

# Borough of Lilly

LILLY, PENNSYLVANIA  
ORDINANCE NO. 2009-3

*An Ordinance of the Borough of Lilly  
implementing uniform guidelines for  
the construction and maintenance  
of sidewalks and curbing.*

The Borough of Lilly Council hereby and herein **ORDAINS and ENACTS** as follows:

## **Section 1. Title**

This Ordinance shall be known as and referred to as the Lilly Borough Sidewalk Ordinance.

## **Section 2. Definitions**

**Cartway:** portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**Sidewalk:** portion of a street between the curb lines or the lateral lines of a cartway and the adjacent lines intended for use by pedestrians.

**Streets or Highway:** the entire width between the boundary lines of way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular travel.

## **Section 3. Sidewalk Construction and Repair**

Any property owner who desires to construct, pave, repave or repair a sidewalk abutting his property may do so provided that such owner shall make application for and obtain a permit from the Borough. The application shall include a brief statement of the nature and method of construction or repair to be used. Upon approval of the application, the Borough, or its appointed agent, shall issue a permit for the construction, paving, repaving or repair. The cost of the permit shall be established by resolution of the Borough Council.

## **Section 4. Sidewalk Construction Specifications**

(a) Sidewalks shall be located within the Street Right-of-Way, one (1) foot from the Right-of-Way line, and shall be minimum of Four (4) feet wide, except along collector and

arterial Streets, and in the vicinity of shopping centers, schools, recreation areas, and other community facilities, where they shall be a minimum of five (5) feet wide.

(b) Generally: A grass planting strip should be provided between the curb and sidewalk.

(c) Sidewalks shall be at least four (4) inches thick, and shall be made of Class A concrete as specified in Pennsylvania Department of Transportation, Publication 408, Section 704 and installed in accordance with Pennsylvania Department of Transportation Publication 408, Section 676, except base aggregate shall be at least four (4) inches deep, and concrete shall be broom finished.

(d) Where unusual or peculiar conditions prevail with respect to prospective traffic and/or safety of pedestrians, the Municipality may require different standards of improvements than those set forth in previous paragraphs. Crosswalks may be required when deemed necessary by the Municipality or as noted in Section 506.2.

(e) Handicap-accessible ramps shall be provided on all sidewalks at Street intersections. Maximum gradient of an accessible ramp shall be 12:1 (8.33%). Depressed curb shall be installed at the ramp to create a lip of no greater than one-half (1/2) inch. Ramps shall be concrete as specified in Section 602.5(c) of this Ordinance with a broom finish.

(f) Maximum Slope of banks measured perpendicular to the center line of the Street should be three (3) to one (1) for fills, and two (2) to one (1) for cuts.

(g) Whenever a sidewalk is constructed or reconstructed, the owner shall be responsible for creating curb ramps of other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway. The owner shall be required to construct or reconstruct such curb ramp whenever any portion of the sidewalk or curb is being constructed, whether or not the part of the sidewalk or curb is being constructed or reconstructed includes the intersection radius, or other barrier to entry from a street level pedestrian walkway.

(h) Sidewalks shall be constructed in accordance with the Americans with Disabilities Act.

#### **Section 5. Owner's Responsibility to Maintain Sidewalks**

It shall be the owner's responsibility to keep the sidewalks on his property in good repair, and if the sidewalks become damaged and need repair or replacement, the owner shall be responsible for securing the necessary permit(s), performing the work and complying with this and any other applicable ordinance.

**Section 6. Sidewalks to be Kept Clear**

(a) It shall be unlawful for any person within the Borough to fail, neglect or refuse to keep the sidewalks in front of or abutting upon the buildings, tenements, rooms or real property owned, occupied or possessed by him, or under his management or control, clear of mud, filth, dirt, snow or ice or any other obstruction.

(b) Snow and ice shall be removed from sidewalks within twenty-four (24) hours after the cessation of any event of snow, sleet or freezing rain.

(c) No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk, roadway or loading and unloading area of a public transportation system.

(d) Following notice from the Borough in the event that snow and ice is not removed from a sidewalk after twenty-four (24) hours following the cessation of any event of snow, ice or freezing rain, the Borough may cause the sidewalk to be cleared and shall bill the property owner for the cost, plus ten percent (10%). This shall be in addition to any fines or penalties that may be assessed under this ordinance.

**Section 7. Curbing Standards.**

(a) Plain cement concrete curb (refer to Pennsylvania Department of Transportation, Pub. 408, Section 630). Curbing shall be plain cement concrete curb as shown in Pennsylvania Department of Transportation Standards for Roadway Construction, Pub. 72, RC-64. Materials shall conform to Pennsylvania Department of Transportation, Pub. 408, Section 630.2. Construction shall conform to Pennsylvania Department of Transportation, Pub 408, Section 630.

(b) All curbs shall be depressed at intersections in compliance with current Federal and State ADA standards.

**Section 8. Conflicting Provisions of Subdivision and Land Development Ordinance**

When plans or drawings are submitted to the Borough pursuant to any subdivision and Local Development Ordinance enacted by the Borough, any conflicting provisions of the Subdivision and Land Development Ordinance shall control. Section 6 hereof shall be in full force and effect regardless of whether the sidewalk was installed pursuant to this ordinance or any Subdivision and Land Development Ordinance.

**Section 9. Penalties**

Any person, firm or corporation who shall violate any provision of this Ordinance shall upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00). Every day that a violation continues shall constitute a separate offense.

**ORDAINED AND ENACTED** this second day of September, 2008,

**BOROUGH OF LILLY**

By: John F. Neznieski  
**John F. Neznieski - President**

Attest: Claudine Falger (Seal)  
**Claudine Falger - Secretary**

**APPROVED**, this 1 day of September, 2008,

John Gides  
**John Gides - Mayor**