

**BOROUGH OF BANGOR
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA
ORDINANCE NO. 990**

**AN ORDINANCE OF THE BOROUGH OF BANGOR, NORTHAMPTON
COUNTY, PENNSYLVANIA, ESTABLISHING STANDARDS FOR THE
CONSTRUCTION, REPLACEMENT AND MAINTENANCE OF SIDEWALK,
CURB, DEPRESSED CURB (HANDICAP) RAMPS AND DEPRESSED
DRIVEWAY CURB/APRON, AND PRESCRIBING PENALTIES FOR
VIOLATION THEREOF, REPEALING ALL INCONSISTENT ORDINANCES
AND ESTABLISHING AN EFFECTIVE DATE**

NOW, THEREFORE, it is hereby **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Bangor, County of Northampton and Commonwealth of Pennsylvania, as follows:

Section 1. Responsibility of property owner to construct concrete sidewalk, curb, depressed curb (handicap) ramps, and depressed driveway curb/aprons.

- A. Every owner of property abutting upon any public street or alley, or any public right-of way, shall be required, after notice given as herein provided, to construct concrete sidewalk, curb, depressed curb ramps and depressed driveway curb/apron, or any of them, adjacent to their property or properties in accordance with the grade and line established or to be established by the Borough. Locations where existing conditions limit the ability to install sidewalks, partial or complete, may be exempted from installing sidewalks at the sole discretion of the Borough Council. Appropriate construction details must be submitted for review by the Borough. The cost of constructing said sidewalk, curb, depressed curb ramps and depressed driveway curb/apron, or any of them, shall be paid by the owner of the property affected.
- B. Further, it shall be the duty of property owners, as above, to install depressed curb ramps concrete ramps when constructing new curbing and sidewalk at a street intersection or when reconstructing both curbing and sidewalk at a street intersection. Depressed curb ramps shall be installed in accordance with the standards set forth herein.
- C. All improvements in the public right-of-way, or abutting upon any public street or alley, shall require approval of the Borough Manager, Code Enforcement Officer and/or their designee and the issuance of a work permit prior to the start of any work thereunder.

Section 2. Responsibility of property owner to repair, replace or install concrete sidewalk, curb, depressed curb (handicap) ramps, and depressed driveway curb/aprons.

- A. Whenever any sidewalk, curb, depressed curb ramps and depressed driveway curb/apron shall become out of repair or require replacement, or, if absent, require installation of same, it shall be the responsibility of the owner of such property or properties to repair, reconstruct or install sidewalk, curb, depressed curb ramps and depressed driveway curb/apron, as directed by the Borough Manager, Code Enforcement Officer and/or their designee. The property owner is hereby required and enjoined to repair the same with concrete or, in the alternative, with said materials with which said curb or sidewalk had been constructed if such alternative material shall be approved by the Borough Manager or Borough Engineer. Appropriate construction details must be submitted for review by the Borough. The cost of repairing, replacing and/or installing

said sidewalk, curb, depressed curb ramps and depressed driveway curb/apron, or any of them, shall be paid in each and every case by the owner of the property affected.

- B. In addition to the above requirements, prior to the property changing ownership by transfer from grantor to grantee by legal deed, it shall be the responsibility of the owner or owners of the property to make necessary repairs to sidewalk, curb, depressed curb ramps and depressed driveway curb/apron abutting a property in compliance with the provisions herein. The legal owner or owners of the property shall, prior to transfer of ownership of the property, notify the Borough of the pending sale and/or transfer of ownership in the property. The Borough Manager, Code Enforcement Officer or their designees, shall inspect the owners' sidewalk, curb, depressed curb ramps and depressed driveway curb/apron abutting upon any public street or alley, or right-of-way, to determine compliance with this Ordinance. It shall be the responsibility of the owner to bring the sidewalk, curb, depressed curb ramps and depressed driveway curb/aprons adjacent to and/or traversing the property into compliance with this Ordinance prior to the sale and/or transfer of the real estate. The owners shall obtain written verification from the Borough that said improvements are in compliance with the requirements herein prior to the sale and/or transfer of the property. The cost of repairing, replacing and/or constructing improvements, shall be paid in each and every case by the owner of the property affected.
- C. All improvements in the public right-of-way or abutting upon any public street or alley, shall require the issuance of a work permit prior to construction of improvements.
- D. In addition to applicable Borough codes and Ordinances, the 2009 International Property Maintenance Code and subsequent revisions, Section 302.2, Sidewalks and Driveways, shall be incorporated as if it were part of this Ordinance.

Section 3. Work permits; Inspection.

- A. A work permit is required prior to the replacement of installation of any sidewalk, curb, depressed curb ramps and depressed driveway curb/apron that is located within the right-of-way, or abutting any street or alley, within the Borough of Bangor. The permit fee, and any associated inspection costs, shall be as established from time to time by resolution of the Borough Council and shall be paid to the Borough at the time that the permit is issued. The Borough Manager, or his/her designee, is hereby authorized to issue said permits and to collect the appropriate permit fee. A separate permit shall be required for each parcel. Permits are valid for a period of 30 days unless extended or renewed by the Borough Manager.
- B. All work performed under a work permit as set forth in this Ordinance is subject to inspection by the Borough Manager, Code Enforcement Officer or their designees.
 1. Preliminary – The owner, contractor or laborer, prior to placing any concrete, shall request an inspection of the concrete forms at least 24 hours in advance, during normal business hours. Permission to proceed will be granted if the work is in accordance with established lines, grades and applicable standards and specifications.
 2. Final – After concrete has been placed and finished in accordance with the standards and specifications herein, a final inspection will be conducted. If the work meets all specified requirements, the owner, contractor or laborer will be given final approval. All work not meeting specifications, standards and Ordinances as defined by the Borough Manager or Code Enforcement Officer is subject to removal. All costs associated with such removal shall be borne by the owner or their agent.

Section 4. Construction specifications.

All sidewalk, curb, depressed curb ramps and depressed driveway curb/aprons must be constructed in strict compliance with the standards and specifications of Commonwealth of Pennsylvania, Department of Transportation, Publication 408, as amended, Commonwealth of Pennsylvania, Department of Transportation, Publication 72M, Section RC-67, applicable American with Disabilities Act (ADA) regulations and as further depicted and set forth in Exhibits 1-15.

Section 5. Special provisions; liability of property owner or their agent.

- A. Where technically feasible, sidewalk, curb, depressed curb ramps and depressed driveway curb/aprons may be poured monolithically upon approval of the Borough Manager, Code Enforcement Officer, or their designee.
- B. Depressed curb ramps (handicap ramps) – When constructing new curbing and sidewalk at a street intersection or when reconstructing both curbing and sidewalk at a street intersection, depressed curb ramps shall be provided for in accordance with the Federal Highway Safety Act, as amended. The depressed curb ramps shall be installed in accordance with the latest design standards of the Pennsylvania Department of Transportation.
- C. It shall be the duty of every property owner or their agent who is grading, constructing, draining, paving or reconstructing the sidewalk, curb, depressed curb ramps and depressed driveway curb/apron, to maintain adequate guards, barriers and lights to prevent accidents, and such owner or their agendas shall assume all risks and liability for all damages by reason of such work , and by reason of any failure to properly secure such area.
- D. Whenever any obstruction is made by either excavation or otherwise, under or across any part of any sidewalk for any purpose whatever, a safe and convenient passage shall be provided around or over the same for public travel, and the watercourses and drainage kept open for the free passage of surface waters.

