after enactment or upon recordation of this Ordinance within the Borough's official Code Book, whichever comes later.

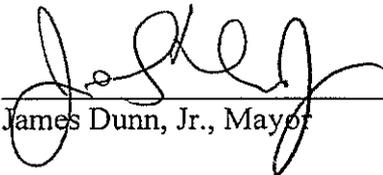
ENACTED and ORDAINED this 9th day of May, A.D., 2016.

ATTEST:

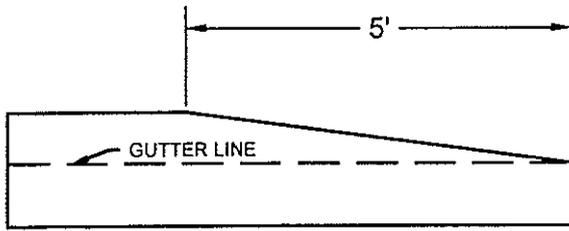


RICHLANDTOWN BOROUGH COUNCIL

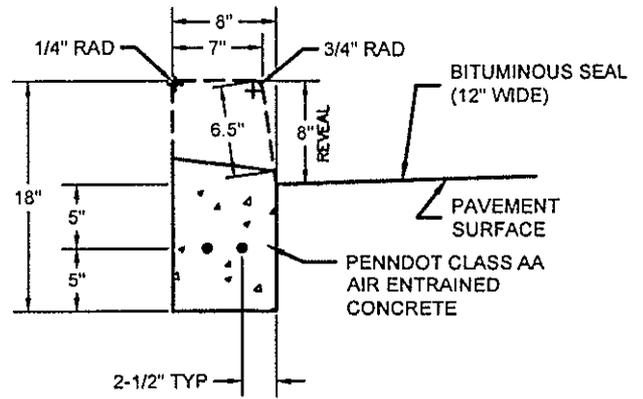


Thom Lowe, Borough Council President

