

AN ORDINANCE FOR SIDEWALK CONSTRUCTION AND REGULATION  
IN THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY

An ordinance establishing regulations for the maintenance, repair, construction, and reconstruction of sidewalks within the jurisdiction of the Municipality of Monroeville, defining the duty and responsibility of property owners therefore; establishing design and construction standards and specifications for sidewalks; and, providing for the administration and enforcement of this Ordinance.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE MUNICIPALITY OF MONROEVILLE, AS FOLLOWS:

ARTICLE I

TITLE AND PURPOSE

1.100

TITLE. This Ordinance shall be known and may be cited as "The Monroeville Sidewalk Ordinance."

1.200

PURPOSE. This Ordinance has been adopted in order to:

1.210

Insure that all sidewalks within the municipal corporation limits situated within public street rights-of-way fronting and/or abutting all residential, commercial, industrial, public and semi-public properties which are utilized and serve as pedestrian walkways, will be adequately maintained and kept in a state of good repair, in order to reduce or otherwise eliminate any condition that would constitute a hazard to, or result in possible injury to the pedestrian public.

1.220

To prescribe the general minimum condition or conditions which constitute a hazard in an existing sidewalk which would require remedial action on the part of a property owner to correct.

1.230

To prescribe minimum standards and specifications for the construction of new sidewalks (or sections thereof) and for the repair and/or reconstruction of existing sidewalks or sections thereof which may be required to be corrected under this Ordinance.

1.240

To prescribe a method for the equitable administration and enforcement of this Ordinance, including penalties for the violation thereof.

1.250

To generally promote, protect and facilitate the public health, safety and general welfare and to further promote the sound development of an important community facility.

ARTICLE II

DEFINITION

2.100

Unless otherwise expressly stated, the following words and phrases shall have the meaning given herein. Words and phrases in the singular number include the plural and vice-versa. Words and phrases used in the present tense include the future. The words "used for" include the meaning "designed for." The word "shall" is mandatory and not optional. The word "abut" shall include the words "directly across from." The word "building" shall include the word "structure."

2.101

Building Official. The individual who in addition to other duties shall have responsibility for administering and enforcing the provision of this ordinance.

2.102

Engineer. A registered professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Municipality.

2.103

Governing Body. The Council of the Municipality of Monroeville.

2.104

Lot, Width. The horizontal distance between side lot lines at the front street property line.

2.105

Municipality. The Municipality of Monroeville.

2.106

Property Owner. The person, firm, company, corporation or individuals who are the owners in fee simple of property, whose name(s) appear last in the Recorder of Allegheny County Tax Assessor's office. For the purpose of this Ordinance, the "property owner" may also include any individual who is a legal agent of the owner.

2.107

Sidewalk. That portion of the street, road or highway lying within the public right-of-way, primarily constructed for the use of pedestrians.

2.108

Sidewalk Inspector. The Building Official or a duly appointed agent.

2.109

Sidewalk Permit. The legal Permit issued by the Sidewalk Inspector upon application by a property owner or his authorized agent to open, repair, replace or extend an existing sidewalk or any portion thereof, or construct a new sidewalk. No work on any of the above shall commence until such permit has been issued.

2.110

Sidewalk Standards and Specifications. The standards and specifications for the construction, reconstruction or repair of sidewalks contained in and hereby made a part of this Ordinance.

2.111

Street. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other public rights-of-way used or intended to be used by vehicular traffic or pedestrians.

2.112

Violation, Notice of. The legal Notice issued to a property owner by the Building Official, informing said property owner of any violation of the provisions of this Ordinance, or a violation or departure from the Sidewalk Standards and Specifications contained in this Ordinance in cases where sidewalk construction or reconstruction has been commenced or completed.

ARTICLE III

AREAS OF APPLICABILITY, EXCEPTIONS, AND APPEALS

3.100

Sidewalks shall be required in all new subdivisions and elsewhere as may be required by site plan, conditional use or other approval granted by the Planning Commission and/or Municipal Council.