Section 6. Authority of Borough to do work; Emergency repairs.

- A. In addition to the remedies vested herein to make repairs to sidewalks, the Borough shall have power to make emergency repairs to any sidewalks thereon where, in the opinion of the Borough Manager, Code Enforcement Officer and/or Borough Engineer, or their designee lawfully having charge of sidewalk repairs, determine a dangerous condition exists. Before any such repairs are made, a notice to make the necessary repairs shall be served upon the owner of record for said property, with notice providing the owner a timeframe to complete the required repairs. If the owner cannot be served within the County, the notice may be served by posting the same upon such premises.
- B. Should the property owner fail to complete the required repairs within the timeframe set forth in the notice, the Borough shall perform the corrective actions necessary to complete the required repairs. Upon completion of said work, the cost thereof, plus 10% additional for administration, together with all other applicable charges and expenses, shall be a charge against the owner of the property and a lien shall be placed against the property.

Section 7. Exceptions to curbing and sidewalk requirements.

All sidewalk, curb, depressed curb ramps and depressed driveway curb/apron shall be installed in accordance with the requirements of the Ordinance. In the event that any property owner would desire to have an exception to these regulations, the property owner must appeal in writing to Borough Council listing the section of this article for which he/she wishes to have an exception and stating the reasons for the exception. Any exception to the regulations must be approved by the majority of Borough Council at a public Council meeting.

Section 8. Failure to comply and penalty provisions.

- A. If any property owner fails to comply with any and all provisions of this Ordinance and/or fails to either construct new sidewalk, curb, depressed curb ramps and depressed driveway curb/apron, or any of these, or if any property owner fails to reconstruct or repair existing sidewalk, curb, depressed curb ramps and depressed driveway curb/apron, or any of these, with concrete, as specified elsewhere herein, within the timeframe set forth in the written notice from the Borough Manager, Code Enforcement Officer or their designees, or fails to notify the Borough of a pending sale and/or transfer of ownership in the property so that the Borough can inspect said sidewalk for compliance, and/or fails to make any or all repairs required pursuant to said inspection prior to sale and/or transfer of ownership of the real estate, he/she shall be guilty of a violation of this Ordinance.
- B. Any person or property owner violating any of the provisions of this Ordinance shall, upon conviction in a summary proceeding before a District Magistrate, be sentenced to pay a fine of not less than \$100.00 and no more than \$1,000.00 and costs of prosecution and, in default of payment of such fine and costs, to incarceration in the County prison for not more than 30 days. Each day that a violation of this Ordinance continues shall constitute a separate offence.

Section 9. Repealer

Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict; specifically repealing Ordinances:

- #96, enacted
- #255, enacted
- #297, enacted
- #583, enacted
- #610, enacted
- #664, enacted
- #762, enacted
- #778, enacted

Section 10. Severability

If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance. Borough Council hereby declares that it would have adopted this Ordinance and each section, sub-section, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 11. Effective Date

This Ordinance shall take effect immediately upon its adoption.

ORDAINED AND ENACTED into an Ordinance this 9th day of March, 2020.

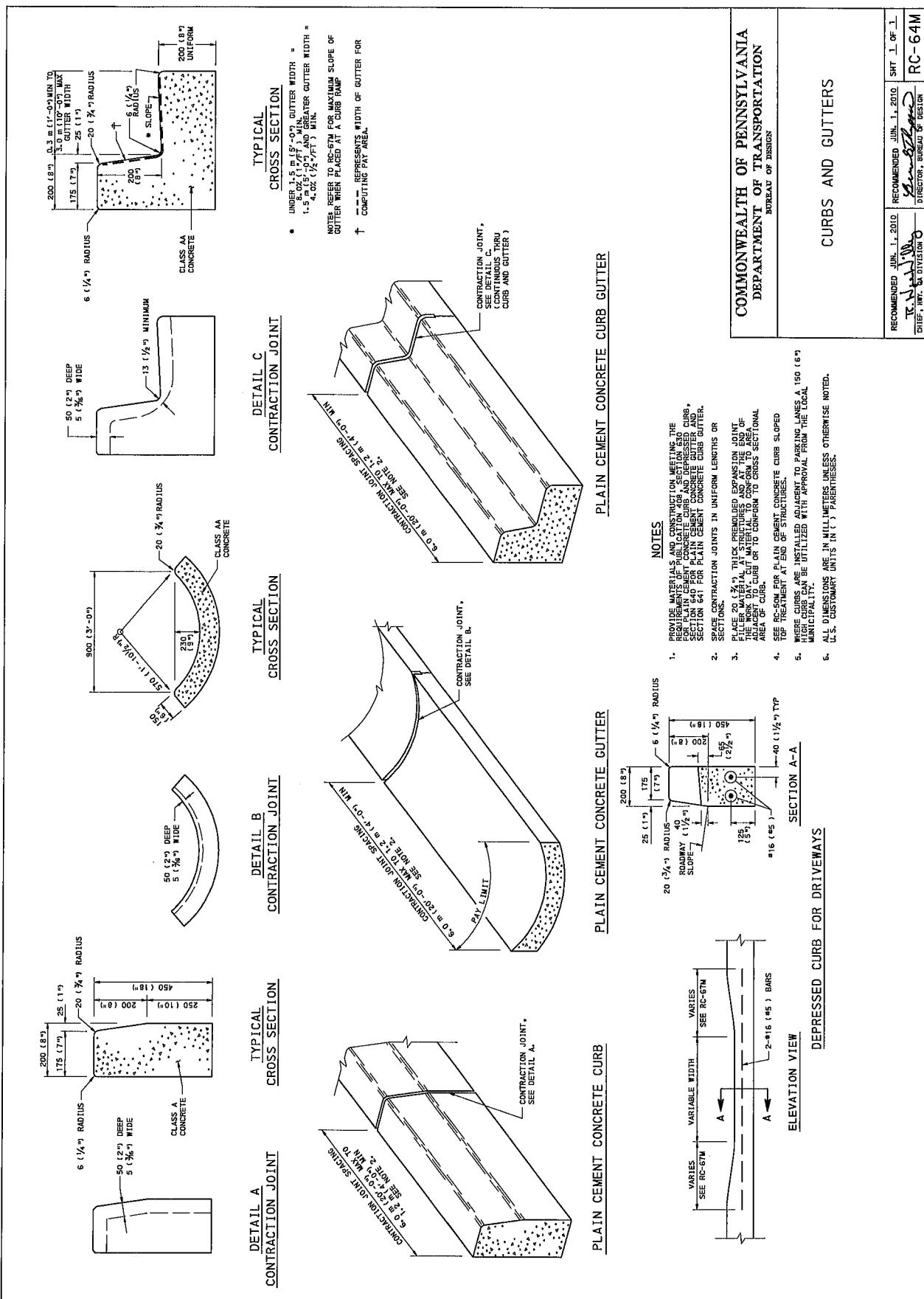
Borough Council of the Borough of Bangor

