

ORDINANCE NO. 6-93

AN ORDINANCE OF THE BOROUGH OF RIMERSBURG,
COMMONWEALTH OF PENNSYLVANIA, REQUIRING THE
CONSTRUCTION OF SIDEWALKS AND THE MAINTNEANCE
THEREOF AND REPEALING ANY ORDINANCE INCONSISTENT THEREWITH

WITNESSETH:

WHEREAS, Section 1801 of the Borough Code grants to the Borough the right to lay out, ordain and establish sidewalks and requires the same to be repaired and maintained in a safe and useful condition at such grades and under such regulations and specifications as Council may prescribe; and

WHEREAS, some of the properties in Rimersburg Borough that should have sidewalks do not have sidewalks and other sidewalks in the Borough which have been constructed are in need of repair; and

WHEREAS, Borough Council has decided that the construction of new sidewalks and the maintenance of the existing sidewalks is necessary for the protection and safety of the Rimersburg Borough residents; and

WHEREAS, THE Borough Council is desirous of adopting a comprehensive Ordinance requiring the construction and maintenance of sidewalks in the Borough.

NOW, THEREFORE BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED BY RIMERSBURG BOROUGH COUNCIL AS FOLLOWS:

Section I. Title: This Ordinance shall be known as the 1993 Rimersburg Borough Sidewalk Ordinance.

Section II. Property Owners To Construct Sidewalks: After receipt of written notice from the Borough Secretary that Rimersburg Borough Council has adopted a resolution requiring that a property owner shall construct a sidewalk, the owner or owners of the lots who receive the notice shall be required to construct new sidewalks in accordance with the provisions of this Ordinance within not more than sixty (60) days from the receipt of the notice.

Section III. Materials For Sidewalks: All sidewalks which are hereinafter constructed, reconstructed or repaired, shall be constructed of concrete only, according to specifications determined from time to time by the Street Commissioner or the Borough Engineer, except that any sidewalk in front of or on the side of a property, over which vehicular traffic must pass to gain access to the premises, may be of a bituminous surface or covering which meets the specifications determined by the Street Commissioner or the Borough Engineer.

Section IV. maintenance Of Sidewalks: All Sidewalks within the Borough shall be maintained by the owner of the property upon which the sidewalk is located, in a safe condition and in accordance with the provisions of this Ordinance.

Section V. Width Of Sidewalks And Lanes: All sidewalks shall be laid out and constructed parallel to the street line and shall be of the following widths:

- (a) On Main Street, six (6) feet;
- (b) On Baker Street and School Street: five (5) feet; and
- (c) On all other streets: four (4) feet.

Section VI. Obstructions, Encroachments Of Sidewalks Prohibited: No property owner shall permit a sidewalk on his property to be obstructed with branches or any other object, nor shall he permit any encroachments on the sidewalk which interfere with the use of the sidewalk.

Section VII. Sidewalks To Be Free Of Snow And Ice: The owner and/or tenant(s) of every property located within the Borough of Rimersburg shall remove, or cause to be removed, all snow, ice, hail or sleet falling, forming or placed upon any

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sidewalk located within any Borough right-of-way adjacent to the owner's property or any sidewalk located on the owner's property which provides access to the general public across any part of said property. The liability of the owner to perform the requirements of this Section shall not be based upon the owner's occupancy of the property, and, on the contrary, the owner shall be liable for compliance with this Section even though the owner is not in possession.

Section VIII. Notice Of Violation: Nor person, firm, partnership or corporation shall be deemed to be in violation of any provision of this Ordinance unless and until he has received written notice as required by this Section:

(a) If the violation is a violation of Section II or Section IV, the property owner shall not be deemed to have failed to comply with the provisions of this Ordinance until he, she or it shall have been given written notice of the violation, and a period of thirty (30) days from the date of the notice to correct the violation has elapsed, and the violation remains uncorrected at the end of the thirty (30) day period.

(b) If the violation is a violation of Section VI or Section VII, the property owner shall not be deemed to have failed to comply with the provisions of this Section until he, she or it shall have been given written notice of the violation and a period of forty-eight (48) hours from the date of the notice to correct the violation has elapsed, and the violation remains uncorrected at the end of the forty-eight (48) hour period.

The notice required by this Section shall be deemed to have been given if it is sent to the property owner at the address given to the Rimersburg Borough Tax Collector, or if it is posted in a prominent place on any improvement situated on the property. Failure of the property owner to receive a notice given in accordance with the provisions of this Section shall not be a defense to a prosecution for a violation of this Ordinance.