3.200

Sidewalk standards adopted by this ordinance shall take effect immediately and be applicable in subdivisions previously approved and requiring sidewalks under Ordinance 774 but lacking actual installation of sidewalks. The sidewalks shall apply to all streets, boulevards or roadways except the following areas:

3.210

Residential - Where in the judgment of Municipal Council, applicable to simple subdivision's only, the inclusion of sidewalks would be out of character with the abutting properties and with the proviso that the owner of the simple subdivision would enter into a legal agreement with the Municipality of Monroeville stipulating that when sidewalks are required or put in on abutting property, the owner would agree to install sidewalks to current specifications within six months of notification by the Municipality of Monroeville and provide within thirty days of notification, a bond, in a form approved by the Municipal Solicitor, sufficient to guarantee the installation of sidewalks.

HARDSHIP APPEALS

3.300

Upon application and allegations in writing that extraordinary hardship may result from strict compliance with these regulations, the case may be referred to the Planning Commission during, but not after, the review process for the purpose of learning the cause and determining substitute regulations to accommodate specific hardships. If, by adopting the substitute regulations, substantial justice may be done and the public interest served. The Planning Commission may approve the adoption of substitute regulations by forwarding their recommendations to Council in writing with the findings of fact and other pertinent information. Substitute regulations based upon hardship must be on a case by case basis and will be subject to final plan approval by Municipal Council. However, such variation of the regulations will not have the affect of nullifying the intent and purpose of the spirit of this Ordinance. Such appeals must be submitted prior to Council action on the subdivision application. Failure to make such appeal due to alleged hardships prior to such Council action shall constitute a waiver of any hardship then existing.

ARTICLE IV

GENERAL REGULATIONS

4.100

Responsibility of Property Owner. It shall be the responsibility of the owner of the abutting property to keep the sidewalk, together with any portion of his property paved and used as a sidewalk or public walk, immediately in front of his property, in good order and repair, and, at all times, free and clear of all obstruction to safe and convenient passage. This shall include keeping and maintaining such sidewalks free and clear of all dirt, trash and similar debris, including the removal of snow and ice, and shall also include keeping and maintaining the sidewalk free of any merchandise, signs or other unauthorized structure or appurtenance, when the removal of same is ordered by the Sidewalk Inspector.

4.200

Opening, Removal or Reconstruction. No person, property owner, firm, corporation or public utility shall open, or remove in part or in whole, any existing sidewalk or portion thereof, for any purpose, including the repair and/or reconstruction of such sidewalk, until the property owner or his authorized agent or the public utility company legally authorized makes application and obtains a Sidewalk Permit from the Sidewalk Inspector.

4.300

Notice of Violation. Upon being issued a notice of violation, the property owner shall take the necessary steps to correct such violation(s) within a reasonable period of time, but in no case shall any violation remain uncorrected for a period of more than twenty (20) days beyond the date of receipt of such legal notice. Failure to comply shall subject such property owner to any or all penalties contained in this Ordinance.

4.400

Failure to Comply, Emergency Repairs. If a property owner fails to comply with the requirements of a Notice of Violation, the enforcing authority of the municipality may serve a written notice upon him requiring him to do what is necessary. If such property owner continues to fail to comply with such notice within twenty (20) days from the date of its service, the municipality may make the necessary repairs, remove any obstruction or eliminate any hazard to pedestrian safety. The cost of the same, together with a penalty of ten (10) per centum, shall be paid by the delinquent property owner, and be collected by an action of assumpsit, or the enforcing authority may file a municipal lien against the property. The notice provided for in this section may be served on the property owner in person, by leaving the same at his place of residence, or if he has no residence in the municipality, then by posting the same on the premises and mailing a copy thereof to the owner at his last known address as obtained from the Allegheny County Tax Assessor's Office. Notwithstanding the previous provisions and those of Section 4.300 of this Ordinance, in an emergency situation as determined by the Sidewalk Inspector, and where the property owner cannot be immediately contacted, the municipality may effect such necessary repairs or correct or abate any dangerous condition and collect the costs thereof, in the

