

**BOROUGH OF WILMERDING, ALLEGHENY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1034**

**AN ORDINANCE AMENDING THE WILMERDING BOROUGH CODE, CHAPTER 265, ARTICLE III REGARDING SIDEWALKS; PROVIDING FOR THE MAINTENANCE AND RESPONSIBILITY FOR SAFETY; PROVIDING FOR AMENDMENTS BY SIMPLE RESOLUTION; EFFECTIVE DATE.**

**WHEREAS**, Wilmerding Borough has heretofore Ordained the responsibility of land owners for the construction and maintenance of sidewalks on or adjoining their property as recorded in the Wilmerding Borough Code, Chapter 265, Article III; and

**WHEREAS**, the Ordinance fails to adequately provide for maintenance and safety; and

**WHEREAS**, it is deemed to be necessary to clearly define the responsibilities of land owners for the maintenance of the sidewalks on their property; and

**WHEREAS**, this Ordinance is found to be in the best interests of the residents of Wilmerding Borough; and

**WHEREAS**, this Ordinance is enacted pursuant to the Borough Code.

**NOW THEREFORE**, it is hereby Ordained as follows:

**SECTION 1.**

Article III, Chapter 265 of the Borough of Wilmerding Code of Ordinances is hereby amended as set forth herein.

**SECTION 2.**

The Ordinance is amended as follows:

ARTICLE III entitled "Sidewalks Construction" is amended to read, "Sidewalk Construction and Maintenance".

Subsection 265-9. Duty to construct, is amended by adding the following subparagraph.

Section 265-9.1. Duty to maintain.

In addition, every owner shall have the primary responsibility to maintain the sidewalk in a good and safe condition, and to keep the same free from obstructions, open for passage and clear of all debris, impediments and defects.

Subsection 265-11. Remedies of Borough is amended by adding the following subparagraphs:

Section 265-11.1

Hereinafter Borough Council may add, delete or otherwise change this Article regarding sidewalk responsibility by simple Resolution. Such changes will not become effective, however, until the changes are publicly posted.

Section 265.11.2

For each violation of this Ordinance such landowner shall be liable for a fine up to \$600.00 and court costs. Each day the subject sidewalk is in violation of this Ordinance shall be a separate violation.

**SECTION 3.**

If any portion of this Ordinance is found to be unconstitutional or illegal, it is the intent of Council that it would have ordained the balance of the Ordinance irrespective of the invalid portion.

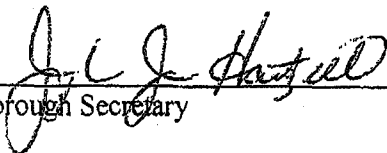
**SECTION 4.**

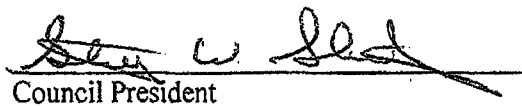
This Ordinance shall take effect immediately.

ORDAINED into law this 6 day of DECEMBER, 2016.

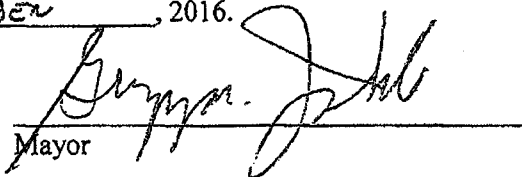
ATTEST:

WILMERDING BOROUGH

  
Borough Secretary

  
Council President

Approved this 6 day of DECEMBER, 2016.

  
Mayor