CITY COUNCIL OF ERIE

INTRODUCED BY: MS. FLORES

COUNCIL FILE NO. 16,396 OFFICIAL ORDINANCE NO. 71-2023

AN ORDINANCE

Amending Article 719.01 et al., Streets and Sidewalks, and more specifically, adding section §719.11. Construction Closures of Sidewalks, to ensure the public safety of pedestrian traffic and vehicular traffic when sidewalks are closed due to construction, redevelopment and/or repairs.

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF ERIE, PENNSYLVANIA:

WHEREAS, on NOV 15 2023 2023, the City of Erie adopted Ordinance 71-2023 which amended the Streets and Sidewalks Ordinance;

WHEREAS, the City of Erie, Pennsylvania has adopted Article 719 Streets and Sidewalks, establishing certain requirements and responsibilities regarding streets and sidewalks; and

WHEREAS, it is necessary from time to time for an individual, corporation, developer or property owner to block, close or restrict a sidewalk for purposes of construction, development and/or repair; and

WHEREAS, such closings, could have a negative impact on pedestrian traffic and vehicular traffic and/or on the public safety of individuals using said sidewalks; and

WHEREAS, the City of Erie has determined that in order to protect public safety and to ensure traffic safety and safe passage of pedestrians it is necessary to regulate such activities;

NOW THEREFORE, be it enacted by the Council of the City of Erie, Pennsylvania that:

Section 1: The following Sections of Article 719 are hereby added as follows:

§719.11. Construction Closures of Sidewalks.

(a) No person, firm or corporation shall block, restrict or close any public sidewalk for the purposes of conducting construction or redevelopment activities without first having been issued a Sidewalk Closure Permit by the Bureau of Engineering.

(b) An applicant for a Sidewalk Closure Permit shall complete an application provided by the Bureau of Engineering and pay such fee as is established from time to time by resolution of Council.

(c) All persons, firms, or corporations that have been issued a Sidewalk Closure Permit shall abide by all rules, limitations and or restrictions that are promulgated from time to time by the City of Erie to protect the public safety and limit the disruption of pedestrian traffic.

(d) An application for a Sidewalk Closure Permit shall not be approved unless the applicant can demonstrate that such closure is critical to the project and no other options are available. In no case shall such closure be permitted solely for contractor parking.

(e) Subsequent to the issuance of a Sidewalk Closure Permit the contractor and/or responsible party shall notify the Bureau of Engineering when construction begins, when construction ends and/or when construction is paused for more than seventy-two (72) hours.

(f) An application for a Sidewalk Closure Permit shall not be approved unless the applicant can demonstrate the following:

(1) The compliance or the impracticability of whether alternative pedestrian access routes can be established to protect public safety as outlined in the most recent adopted version of *PennDOT Publication 213, Temporary Traffic Control Guidelines*.

(2) The compliance or the impracticability of whether a protected sidewalk can be established that will adequately protect public safety and not unduly impact traffic safety under the circumstances.

(3) In all cases where there is a danger to pedestrians from overhead construction a covered pedestrian walkway that complies with the requirements of the currently adopted Building Code shall be constructed.

(g) Timeframes for Sidewalk Closure Permits include the following:

(1) Closing of a sidewalk for a period of more than twenty-four (24) hours without first obtaining a Sidewalk Closure Permit from the Bureau of Engineering shall result in the issuance of a Stop Work Order.

(2) A Sidewalk Closure Permit shall not be issued for a period exceeding ninety (90) days. The permittee may, with thirty (30) days prior notice, be granted an additional ninety (90) day extension upon payment of such fee as is established from time to time by resolution of Council. Such extension shall be approved by the Bureau of Engineering and/or the Director of Public Works.

(3) Sidewalk closures in excess of one hundred eighty (180) days shall not be permitted. Alternate pedestrian access routes and/or covered pedestrian walkways that comply with the current Building Code requirements shall be provided for work that exceeds thirty (30) days.

(h) In addition to any requirements under the laws of this Commonwealth and this section, the Bureau of Engineering shall issue regulations addressing signage, barriers, and other means to create safe and adequate walkways, closures and sidewalk detours as outlined in the most recent adopted version of *PennDOT Publication 213, Temporary Traffic Control Guidelines*.

Section 2. That all ordinances and parts thereof in conflict herewith are hereby repealed.

Section 3. That this ordinance shall become effective sixty (60) days after final passage and approval by the Mayor of the City of Erie, Pennsylvania

We do hereby certify that the within Ordinance was finally passed by the Erie City Council on NOV 15 2023, 2023.

NOV 15 2023

Attest: Laurie A. Watson

City Clerk

President of Council

THIS ORDINANCE APPROVED THIS 15th DAY OF November, 2023.

Joseph E. Schemberg

Mayor, City of Erie

jps