

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Mansfield, Tioga County, Pennsylvania as follows:

SECTION 1. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-1, "Definitions; word usage", is hereby amended to **remove** the following:

- A. PERSON - Any natural person, partnership, association, firm or corporation.
- B. SIDEWALK COMMITTEE - Refers to the Sidewalk Committee of the Borough Council of the Borough of Mansfield or to the Director of the Borough of Mansfield.
- C. USAGE - The singular shall include the plural, and the masculine shall include the feminine and neuter.

It is also amended to **add** the following:

- A. ADJACENT/ABUTTING PROPERTY - Any lot of parcel of land adjoining, bordering or touching the street as defined herein.
- B. ADJACENT SIDEWALK - That portion of the sidewalk next to an abutting or adjacent property as defined herein.
- C. DIRECTOR - The individual or their dully appointed designee, appointed by the Borough, in charge of administering and enforcing the provisions of the Sidewalk Ordinance.
- D. DRIVEWAY - An area of private property above the sidewalk for the purpose of parking vehicles and gaining access to the property.
- E. DRIVEWAY APPROACH - An area within the right-of-way located between the sidewalk and the edge of the improved roadway, for the purpose of gaining access to the driveway and access to the property.
- F. FLAG - A section of sidewalk between standard control joints.
- G. HIGHWAY - Every public highway, road and street which is open for public travel including bridges, sidewalks, crosswalks on any highway. The term highway does not include alleys, private roads and streets.

- H. INSPECTION POLICY - A written policy adopted by the Borough which defines procedures and material specifications for sidewalk inspection, replacement and repairs.
- I. OWNER - Owner shall mean the individual(s) holding title to the property adjacent to sidewalk along a street as defined herein.
- J. PRIVATELY OWNED SIDEWALK - Sidewalk, either asphalt or concrete, located on private property outside of a public right-of-way or easement.
- K. PUBLIC PROPERTY - Shall mean the dedicated right-of-way or right-of-way easement which may include public highways, streets and alleys.
- L. REPAIR/REPLACEMENT - Means the adjustment, removal, realignment, mudjacking, patching or installation of any sidewalk in accordance with the inspection policy repair/replacement standards.
- M. SIDEWALK - Any improved portion of the public right-of-way lying between the edge of the improved roadway and adjacent property line intended for the use of pedestrians. The sidewalk materials shall consist of concrete with minimum widths of four (4) feet.
- N. SIDEWALK COMMITTEE - Refers to the Sidewalk Committee of the Borough Council of the Borough of Mansfield.
- O. STREET - A dedicated thoroughfare in the Borough that is designated for public travel and transportation, affording the principal means of access the abutting property. This does not include any privately owned roads, streets or other means of access.

SECTION 2. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-2, "Construction of sidewalks by property owners", is hereby amended to **read** as follows:

Any owner of property in the Borough of Mansfield shall, within 90 days of notice from the Borough, construct a sidewalk which shall conform to all applicable requirements of this article, in front of and/or alongside of such property. This shall apply to any new construction located on properties that abut or are adjacent to properties that currently have a sidewalk.

SECTION 3. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-3, "Giving of Notice", is hereby **removed** and amended to be **re-named** and to **read** as follows:

Section 138-3 "Repair or replacement of sidewalks by property owners"

Any owner of property in the Borough of Mansfield shall within 90 days of notice from the Borough Council, repair the sidewalk, in the manner stipulated in such notice in front of and/or alongside such property. All properties may be inspected at any time as directed by Borough Council and upon inspection sidewalks shall be replaced or repaired if the following conditions exist:

- A. If the sidewalk has more than one inch (1") between any two (2) sections (flags) of sidewalk at the connection joint.
- B. If the sidewalk has more than two (2) cracks of three-quarter (3/4) inch in width or more in any two (2) linear feet of sidewalk section.
- C. If the sidewalk has a crack more than one inch (1") in width.
- D. If any section of sidewalk is tilted in excess of one inch (1") per foot from edge to edge in a transverse direction.
- E. If, in any flag of sidewalk, more than fifty percent (50%) of the surface has scaled off to a depth of one-half inch (1/2") or greater.

SECTION 4. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-4, "Repair of sidewalks by property owners", is hereby **removed** and amended to be **re-named** and to **read** as follows:

Section 138-4 "Giving of Notice"

The notices referred to in section 138-2, 138-3, and 138-10D shall be written. Consideration shall be given to weather and seasonal conditions regarding the time line of notices for the repair and replacements referred to in Section 138-2 and 138-3. Extensions of time may be considered on an individual basis upon written request, with due consideration given to weather and seasonal conditions.