4.500

Sidewalk Conditions Requiring Repairs or Replacement. If one or more of the following conditions, as set forth in Sections 4.501 through 4.504 is evidenced in an existing sidewalk or portion thereof, it shall constitute sufficient notice to the property owner that such condition(s) shall be corrected voluntarily by the property owner by making application for a Sidewalk Permit and performing the necessary work. In lieu of such action, the Sidewalk Inspector may in the course of conducting his normal duties, or upon complaint, make inspection of such condition and issue a Notice of Violation to the property owner. Any property owner, agent of said owner or legal tenant of occupied premises may request the Sidewalk Inspector to authorize an inspection of a faulty sidewalk and make a determination of the need and extent of any required repairs.

4.501

The removal of all or any portion of a sidewalk panel(s) for any reason. Any removed panel or section thereof shall be immediately replaced to restore the sidewalk to a condition for safe pedestrian travel.

4.502

When fifty (50) percent or more of a sidewalk panel(s) has cracked lines, or is spalled, weathered, or deteriorated rendering the section(s) unsafe underfoot. This does not include hairline cracks that have not disturbed the grade and level of the sidewalk.

4.503

When one or more edges of a sidewalk panel(s) has been raised, one (1) inch or more along fifty (50) percent or more of its length above an adjacent panel at grade level, whether such defect has been caused by frost action, root growth, cracking or actual breaking.

4.504

When a sidewalk panel or adjacent panels have sunk below or tilted above or below the general original grade, more than one (1) inch out of level or the general grade of the balance of the sidewalk.

4.600

Safety Precautions, Night Lighting. When a hazardous condition exists in a sidewalk and/or a Sidewalk Permit or Notice of Violation shall have been issued, the property owner and/or his contractor shall provide for the following minimum safety warning procedures and devices.

4.601

Prior to beginning actual work, if a sidewalk condition exists which presents a particularly hazardous condition, a suitable barrier and/or warning signs shall be placed at the sidewalk section where the danger exists. This may include night lighting (see Section 4.503) if work cannot be commenced immediately.

4.602

During the work day when actual repair or construction work is underway, a suitable pathway shall be maintained around the work area to allow free and clear pedestrian travel. Preferably, such pathway should be provided for around the inside of the work area as opposed to the street side, unless an adequately barricaded pathway is provided.

4.603

At the end of the work day, newly poured concrete shall be adequately covered, suitable barricading shall be erected (portable or semi-permanent); the required pathway shall be free and clear of obstructions, and suitable warning lighting placed which shall be illuminated between dusk and sunrise of the following day. Suitable lighting shall include, but need not be limited to, two (2) standard red globed kerosene lanterns, battery operated blinking reflectors, and/or electric lighting.

In cases where construction work is underway adjacent to the proposed sidewalk construction area, the required pathway shall be a suitably constructed semi-open passageway (Saf-way type) that affords safe separation from the adjacent building site along its entire length and overhead. This type of passageway shall be inspected and approved by the Sidewalk Inspector.

4.604

Prior to the issuance of any permit or the granting of any approvals for any property on which sidewalks are to be constructed, a surety bond or other security which in the opinion of the Solicitor is legally adequate, must be posted with the Municipal Manager, naming the Municipality of Monroeville as the claimant or beneficiary, in an amount which in the opinion of the Municipal Engineer is sufficient to pay for the entire cost of the installation of the sidewalk in the event the same is not properly completed by the owner, developer or builder.

ARTICLE V

SIDEWALK CONSTRUCTION SPECIFICATIONS

5.100

Placement.

Commercial - Sidewalk shall be placed in grade abutting the rear of the curb. If no curbs exist, owner shall install curb to prevailing specifications prior to installation of sidewalk.