Section IX. Borough May Do Work And Collect Cost From Property Owner: Any owner or owners of lot or lots refusing or neglecting to repair, pave and construct a sidewalk on the highway adjoining said lot or lots or refuses to grade, pave or repair the same with the materials specified in this Ordinance and with an even surface, with sixty (60) days after notice given him or her or his or her agent or to the person in possession of said lots to do so, the Street Commissioner, under the direction of the Street Committee of the Borough Council, shall cause the said sidewalks to be graded, constructed and paved or repaired at the expense of said owner or owners and the costs therefor and twenty (20) per cent additional shall be collected by the said Borough of Rimersburg, together with all charges and expenses from such owner or owners by action of assumpsit or under the provision of the law relating to mechanics' lien.

Section X. Penalty For Violation Of Ordinance: In the event that any person, firm or corporation shall fail to comply with a provision of this Ordinance, such person, firm or corporation shall, upon conviction by a Magistrate, be guilty of a summary violation and sentenced to a fine of not less than Twenty Five (\$25.00) Dollars or more than Three Hundred (\$300.00) Dollars or imprisonment for up to ten (10) days, or both. Each day that the violation continues shall constitute a separate offense.

Section XI. Repealer: The adoption of this Ordinance shall automatically repeal all previous Ordinances adopted by Rimersburg Borough relating to the construction, maintenance and repair of sidewalks.

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ORDAINED AND ENACTED into law by the Rimersburg Borough Council, this 6th day of December, 1993

ATTEST: BOROUGH OF RIMERSBURG

Dick E. Kline
DICK E. KLINE, SECRETARY

Richard G. Confer
RICHARD G. CONFER, PRESIDENT

Approved this _____ day of _____, 199

DONALD A. STEMMERICH
MAYOR, RIMERSBURG BOROUGH

December 16, 1993

Mayor Donald A Stemmerich submitted his veto of this ordinance.

Dick E. Kline
Dick E. Kline, Secretary

JANUARY 3, 1994

BY A YES VOTE OF ALL COUNCIL MEMBERS PRESENT AT THE REGULAR MEEING OF BOROUGH COUNCIL ON THIS DATE, MAYOR STEMMERICH'S VETO WAS OVER RIDDEN BY RIMERSBURG BOROUGH COUNCIL.

Dick E. Kline
DICK E. KLINE, SECRETARY

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ORDINANCE NUMBER 7-93

AN ORDINANCE ESTABLISHING RATES FOR WATER SUPPLIED BY RIMERSBURG BOROUGH THROUGH A LEASE WITH THE RIMERSBURG BOROUGH MUNICIPAL AUTHORITY:

WHEREAS, Rimersburg Borough is, pursuant to the terms of a written Lease agreement, the operator of The Rimersburg Borough Municipal Authority water system; and

WHEREAS, under the terms of that Lease, Rimersburg Borough has the authority to set rates for water provided by the Rimersburg Borough Municipal Authority System; and

WHEREAS, Rimersburg Borough has decided it is necessary to increase the charges for the water which it provides and to adopt penalties for non-payment.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AND IT IS HEREBY ORDAINED AND ENACTED as follows:

Section I. Commencing with the regular bill for services rendered in the month of January, 1994, and each and every month thereafter, all owners of property who are users of water rendered and metered by Rimersburg Borough shall pay the following monthly rates and charges:

- (a) \$22.00 for the first two thousand gallons per month or any part thereof; and
- (b) \$2.00 for each additional one thousand gallons per month or any part thereof.

Section II. The water fee described in Section I shall be due and payable on the 20th of each month. Each customer who shall fail to pay in full any charge within ten days after the same shall become due and payable shall be subject to a penalty of six (6%) per cent of the amount of the charge. If not paid in full within fifteen days after the penalty date, interest shall be at the rate of one (1%) per cent per month or any fraction thereof. Rimersburg Borough shall have the right to terminate service in the event that any account shall not be paid in full within forty-five days of the billing date. Service will not be restored until all charges are paid in full, including a \$35.00 restoration charge.

Section III. Any Ordinance or any part of any Ordinance which is conflicting with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

ATTEST:

BOROUGH OF RIMERSBURG

Dick E. Kline

DICK E. KLINE, SECRETARY

Richard G. Confer

RICHARD G. CONFER
PRESIDENT OF BOROUGH COUNCIL

ENACTED AND APPROVED THIS 6th DAY OF DECEMBER, 1993

Donald A. Stemmerich

DONALD A. STEMMERICH
MAYOR OF RIMERSBURG BOROUGH

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