SECTION 5. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-5, "Sidewalk materials and specifications", is hereby amended to **read** as follows:

All sidewalks shall be constructed, reconstructed and repaired of concrete materials only, which meets the following specifications:

- A. Concrete shall have a minimum 10 inches by 10 inches reinforcement mesh.
- B. Concrete walks on driveway entrances shall be a minimum of six inches in depth with a minimum of 10 inches by 10 inches reinforcement mesh.
- C. Concrete shall meet twenty-eight day compression strength of 4,000 pounds per square inch. The Portland cement shall be six bags per cubic yard and containing not less than 4% or more than 6% air by volume.
- D. All edges and joints shall be tooled, with joints at a maximum of six feet and $\frac{1}{2}$ inch expansion joints place every 30 linear feet. The concrete shall have a medium broom finish across the lengths after tooling of the edge joints. Control Joints may be cut where the width of the sidewalk exceeds four feet.
- E. Sidewalks shall be sloped at a minimum of $\frac{1}{4}$ inch per foot transversely in the direction of natural drainage.
- F. All grades and slopes of sidewalks should conform with all handicap standards, regulations and laws. This shall not apply where topography does not allow and other means of accessible access are utilized.
- G. All sub base material shall be plate compacted and all new base materials shall be compacted to 95%.
- H. All base and sub base materials shall be placed in accordance with industry standards and Borough specifications.

SECTION 6. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-6, "Sidewalk widths", is hereby amended to **read** as follows:

All sidewalks on Main Street between the intersection of Center Street with North Main Street and the intersection on College Avenue with South Main Street shall extend from the existing building line to the curb, with a minimum of 15' for new construction, and on all other streets the sidewalks shall be at least four feet wide

SECTION 7. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-7, "Failure to comply with notice", is hereby amended to **read** as follows:

- A. Any owner of property of Borough of Mansfield who shall fail or refuse to comply with the provisions of any lawful notice served by virtue of section 138-2, 138-3, 138-4, 138-5, or 138-6 shall be guilty of a violation of this article. Each separate day of such failure or refusal shall constitute a separate offense.
- B. At its option in conjunction with prosecution for violation as aforesaid or without such prosecution, the Borough of Mansfield may cause the work required by said notice to be done and the costs, thereof 10% for administrative expenses to be collected from the owner of the property in like manner as municipal claims are collected or by action in assumpsit.

SECTION 8. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-8, "Excavations under sidewalks", is hereby amended to **read** as follows:

No permanent excavations shall be made under any sidewalk in the Borough of Mansfield unless such sidewalk shall be supported by iron or steel beams or girders or by stone or concrete arches of such design and size as shall be approved by the Borough.

SECTION 9. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-9, "Sidewalk lines and grades", is hereby amended to **read** as follows:

All sidewalks shall be constructed, reconstructed and repaired and the grading thereof done only upon the line and grade obtained by the property owner from the Borough. Upon notice as provided in Sections 138-3 or 138-4, as the case may be, such work of construction, reconstruction or repair shall be done by the owners of such property.

SECTION 10. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-10, "Duty of the Borough regarding reconstruction", is hereby amended to **read** as follows:

It shall be the duty and responsibility of the Borough to determine, in the case of any individual property, whether or not the sidewalk will be reconstructed or repaired, and, if so, the specific part or part thereof to be reconstructed or repaired. The Sidewalk Committee or a member thereof may, at any time during the course of work of constructing, reconstructing or repairing any sidewalk, visit the site of such work to ascertain whether such work is being done according to requirements; and said Committee or any one of the members shall visit any such site for purpose whenever requested by the property owner. Within two days after the completion of the work of construction, reconstruction or repair of any sidewalk, it shall be the duty of the owner of the property where such work was done to notify the Borough of the fact so that it may inspect such sidewalk to determine whether the grade and line thereof have been observed and followed.