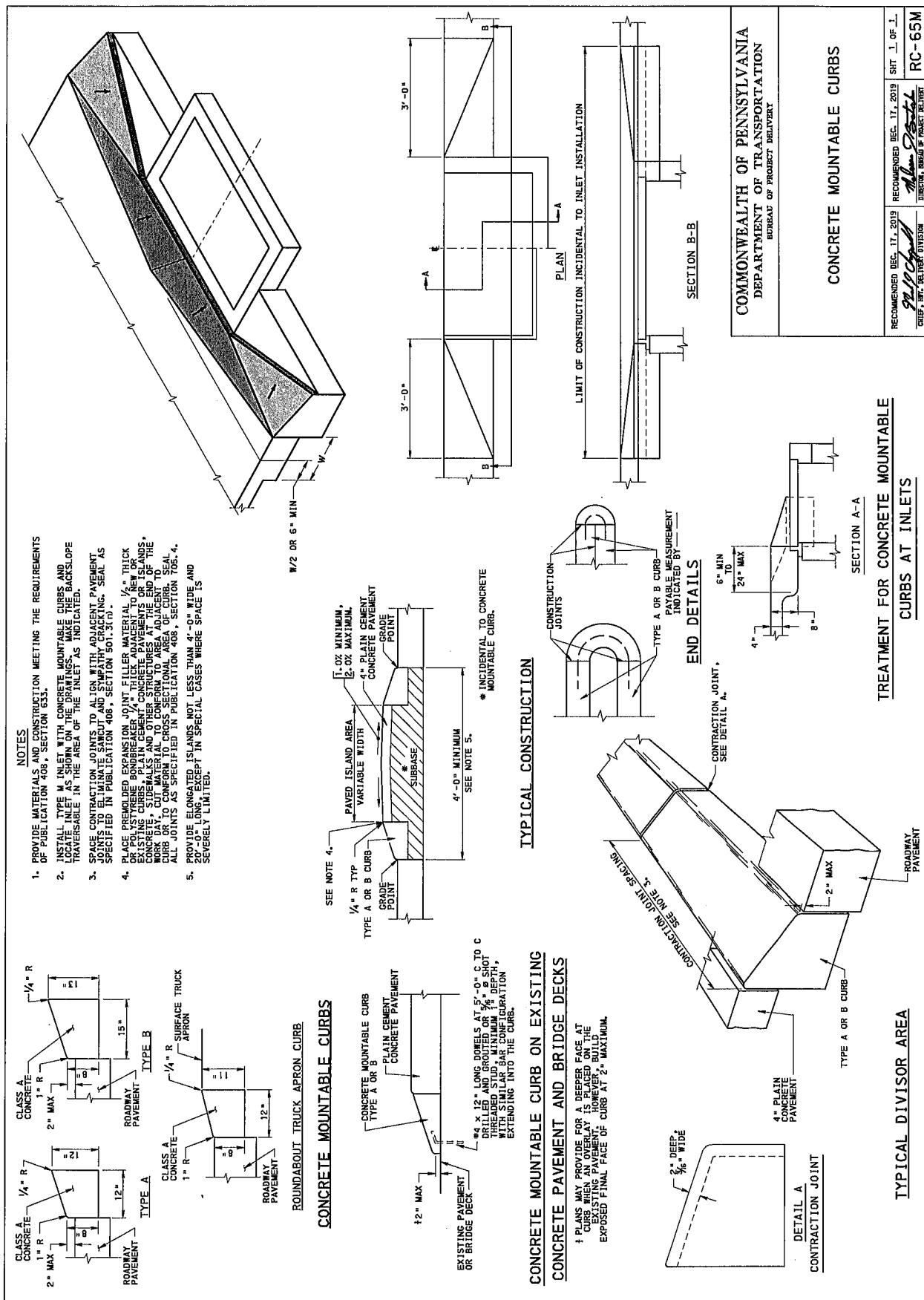
BY: James W Kresge
James Kresge, President

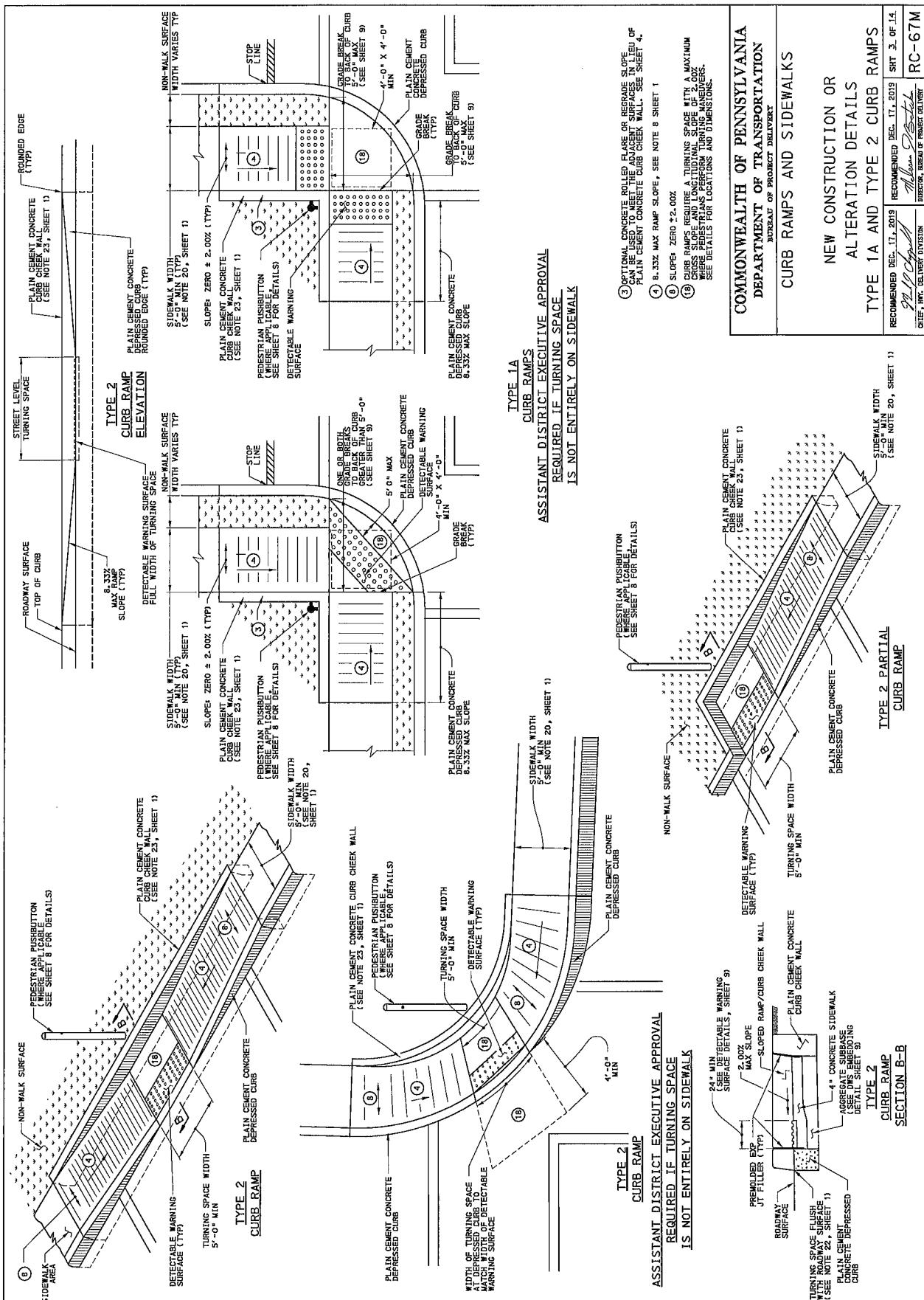
ATTEST: Janelle Hauff
Janelle Hauff, Secretary

