

**TOWNSHIP OF CRANBERRY
BUTLER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2014-451

AN ORDINANCE OF THE TOWNSHIP OF CRANBERRY, BUTLER COUNTY, PENNSYLVANIA FOR THE PURPOSE OF MAKING VARIOUS CHANGES, CLARIFICATIONS, AND AMENDMENTS TO CHAPTER 21 (“STREETS AND SIDEWALKS”) AND CHAPTER 5 (“CODE ENFORCEMENT”) OF THE TOWNSHIP CODE OF ORDINANCES; DELETING SIDEWALK PROVISIONS FROM CHAPTER 21 AND ADDING THE AFOREMENTIONED AMENDED PROVISIONS TO CHAPTER 5; AND PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS.

WHEREAS, the Township desires to delete sidewalk regulations from Chapter 21 ‘Streets and Sidewalks’ and part of Chapter 5, Part 2.C, 5-222.1, ‘Exterior Property Areas’, relocating the aforementioned language to Chapter 5, ‘Code Enforcement’, and consolidating all regulations pertaining to sidewalks within said chapter of the Township Code of Ordinances.

WHEREAS, the **BOARD OF SUPERVISORS** have reviewed the proposed amendment; and

WHEREAS, the **BOARD OF SUPERVISORS** advertised the intent to adopt on December 4, 2014, as provided by the Cranberry Township Code and the Pennsylvania 2nd Class Township code; and

WHEREAS, in the judgment of the **BOARD OF SUPERVISORS**, such an amendment to the Zoning Ordinance of the Township of Cranberry, Butler County, Pennsylvania is consistent with the overall Comprehensive Plan adopted by the Township.

WHEREAS, revisions in this document will appear as follows: ~~struck-out~~ for items removed and underlined for items added; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Cranberry, Butler County, Pennsylvania that Chapter 21– Streets and Sidewalks, of the Cranberry Township Code of Ordinances is amended as follows:

SECTION 1. Chapter 21, ‘Streets and Sidewalks’, is hereby renamed Chapter 21 ‘Streets’.

SECTION 2. Chapter 21, Part 4, ‘Sidewalks’, is hereby deleted in its entirety, as follows, and reserved for future use.

~~Part 4. SIDEWALKS~~

~~§ 21-401. Sidewalk Maintenance Responsibility.~~

It shall be the responsibility of property owners abutting streets or properties, in which, or upon which, sidewalks are located, to care for, maintain and replace sidewalks in accordance with these provisions. Sidewalk maintenance responsibility can be assigned to an association set up for maintenance of common elements in a plan (i.e., homeowner or property owners association) if approved by the Township. Maintenance by an association must be agreed upon at the time of plan approval and included as a requirement in the association documents and covenants and restrictions.

~~§ 21-402. Notice to Repair Sidewalk.~~

~~Whenever it shall be determined proper and necessary by the Township that sidewalks shall be repaved and repaired in any public highway of the Township or adjacent to any public highway of the Township, the Manager or his designee shall serve written notices upon the owners of property abutting on said public highways, requiring them to repave or repair such sidewalks within 90 days from the date of such notice unless it is determined by the Township Manager that such condition constitutes an emergency, in which case 30 days notice shall be given. Sidewalks shall be repaired and/or repaved in accordance with Township specifications.~~

~~§ 21-403. Township May Do Work upon Default of Property Owner.~~

~~Upon failure of any owner of property abutting on said streets to do and perform any work required by the notice provided for above within the time specified in such notice, the Township may cause the same to be done and collect the cost of the work and material from the abutting property owners on a foot front basis.~~

~~§ 21-404. Construction Specifications.~~

~~Sidewalks shall be installed, replaced or repaired in accordance with Township specifications contained in the Public and Private Improvements Code, § 17-404 [Chapter 17].~~

~~§ 21-405. Work in Sidewalk~~

~~It shall be unlawful for any person to tear up, destroy, remove, deface or excavate, or otherwise damage any sidewalk or curb in the public highways of the Township, or adjacent to any public highway in the Township, without first obtaining a road occupancy permit, as outlined below, from the Township for work which will be done in the Township right of way:~~

- ~~A. — Permit Required. In accordance with the provisions of § 2322 of the Second Class Township Code, 53 P.S. § 67322, as amended, no structure, facility, or utility may be constructed, erected, or placed upon, below, inside, or over any portion of a Township roadway right of way except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.~~
- ~~B. — Application for Permit. The application for a permit shall be on a form prescribed by the Township and submitted to the Township. The application shall be accompanied by a fee~~

~~in accordance with the schedule of fees set forth by the Township for roadway occupancy permits and restoration charges. In addition, the applicant shall submit a sketch showing such dimensions and the location of the work, width of the traveled roadway, right-of-way lines.~~

~~C. — Fees. The Board of Supervisors of Cranberry Township shall establish by resolution a schedule of fees for the obtaining of permits required under the provisions of this part. Such resolution shall be duly recorded in the Resolution Book of the Township and such fee schedule shall be reproduced and made available upon request at the Township building. The resolution providing for the various fees shall be periodically reviewed and amended, where necessary, by resolution of the Board of Supervisors. The issuance of a permit shall be contingent upon the payment of the proper fee as established by the resolution and the fee schedule.~~

~~D. — Issuance of Permit. A permit shall be issued to the applicant after all the aforementioned requirements have been filed.~~

~~E. — Notice of Completion. Upon completion of the work, the applicant shall give written notice thereof to the Township.~~