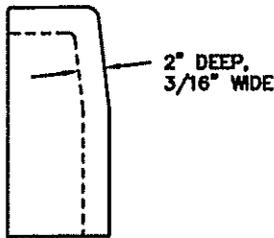
James Dunn, Jr., Mayor



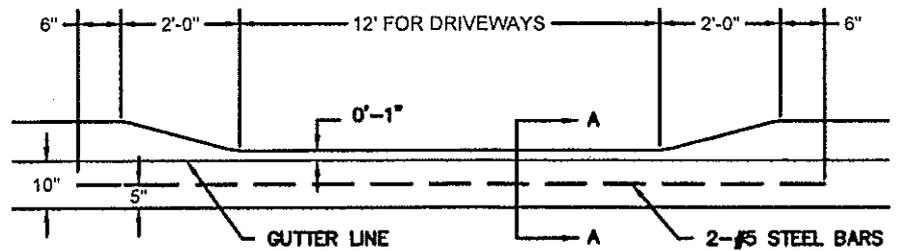
END CURB TREATMENT DETAIL



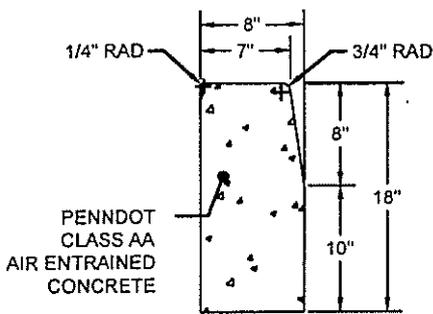
SECTION A-A



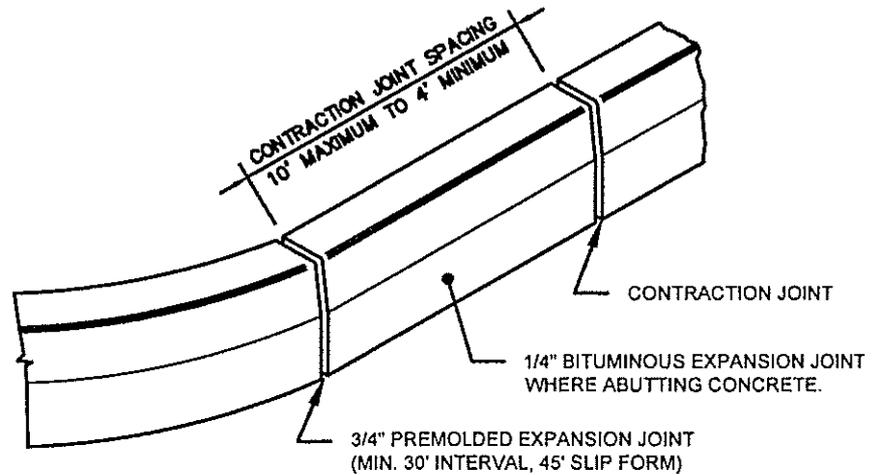
CONTRACTION JOINT



DEPRESSED CURB



TYPICAL CROSS SECTION

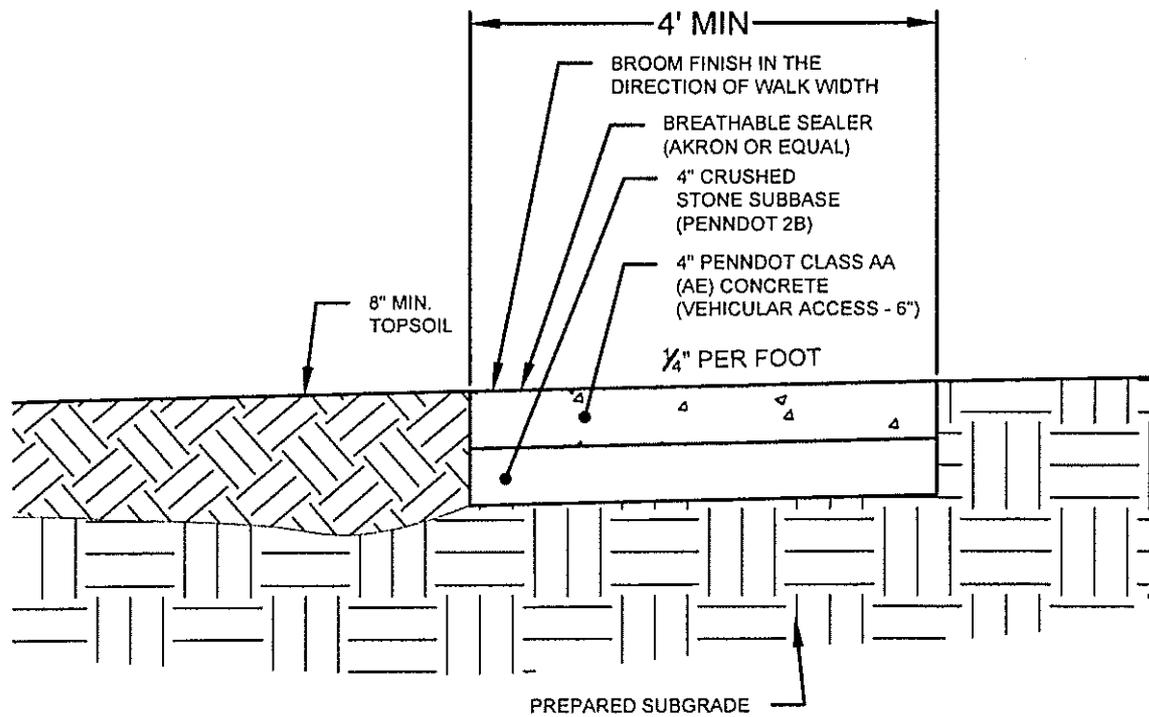
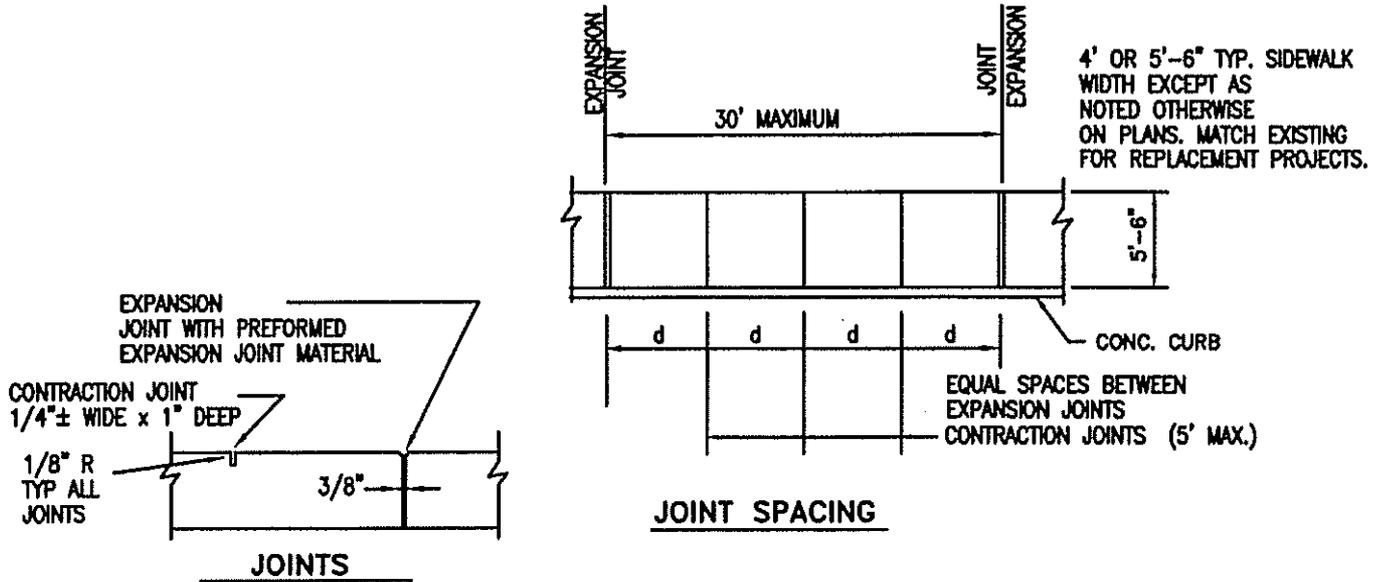


