

**TIONESTA BOROUGH
FOREST COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 294
(SIDEWALK ORDINANCE AMENDMENT)**

WHEREAS, Tionesta Borough Council (the “Borough”) previously adopted various Ordinances requiring and regulating the construction of sidewalks within the Borough, said Ordinances being adopted on July 2, 1883 and being unnumbered; August 3, 1885 and being unnumbered; September 5, 1894 and being Ordinance No. 5; March 24, 1897 and being Ordinance No. 8; November 20, 1908 and being Ordinance No. 22; and October 6, 1969 and being Ordinance No. 28 (the “Ordinances”); and

WHEREAS, the Ordinances call for the mandatory construction of sidewalks on certain Borough streets and, pursuant to Section I of Ordinance No. 8, the mandatory construction, repair and maintenance of sidewalks on all streets, alleys, lanes, and thoroughfares now opened and used or that may hereafter be opened and used for travel by the public in the Borough; and

WHEREAS, the Borough finds it necessary and appropriate to amend the Ordinances to properly reflect the requirements of the Borough with regard to the construction, repair and maintenance of sidewalks in the Borough.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Borough Council of Tionesta Borough, and it is hereby ordained and enacted by authority of the same as follows:

1. All sidewalks which are currently located within the Borough shall be repaired and maintained pursuant to the provisions set forth in the Ordinances.

2. Notwithstanding the foregoing, in the event that a property owner desires to repair or remove all or a portion of a sidewalk previously constructed which abuts any street, alley, lane, or thoroughfare of the Borough, said owner must request permission from the Borough to remove the same, any such request being made in writing, on an application form provided by the Borough, with the Borough reserving the right to direct or require the type, amount, or kind of materials to be used for said repair or removal.
3. In the event that an individual stair or set of stairs abuts any sidewalk but does not lead to a residence, business or other structure, a property owner has the right to request permission to remove said stair or stairs by the same process set forth herein for the removal of a sidewalk.
4. In the event that any property owner who intends to construct a new structure on property located within the Borough which property abuts any street, alley, lane or thoroughfare now opened and used or that may hereafter be opened and used for travel by the public within the Borough determines that it is unnecessary or inappropriate to also have to construct a sidewalk or sidewalks, said property owner shall first request permission, in writing, from the Borough to construct said structure without the need to also construct a sidewalk or sidewalks by the same process set forth herein for the removal of a sidewalk.
5. In addition to submitting the written application required in Paragraph 2, above, notification of said application shall be given to the public by (1) notice published one time in a newspaper of general circulation in the Borough and (2) by conspicuously posting the property which is the subject of the application, both of which notices shall state the time and place of the Borough meeting at which said application shall be considered and the sidewalk and stairs, if applicable, to be considered. Both the published notice and the posted notice shall be placed not more than thirty (30) and not less than seven (7) days prior to said meeting. The property owner shall pay an application fee of \$50.00 plus the estimated costs of advertising and printing to the Borough at the time of the submission of the application which shall be utilized to pay

the costs of the advertising and posting required herein. In the event that said estimated costs for advertising and printing are insufficient to pay for all advertising and posting costs, the property owner shall reimburse the Borough for any such additional costs prior to the property owner being permitted to repair or remove any sidewalk and/or stairs. In the event that the property owner shall fail to remit said application fee with the application, the Borough shall have no obligation to act on said application until such time as the application fee is paid in full.

6. This Ordinance may be amended by Resolution of the Tionesta Borough Council.
7. Any person who removes or fails to repair a sidewalk within the Borough without permission of the Borough or contrary to any provision in this Ordinance or in the Ordinances shall, upon conviction in a summary proceeding by a District Magistrate, be subject to a penalty of Three Hundred Dollars (\$300.00). Every day that a violation continues shall be considered a separate offense. Upon conviction, the Borough reserves the right to enter onto the property and remove or repair the same and collect the costs thereof plus an additional ten percent (10%), including any unpaid penalties and reasonable attorney's fees, in the manner provided by law or equity, or the Borough may file the same as a lien against the real estate upon which the sidewalk is located.
8. Notwithstanding anything to the contrary herein, the following sidewalks may be removed and, at the current time, no additional sidewalks are required at the following locations:
 - a. 102 Dale Street.
 - b. 104 Dale Street.
9. All other provisions of the Ordinances which are not inconsistent herewith shall remain in full force and effect.
10. This Ordinance shall become effective immediately upon its adoption.