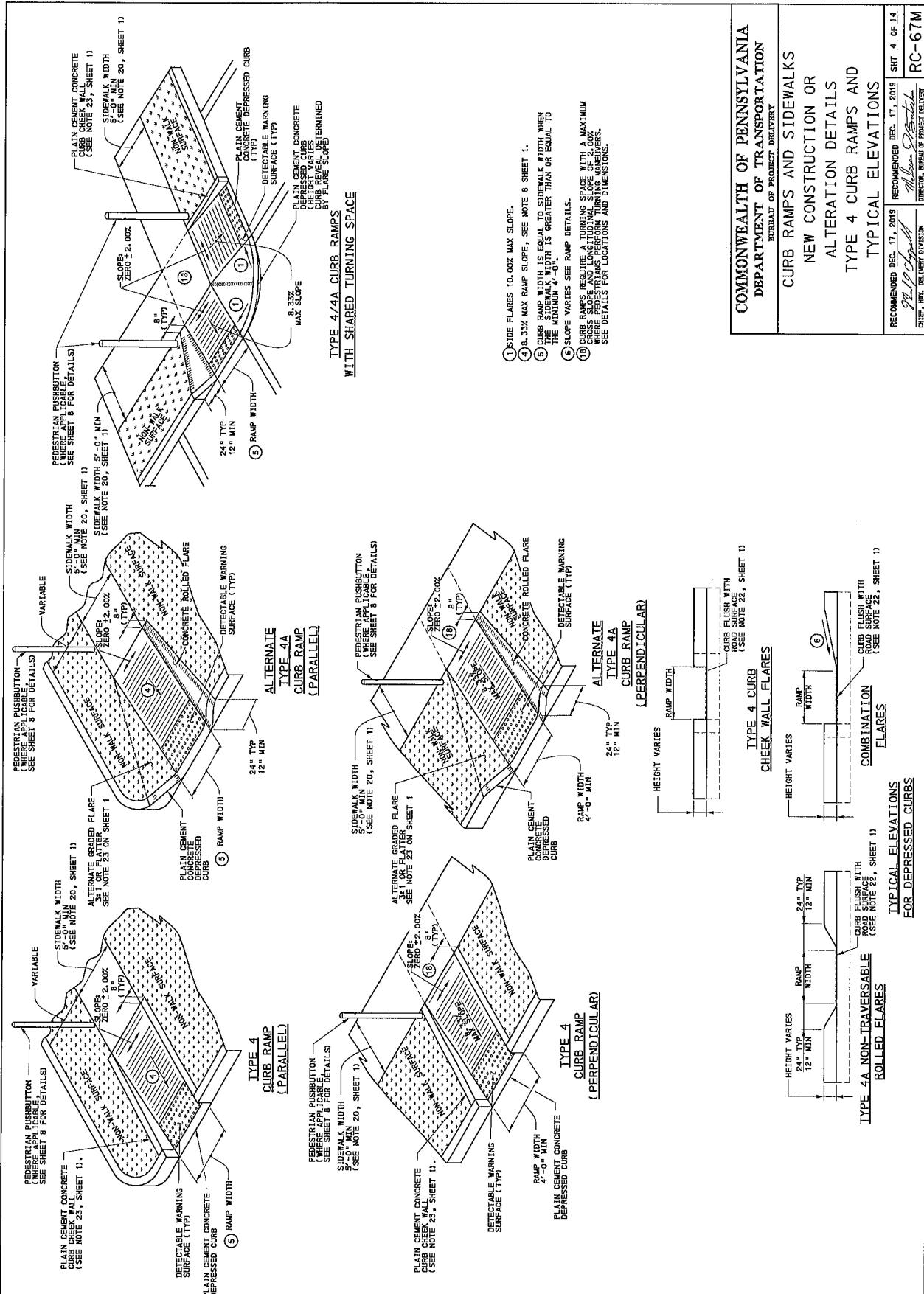
APPROVED by the Mayor this 13 day of March, 2020.