(NTS)

NOTE:

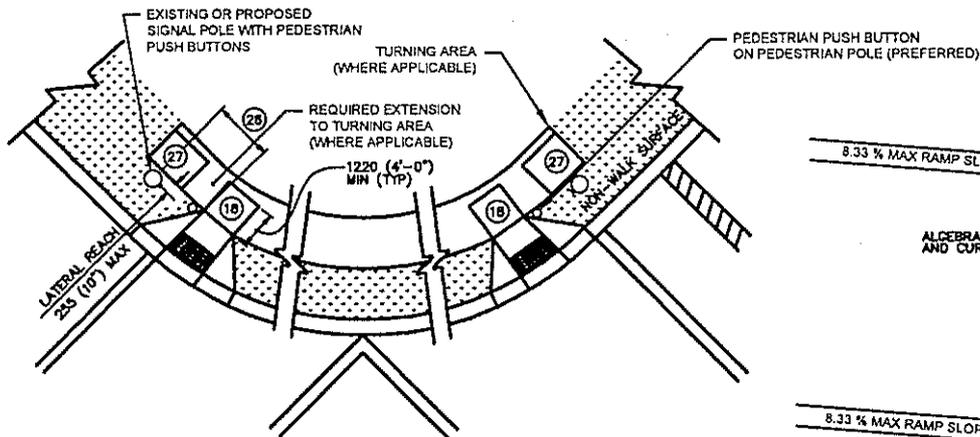
1. CURBS SHALL BE PROVIDED ON BOTH SIDES OF THE STREET AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH PENNDOT PUBLICATION 408 AND AS SPECIFIED.
2. SPACE CONTRACTION JOINTS IN UNIFORM LENGTHS OR SECTIONS.
3. PLACE 3/4" PREMOLDED EXPANSION JOINTS AT ENDS OF SECTIONS OF CURVED CURBS AND STRUCTURES AT INTERVALS OF NOT MORE THAN 30 FEET OF STRAIGHT CURB (50 FEET FOR SLIP FORMED CURB), AND AT THE END OF THE WORK DAY. CUT PREMOLDED EXPANSION MATERIAL TO CONFORM TO AREA ADJACENT TO CURB OR TO CONFORM TO CROSS SECTIONAL AREA OF CURB.