- A. The Director or their dully appointed designee, shall be responsible for inquiries and investigation of complaints regarding the condition of sidewalks. The Director or their dully appointed designee, shall keep a record of complaints and any action taken.
- B. It is the intention of this Ordinance to implement the replacement and repairs of sidewalks over a period of time by utilizing available resources. The funding of sidewalk replacement and repairs will be determined by the Borough Council.
- C. It shall be the responsibility of the Director to supervise all sidewalk construction and maintenance, including inspection, and to enforce the provisions of this Ordinance.
- D. The Director or their dully appointed designee, or inspector, will conspicuously mark any inspected sidewalk in need of repair. The Director or their dully appointed designee, or inspector, will send notification to the adjacent property owner of sidewalks in need of repair, giving ninety (90) days to repair/replace the sidewalk. In the event that the sidewalk is not repaired/replaced within the ninety (90) day period, the Director will cause the sidewalk to be replaced by the Borough at the property owner's expense. In the event that an adjacent or abutting property owner disputes the finding of the Director or their

dully appointed designee, an appeal may be directed to the Borough. All appeals shall be filled with the Borough within twenty (20) days of the date of the written notification that sidewalk repairs are required. The Sidewalk Committee shall review all appeals and make a recommendation to Borough Council for final determination regarding the validity of such appeal.

- E. The cost of repair/replacement of the sidewalks will be property owner's responsibility.

SECTION 11. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-11, "Sidewalk repair on owner's initiative", is hereby amended to **read** as follows:

Any property owner, upon his own initiative and without notice from any Borough authority, may construct, reconstruct or repair a sidewalk in front of and/or along his property, provided that such owner shall first make application to the Borough and shall conform to the requirements of the article as to line and grade and as to material used, and that he shall notify the Borough, as required by section 138-10, within two days after completion of work.

SECTION 12. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-12, "Sidewalk displays of goods", is hereby amended to **read** as follows:

No person shall place, set up, exhibit or display upon any of the sidewalks of the Borough of Mansfield any goods, wares or merchandise, nor shall any person set up and/or operate upon such sidewalks any implements or fixtures used in connection with the display and/or sale of goods wares or merchandise or the solicitation of contributions to charity by outright contributions or the sale of tokens or tickets, provided that merchants owning or occupying commercial businesses on both sides of Main Street, from the entrance to Smythe Park to Center Street and on both sides of Wellsboro Street from Hoard Street to Railroad Street, within five feet of the building front may during normal business hours set up for sale or display on the sidewalks of the Borough of Mansfield their goods, wares or merchandise, provided that such goods, wares and merchandise are on that portion of the sidewalk, and further provided that no implements or fixtures, used for the purpose of display and/or the sale of goods, wares, or merchandise shall, present a present danger to pedestrian traffic on said sidewalks. The Borough

Council may by resolution suspend the operation of this section or any portion thereof from time to time for limited periods upon such conditions with regard to public liability as shall be determined by said Council.

SECTION 13. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-13, "Removal of snow from sidewalks", is hereby amended to **read** as follows:

The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Borough of Mansfield is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside of such property all snow or ice thereon fallen or formed, within twelve (12) hours after the same shall have ceased to fall or to form, provided that snow or ice which has ceased to fall or to be formed after 6:00 p.m. of any evening may be removed at any time before 10:00 a.m. of the next morning; provided further that the owner of the property shall be responsible for conforming to the requirements of this section where such property is occupied by such owner or is unoccupied, and the tenant or occupier thereof where such property is occupied by such tenant or occupier only and the owner thereof where the property is a multiple-business or multiple-dwelling property occupied by more than one tenant or occupier. The removal of snow and ice from sidewalks shall include the full width of the sidewalk present.

SECTION 14. Chapter 138, Streets and Sidewalks, Article I, Sidewalk Regulations, Section 138-14, "Snow removal by Borough; costs", is hereby amended to **read** as follows:

In any case where the owner, occupant or tenant as aforesaid shall fail, neglect or refuse to comply with any of the provisions of Section 138-13 within the time limit prescribed therein, the Borough authorities may proceed immediately to clean all snow and/or ice from the sidewalk of such delinquents, or to cause to clean all snow and/or ice from the sidewalk of such delinquents, and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be which may be in addition to any fine or penalty imposed under V138-29.

SECTION 15. Severability

The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason

found to be unconstitutional, illegal, or invalid it shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, or section had not been included herein. Any Ordinance or any part of any Ordinances, conflicting, with the provisions of this Ordinance, be and the same is hereby repealed, so far as the same affects this Ordinance.

SECTION 16. Effective date.

These amendments shall take effect and be in force (5) days from the date of their adoption.

ORDAINED AND ENACTED this 11th day of March, 2015.

MANSFIELD BOROUGH COUNCIL

By:

Heathu Monger
President

ATTEST:

Sydney M. Day
Secretary

APPROVED this 11th day of March, 2015.

Thomas J. W. Tule
Mayor