

**COLUMBIA BOROUGH
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 951

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF COLUMBIA, AMENDING CHAPTER 186 OF THE CODE OF THE BOROUGH OF COLUMBIA – STREETS AND SIDEWALKS, ARTICLE IV – GENERAL PROVISIONS FOR STREETS, SIDEWALKS AND BUILDINGS, SECTION 186-35 – CONSTRUCTION, MAINTENANCE AND REPLACEMENT OF SIDEWALKS AND CURBS; CONFORMITY; ENFORCEMENT; AND SECTION 186-38 – DRAINS AND GUTTERS; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT IN ACCORDANCE WITH PENNSYLVANIA LAW.

WHEREAS, the Borough Council of the Borough of Columbia finds it periodically necessary to amend its Code of Ordinances in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, At the April 5, 2022 Council Workshop and subsequent meetings, Council discussed the need to establish a policy on the ownership and maintenance of curbs and sidewalks within the Borough and a policy for replacement during road projects; and

WHEREAS, based on the above meetings, Council directed staff, the Borough Engineer, and Borough Attorney to prepare an ordinance to amend Chapter 186 to implement the new policy.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, as follows:

SECTION 1. The Code of Ordinances of the Borough of Columbia, Lancaster County, Pennsylvania does hereby amend Chapter 186 “Streets and Sidewalks”, of the Borough of Columbia Code of Ordinances as follows:

§ 186-35 Construction, maintenance and replacement of sidewalks and curbs; conformity; enforcement.

- A.** Construction of new sidewalks and curbs along existing Borough streets or state highways. The owner or owners of all land or property abutting a street located in the Borough of Columbia shall, upon written notice from the Borough of Columbia, construct a new sidewalk and/or curb within the time period specified in such written notice. If

said owner or owners shall after the time period of said notice, fail or refuse to construct such sidewalk and/or curb, of the Borough of Columbia may cause such sidewalk or curb to be constructed at the owner or owners' expense, which expense shall equal the reasonable and actual costs of labor and materials, together with a ten-percent fee, which costs and expenses, if not paid, shall be deemed to be municipal claims, lienable in accordance with applicable Pennsylvania law.

B. Maintenance of existing sidewalks and curbs. All sidewalks and curbs shall conform to the established line and grade and shall be kept and maintained in good and safe order and repair by the owner or owners.

(1) In the construction, reconstruction, and repair of sidewalks, the following specifications and requirements shall apply:

- a. Sidewalks shall be constructed in accordance with the requirements of the Borough Standard Construction and Material Specifications, as amended, and if deemed necessary by the Borough Engineer, supplemented by Penn DOT Publications 408 and 72M.
- b. Modification to the sidewalk requirements and specifications may be approved by the Borough Engineer.
- c. Sidewalks located within the public right-of-way are defined as "deteriorated" and subject to a repair notice from the Borough requiring replacement of the damaged section if the sidewalk contains any of the following:
 - i. A horizontal gap between individual sidewalk sections of one inch or more.
 - ii. Adjoining sections or portions thereof whose edges differ vertically by more than 1/4 inch.
 - iii. Ramping, where there is a rise or depression of more than one inch within eight inches in conjunction with a vertical separation.
 - iv. A hole or opening in the concrete of 3/4 inch or more.
 - v. Cracks of more than 1/8 inch in width.
 - vi. Spalling of concrete with a minimum depth of more than 1/4 inch or where 25% of the surface area of an individual sidewalk section has any spalling, cracking, or irregular surfaces.
 - vii. Depressions, reverse cross slopes (sloping away from the street), or with an adjoining wall or other indentations that collect mud or water.
 - viii. Sidewalks that have been repaired with bituminous material patching.

- ix. Any other condition determined by the Borough that creates a hazardous condition for pedestrian traffic.

(2) In the construction, reconstruction, and repair of curbing, the following specifications and requirements shall apply:

- a. Curbs shall be constructed in accordance with the requirements of the Borough Standard Construction and Material Specifications, as amended, and if deemed necessary by the Borough Engineer, supplemented by Penn DOT Publications 408 and 72M.
- b. Curb radius shall be as shown on the plans and profiles.
- c. Modifications to the curb requirements and specifications may be approved by the Borough Engineer.
- d. Curbs located within the public right-of-way are defined as "deteriorated" and subject to a repair notice from the Borough requiring replacement or repair of the damaged section, if the curb contains any of the following:
 - i. Less than four inches of exposed vertical facing on the public street.
 - ii. Exposed aggregate.
 - iii. Material (asphalt, concrete, mortar, etc.) added to the gutter so as to impede normal drainage flow.
 - iv. A horizontal gap between individual curb sections of one inch or more.
 - v. Adjoining sections or portions thereof whose edges differ vertically by more than 1/2 inch.
 - vi. Horizontal cracks causing spalling or the breaking away of the curb section.
 - vii. Vertical face of curb that has an offset angle to the public street of less than 85° or greater than 110°.

The Borough will provide written notice to each owner or owners to repair or replace those sections of sidewalk and curb which are in violation of the Borough's maintenance criteria. The owner or owners shall make repairs in accordance with timeline in the written notice. If said owner or owners shall after said time frame fail or refuse to make such repairs to the sidewalks and/or curbs, the Borough Council may cause such sidewalks or curbs to be repaired at the owner or owners' expense, which expense shall equal the reasonable and actual costs of labor and materials, together with a ten percent fee, which costs and expenses, if not paid, shall be deemed to be municipal claims, lienable in accordance with applicable Pennsylvania law.

C. Configuration of Curbs and Sidewalks. The Borough Council of the Borough of Columbia may, from time to time, by resolution, identify locations within the Borough of Columbia where sidewalk or curb will not be required.