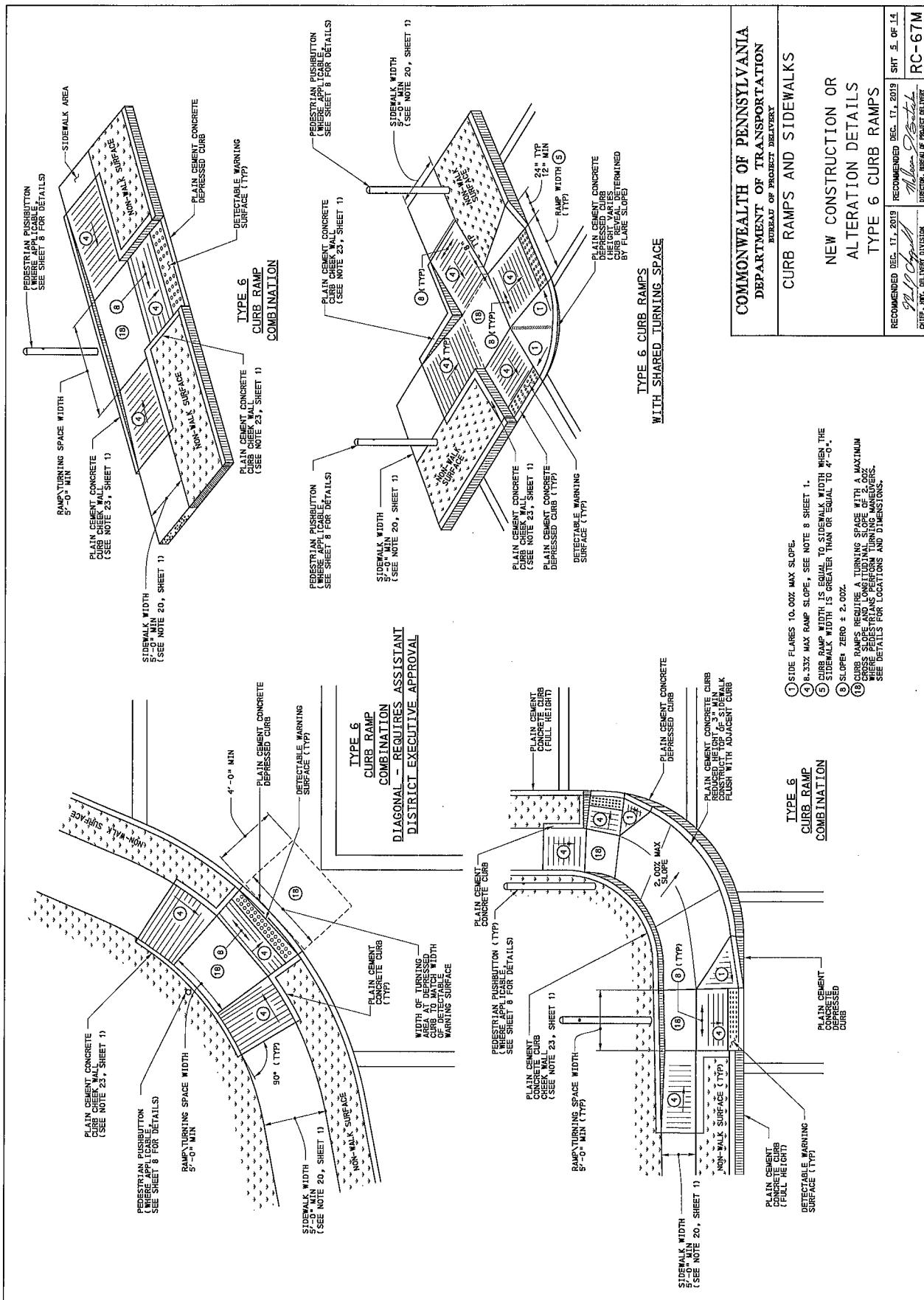
BY: BK
Brooke Kerzner, Mayor

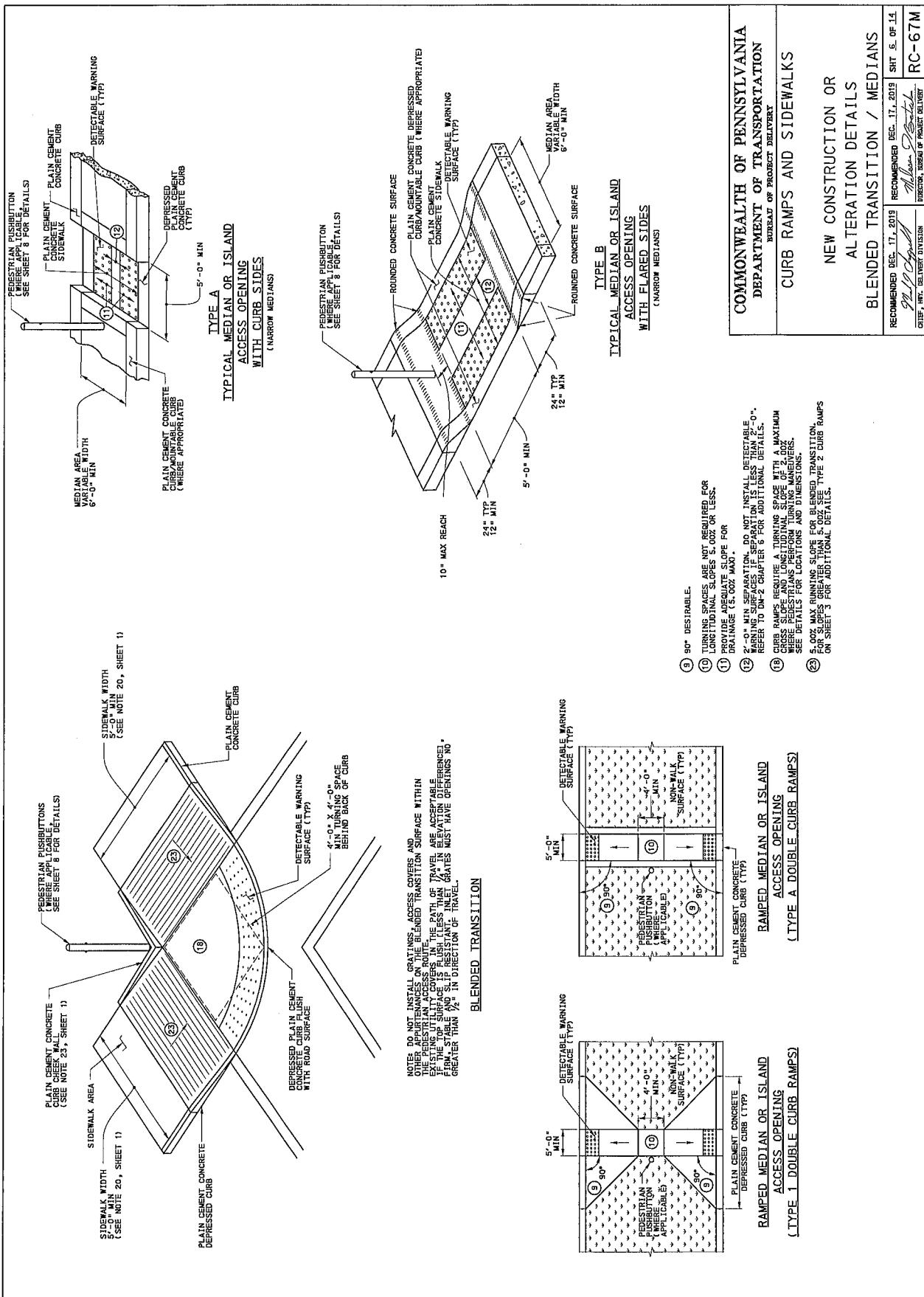


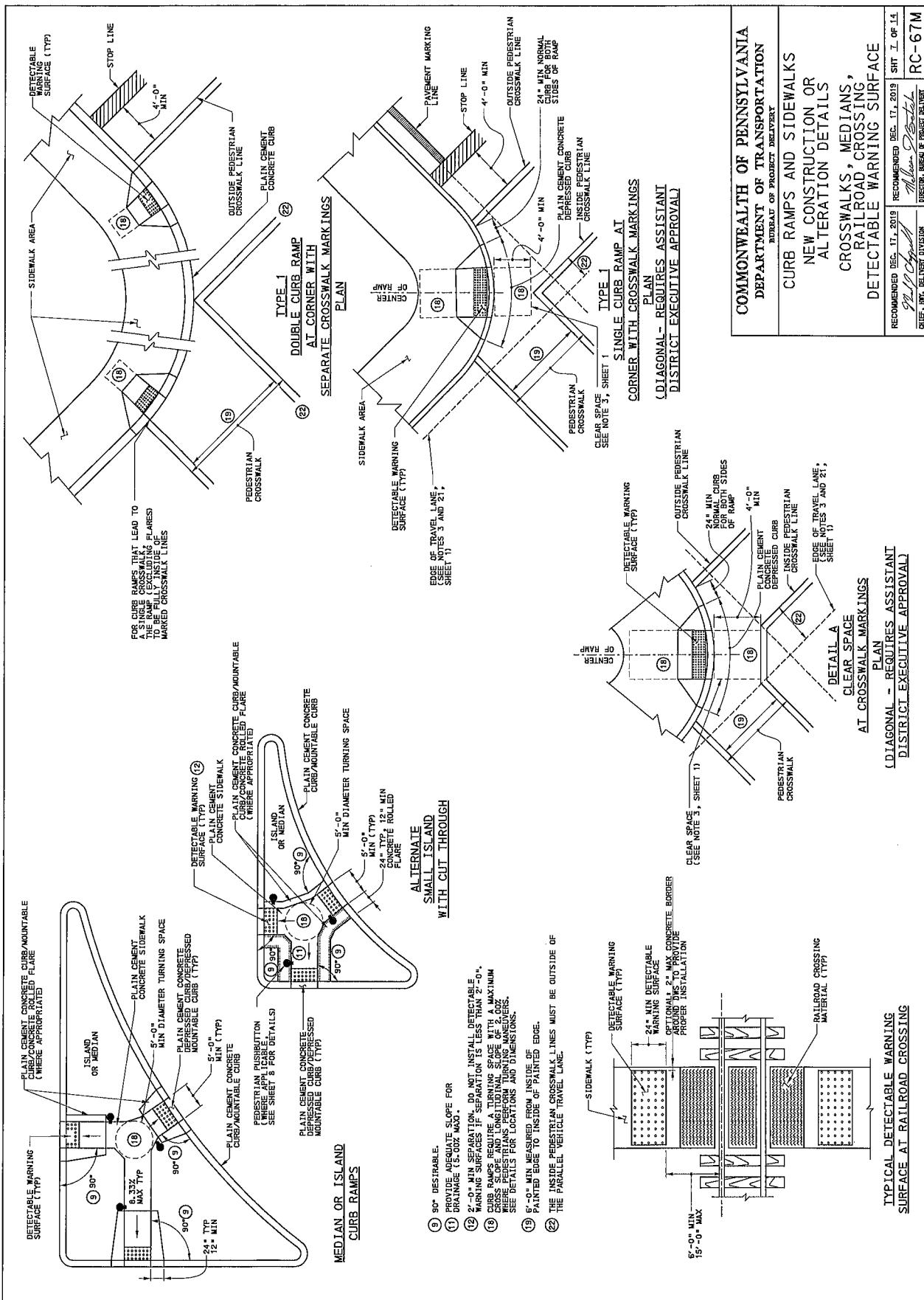


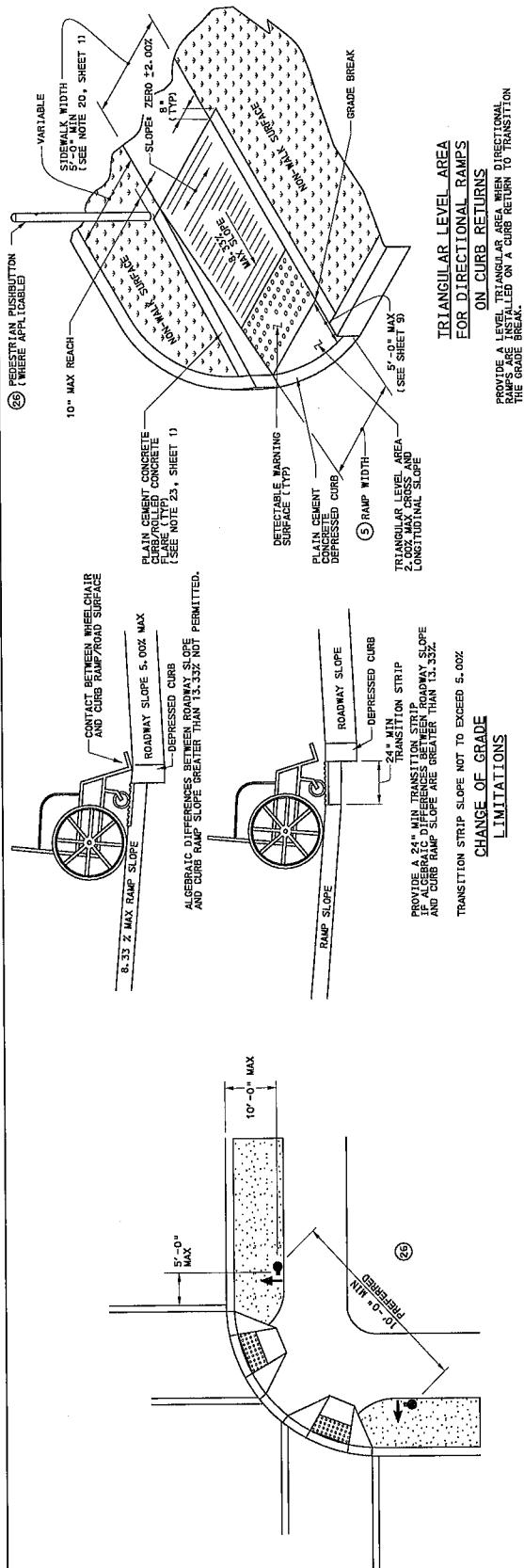




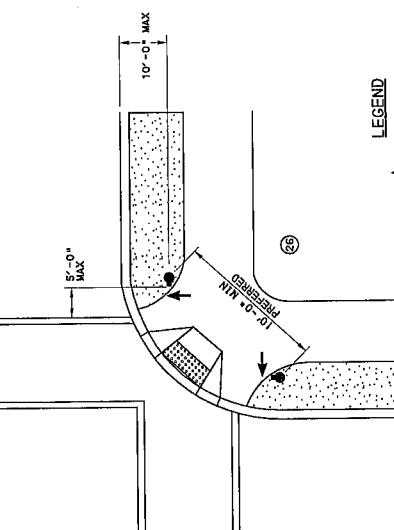








RECOMMENDED PUSHBUTTON LOCATIONS



LEGEND PEDESTRIAN PUSHBUTTON

RECOMMENDED PUSHBUTTON LOCATIONS



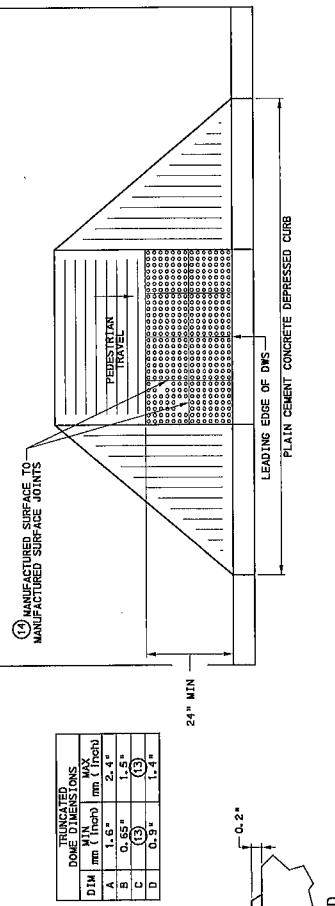
COMMONWEALTH OF PENNSYLVANIA