CONCRETE CURB

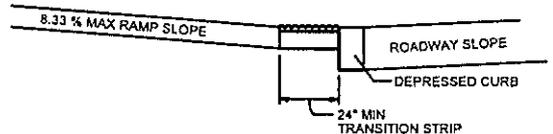
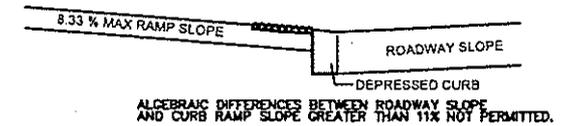


(NTS)

CONCRETE SIDEWALK



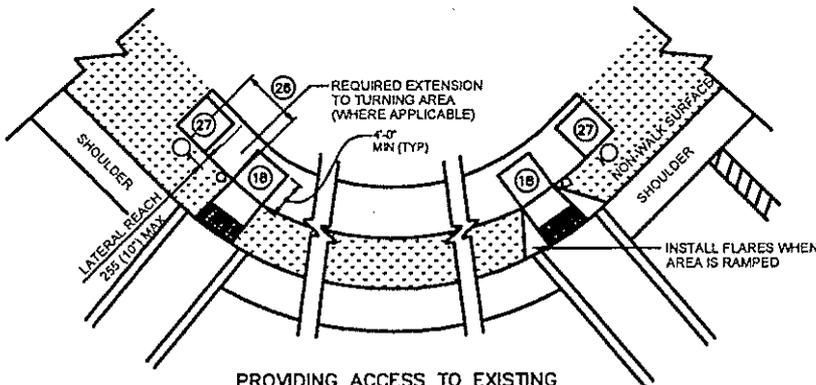
PROVIDING ACCESS TO EXISTING PEDESTRIAN PUSH BUTTONS USING SEPARATE CURB RAMPS PLAN



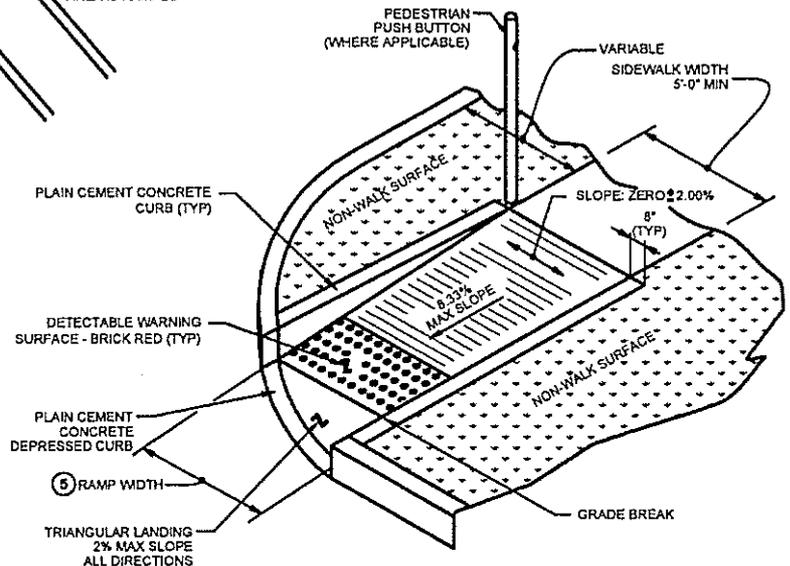
PROVIDE A 24" MIN TRANSITION STRIP IF ALGEBRAIC DIFFERENCES BETWEEN ROADWAY SLOPE AND CURB RAMP SLOPE ARE GREATER THAN 11.00%.

TRANSITION STRIP SLOPE NOT TO EXCEED 2.00%

CHANGE OF GRADE LIMITATIONS



PROVIDING ACCESS TO EXISTING PEDESTRIAN PUSH BUTTONS NON-CURBED ROADWAY PLAN



TRIANGULAR LANDING FOR DIRECTIONAL RAMPS ON CURB RETURNS

- 5 CURB RAMP WIDTH IS EQUAL TO SIDEWALK WIDTH WHEN THE SIDEWALK WIDTH IS GREATER THAN OR EQUAL TO 4'-0".
- 18 CURB RAMPS REQUIRE A 4'-0" MINIMUM LANDING WITH A MAXIMUM SLOPE OF 2.00% IN ALL DIRECTIONS WHERE PEDESTRIANS PERFORM TURNING MANEUVERS. REFER PENNDOT PUBLICATION 403
- 26 10'-0" MAX. MEASURED FROM WHERE PEDESTRIAN WOULD WAIT FOR SIGNAL CHANGE TO THE LOCATION OF THE PUSH BUTTON. IF THE DISTANCE IS GREATER THAN 10'-0", THE SIGNAL POLE MUST BE RELOCATED OR A PEDESTRIAN POLE MUST BE INSTALLED.
- 27 4'-0" X 4'-0" MINIMUM LANDING WITH 2.00% MAX SLOPE IN ALL DIRECTIONS WHERE PEDESTRIANS PERFORM 180 DEGREE TURNING MANEUVERS.