All Other - Sidewalk shall be placed on grade beginning at a minimum five (5) feet from the back of the curb and in accordance with Plate 1. The intent is to have a uniform aesthetic pleasing expanse of sidewalk parallel to the curb.

5.200

Excavated Materials. During the construction period all excavated concrete pieces, old fill material and/or earth shall be temporarily stored at a point suitably removed from the sidewalk area and any required pedestrian pathway or passageway. This shall also include similar storing of all construction materials, i.e., wood or metal forms, concrete bags, sand, gravel, etc., including concrete boxes or mixers. In no case shall any of these materials be left at the curb line or in the street gutter overnight. All such materials shall be completely removed at the time of final clean-up.

5.300

Cement Concrete Sidewalks - Description. This work shall consist of constructing cement concrete sidewalks in accordance with these specifications and within reasonably close conformity to the lines, grades, and dimensions shown on the drawings or established by the Engineer.

5.310

Minimum Size Requirements.

Along Residential Streets - Sidewalks along minor residential streets shall be a minimum of four (4) feet in width and on residential collector streets, the minimum shall be increased to five (5) feet.

Along Commercial Streets - Sidewalks shall be a minimum of five (5) feet in width.

All Other Use District Streets - Sidewalks along minor streets shall be a minimum of four (4) feet in width and on all other higher classification streets, the minimum shall be increased to five (5) feet.

5.400

Materials. Section 704.1(G)1, Class AA Cement Concrete, Other Materials and Aggregate.

5.500

Construction Requirements. Reference: Pennsylvania Department of Transportation Latest Edition of Form 408 Specifications.

5.501

Preparation of Foundation. The foundation for the sidewalk sub-base shall be formed at a depth of eight (8) inches below and parallel with the finished surface of the sidewalk, unless otherwise indicated on the drawings or specified. Unsuitable material shall be removed and replaced with approved material, and the foundation shall be thoroughly compacted and finished to a firm, even surface.



5.502

Placing Aggregate for Bed. The approved aggregate shall be spread on the prepared foundation to form a compacted bed four (4) inches in depth, unless otherwise indicated on the drawings or specified. This material shall be thoroughly compacted. Satisfactory outlets for draining the sub-base shall be provided where this type of drainage structure is required.

5.503

Forms. Forms shall be of wood or metal, straight, free from warp, and of sufficient strength when staked to resist the pressure of the concrete without springing. If wood, they shall be nominal two (2) inch planks surfaced on the inside and the top; or if of metal, they shall be of approved section. Forms shall have a depth equal to the depth of the concrete, and shall be thoroughly cleaned and oiled before concrete is placed against them. Forms that are worn, bent or damaged shall not be used.

5.504

Joints. Sidewalks shall be constructed in separate slabs not more than thirty (30) feet in length except for closures. These slabs shall be separated by transverse premolded expansion joint filler, one-half (!) of an inch in thickness, for the full depth of the concrete. Transverse premolded expansion joint filler shall also be placed adjacent to existing structures where directed. The slabs between expansion joints shall be divided into blocks not more than six (6) feet in length, by scoring transversely. Where the slabs are more than six (6) feet in width, they shall be scored longitudinally in the center. Transverse and longitudinal scoring shall extend for a depth of at least  $\frac{3}{8}$  of an inch into the concrete slab. In the case of large areas of new concrete walks, the transverse and longitudinal scoring shall extend to a depth of at least  $\frac{1}{5}$  the thickness of the concrete slabs. Premolded expansion joint filler,  $\frac{1}{2}$  of an inch in thickness for the full depth of the concrete, shall be placed longitudinally where the sidewalk slab is to be constructed in contact with curbs. Where existing light standards, poles, fire hydrants, trees and similar structures are within the limits of the sidewalk area, the concrete around such structures shall be separated in a block eight (8) inches wider than the maximum dimension of the structure at the sidewalk elevation. In the case of trees, two rows of blocks at least four (4) inches wide shall be placed. (See construction sketches for both types of installations.) Prior to placing the concrete around such structures, premolded expansion joint filler,  $\frac{1}{2}$  of an inch in thickness, shall be placed around the structure for the full depth of the concrete in the sidewalk.

