

ORDINANCE NO. 335

AN ORDINANCE OF THE BOROUGH OF LEESPORT, BERKS COUNTY, PENNSYLVANIA, REGULATING THE GRADING OF SIDEWALK AREAS, THE CONSTRUCTION AND REPAIR OF CURBS, GUTTERS, SIDEWALKS, DRIVEWAY ENTRANCES, AND RETAINING WALLS AND REQUIRING PERMITS THEREFOR; REQUIRING THE CONSTRUCTION OF CURBS AND SIDEWALKS UNDER CERTAIN CIRCUMSTANCES; REGULATING THE PLANTING OF TREES AND SHRUBBERY IN OR NEAR THE SIDEWALK AREA; REGULATING THE MAKING OF OPENINGS OR EXCAVATIONS IN OR UNDER STREETS, ALLEYS AND SIDE-AREAS, AND THE STORAGE OR DEPOSITING OF MATERIALS ON STREETS, ALLEYS, AND SIDEWALK AREAS, AND REQUIRING PERMITS THEREFOR; REQUIRING THE PLACEMENT OF SIGNS, BARRIERS AND LIGHTS; PROVIDING FOR INDEMNIFICATION OF THE BOROUGH FOR LIABILITY; AND PROVIDING PENALTIES AND REMEDIES FOR VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Leesport, Berks County, Pennsylvania and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

SECTION 1 - GRADING OF SIDEWALK AREAS; CONSTRUCTION, RECONSTRUCTION AND REPAIR OF SIDEWALKS, CURBS, AND DRIVEWAY ENTRANCES

(a) The grading of sidewalk areas, and the construction, reconstruction, alteration, modification, or repair of sidewalks, curbs and driveway entrances along the streets of the Borough of Leesport shall be done by the owner or owners of the lot or lots abutting thereon in accordance with the lines and grades established by ordinance or as shown on the topographical survey of the Borough of Leesport, or as shown upon any recorded Subdivision Plan, and in accordance with details shown on the plan of curb and sidewalk details, being Plan No. 7036-31-B-001, a copy of which plan is attached to this Ordinance, and other copies thereof being on file with the Borough of Leesport, or its designee.

(b) It is hereby declared unlawful for any person, firm, or corporation to grade any sidewalk area, or to construct,

reconstruct, alter, modify, or repair any sidewalk, curb, gutter, driveway entrance, or front or rear retaining wall within the Borough of Leesport, except in compliance with the provisions of this Ordinance.

(c) Any person, firm or corporation desiring to grade any sidewalk area, which is defined as the area located between the curb line and the building line as from time to time shown on the topographical survey of the Borough of Leesport, a recorded Subdivision Plan or as established by Ordinance, or desiring to construct, reconstruct, alter, modify, or repair any sidewalk, curb, gutter, driveway entrance, or front or rear retaining wall, shall first obtain a permit therefor from Borough Council, or its designee, said permit to be issued by Borough Council, or its designee only after the following conditions have been satisfied: (1) the filing of a written application with Borough Council, or its designee, upon such form as is approved by Borough Council, by Resolution, setting forth the location, purpose and a detailed description of the improvement; (2) the payment of a permit fee to Borough Council, or its designee, in such amount as shall be established by Borough Council, by Resolution, at the time of filing said application; and (3) the approval of said application by Borough Council, or its designee. In all cases of new construction of any curb or of resetting any curb in excess of ten feet (10') in length, and in the case of any other type of improvement when requested by the applicant, Borough Council, or its designee, shall furnish applicant with necessary lines and/or grades, the cost of which shall be as established by Borough Council by Resolution. A permit shall be effective for a period of ninety (90) days from the date of issuance, and may, prior to expiration of the original or renewal period, be renewed by Borough Council, or its designee, for a period of ninety (90) days upon application by the person, firm or corporation to whom the original permit was issued, and upon payment of a fee as established by Borough Council, by Resolution.

(d) All sidewalk areas shall be graded and all sidewalks, curbs, gutters, driveway entrances, and front or rear retaining walls shall be constructed, reconstructed, altered, modified or repaired only on the grades and lines as shown on the topographical survey of the Borough of Leesport, or furnished by Borough Council, or its designee, and shall comply with the following provisions:

(1) All sidewalk areas shall conform to curb grades except that the area shall have a one-fourth inch ($\frac{1}{4}$ ") ascending pitch per foot measured from the outside curb line to the building line of the respective lot or property.