DIRECTIONAL RAMPS ARE PREFERRED FOR THE VISUALLY IMPAIRED. WHEN DIRECTIONAL RAMPS ARE INSTALLED ON A CURB RETURN, A TRIANGULAR LEVEL LANDING MUST BE PROVIDED TO TRANSITION THE GRADE BREAK.

NOTE: ALL RAMPS MUST BE CONSISTENT WITH CURRENT PENNDOT/ADA REQUIREMENTS FOR THEIR SPECIFIC CONFIGURATION.

(NTS)

ADA ACCESSIBLE RAMPS - TYPE I

A-4

1. CONCRETE MUST BE PENNDOT CLASS AA OR 4,000 PSI (28-DAY STRENGTH), EXCEPT AS OTHERWISE IDENTIFIED IN THIS ORDINANCE.
2. PUBLIC SIDEWALK AND DRIVEWAY APRONS (LOCATED WITHIN THE RIGHT-OF-WAY) MUST BE INSTALLED IN ACCORDANCE WITH AMERICAN CONCRETE INSTITUTE (ACI) 306R-88 SPECIFICATIONS FOR COLD WEATHER CONCRETE INSTALLATION. COLD WEATHER IS DEFINED AS A PERIOD OF MORE THAN THREE CONSECUTIVE DAYS WHERE AVERAGE DAILY TEMPERATURE IS FORECAST TO BE LESS THAN 40 DEGREES (F) AND WHERE AIR TEMPERATURE IS FORECAST TO BE LESS THAN 50 DEGREES (F) FOR MORE THAN 12 HOURS.
3. MIXING WATER IS NOT PERMITTED TO BE ADDED TO THE BATCH AFTER CONCRETE IS DISPATCHED FROM THE PLANT. CONCRETE BATCH TICKET MUST BE SUBMITTED TO THE INSPECTOR AT TIME OF POUR AND MUST IDENTIFY CONCRETE STRENGTH AND SLUMP. CONCRETE THAT HAS BEEN SUPPLEMENTED WITH ADDITIONAL MIXING WATER WILL BE REJECTED.
4. NO ADDITIVES ARE PERMITTED AFTER THE CONCRETE IS DISPATCHED FROM THE PLANT.
5. AIR-ENTRAINED ADMIXTURES ARE NOT PERMITTED FOR CONCRETE PLACED DURING NON "COLD WEATHER" CONDITIONS AND WHERE FREEZING TEMPERATURE (32 DEGREES (F) OR LESS) ARE NOT EXPECTED DURING THE CURING PERIOD.
6. WATER REDUCING ADMIXTURES ARE NOT PERMITTED FOR CONCRETE PLACED DURING "COLD WEATHER" CONDITIONS, AS THEY ALSO ACT AS RETARDING ADMIXTURES. USE OF WATER REDUCING ADMIXTURES MUST BE APPROVED BY THE BOROUGH ENGINEER.
7. SUPERPLASTICIZING ADMIXTURES ARE NOT PERMITTED FOR CONCRETE PLACED DURING "COLD WEATHER" CONDITIONS, AS THEY ALSO ACT AS RETARDING ADMIXTURES. USE OF SUPERPLASTICIZING ADMIXTURES MUST BE APPROVED BY THE BOROUGH ENGINEER.
8. SET-RETARDING ADMIXTURES ARE NOT PERMITTED FOR CONCRETE PLACED DURING "COLD WEATHER" CONDITIONS. USE OF SET-RETARDING ADMIXTURES MUST BE APPROVED BY THE BOROUGH ENGINEER. SET-RETARDING ADMIXTURES MUST BE ADDED TO THE MIXING WATER AT THE BATCH PLANT. SET-RETARDING ADMIXTURE CONTENT MAY NEVER EXCEED 0.10% BY WEIGHT OF CEMENT (1.5 OUNCES PER 100 POUNDS OF CEMENTITIOUS MATERIAL) IN THE CONCRETE MIX AND MAY ONLY BE UTILIZED DURING HOT WEATHER CONDITIONS. (GREATER THAN 85 DEGREES (F))
