

ORDINANCE NO. 04-02

AN ORDINANCE OF THE BOROUGH OF ROCKWOOD REGARDING
SIDEWALKS WITHIN THE BOROUGH AND THE
RECONSTRUCTION AND REPAIR THEREOF

BE IT ORDAINED, and it is hereby Ordained and Enacted as follows:

WHEREAS, the Borough of Rockwood is empowered with the duties and obligations, for the protection of all citizens, to require owners or occupants to maintain property, to specifically include sidewalks, in such a fashion to provide for the safety of pedestrians, and to provide for penalty for the violation of same; and

WHEREAS, the Borough of Rockwood has determined that it is in the best interest of all citizens to enact this Ordinance.

Section 1. Every owner of property in the Borough of Rockwood, upon which property there exist sidewalks, shall maintain the sidewalks in front of or along the side of such property in a manner so that pedestrians may pass over the same with safety.

Section 2. Every owner of property within the Borough of Rockwood shall, on ten (10) days' notice from the Borough, commence repair or reconstruction of sidewalks, in front of or along the side of such property. Such repair or reconstruction shall be completed within the time period for completion specified in said notice and shall conform to the requirements of this ordinance.

Section 3. Any owner of property in the Borough of Rockwood who shall desire to repair or reconstruct a sidewalk in front of or along the side of such property shall not do so unless such property owner shall have applied for and received a permit as issued by the Borough. There shall be no fee for this permit, and the intention of obtaining the permit is so that the Borough officials may be fully and fairly informed of the intentions of property owners so that there shall be compliance with this ordinance.

Section 4. All sidewalks shall be constructed, reconstructed or repaired only with Approved Material as herein defined. "Approved Material" shall mean only concrete, brick, stone, or asphalt. When bricks or stones are used, such bricks or stones shall be placed only upon a hard surface, such as concrete or asphalt, but only if the underlying surface is completely concealed.

Section 5. In all cases where sidewalks are constructed, reconstructed or repaired over coal cellars or other excavations under such sidewalks, such sidewalks shall be supported by iron or steel beams or girders, or stone or concrete arches. In no case shall any support of wood or other perishable material be used.

Section 6. In all cases where sidewalks are constructed, reconstructed or repaired where the sidewalks intersect with private driveways, the material from which such driveway is constructed shall be continuous through the sidewalk area and may be asphalt or bituminous paving if the entire driveway is so constructed.

Section 7. It shall be the duty of the appropriate Borough official to determine, in the case of any individual property, whether or not a sidewalk shall be reconstructed or repaired. The Borough official, from time to time, inspect any constructing, reconstructing, or repairing of sidewalks, to determine whether the same is being done according to appropriate borough requirements.

Section 8. Violation of the terms and provisions of this ordinance is hereby declared to be a public nuisance which shall be subject to abatement according to law. In the event legal proceedings become necessary to properly enforce this ordinance, the Borough of Rockwood shall be allowed to recover, in addition to all other legal costs and expenses which may be legally collectable, reasonable counsel fees as well as may be determined by the court.

Section 9. In addition to any other remedies available to the Borough under Section 8, proceedings may be filed against any person who violates this ordinance as a summary criminal offense, prosecuted according to the Pennsylvania Rules of Criminal Procedure. In that event, there shall be a fine of not less than Ten and 00/100 (\$10.00) Dollars per day for up to five (5) days, and not less than One Hundred and 00/100 (\$100.00) Dollars per day for each and every day thereafter.

Section 10. It shall be the duty of the police department of the Borough of Rockwood, acting under the directions of the mayor, to see that the provisions of this Ordinance are observed.

Section 11. In the event that there are no police officers hired by Rockwood Borough, this Ordinance may be enforced by any police agency with appropriate jurisdiction or by proper

delegation of the powers to enforce same by resolution of borough council.

Section 12. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

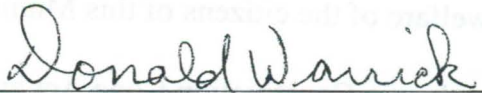
Section 13. This ordinance shall take effect immediately.

DULY ENACTED this 16th day of November 2004.

Attest:

BOROUGH OF ROCKWOOD


Secretary - Trista A. Friedline

By 
President of Council - Donald Warrick