~~§ 21-406. Obstruction of Sidewalk Prohibited.~~

~~It shall be unlawful for any person to deposit any matter upon any of the sidewalks in the public highways of the Township, or adjacent to any public highway of the Township. The sidewalks shall be kept open and unobstructed at all times for use of the public, and the owner of the abutting property shall keep the sidewalk areas free from weeds, hedges and other similar obstructions at all times.~~

~~§ 21-407. Snow and Ice Removal from Sidewalk.~~

~~It shall be the duty of the owners and occupiers of properties, and the owners of unoccupied lots along whose premises sidewalks have been laid, or may hereafter be laid, to cause said paved sidewalks along their respective properties to be cleared to the width of said sidewalk of snow or ice within 24 hours after the same shall have ceased to fall, in the case of snow, or shall have occurred, in the case of ice.~~

~~§ 21-408. Penalties.~~

~~Any person, firm or corporation who shall violate any provision of this part, upon conviction thereof in an action brought before a district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this part continues or each section of this part which shall be found to have been violated shall constitute a separate offense.~~

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Cranberry, Butler County, Pennsylvania that Chapter 5 – Code Enforcement, of the Cranberry Township Code of Ordinances is amended as follows:

SECTION 3. Chapter 5, Part 2.C, 5-222.1, ‘Exterior Property Areas’, is hereby amended to delete the following and renumber all subsequent subsections accordingly:

~~1. Sidewalks. All sidewalks, walkways, stairs and similar spaces in nonresidentially zoned areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.~~

SECTION 4. Chapter 5, Part 2.C, 5-227, ‘Sidewalks and Trails’, is hereby added as follows:

1. Intent.

A. The following regulations are intended to apply to certain sidewalks and trails within the Township, in an effort to ensure that sidewalks and trails are safe and accessible, and to maintain amenities for the general public.

2. Sidewalk and Trail Maintenance Responsibility.

A. Property owners who have sidewalks and/or trails on their property or abutting their property shall be responsible for the care, maintenance, and replacement of sidewalks and/or trails in accordance with these provisions. Sidewalk and/or trail maintenance responsibility may be assigned to an association set up for maintenance of common elements in a plan (i.e. homeowner or property owners association) if approved by the Township. Maintenance by an association must be agreed upon at the time of plan approval and included as a requirement in the association documents, covenants, and restrictions.

3. Notice to Repair Sidewalk and Trails.

A. Upon determination by the Township that sidewalks and/or trails are in need of repair, the Township Manager or his designee shall serve written notice(s) upon the owners of the aforementioned properties that repair shall be made within thirty (30) days of notification. The thirty (30) day time period may be extended due to extenuating circumstances. In the event of an emergency which creates an immediate hazard on a sidewalk and/or trail, upon receipt of notification by the Township, the responsible party shall take immediate action to remediate the hazard. Sidewalks and/or trails shall be repaired in accordance with Township construction specifications.

4. Township May Do Work upon Default of Property Owner.

A. Failure of any property owner or association to perform any repair work required, after receiving notice by the Township, within the time specified, may result in the Township

performing such work and collecting any related costs from the property owner or association.

5. Construction Specifications.

A. Sidewalks shall be installed, replaced, or repaired in accordance with Township construction specifications contained in Chapter 17, the Public and Private Improvements Code, as may be amended.

6. Work within Sidewalk Area.

A. A Road Occupancy Permit from the Township shall be required for work which is to be done in the Township right-of-way.

B. Any work not within the Township right-of-way shall still require Township authorization prior to commencement of such work.

C. Application for Permit. Road Opening Permit application, fees, plans, and specifications shall be submitted and approved prior to permit issuance.

D. Fees. Refer to the Cranberry Township Fee Resolution, as may be amended, for any applicable fees.

E. Issuance of Permit. A permit shall be issued to the applicant after all the aforementioned requirements have been filed.

F. Notice of Completion. Upon completion of the work, the applicant shall give written notice thereof to the Township.

7. Obstruction and/or Destruction of Sidewalk Prohibited.

A. No person shall obstruct and/or destroy any sidewalk. It shall be the responsibility of the property owner or assigned association to maintain sidewalk areas and keep them free from weeds, hedges, and other similar obstructions.

8. Snow and Ice Removal from Sidewalk.

A. Snow and/or ice shall be removed from sidewalks within 48 hours of the end of snowfall and/or an ice event. Snow and/or ice removed from sidewalks shall not be placed within roads, streets, or alleys.

9. Exterior Property Areas.

A. All sidewalks, walkways, stairs, and similar spaces not along streets shall be maintained and kept in a proper state of repair. This provision shall not apply to single family residences.

SECTION 5. Severability.

If any chapter, section, subsection, paragraph, sentence or phrase of this ordinance is for any reason declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the ordinance as a whole or any section or part thereof other than the section or part thereof so declared to be invalid.

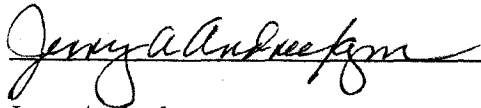
SECTION 6. Repealer.

Any ordinance, chapter, section, subsection, paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

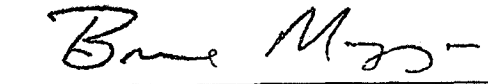
Ordained and enacted this 11th day of December, 2014, BY THE BOARD OF SUPERVISORS of the Township of Cranberry.

ATTEST:

Township of Cranberry



Jerry A. Andree,
Township Manager/Secretary



Bruce Mazzoni, Chairman
Board of Supervisors