MENT OF TRANSPORTATION
BUREAU OF PROJECT DELIVERY

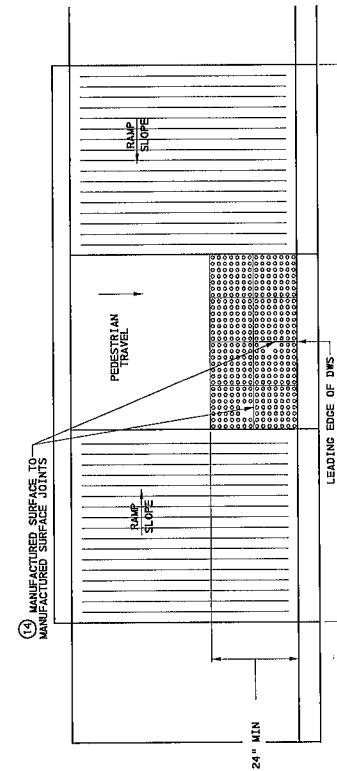
CURB RAMPS AND SIDEWALKS
NEW CONSTRUCTION OR
ALTERATION DETAILS
PUSHBUTTONS, TRIANGULAR LEVEL
AREA, CHANGE OF GRADE AND CROSS
SLOPE TRANSITIONS

RECOMMENDED DEC. 17, 2019	RECOMMENDED DEC. 17, 2019	SHT. B. OF 14.
<i>Jill M. Chapman</i>	<i>Melvin J. Scott</i>	RC-67M
CHIEF, HMT. DELIVERY DIVISION	DIRECTOR, BUREAU OF PRODUCT DELIVERY	

