

**SOUTH LEBANON TOWNSHIP  
ORDINANCE NUMBER 367**

**AN ORDINANCE REGULATING THE CONSTRUCTION, MAINTENANCE, REPLACEMENT AND REPAIR OF ALL SIDEWALKS AND CURBS, THE COSTS THEREOF, AND THE PERMITTING PROCESS FOR OWNER INITIATED REPAIRS, IN THE TOWNSHIP OF SOUTH LEBANON, LEBANON COUNTY, PENNSYLVANIA.**

**BE IT ENACTED AND ORDAINED**, by the South Lebanon Township Supervisors, and it is hereby enacted and ordained by the authority of the same by establishing a procedure for the construction, maintenance, replacement and repair of sidewalks and curbs, the costs thereof, and the permitting process for owner initiated repairs, and related provisions as follows:

**SECTION ONE: Purpose of Ordinance**

It is recognized that in South Lebanon Township, Lebanon County, Pennsylvania, certain sidewalks and curbs have fallen into disrepair, thereby creating hazardous conditions for residents. South Lebanon Township, out of concern for the health, safety and welfare of the community, has determined that it is important to regulate the construction, maintenance, replacement and repair of sidewalks and curbs to better assure that they are properly cared for and maintained in accordance with all pertinent rules, regulations, and ordinances.

**SECTION TWO: Definitions**

**BOARD OF SUPERVISORS-** The duly elected governing body of South Lebanon Township, Lebanon County, Pennsylvania.

**CURB-** The raised edge of a street to confine surface water to the pavement and to protect the abutting land from vehicle traffic.

**PERMIT-** A permit issued by the Township to signify approval of the work to be done or improvement to be constructed under the specific regulations of this ordinance.

**SIDEWALK-** Shall include any sidewalk within the public right of way and/or adjoining any public street. The term shall not include any portion of any driveway between the street and the proposed or existing walk, or any crosswalk.

**STREET-** Any public street, avenue, road, square, alley, highway or other public place located in the Township and established for the use of vehicles.

**TOWNSHIP-** South Lebanon Township, Lebanon County, Pennsylvania.

### **SECTION THREE: Compliance Required**

The owner or owners of any lot or lots in the Township with sidewalks in the public right of way shall maintain such sidewalks in a safe and passable condition, free of tripping hazards and obstructions. The said owner or owners shall repair any defects in such sidewalks and remove any obstructions, which make them unsafe or impassable to pedestrians, and/or replace any sidewalk previously removed.

### **SECTION FOUR: Maintenance Obligation**

The obligation of maintenance shall include but not be limited to:

1. Repair of holes, and repair of cracks having a width in excess of one-half (1/2) inch at any point along the length of one foot or greater.
2. Maintenance of a constant grade.
  - a. Repair shall be made when one or more sections of the sidewalk rises above or drops below the grade of the edges of immediately adjacent sections resulting in an irregular surface with depression greater than one-half (1/2) inch in depth.
  - b. Repair shall be made when the curb is out of vertical alignment with the adjacent curb or an adjacent section or slab of sidewalk in excess of one-half (1/2) inch.
  - c. Repair shall be made when the curb is out of horizontal alignment with the adjacent curb in excess of one-half (1/2) inch.
3. Repair of any section of sidewalk that is chipped or splintered on twenty-five percent (25%) or more of its surface.
4. Replace any section of sidewalk or curb that has been removed, regardless of the source of removal.

### **SECTION FIVE: Trees**

It shall hereafter be unlawful to plant and maintain any news trees between the curb and corresponding sidewalk. All new trees shall be planted on the residence side of

the sidewalk at a distance which will not interfere with the sidewalk at any time in the future.

Property owners with trees planted between the curb and corresponding sidewalk prior to the enactment of this ordinance are obligated to ensure their sidewalks and curbs are in conformance with the requirements of this Ordinance. Specifically, property owners shall shape their trees to ensure conformance with the requirements of this Ordinance.

#### **SECTION SIX: Inspection**

The Township will make periodic inspections of all sidewalks and curbing in the Township. Within thirty (30) days of inspection, the Township shall forward a report to the Township Manager containing a list of those properties not in compliance with the requirements of this Ordinance. The report shall include a brief description of each noncompliance and shall specify the required repairs.

#### **SECTION SEVEN: Property owner to repair; time limits**

Every owner of property in the Township shall, on ninety (90) days' written notice, replace or repair the sidewalk or curbing, or both, in the manner stipulated in such notice, in front of or alongside such property. If the ninety (90) days concludes after November 15, then said replacement or repairs shall be made on or before April 30 of the following year of said notice. However, where a condition exists of an emergency nature, such replacement or repairs shall be made within one (1) week of said notice.