- D. Replacement of sidewalk and curb by individual property owner or owners. A property owner, upon their initiative and without notice from any Borough authority, may construct, reconstruct or repair a sidewalk and/or curb in front of his/her property, provided that such owner shall first obtain from the Borough a permit for the same, the application for which permit shall set forth the requirements for the proper installation or replacement. Such owner shall conform to the requirements of this article and the specifications as established and amended by the Borough of Columbia from time to time regarding the installation, repair and maintenance of curbs and sidewalks. If such work is not in conformance with the Borough specifications, said owner or owners shall perform such necessary repairs so as to make the work be in compliance with the Borough specifications within the timeframe specified by the Borough from the date the Borough notifies the owner or owners of the same. If said owner or owners shall, after the stated timeframe of such notice, fail or refuse to make such repairs to the work, the Borough may cause such work to be performed at the owner or owners' expense, which expense shall equal the reasonable and actual costs of labor and materials, together with a ten-percent fee, which costs and expenses, if not paid, shall be deemed to be municipal claims, lienable in accordance with applicable Pennsylvania law.
- E. Replacement of sidewalk and curb as part of the proposed street reconstruction and resurfacing project.
- (1) When the Borough or PennDOT shall propose to reconstruct or resurface any street, the Borough shall serve written notice of the same to all persons owning property abutting the street about to be improved and to all utility companies operating within the Borough of Columbia. The owner or owners of all land or property abutting a street located in the Borough of Columbia shall, upon written notice from the Borough of Columbia, construct a new sidewalk and/or curb within the time period specified in such written notice. All utility companies operating within the Borough shall also complete any utility or upgrade any existing utility within the Borough right-of-way. All repairs, replacements and new installations shall be in first-class condition so that the same cannot reasonably be expected to require repair or renewal within a period of 10 years thereafter.
- (2) Upon failure of any of the notified person or persons to comply with the notice from the Borough to make such repairs or replacements, the Borough shall be entitled to collect the cost of such renewals, repairs, caulking, removal, installation, construction, or other work from the aforesaid responsible person or persons, either by invoicing the person or persons, or, in the case of water or sewer house connections, by filing municipal liens therefor against the abutting properties benefited by such connections.
- (3) The Borough reserves the right to include the replacement of the sidewalk in the bid package for all street reconstruction projects in which the curb is replaced, rebuilt, or constructed by the Borough. Within 180 calendar days, the property owner will be notified of a cost and quantity estimate for the sidewalk to be replaced as part of the project. The property owner will be invoiced based on the bid price in the contract or consistent with any fee resolution in place during the time of the project. This

approach will be utilized most commonly when a grass strip does not exist to separate the existing sidewalk from the proposed new curb.

- F. All construction, maintenance and replacement of sidewalks and curbs shall be performed in accordance with the Borough of Columbia Technical Specification Standard Details attached hereto as Exhibit A¹²¹ and, if deemed necessary by the Borough Engineer, supplemented by Penn DOT Publications 408 and 72M, both as amended from time to time, and in accordance with all other local ordinances and applicable Pennsylvania law.
- G. Borough financial incentive programs. From time to time the Borough Council of the Borough of Columbia may, by resolution, adopt financial incentive programs to assist property owners within the Borough of Columbia in financing the cost of curb and sidewalk installations and/or repairs; which policies and incentive programs may be on such terms as the Council may reasonably determine to be applicable and as may be amended by the Council from time to time.

§ 186-36 Sidewalk construction specifications.

All sidewalks hereinafter constructed shall be constructed in accordance with and in addition to the Borough of Columbia Technical Standard Details attached hereto as Exhibit B and Penn DOT Standard (Publication 203—Work Zone Traffic Control), both as may be amended from time to time.

§ 186-37 Paved sidewalks required; exceptions.

- A. All sidewalks shall be paved from the house line to the curblin, except in such streets or squares thereof as are essentially residential streets in which the houses, or a majority of them, are set back from the house line a distance of 4 1/2 or more feet. In such streets or squares thereof the sidewalk may extend from the house line toward the curblin the following minimum widths:

- (1) Nine feet in streets 70 and 80 feet in width;
- (2) Eight feet in streets 66 feet in width;
- (3) Seven feet in streets 50 and 60 feet in width;
- (4) Four feet in streets 40 feet in width.

- B. Provided, that the space between the end of the sidewalk and the curb be maintained as a lawn.

§ 186-38 Drains and gutters.

Private drains or gutters shall not discharge directly onto the surface of any sidewalk. The discharge shall be directed into a minimum three-inch PVC conduit under the sidewalk or a trench drain designed to be flush with the surface of the sidewalk. The actual construction shall be under the direction of the Borough Highway Supervisor.

SECTION 2. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.


SECTION 3. If any section, subsection, clause or provision of this ordinance is held invalid the remainder shall not be affected by such invalidity.

SECTION 4. Upon the effective date of this ordinance, the proper officials of the Borough of Columbia are ordained that the provisions of this Ordinance shall become and be made a part of Borough of Columbia's Code of Ordinances of the Borough of Columbia, Lancaster County, Pennsylvania.

This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 9th day of July 2024, by the Borough Council of the Borough of Columbia, Lancaster County, Pennsylvania, in lawful session duly assembled.

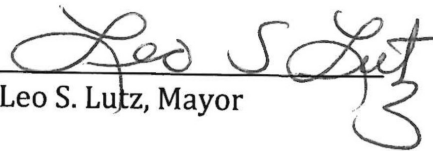
BOROUGH OF COLUMBIA,
LANCASTER COUNTY, PENNSYLVANIA

By: 
Heather Zink, President of Borough Council

ATTEST: 
Jake Graham, Borough Manager



Examined and approved this 9th day of July, 2024.


Leo S. Lutz, Mayor