

BOROUGH OF CHAMBERSBURG
FRANKLIN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2016-XX

AN ORDINANCE AFFIRMING THE DIRECTION THAT CERTAIN PROPERTY OWNERS WITHIN THE BOROUGH OF CHAMBERSBURG ARE REQUIRED TO INSTALL SIDEWALKS PURSUANT TO REGULATIONS AND SPECIFICATIONS PRESCRIBED BY COUNCIL PURSUANT TO THE BOROUGH CODE AND REMOVE OBSTRUCTIONS FROM THE RIGHT OF WAY OF LIMEKILN DRIVE AS MORE FULLY DESCRIBED HEREIN

WHEREAS, pursuant to Section 1801 of the Borough Code (8 Pa.C.S.A. §1801) the Borough has the power to compel construction of sidewalks; and

WHEREAS, on August 11, 2014 the Town Council of the Borough of Chambersburg adopted regulations and specifications for the grade, construction, paving and repaving of sidewalks, gutters and curbs along with maintenance requirements; and

WHEREAS, Town Council directed that notice be issued to the owners of the properties identified with the following tax parcel numbers: 03-1E12S-057, 03-1E12S-056, 03-1E12S-055, and 03-1E12S-058; and

WHEREAS, notice was issued to the property owners of tax parcel numbers: 03-1E12S-057, 03-1E12S-056, 03-1E12S-055, and 03-1E12S-058 on or about August 2014, providing said owners with more than thirty (30) days to comply with said notice; and

WHEREAS, on April 25, 2016, two of the property owners appeared before Town Council and raised safety concerns associated with the installation of sidewalks on their properties; and

WHEREAS, on April 25, 2016, Town Council authorized a traffic engineer to prepare a report regarding the installation of sidewalk and also granted a six month extension, to August 11, 2016 for the property owners to install the sidewalk, according to any recommendations of the traffic engineer; and

WHEREAS, on June 13, 2016, at its regular meeting, Town Council received the sidewalk evaluation prepared by the traffic engineer through the presentation of Joe Platt, a professional engineer, which report included recommendations for the installation of the sidewalk at the subject properties. Representatives of the property owners were present at the meeting; and

WHEREAS, at the June 13, 2016 public meeting Town Council granted an extension to complete the sidewalks to October 31, 2016; and

WHEREAS, on June 15, 2016 the Borough notified the property owners to proceed with the sidewalk installation in accordance with the traffic engineer's recommendations; and

WHEREAS, said property owners have not appealed the notices following their issuance to the property owners; and

WHEREAS, the Borough Code provides in Section 1805 (8 Pa.C.S.A. §1805) that upon the failure of any property owner to comply with the notice to construct sidewalks, the Borough may collect the costs and an additional ten percent (10%) of the costs together with all charges and expenses; and

WHEREAS, the installation of sidewalks at said properties will require the removal of obstructions placed in the public street right of way.

NOW THEREFORE, be it Enacted and Ordained by the Mayor and Town Council of the Borough of Chambersburg and it is Enacted and Ordained by authority of the same as follows:

SECTION 1. The above recitals are incorporated herein by reference.

SECTION 2. The owners of the properties identified by tax parcel numbers: 03-1E12S-057, 03-1E12S-056, 03-1E12S-055, and 03-1E12S-058 are directed to remove any obstruction within the public street right of way that interferes with the installation of the sidewalk as described in Exhibit A, attached hereto and incorporated herein by reference, and the Borough's Sidewalk and Curbs Policy. In the event that any of the property owners fail to remove said obstructions no later than October 31, 2016, the Borough is directed to engage a contractor to remove said obstructions.

SECTION 3. The Borough affirms the notice to install sidewalks issued to the property owners in August of 2014 and further establishes that the property owners shall be required to install sidewalks as described in Exhibit A and in accordance with the Borough's Sidewalk and Curbs Policy.

SECTION 4. In the event that any of the property owners fail to remove the obstructions within the public street right of way or fails to complete the installation of the sidewalks within the time specified in the notice to comply with this ordinance, the Borough is

authorized to engage consultants and contractors, as deemed necessary by Borough staff, to complete the removal of the obstructions and the installation of the sidewalks. The Borough shall collect the cost of the work and an additional ten percent (10%) of the costs, together with all charges and expenses from the property owners in the manner provided by law.

SECTION 5. SEVERABILITY. The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

SECTION 6. REPEALER. All provisions of previous Ordinances of the Borough of Chambersburg and the Code of the Borough of Chambersburg which are contrary to this Ordinance are expressly repealed.

SECTION 7. EFFECTIVE DATE: This Ordinance shall take effect immediately.

Enacted by the Mayor and Town Council of the Borough of Chambersburg this 24th day of October, 2016.

ATTEST:

Heath Talhelm
Vice President of Town Council

Jamia Wright, Secretary of Town Council

APPROVED this 24th day of October, 2016.

Allen B. Coffman
Acting Mayor, Borough of Chambersburg

CERTIFICATION

I, Jamia Wright, Borough Secretary, hereby certify that the foregoing ordinance was advertised in the Public Opinion on October 16, 2016, a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a Regular Public Meeting of the Council held October 24, 2016.

Jamia Wright, Borough Secretary