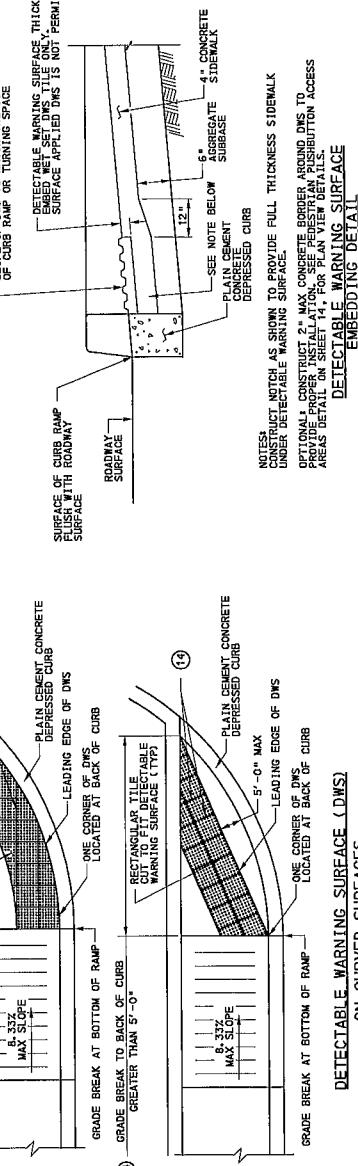
SEE NOTE 3 ON SHEET 1 CONCERNING DIAGONAL RAMPS



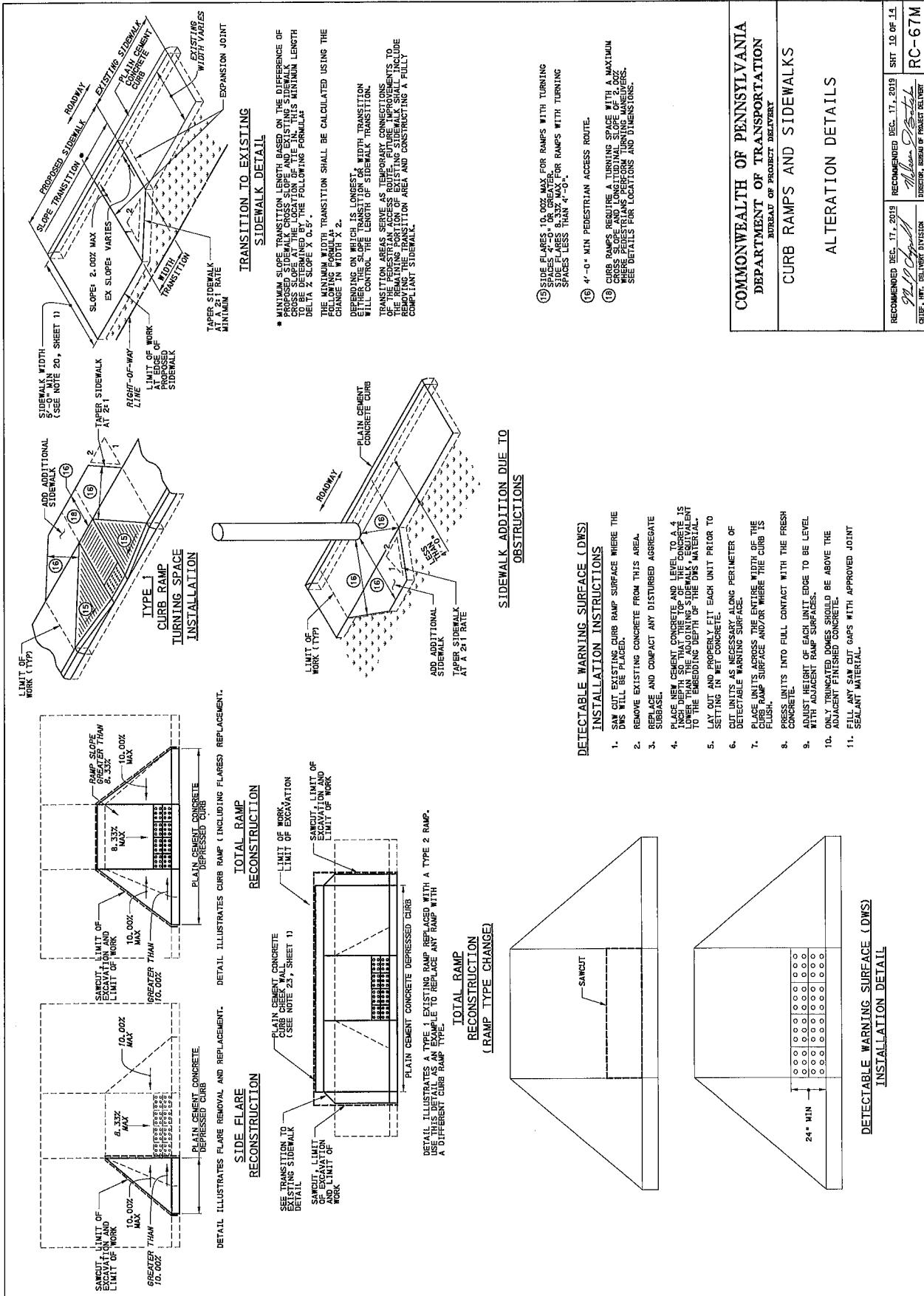
DETECTABLE WARNING SURFACE (DWS)
TRUNCATED DOME DETAILS

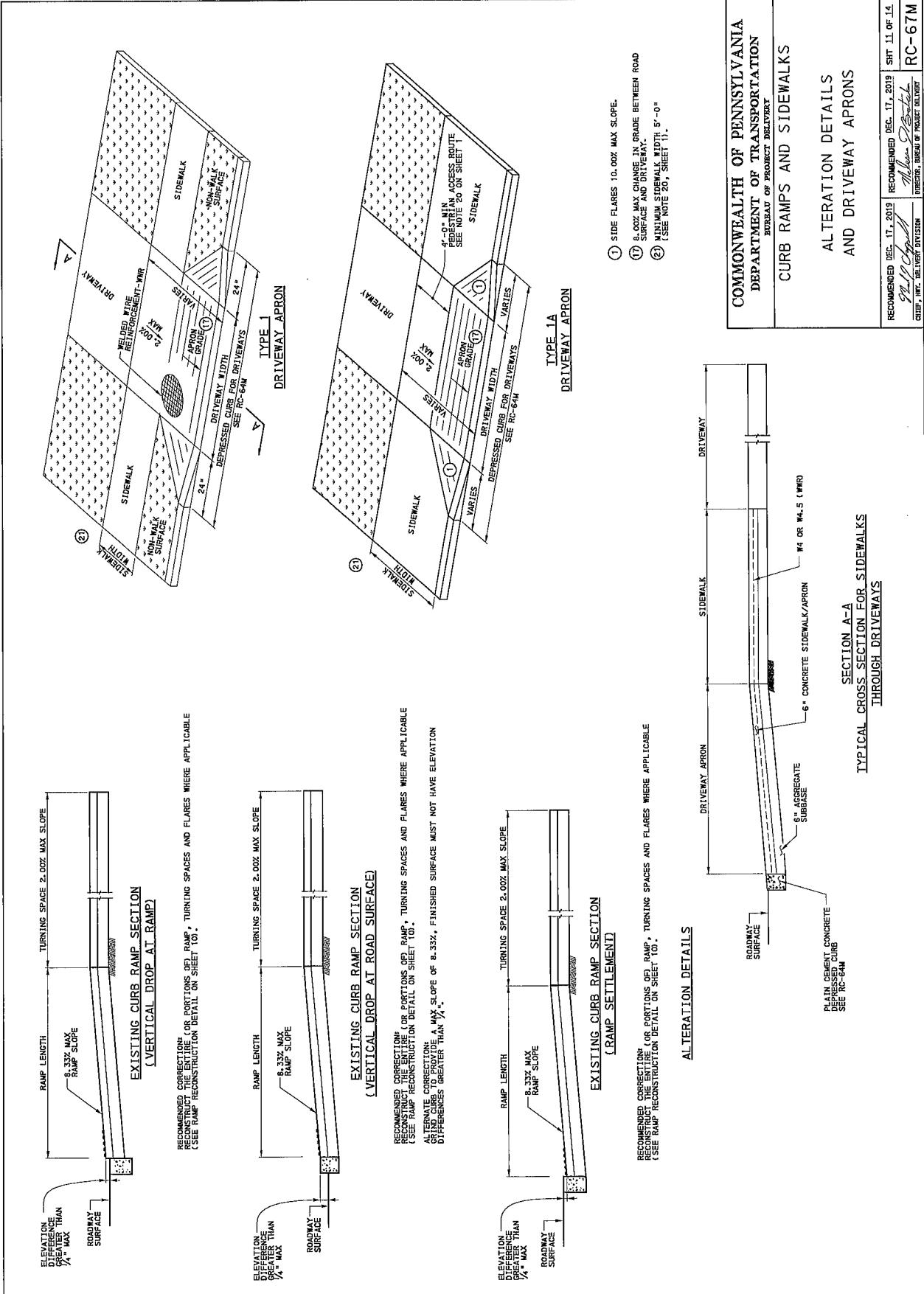


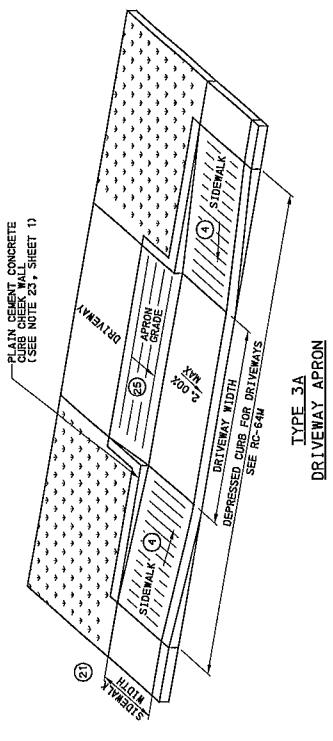
PLAIN CEMENT CONCRETE DEPRESSED CURB



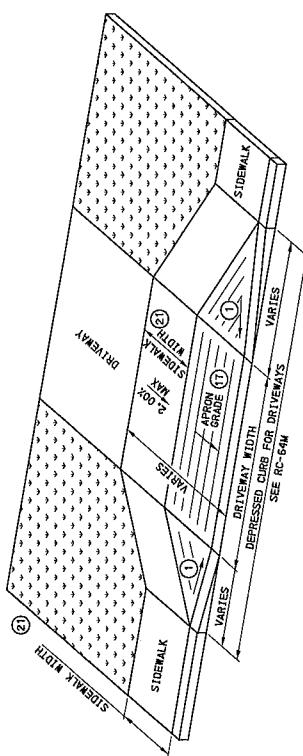
COMMONWEALTH OF PENNSYLVANIA	
DEPARTMENT OF TRANSPORTATION	
BUREAU OF PROJECT DELIVERY	
RECOMMENDED DEC. 17, 2019	RECOMMENDED DEC. 17, 2019
<i>[Signature]</i> DARREN J. BELANGER DIRECTOR, BELMONT DIVISION	<i>[Signature]</i> DARREN J. BELANGER DIRECTOR, BELMONT DIVISION
BERKSHIRE, INC., BELMONT DIVISION	
