WHITPAIN TOWNSHIP

ORDINANCE #380

AN ORDINANCE AMENDING AND Restating PART II, SECTION 126 [STREETS AND DRIVEWAYS] OF THE TOWNSHIP’S CODE 1) RENAMING CHAPTER 126 “STREETS, DRIVEWAYS, SIDEWALKS, CURBS, AND APRONS”; AND 2) AMENDING CHAPTER 126 TO CREATE A NEW ARTICLE V TO PROVIDE FOR THE MAINTENANCE OF SIDEWALKS, CURBS AND APRONS.

ENACTED: ___________
WHITPAIN TOWNSHIP

ORDINANCE #380

AN ORDINANCE AMENDING AND RESTATING PART II, SECTION 126 [STREETS AND DRIVeways] OF THE TOWNSHIP'S CODE 1) RENAMING CHAPTER 126 “STREETS, DRIVeways, SIDEwalks, CURBs, AND APRONS”; AND 2) AMENDING CHAPTER 126 TO CREATE A NEW ARTICLE V TO PROVIDE FOR THE MAINTENANCE OF SIDEwalks, CURB and APRONS.

IT IS HEREBY ENACTED AND ORDAINED by the Whitpain Township Board of Supervisors that the Township’s Code is amended as follows:

SECTION 1. Renaming of Chapter 126.

Part II, Chapter 126 is hereby amended to rename Chapter 126 “Streets, Driveways, Sidewalks, Curbs and Aprons”.

SECTION 2. Amendment to Part II, Section 126 to provide for the Maintenance of Sidewalks and Curbs.

Part II, Section 126 of the Township’s Code is amended to add a new Article V which shall read as follows:

Article V. Maintenance of Sidewalks, Curbs and Aprons.


The owner of any property abutting a public street shall be responsible for maintaining and keeping the sidewalks, curbs, and aprons immediately in front of its property in good order and repair and free of all obstructions. The property owner shall repair or replace any sidewalk, curb, or apron which deteriorates or becomes hazardous.


All construction, reconstruction, or repair of sidewalks, curbing or aprons, whether pursuant to notice from the Township or otherwise, shall be done only in accordance with Township specifications as set forth in Chapter 129 [Subdivision and Land Development]. Before any construction, reconstruction or repair may be commenced, whether being done pursuant to notice from the Township or otherwise, a permit must be obtained from the Township.
126-20. **Notice of Repairs or Replacement.**

Should the property owner fail to make such necessary repairs or replacement of the sidewalk, curb or apron, the Township may serve upon it a notice requiring such repairs or replacement. The notice shall be served on the property owner by certified mail or by leaving the notice at its place of residence. Where the owner resides outside of the Township, the notice shall be served by posting the notice on the premises in question and mailing a copy by certified mail to the owner’s last known address.

126-21. **Failure to Repair.**

If such abutting property owner fails to comply with the requirements of the notice within 60 days from the date of service, the Township, or its designee, may make the necessary repairs or replace the sidewalk, curb or apron. The cost of the repairs or replacement shall be paid by the property owner, together with a penalty of 10%, or may be collected as provided by law in an action of assumpsit or by filing a municipal lien against the property.

126-22. **Reservation of Rights.**

The right of the Township to order the construction of sidewalks, curb, or aprons and to assess the cost thereof against the abutting property owners is specifically reserved and is in no way affected by this section.

***

**SECTION 3. Repeal and Ratification.**

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms of this Ordinance are hereby specifically repealed. Any other terms and provisions of the Township’s Code unaffected by this Ordinance are hereby reaffirmed and ratified.

**SECTION 4. Severability.**

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

**SECTION 5. Effective Date.**

This Ordinance shall become effective 5 days after enactment.
ORDAINED AND ENACTED this _____ day of _______________ 2020, by the Whitpain Township Board of Supervisors.

WHITPAINTOWNSHIP
BOARD OF SUPERVISORS

MICHELE MINNICK
Chair

[Seal]

Attested by:

FREDERICK R. CONNER JR.
Secretary
On March 17, 2020, after 8:00PM, the Whitpain Township Board of Supervisors, during its regularly scheduled meeting, will consider enacting the following:

Ord. #380, AN ORDINANCE AMENDING AND RESTATING PART II, SECTION 126 [STREETS AND DRIVEWAYS] OF THE TOWNSHIP'S CODE 1) RENAMING CHAPTER 126 “STREETS, DRIVEWAYS, SIDEWALKS, CURBS, AND APRONS”; AND 2) AMENDING CHAPTER 126 TO CREATE A NEW ARTICLE V TO PROVIDE FOR THE MAINTENANCE OF SIDEWALKS, CURBS AND APRONS.

The full text of this ordinance amendment may be examined, without charge, and copies may be obtained for a charge no greater than the cost thereof, at the Whitpain Township Building, during normal business hours, Monday through Friday 8:30AM until 4:30PM; and the Offices of this Newspaper.

The meeting will take place at the Whitpain Township Building located at 960 Wentz Road, Blue Bell, PA 19422. The public is invited to attend and will be given an opportunity to provide comments regarding this proposed ordinance. Persons with disabilities, wishing to attend the public meeting and requiring auxiliary aid, service or other accommodations to participate, should contact the Township ADA Coordinator at 610-277-2400.

At the conclusion of the hearing, the Board will consider enactment of this ordinance, unless it deems additional time is required for consideration and discussion, in which case it will hold an additional public hearing/meeting at an announced date and time for that purpose.

ROMAN M. PRONCZAK, P.E.
Township Manager

TO BE INSERTED in the Times Herald on Monday, March 9, 2020. Please send Proof of Publication to Whitpain Township, Attn.: Roman M. Pronczak, P.E., Township Manager, 960 Wentz Road, Blue Bell, PA 19422.