

ORDINANCE NO. 140

AN ORDINANCE OF MILFORD TOWNSHIP REQUIRING PROPERTY OWNERS TO REPAIR, REPLACE AND MAINTAIN SIDEWALKS AND FOR SNOW REMOVAL FROM SIDEWALKS

BACKGROUND

A. Milford Township (“Township”) is a Township of the second class in the Commonwealth of Pennsylvania.

B. The Board of Supervisors of Milford Township finds that it is in the interests of the public safety, health and welfare of the residents of the Township to provide for the installation, maintenance and repair and for snow removal from sidewalks along public streets in the Township.

C. In furtherance of this policy, the Board of Supervisors generally requires sidewalks to be constructed in connection with all new subdivisions in the Township.

D. Section 2401 of the Second Class Township Code Authorizes the Township, upon adoption of an Ordinance providing for same, to require homeowners to maintain and repair sidewalks which have been installed on streets abutting properties.

E. The Board of Supervisors by the enactment of this Ordinance intends to set forth the requirements that property owners maintain and repair sidewalks abutting their property and to remove snow and ice from same.

NOW THEREFORE, be it RESOLVED and ENACTED by the Board of Supervisors of Milford Township as follows:

ARTICLE 1 – GENERAL REQUIREMENTS AND OBLIGATIONS

Section 101. Sidewalk Repair and Maintenance Requirements

A. Abutting property owners are required to maintain, replace and repair, on a per linear foot basis, any sidewalk or curb along any public street or highway abutting the property of such property owner.

B. Any sidewalk, curb, or portion thereof which becomes cracked, deteriorated or unusable, misaligned and/or presents the potential of personal injury or property damage for those utilizing the curb or sidewalk shall be replaced at the property owner’s expense.

Section 102. Snow Removal Requirements

Abutting property owners are required to remove accumulations of snow greater than one inch (1”) and ice from any sidewalk along any public street or highway abutting

their property within twenty-four (24) hours of the cessation of a snow fall which deposited such snow or ice.

ARTICLE 2 – ENFORCEMENT AND PENALTIES

Section 201. Right-of-Entry

A. Upon presentation of proper credentials, duly authorized representatives of the Township may enter at reasonable times upon any property within the Township to inspect the condition and maintenance of the sidewalk in regard to any aspect governed by this Ordinance.

B. Property owners shall allow persons working on behalf of the Township ready access to all parts of the premises for the purposes of determining compliance with this Ordinance.

C. Unreasonable delays in allowing the Township access to a sidewalk is a violation of this Article.

Section 202. Public Nuisance

A. The violation of any provision of this ordinance is hereby deemed a Public Nuisance.

B. Each day that a violation continues shall constitute a separate violation.

Section 203. Enforcement Generally

A. The Township shall have the right to require the property owner to make repairs or replacements to curbs and sidewalks as required by Section 101 hereof, at the owner's expense, or to contract with a third party at owner's expense to perform the needed, repairs or replacement .

B. If an owner fails to make required repairs or replacement of curbs or sidewalks abutting the property, within 30 days of receipt of notice provided in accordance with Section 204 hereof, the Township shall have the right to perform the required repairs or replacement and to recover the costs incurred in doing so, including reasonable attorney's fees and costs from the property owner along whose frontage the curb or sidewalk abuts.

C. If a owner fails to pay the costs incurred by the Township for the repair, replacement and/or maintenance of curbs and sidewalks along the frontage of his or her property, the Board of Supervisors shall have a municipal lien on the property abutting any the curbs or sidewalks maintained, repaired, or replaced by the Township and may recover the costs incurred, together with reasonable attorney's fees and court costs, in assumpsit or in the manner provided by law for the collection of municipal liens.

Section 204. Notification

A. Whenever the Township finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Township may order compliance by written notice to the responsible person.

B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violation(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Township or designee and the expense thereof shall be charged to the violator.

C. Failure to comply within the time specified shall also subject such person to the penalty provisions of this Ordinance. All such penalties shall be deemed cumulative and shall not prevent the Township from pursuing any and all other remedies available in law or equity.

Section 205. Penalties

A. Anyone violating the provisions of this Ordinance shall be subject to a fine of not more than \$1000.00 for each violation, recoverable with costs, or imprisonment of not more than 90 days, or both. Each day that the violation continues shall constitute a separate offense and the applicable fines are cumulative.

B. In addition, the Township, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

Section 206. Appeals

A. Any person aggrieved by any action of the Township or its designee may appeal to the Township's Board of Supervisors within thirty (30) days of that action, pursuant to the Local Agency Law. Such appeal shall be in writing and accompanied by the appropriate filing fee as established by Resolution of the Board of Supervisors.

B. Any person aggrieved by any decision of the Board of Supervisors of Milford Township may appeal to the County Court of Common Pleas in the County where the activity has taken place within thirty (30) days of the Township decision.

ARTICLE 3. MISCELLANEOUS

Section 301. Repeal

All Ordinances or Resolutions or parts of Ordinances or Resolutions, insofar as they are inconsistent herewith, are hereby repealed. Former Ordinance No. 105 enacted on November 18, 1997, is hereby repealed in its entirety effective this 5th day of September, 2006.

Section 302. 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 being the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect

Section 303. Effective Date

This Ordinance shall take effect five (5) days after adoption.

ENACTED and **ORDAINED** into an Ordinance by the Board of Supervisors of Milford Township, Bucks County, Pennsylvania this 5th day of September AD 2006.

**BOARD OF SUPERVISORS
MILFORD TOWNSHIP**

ATTEST:

Janya Awckland
Janya Awckland, Secretary

C. Strunk
Charles Strunk, Chair

Timothy Damiani
Timothy Damiani, Vice Chair

Robert B. Mansfield
Robert B. Mansfield, Member