

TOWNSHIP OF AMITY
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 49

AN ORDINANCE REGULATING THE CONSTRUCTION AND REPAIRING OF ALL SIDEWALKS, CURBS AND GUTTERS IN THE TOWNSHIP OF AMITY, BERKS COUNTY, PENNSYLVANIA; BY PROVIDING FOR THE FIXING AND DESIGNATION OF GRADES THEREOF, FOR THE DRAINAGE AND INSPECTION THEREOF, FOR THE MAINTENANCE AND REPAIR THEREOF, FOR SPECIFICATIONS AND EXPENSES OF CONSTRUCTION AND REPAIR THEREOF, PROHIBITING THE PLANTING AND MAINTENANCE OF TREES BETWEEN CURBS AND SIDEWALKS PROHIBITING OPEN GUTTERS IN CURBS AND SIDEWALKS AND PROVIDING FOR THE ISSUANCE OF PERMITS AND THE FIXING OF FEES AND CHARGES THEREFORE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania as follows:

SECTION 1. General Purpose: The construction of any new sidewalks or curbs and the repairing of any existing sidewalks or curbs in the Township of Amity, Berks County, Pennsylvania, shall be done in conformance with the following specifications, regulations, and/or provisions.

SECTION 2. Grades: The grade to which every curb, gutter, or sidewalk shall be hereafter laid, constructed or repaired, other than that established in an approved subdivision plan, shall be that fixed and designated by the Township Engineer representing the Board of Supervisors, of the Township of Amity, Berks County, Pennsylvania.

SECTION 3. Sidewalk Width and Location: The space between the street side of the curb to the street side of the paved edge of the sidewalk shall be three (3) feet no (0) inches, and the sidewalk paved width shall be four (4) feet and no (0) inches in all new developments or street construction. In existing

developed sections of the Township, and where sidewalks have been constructed prior to the date of this ordinance, existing conditions shall be taken into consideration by the Township of Amity in applying the width and location regulations.

SECTION 4. Drainage: Finished sidewalks and curbs shall have a grade from the inner edge of the sidewalk to the outer edge of the curbs of one quarter of an inch (1/4") to the foot.

SECTION 5. Inspection: All work done hereunder shall be inspected by the Township Engineer representing the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania.

SECTION 6. Public Safety: It shall be the duty of the owners of the land abutting upon any curbs, and/or sidewalks to keep them in such repair and condition that they may not be or become dangerous to the welfare and safety of the traveling public. The Board of Supervisors of the Township of Amity, Berks County, Pennsylvania is hereby empowered to notify property owners when sidewalks and curbs are in need of repair or renewal and the repair or renewal thereof shall be made by the property owners within thirty (30) days after said written notice is given to said property owners. Nothing herein contained shall be construed to place the responsibility or determining when sidewalks may become dangerous to the welfare and safety of the traveling public upon the Township. At all times such responsibility shall be solely upon the property owner whose land abuts the curb or sidewalk.

SECTION 7. Certain Trees Prohibited: It shall hereafter be unlawful to plant and maintain any trees between curb and corresponding sidewalk. This shall not apply to any trees presently so growing. 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.

SECTION 8. Open Gutters -- Rain Conductors: No open gutters for conducting rain water or drainage of any kind will be permitted to run over top of the sidewalk or curbs. All underground rain conductors shall be of pipe material such as cast iron, wrought iron, asbestos cement, clay, or approved plastics, constructed under the sidewalk and through the curb to the gutter.

SECTION 9. Permits: No person or persons, firm or corporation shall construct or repair any sidewalk, curb or gutters without first applying for and obtaining from the Building Inspector of the Township of Amity, Berks County, Pennsylvania a permit for the same. The application for such permit shall set forth:

- (1) The full name and address of the owners of the land affected;
- (2) the name and address of the contractor, or the person to perform the work;
- (3) the precise location of the property upon which the work is to be done.
- (4) the length of the proposed project; and
- (5) Such other pertinent information as may be considered necessary.

SECTION 10. Fees: The cost of obtaining a permit to repair existing curbs, gutters and sidewalks shall be the sum of Two Dollars (\$2.00) and the cost of obtaining a survey permit to stake out line and grade of new curbs, gutters and sidewalks other than that established in an approved subdivision plan required to

be surveyed by the developer shall be the sum of Thirty Dollars (\$30.00) for the first ten (10) feet or fraction thereof, and Twenty-Five Cents (\$0.25) per foot for each additional foot.

SECTION 11. Specifications: (a) All curbs, gutters and sidewalks as well as all driveways over sidewalks shall be constructed of monolithic concrete. Said concrete shall develop a compressive strength of 3,00 pounds per square inch (psi) in twenty eight (28) days. Certification of the concrete mix shall be furnished if required by the Board of Supervisors of the Township of Amity. (b) Curbs and gutters shall be made to the following specifications: The curbs shall have a depth of not less than twenty-two (22) inches and shall be eight(8) inches thick at the base and seven (7) inches thick at the top. Curbs shall be constructed with a seven (7) inch reveal. (c) Sidewalks shall be not less than four (4) inches in thickness and shall rest on a compact bed of broken stone of a depth of three (3) to four (4) inches. For width and location of sidewalks, see Section 2. (d) Mortar shall be used only in case of patching honey-combed concrete and then shall be one (1) part cement and two (2) parts of sand or its equal. (e) Sidewalks shall have clean cut joints every four (4) linear feet and curbs every ten (10) feet. One-half (1/2") inch pre-molded expansion joints shall be placed every thirty (30) linear feet or less on curb and sidewalk. (f) Driveways over sidewalks shall be at least six (6) inches thick and shall rest on three (3) to four (4) inches of stone and of such width as approved by the Township Engineer representing the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania.

(g) a depressed curb for driveway entrances is permitted rather than a horizontal radius. The curb shall be depressed by rounding the edge from the top of the curb to the gutter line. The bottom line of the curb shall be maintained. The sloped portion of the driveway on all new construction shall terminate at the closest edge of sidewalk and at the gutter line, a lip at the gutter line one and three quarter (1-3/4) inches high shall be constructed.

SECTION 12. Penalties, Violations: Any person or persons, firm or corporation constructing or repairing sidewalks, curbs or gutters or planting trees in violation of any of the provisions of this ordinance shall, upon conviction thereof, before a District Justice, be subject to a penalty of not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars for each and every offense, and costs of prosecution; and upon default in the payment of said fine and costs, shall be imprisoned for a period not exceeding thirty (30) days in the Berks County prison.

SECTION 13. Conflicting Ordinance Repealed: Any Ordinance or part of Ordinance conflicting with this Ordinance is hereby repealed.

SECTION 14. Unconstitutionality, etc. of this Ordinance: If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania that this Ordinance would have been

adopted and such unconstitutional, illegal, or invalid sentence, clause, section or part thereof should not be included herein.

SECTION 15. Effective Date: This Ordinance shall become effective five (5) days after its enactment.

DULY ENACTED AND ORDAINED this 7th day of September, 1973 by the Board of Supervisors of the Township of Amity, Berks County, Pennsylvania in lawful session duly assembled.

ATTEST:

TOWNSHIP OF AMITY

s/ John C. Karst
John C. Karst, Secretary

s/ Harold D. Haas

s/ D. Gene Hafer
D. Gene Hafer

s/ Jacob S. Oxenford
Jacob Oxenford