NEW CONSTRUCTION OR ALTERATION DETAILS CURB RAMPS AND SIDEWALKS DETECTABLE WARNING SURFACE	
SHT. 9 OF RC-67	



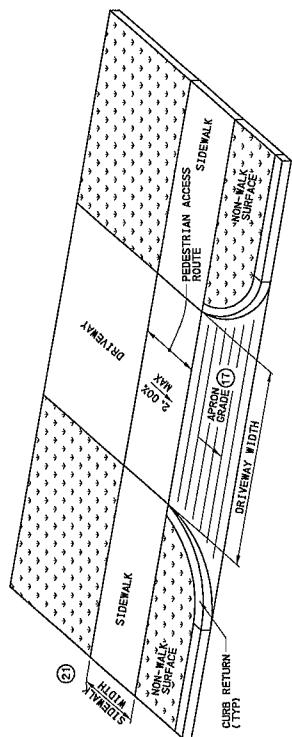




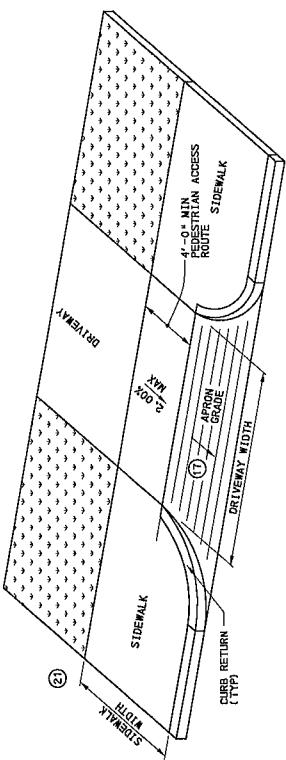
TYPE 3A
DRIVEWAY APRON



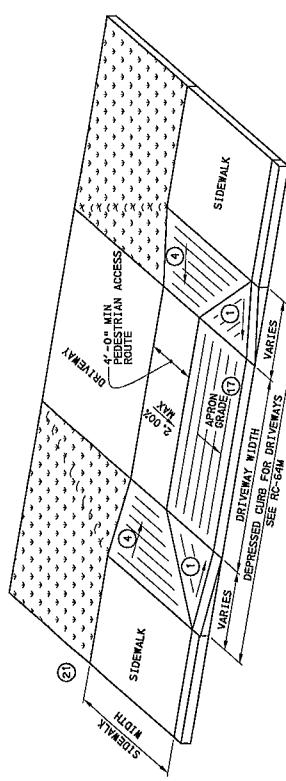
TYPE 4
DRIVEWAY APRON



TYPE 2
DRIVEWAY APRON



TYPE 2A
DRIVEWAY APRON



TYPE 3
DRIVEWAY APRON

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF PROJECT DELIVERY**

RAMP AND SIDEWALKS

DRIVEWAY APRONS

RECOMMENDED DEC. 17, 2019	<i>John J. O'Neill</i>	RECOMMENDED DEC. 17, 2019	<i>Melvin Gestalt</i>
SHT 12 OF 14	RC-67M	SHT 12 OF 14	RC-67M
		DIRECTOR, REPRODUCTION DIVISION DIRECTOR, REPRODUCTION DIVISION	

סודות ימי מטבחו וחייו