9. SET-ACCELERATING ADMIXTURES (SUCH AS CALCIUM CHLORIDE) MUST BE APPROVED BY THE BOROUGH ENGINEER; AND SHALL ONLY BE USED WITH 5,000 PSI (28-DAY STRENGTH) CONCRETE. (IN LIEU OF 4,000 PSI) SET-ACCELERATING ADMIXTURES ARE ONLY PERMITTED FOR USE DURING "COLD WEATHER" CONDITIONS. IF APPROVED BY THE BOROUGH ENGINEER, ACCELERATOR MAY NOT EXCEED 2% BY WEIGHT OF CEMENT IN THE BATCH AND MUST BE ADDED TO THE MIXING WATER AT THE PLANT. ADDITION OF ACCELERATOR TO THE BATCH AFTER DISPATCH FROM THE PLANT IS NOT PERMITTED. USE OF ACCELERATORS WITH SULFATE RESISTANT CEMENT IS PROHIBITED. CALCIUM CHLORIDE (OR OTHER "CHLORIDE" ADDITIVES) MAY NOT BE USED IN REINFORCED CONCRETE.
10. COLD WEATHER CONCRETE INSTALLATION:
 - A. CONCRETE INSTALLED DURING COLD-WEATHER CONDITIONS MUST BE 5,000 PSI (28-DAY STRENGTH).
 - B. CONCRETE MAY NOT BE INSTALLED WHEN AIR TEMPERATURE IS LESS THAN 35 DEGREES (F).
 - C. CONCRETE MAY NOT BE SET ON FROZEN GROUND, SNOW OR ICE. GROUND TEMPERATURE MUST BE AT LEAST 35 DEGREES (F) AND STONE SUBBASE AND EMBEDDED REINFORCEMENT (WELDED WIRE FABRIC, REINFORCING BARS, ETC.) MUST BE PROTECTED FROM FREEZING FOR AT LEAST 24 HOURS PRIOR TO PLACEMENT.
 - D. ALL CONCRETE MUST BE AIR-ENTRAINED FOR "COLD WEATHER" PLACEMENT. AIR ENTRAINMENT SHALL BE 4% TO 7% OF THE CONCRETE VOLUME.
 - E. CONCRETE MUST BE PROTECTED FROM FREEZING WITH INSULATING BLANKETS, ENCLOSURE, OR HEATERS. CONCRETE MUST BE SUFFICIENTLY PROTECTED TO MAINTAIN A TEMPERATURE OF AT LEAST 50 DEGREES (F) FOR THE ENTIRE PROTECTION PERIOD. CONCRETE PROTECTION (INSULATING BLANKETS, ETC.) MUST REMAIN IN PLACE FOR A MINIMUM OF THREE (3) DAYS AFTER PLACEMENT. (PROTECTION PERIOD) MAXIMUM PERMITTED DROP IN CONCRETE TEMPERATURE OVER THE 24-HOUR PERIOD FOLLOWING THE END OF THE PROTECTION PERIOD, SHALL BE 50 DEGREES (F).
 - F. CONCRETE MUST BE PLACED AND PROPERLY FINISHED IN SUFFICIENT TIME TO MAINTAIN A MINIMUM SURFACE TEMPERATURE OF 55 DEGREES (F) AT TIME OF PLACEMENT OF TEMPERATURE PROTECTION (INSULATING BLANKETS).
 - G. MIXING TEMPERATURE OF CONCRETE (AT THE PLANT) MUST BE AT LEAST 60 DEGREES (F). TEMPERATURE OF CONCRETE AT TIME OF PLACEMENT WILL BE MEASURED BY THE BOROUGH INSPECTOR AND MUST BE AT LEAST 55 DEGREES (F), OTHERWISE, CONCRETE WILL BE REJECTED.
 - H. MIXING WATER IS NOT PERMITTED TO BE ADDED TO THE BATCH TO IMPROVE WORKABILITY, AFTER CONCRETE IS DISPATCHED FROM THE PLANT.

CONCRETE SPECIFICATIONS