(2) All separate curbs shall be eight inches (8") wide across the top, nine inches (9") wide at gutter line, and shall

extend for that width to a depth twenty-four inches (24") from the top of the finished curb; provided, however, that wherever it is necessary to reconstruct, replace, or repair existing curb which does not meet the requirements of this provision, and the adjacent sidewalk shall not be in need of replacement, and there is no grass plot area separating a curb from sidewalk, then in such instances Borough Council, or its designee, is authorized to approve an application for a permit to replace the curb at its former width.

(3) The outside edge of all sidewalks shall be set back three feet (3') from the inside face of the curb, and a grass plot area shall separate curb from sidewalk; provided, however, that where the sidewalk area is less than eight feet (8') in width, then the concrete portion of the sidewalk shall be constructed next to the inside face of the curb, or said grass plot area may be paved as an addition to the sidewalk if so directed by Resolution of Borough Council. In addition, where no grass plot presently exists and the existing sidewalk is to be reconstructed, replaced, or repaired, then Borough Council, by Resolution, may direct that the grass plot requirement be waived and that the width of the sidewalk area be reduced to such width as Borough Council may deem necessary and appropriate under the particular circumstances. No surface gutters are permitted on newly constructed sidewalks. All drains shall be installed under sidewalk area and shall be constructed of three inch (3") cast iron pipe, or P.V.C. Schedule 40 plastic pipe. All sidewalks shall not be less than five inches (5") in thickness and the surface shall have a one-quarter inch ($\frac{1}{4}$ ") pitch per lineal foot ascending from the outside face of the curb. Sidewalks shall be four feet (4') on sidewalk areas less than eight feet (8') in width as shown on the topographical survey of the Borough of Leesport and shall be five feet (5') wide on sidewalk areas having a width of ten feet (10') or more as shown on the topographical survey of the Borough of Leesport. Notwithstanding anything to the contrary contained in this Ordinance, all sidewalks, curbs and gutters shall conform as to size with the majority type of then existing sidewalks, curb and gutters in the same block.

(4) Except as hereinafter provided, all driveway entrances shall have a minimum curb radius of two feet (2') and a maximum curb radius of four feet eight inches (4'-8") on each side, shall have the outside edge raised one and three-quarter inches (1- $\frac{3}{4}$ ") above the flow-line of the gutter and shall have a straight slope therefrom to the prescribed outside sidewalk edge located two feet eight inches (2'-8") from the outside face of the curb, shall have a sidewalk surface of the same grade and width prescribed for sidewalks, and all driveway entrances including gutter, slope and sidewalk surface shall be eight inches (8") in thickness. No single driveway entrance for a

one-car driveway or garage shall be constructed with a frontage exceeding twelve feet (12') measured along the building line.

In lieu of a driveway entrance having curb radii as part of its construction, a depressed curb driveway entrance may be used as set forth on the plan of curb and sidewalk details, being Plan No. 7036-31-B-001, a copy of which plan is attached hereto.

No single driveway entrance for a driveway or garage for two or more cars shall be constructed with a frontage or width exceeding sixteen feet (16') measured along the building line except upon specific approval of Borough Council, by Resolution. Such specific approval shall be given only when it is not contrary to the public interest and when owing to special conditions, unnecessary hardship would result.

In the case of areas zoned as business districts or industrial districts by the Leesport Borough Zoning Ordinance of 1972, as amended, all driveway entrances shall have a minimum curb radius of two feet (2') and a maximum curb radius of twelve feet (12') on each side, the exact radius to be subject to the approval of Borough Council, or its designee. Except as hereinafter provided, such driveway entrances shall have the outside edge raised one inch (1") above the flow-line of the gutter and shall have a straight slope therefrom to the prescribed outside sidewalk edge and shall have a sidewalk surface of the same grade in width prescribed for sidewalks. In the case of step-down driveway entrances, such driveway entrances shall be constructed seven inches (7") below the top of the curb radius from the curb line to the inside sidewalk edge. The width of any single driveway entrance in such zoned areas shall not exceed thirty-five feet (35') and shall be subject to the approval of Borough Council.

Bituminous concrete material and/or any other approved material placed upon driveway entrances shall in no way impede the flow of storm water runoff in the cartway area of the streets.

(5) The outside edge of all front retaining walls, defined as those located along any street, shall be on or in back of the building line as shown on the topographical survey of the Borough of Leesport and the outside edge of all rear retaining walls shall be on or in back of the alley line as shown on the topographical survey of the Borough of Leesport, and shall be constructed in accordance with good engineering practice of such height, thickness and materials as shall be approved by Borough Council, or its designee.

(6) All sidewalks, curbs, retaining walls, and driveway entrances shall have a three inch (3") to four inch (4") base of PennDOT No. 2RC limestone material.