5.505

Placing Concrete. The concrete shall be proportioned, mixed and placed in accordance with specifications for Section 704.1(G)1 Class AA concrete. The concrete shall be four (4) inches in depth unless otherwise indicated on the drawings or specified. In commercial districts, the concrete shall be six (6) inches in depth and include 6/6 x 6/6 reinforcement. The concrete shall be struck off, finished and tested, except that manual operations may be permitted by the Engineer. Unless otherwise directed, an edger having a  $\frac{1}{4}$  inch radius shall be used for edging all joints. The concrete shall be cured and protected in accordance with Latest PennDot Section 501.3(N) specifications.

At residential driveways, the concrete shall be six (6) inches including 6/6 x 10/10 wire mesh reinforcement placed one and one-half (1½) inches above the base of the concrete. In commercial and industrial district driveways and alleys, the concrete shall be seven (7) inches including design required wire mesh and/or reinforcement base.

5.506

Removal of Forms. Side forms shall not be removed within twelve (12) hours after the concrete has been placed. After removal of the forms, minor honeycombed areas shall be filled with mortar composed of one (1) part of cement and two (2) parts of fine aggregate. Major honeycombed areas will be considered as defective work, and shall be removed and replaced.

5.507

Backfilling. After the concrete has cured for a period of not less than seventy-two (72) hours, the spaces adjacent to the sidewalk shall be backfilled with approved material, which shall be thoroughly compacted to the required elevation and cross section.

5.508

Final Clean-up. Upon the completion of all work items, removal of forms, and final inspection and approval where required, the property owner or contractor shall remove all dirt, trash, debris, unused materials and other appurtenances from the sidewalk and surrounding work area and leave same in a clean and usable condition.

ARTICLE VI

AMENDMENTS

6.100

This Ordinance may be amended from time to time, in whole or in part, by action of the Municipal Council. All such amending ordinances shall be prepared by the Municipal Solicitor with the advice of the Sidewalk Inspector. Notice of such amendment shall be published once each week for two (2) consecutive weeks in one (1) newspaper of general circulation in the municipality, at least thirty (30) days prior to the time of adoption of such amendment by the legislative authority. Such notice shall contain the title of the amending ordinance and convey the meaning of the proposed change(s) either by including both the unchanged and proposed change of those portions of the text that are involved, or by including a concise explanation of the amendment.

ARTICLE VII

VIOLATIONS, PENALTIES, FEES

7.100

Violation, Procedures. In the case of any sidewalk hereafter erected, constructed, reconstructed, altered, repaired or maintained in violation of this Ordinance, or any ordinance or regulation made under authority conferred hereby, the Superintendent of Streets and Highways or the legislative authority or other proper official, may in addition to other remedies contained herein, institute any appropriate action or proceedings to prevent, remove or correct such violation.

7.200

Penalties. Any person, property owner, firm, corporation or public utility who or which shall violate any provision(s) of this Ordinance, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine of Ten (\$10.00) Dollars per day and shall be liable to imprisonment for not more than thirty (30) days. Each day that a violation is continued from the date of receipt of the Notice of Violation shall constitute a separate offense. All fines collected for the violation of this Ordinance shall be paid over to the general fund of the Borough.

7.300

Fees. The fee for a general Sidewalk Permit shall be Three (\$3.00) Dollars, per property payable to the Municipality of Monroeville.

ARTICLE VIII

INTERPRETATION, VALIDITY, EFFECTIVE DATE

8.100

Interpretation. In the interpretation and application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the use, maintenance, repair, construction or reconstruction of sidewalks and are not intended to interfere with, abrogate or annul other rules, regulations or ordinances, provided, however, that when this Ordinance imposes greater restrictions or requirements regarding sidewalks, the provisions of this Ordinance shall prevail.