#### **SECTION EIGHT: Construction and repair on initiative of property owners**

Any property owner, upon his or her own initiative and without notice from any township authority, may replace or repair a sidewalk or curbing along his/her property, provided that such owner shall have obtained the permits specified in this Ordinance and shall do such repairs in accordance with the requirements of this Ordinance.

#### **SECTION NINE: Permit Required**

A permit shall be obtained from the Township before doing any replacement, repairs or maintenance required. Application for the permit shall be made in accordance with the following rules and regulations:

1. The applicant shall submit three (3) copies of the application and three (3) copies of the information requested on the form of application to the Township.

2. An application fee, in accordance with the Fee Schedule as approved by the Board of Supervisors and on file in the Township office, shall be submitted with the application to the Township.

3. The Township shall inspect the work to determine the degree of compliance to the regulations governing the work.

#### **SECTION TEN: Appeal from Denial of Permit**

An applicant shall have the right to appeal to the Board of Supervisors the denial of a permit required under Section 9. Any such appeal must be filed within ten (10) days of the date of the denial by filing a request in writing with the Township for a hearing giving the reason for the appeal. The Board of Supervisors shall hold a hearing within sixty (60) days of the filing of the appeal and render a decision within forty-five (45) days after the hearing.

#### **SECTION ELEVEN: Permit and Specifications**

Applications for permits required in Section 9 above shall be made on forms to be provided and approved by the Township. All work performed and materials used shall be in strict conformance and compliance with the specifications as set forth in the South Lebanon Township Subdivision and Land Development Ordinance. Plans shall be required to be submitted with the application for approval as part of the issued permit process.

#### **SECTION TWELVE: Township to act at expense of property owner**

Upon failure of any property owner in the Township to replace or repair any curb or sidewalk after notice has been given in accordance with this Ordinance, the Township may cause the necessary replacement or repairs to be done at the expense of said owner and may collect the cost thereof and all additional charges, expenses and penalties as authorized.

#### **SECTION THIRTEEN: Attorney Fees**

Where attorney fees are sought to be collected or are incurred as a result of a civil enforcement proceeding or other action initiated by South Lebanon Township, said attorney fees shall be at the rate of the current Solicitor's rate for all work in connection with the civil enforcement proceeding or other action initiated, all based upon the time expended by the Township Solicitor or other attorney designated by the Board to enforce Township Ordinances.

#### **SECTION FOURTEEN: Failure to pay construction expenses; cost to become lien.**

If the property owner fails to pay the expense of construction of such sidewalk or curbing within thirty (30) days after notification of the amount due, the Township may recover the amount due plus the permit fee, a five-percent penalty and interest at a rate of six percent (6%) by action of assumpsit or may file municipal liens therefor against the property owner in the manner provided by law for the filing and collection of municipal liens. The cost of construction of such sidewalk or curbing shall be a lien upon such premises from the time of commencement of the work.

**SECTION FIFTEEN: Violation and penalties**

This ordinance shall be enforced by an action brought before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania rules of Criminal Procedure. Any person who violates or permits the violation of this ordinance shall, upon conviction in a summary proceeding, be punishable by a fine of not more than one thousand dollars (\$1,000). Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this Ordinance that is violated shall also constitute a separate offense.

**SECTION SIXTEEN: Additional Remedies**

Nothing herein is intended to preclude the Township's exercise of any additional remedies, in law or in equity, for non-compliance with this Ordinance, all in accordance with the Second Class Township Code.

**SECTION SEVENTEEN: Miscellaneous provisions**

- A. This Ordinance shall be governed by, and shall be construed in accordance with, the laws of the Commonwealth of Pennsylvania. Venue of this Ordinance lies within Lebanon County, Pennsylvania.
- B. If any provision of this Ordinance shall be determined or declared to be void or invalid in law or otherwise, then only that provision shall be stricken from this Ordinance and in all other respects this Ordinance shall be valid and continue in full force and effect.
- C. This Ordinance shall be effective immediately upon enactment.

ENACTED this 24<sup>th</sup> day of September, 2019.

ATTEST:

BOARD OF SUPERVISORS  
SOUTH LEBANON TOWNSHIP

*Daniel Jergst*  
Township Manager

*Stephen Krause* (SEAL)  
Chairman

*AB* (SEAL)  
Vice-Chairman

*[Signature]* (SEAL)  
Member

I DO HEREBY CERTIFY that the above Ordinance is a true and correct copy of  
South Lebanon Township Ordinance Number 367 adopted on September 24, 2019.

*Daniel Jergst*