

ORDINANCE NO. 837-2022

AN ORDINANCE OF THE TOWNSHIP OF EAST PENNSBORO, CUMBERLAND COUNTY, PENNSYLVANIA, AMDENDING AND ADDING THE TOWNSHIP ENGINEER DESIGNATED REPRESENTATIVE TO ORDINANCE NO. 737-2007, CHAPTER 21, STREETS AND SIDEWALKS PART 4 SIDEWALK AND CURB CONSTRUCTION AND MAINTENANCE, SECTION 409 DETERMINATION OF NECESSITY AND SCOPE OF WORK: INSPECTION OF WORK IN PROCESS AND UPON COMPELETION, AND SECTION 411 TOWNSHIP MAY CONSTRUCT OR RECONSTRUCT SIDEWALK AND/OR CURB AT EXPENSE OF DEFAULTING PROPERTY OWNER TO PERMIT THE TOWNSHIP ENGINEER TO APPOINT A DESIGNATED REPRESENTATIVE TO UNDERTAKE THE TOWNSHIP ENGINEER REQUIREMENTS IDENTIFIED IN SECTIONS 409 AND 411 AND REPEALING INCONSISTENT ORDINANCES.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of East Pennsboro, Cumberland County, Pennsylvania, the following amendments to Chapter 21, Streets and Sidewalks and Part 4 Sidewalk and Curb Construction and Maintenance of the Code of Ordinances of East Pennsboro Township as follows:

SECTION 1. Sections 409 and 411 of Part 4 [Sidewalk And Curb Construction And Maintenance] of Chapter 21 [Streets and Sidewalks] of the Code of Ordinances of the Township of East Pennsboro are hereby amended and revised in their entirety to provide as follows:

§ 21-409 Determination of Necessity and Scope of Work; Inspection of Work in Process and Upon Completion.

It shall be the duty and responsibility of the Township Engineer, or designated representative of the Township Engineer, to determine, in the case of any individual property, whether or not the sidewalk and/or curb shall be reconstructed or repaired, and, if so, the specific part or parts thereof to be reconstructed or repaired. The Township Engineer, or designated representative of the Township Engineer, may at any time during the course of work of construction, reconstruction or repairing any sidewalk and/or curb, visit the site of such work to ascertain whether such work is being done according to

requirements; and he or one of his assistants shall visit such site for such purpose whenever requested by the property owner. Within two (2) days after the completion of the work of construction, reconstruction or repair of any sidewalk and/or curb, it shall be the duty of the owner of the property where such work was completed to notify the Township Engineer, or designated representative of the Township Engineer, of that fact, so that the said Township Engineer, or designated representative of the Township Engineer, may inspect such sidewalk and/or curb to determine whether the grade thereof has been observed and followed.

§ 21-411 Township May Construct or Reconstruct Sidewalk and/or Curb at Expense of Defaulting Property Owner.

If a property owner fails to construct, pave, curb, repave and recurb sidewalks and/or curbs in accordance with the terms of this Part, upon proper notice served upon such owner by the Township, the Township may cause same to be done and may levy and collect the costs thereof from such owners of property abutting such sidewalks and/or curb. The costs of any such grading, paving, curbing, repaving and recurbing shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by Township Engineer, or designated representative of Township Engineer, and shall be filed with the Township Secretary. Any such lien may be collected by action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims.

SECTION 2: All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3: The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid, or unconstitutional, such provision shall not affect or impair any other remaining sections, clauses, or sentences of the same.

SECTION 4: In all other respects, Part 4 [Sidewalk and Curb Construction and Maintenance] of Chapter 21 [Streets and Sidewalks] of the Code of Ordinances of the East Pennsboro Township shall remain as heretofore enacted, ordained, and amended, which said Chapter, as amended, is hereby re-enacted in its entirety herein.

SECTION 5: This Ordinance shall take effect immediately upon its enactment.

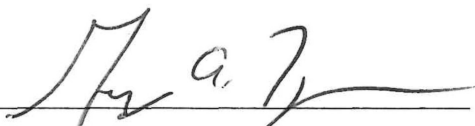
ENACTED AND ORDAINED this 5th day of October, 2022

ATTEST:

EAST PENNSBORO TOWNSHIP



A John Pietropaoli, Secretary

By: 

George A. Tyson, President,
Board of Commissioners