8.200

If any section, subsection, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Municipal Council of the Municipality of Monroeville hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of this fact that any one or more sections or parts thereof be declared invalid.

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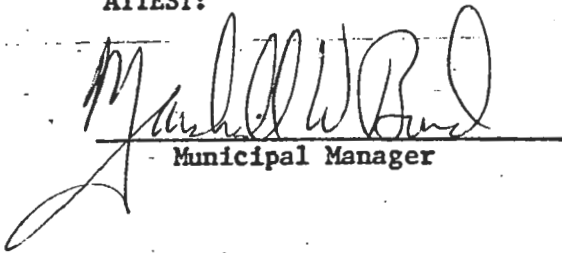
8.300

Effective Date. This Ordinance shall take effect at the earliest period allowed by law.

DULY presented and adopted at a regular meeting of the Municipality of Monroeville, Allegheny County, Pennsylvania held on the 8th day of June, 1976.

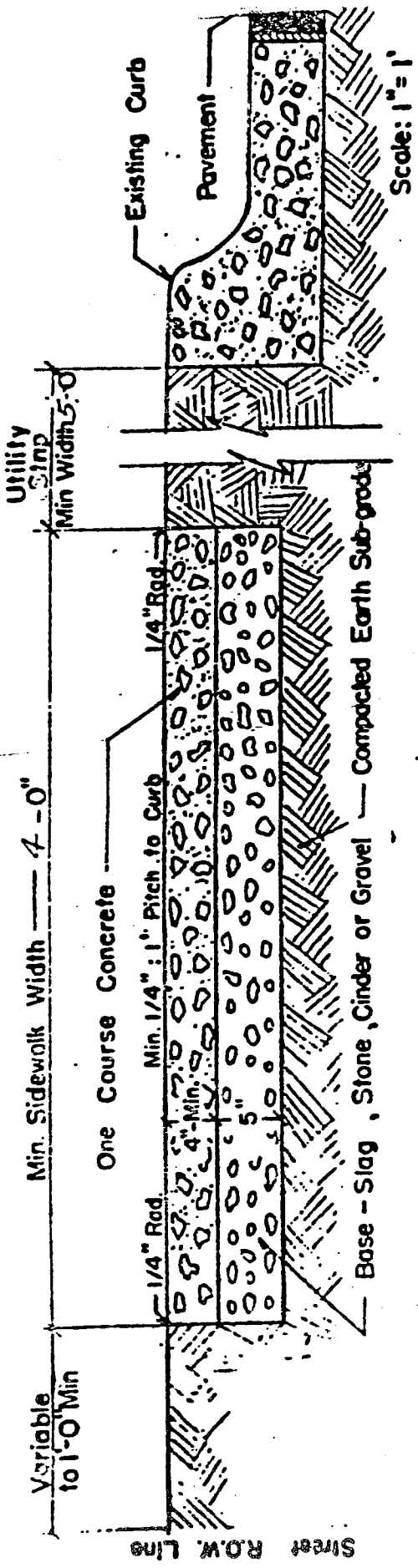
ATTEST:

MUNICIPALITY OF MONROEVILLE

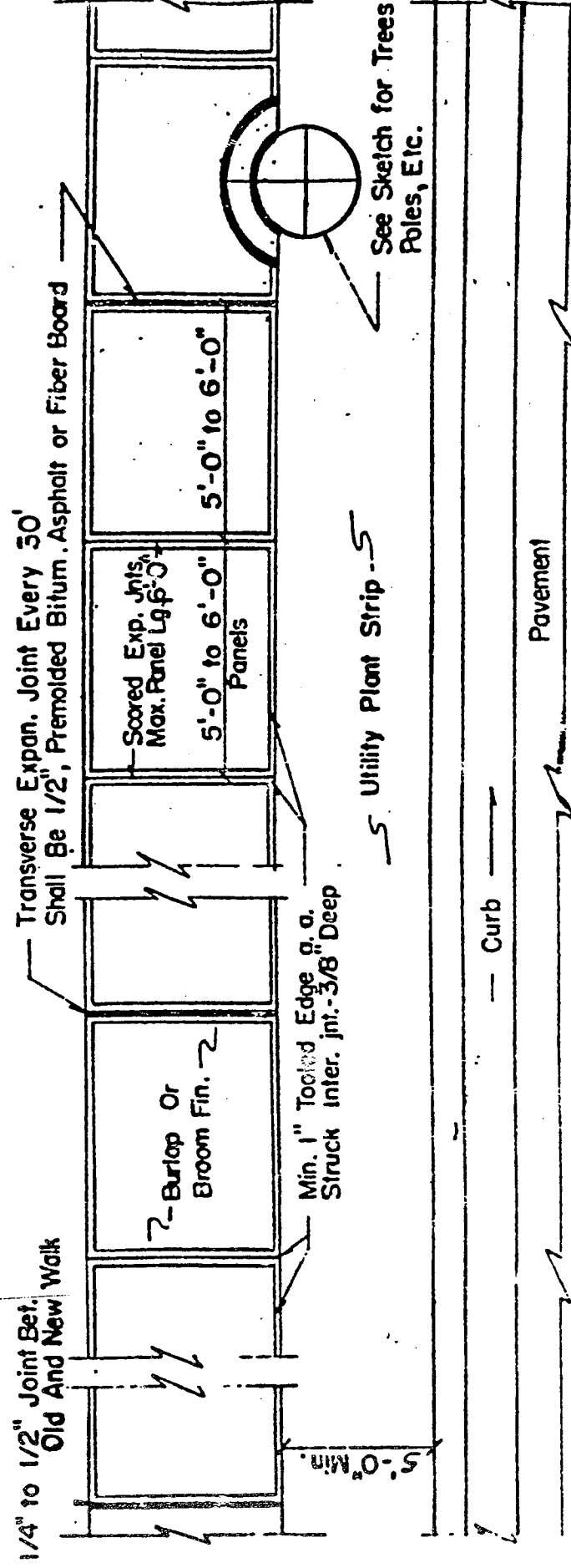
  
Municipal Manager

  
Mayor

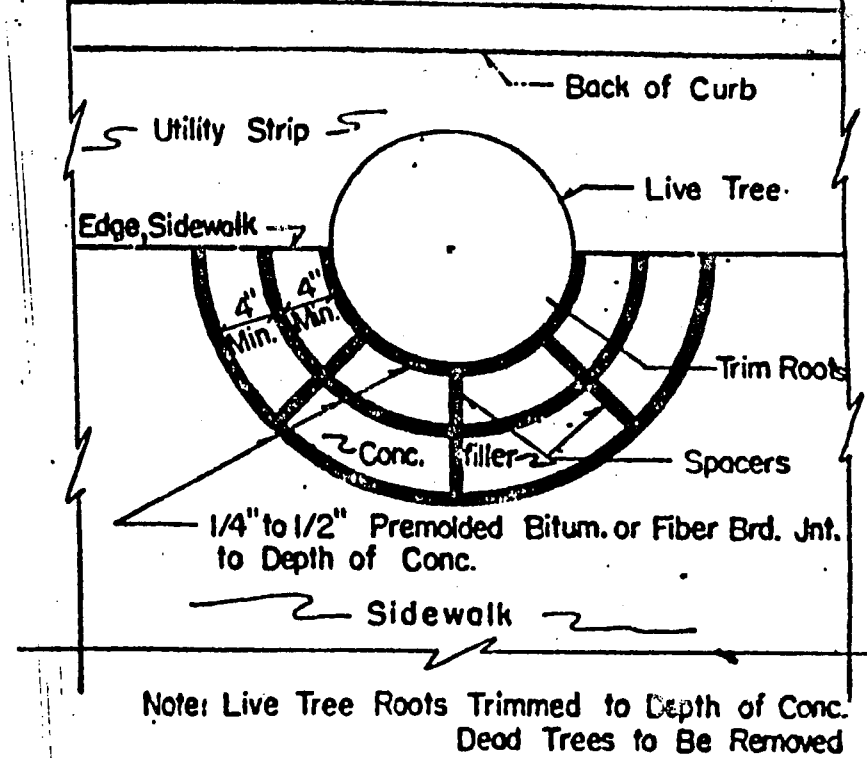
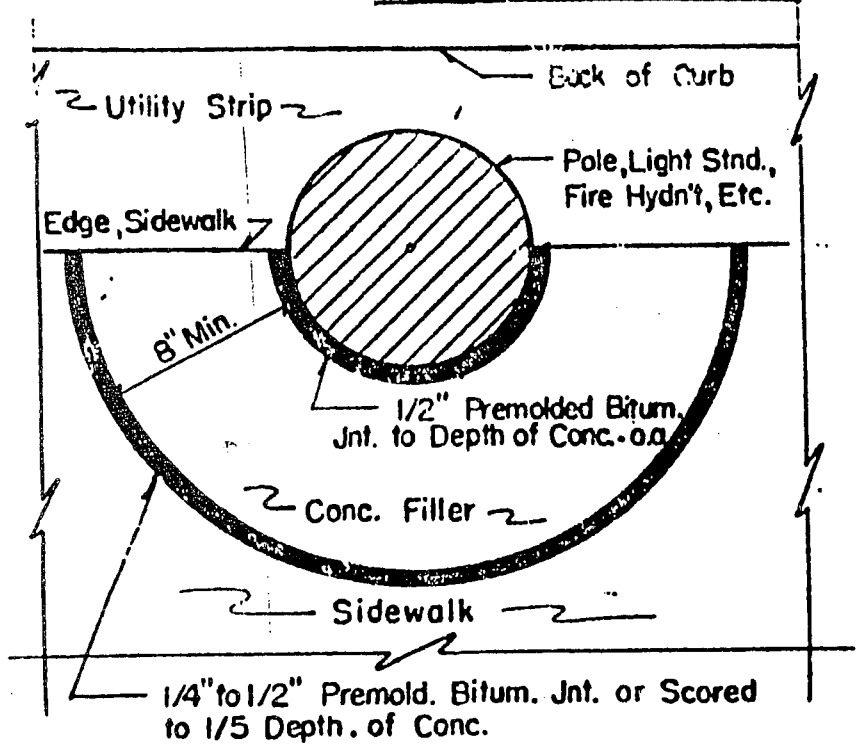
CROSS SECTION



PLAN

