

**CHAPTER 18**  
**SIDEWALKS**

**Sec.**

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**Enactment.** Chapter 18 was added April 18, 2014, P.L.432, No.37, effective in 60 days.

**§ 1800. Definitions.**

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**"Sidewalk."** The portion of a street located outside the cartway and may include paved footway, unpaved grasslot, curb and gutter.

**§ 1801. Power to lay out, establish and compel construction of sidewalks.**

**(a) General rule.--**

(1) Any borough may, by ordinance, lay out and establish sidewalks, curbs, gutters and surface water drains along any street and, with the consent of the Secretary of Transportation, along any State highway.

(2) The borough may also require owners of property abutting on any street or State highway to grade, construct, drain, pave and repave the sidewalk, curb or gutter and keep them in repair and in safe and usable condition along the property at the grades and under the regulations and specifications as council may prescribe.

(b) (Reserved).

**Cross References.** Section 1801 is referred to in section 1805 of this title.

**§ 1802. Sidewalks on land abutting State highways and along roads outside borough.**

Any borough may, by ordinance, lay out sidewalks, gutters and surface water drains upon land abutting the sides of State highways and upon land abutting the sides of public roads, where

the roads are outside the borough limits, but the land upon which the sidewalks, gutters and surface water drains are to be laid out is within the borough limits.

**Cross References.** Section 1802 is referred to in section 1805 of this title.

**§ 1803. Establishment of grades.**

Any borough may establish a grade or grades for sidewalks, which may be separate and apart from the grade or grades established for the cartway or roadway.

**Cross References.** Section 1803 is referred to in section 1805 of this title.

**§ 1804. Boroughs may pay all or part of cost of grading and curbing.**

The borough may pay all or any part of the cost and expenses of grading and curbing any sidewalk.

**Cross References.** Section 1804 is referred to in section 1805 of this title.

**§ 1805. Borough may do work and collect cost.**

(a) **General rule.**--Upon the failure of any property owner to comply with any of the requirements in sections 1801 (relating to power to lay out, establish and compel the construction of sidewalks), 1802 (relating to sidewalks on land abutting State highways and along roads outside borough), 1803 (relating to establishment of grades) and 1804 (relating to boroughs may pay all or part of cost of grading and curbing), the borough may, after notice, cause the grading, paving, repairing, curbing and guttering to be done at the cost of the owner. The borough may collect the cost of the work and an additional 10% of the cost, together with all charges and expenses, from the owner and may file a municipal claim for the amounts or collect the amounts by action in assumpsit.

(b) **Notices.**--

(1) All notices shall be served upon the owner of the premises to which the notice refers, if the owner is a resident of the borough. If the owner is not a resident, the notice may be served upon the agent or tenant of the owner or upon the occupant of the premises. If the owner has no agent or tenant or there is no occupier of the premises, service shall be by notice posted upon the premises.

(2) The notice required by this section shall specify a period of time of not less than 30 days for the owner to complete the specified work. If the work has not been completed after the specified time has elapsed, the owner shall be deemed to have failed to comply.

**§ 1806. Emergency repairs to sidewalks.**

(a) **General rule.**--

(1) In addition to the remedies now vested in boroughs to make repairs to sidewalks, any borough shall have power to make emergency repairs to any sidewalks within the borough if an inspection of the sidewalk discloses that, and a certificate made by the officer or head of the department or committee lawfully having charge of sidewalk repairs specifies that, a dangerous condition exists that can be repaired by an expenditure of not more than \$1,000.

(2) Before repairs are made, a notice to make the repairs within 48 hours shall be served upon the owner of the property. If the owner cannot be served within the county, notice may be served upon the agent of the owner or the party in possession or, if there is no agent or party

in possession, the notice may be served by posting the same upon the premises.

**(b) Cost.--**

(1) Upon the completion of the work, the cost shall be a charge against the owner of the property and shall be a lien, until paid, upon the abutting property if a claim is filed. The charge may also be collected by action of assumpsit.

(2) This section is intended to provide an additional remedy for boroughs in connection with emergency repairs, where the actual cost of doing the work does not exceed \$1,000. The certificate of the officer or head of the department or committee in charge of repairs to sidewalks shall be conclusive evidence of the existence of the emergency justifying the repair under the terms of this section.