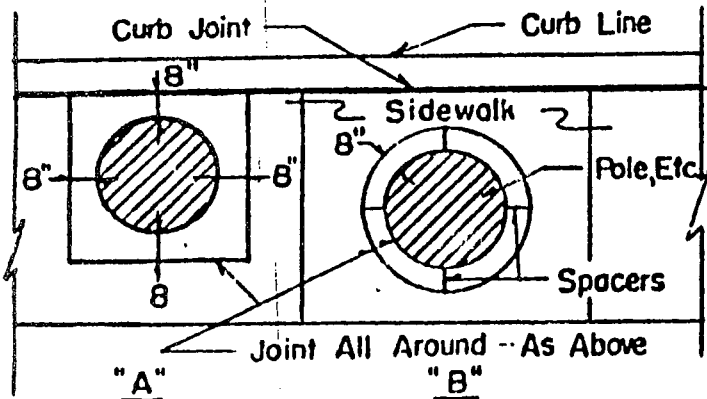


NEW SIDEWALK CONSTRUCTION & RECONSTRUCTION - RESIDENTIAL



One or Two Rows Conc. Fillers as Required.

ALTERNATE TYPES INSTALL.



NEW SIDEWALK CONSTRUCTION & RECONSTRUCTION

(Recommended Specifications)