When curb or driveway entrances are constructed, reconstructed, replaced, or repaired, areas of excavation within the cartway shall be backfilled with PennDOT No. 2RC aggregate material and the base and surface courses of paving restored in kind; the finished surface shall be sealed with a hot bituminous material of the class and type designated for the surface course to provide a watertight joint along the curb and/or driveway.

All sidewalks, curbs, driveway entrances and retaining walls shall be constructed of air-entrained structural concrete having an ultimate strength of three thousand (3,000) pounds per square inch at twenty-eight (28) days and containing six percent (6%) air by volume. The sources of concrete materials and mix design shall be subject to the approval of Borough Council, or its designee.

The top surfaces of sidewalks, curbs, and driveway entrances shall receive a wood floated finish, and the finish tolerance shall be a true plane with one-fourth inch ($\frac{1}{4}$ ") in ten feet (10'). The exposed vertical surfaces of curbs and driveway entrances shall be free of any honeycombed and defective areas, and shall receive a smooth-rubbed finish to a depth of 12". This finish shall be produced by wetting the surfaces and rubbing with a carborundum, brick or other abrasive, until a uniform color and texture are produced. The finishing shall be completed before the concrete is thirty-six (36) hours old.

Immediately after finishing, all concrete shall be cured by using either an approved, impervious, light-colored plastic covering placed and maintained in contact with the concrete surface, or an approved, impervious, light-colored liquid curing compound sprayed on the concrete surface. The curing shall be continued for at least five (5) days.

Expansion joints made with three-eighth inch ($\frac{3}{8}$ ") thick preformed non-extruding and resilient bituminous joint filler shall be placed every twenty feet (20') to the full depth of curb and sidewalk, and where the sidewalk meets the outside face of a wall and/or curbing. All curb and sidewalk shall be scored every five feet (5') for five feet (5') wide sidewalks and every four feet (4') for four feet (4') wide sidewalks.

Borough Council, or its designee, may reject any concrete sidewalks, curbs, and driveway entrances which do not conform to the requirements of this Ordinance or the generally accepted standards of the American Concrete Institute and may require the Contractor and/or Owner to repair or replace the same

in accordance with the requirements of this Ordinance, or such specifications as may be prepared by Borough Council, or its designee.

(e) All curbs and sidewalks required by the provisions of the Subdivision and Land Development Ordinance of the Borough of Leesport, as amended, shall be constructed in accordance with the provisions of this Ordinance.

When any street in the Borough of Leesport is constructed or reconstructed, all abutting property owners shall provide for curbing of their respective properties in accordance with the provisions of this Ordinance.

(f) Upon the failure or refusal of any owner or owners to grade any sidewalk area, or to construct, pave, repave or repair any sidewalk, or to construct, set, reset, or repair any curb or driveway entrance within ninety (90) days after notice so to do from Borough Council, said Borough Council may cause the same to be done and may collect from said owner or owners of the lot or lots the full cost and expense thereof, together with a penalty of ten percent (10%) of the said cost and expense thereof. In the event that any such owner or owners shall fail or refuse to make any payments required by this subsection, Borough Council may file a municipal lien therefor against such lot or lots or may bring an action in assumpsit against said owner or owners for the collection thereof.

(g) Sidewalk areas not graded, or sidewalks, curbs and driveway entrances not constructed or installed in conformity with the provisions of this Ordinance and with the established grades and lines shown on the topographical survey of the Borough of Leesport, are hereby declared to be public nuisances, and must be taken up and regraded, and/or relaid according to the provisions of this Ordinance within ninety (90) days after notice to the owner or owners to do so by Borough Council, and upon failure of said owner or owners thereof to regrade said sidewalk area and/or relay said sidewalk, curb or driveway entrance within the time stipulated, Borough Council may cause the same to be done in the manner herein provided, and Borough Council may collect the cost thereof and a penalty of ten percent (10%) of the cost thereof, together with all charges and expenses, from the owner or owners of the lot or lots in the manner hereinbefore provided in subsection (f).

(h) No sidewalk, curb, or driveway entrance heretofore constructed or installed with material or materials not prescribed herein shall be permitted to be reconstructed, altered, modified, or repaired, except in conformity with the provisions of this Ordinance. Whenever any such sidewalk, curb, or driveway entrance becomes, in the sole opinion of Borough

Council, unsafe or dangerous for the users thereof, notice shall be given to the owner or owners of the lot or lots abutting thereon to reconstruct or repair said sidewalk, curb, or driveway entrance with the material or materials required by this Ordinance, and upon his, her, or their failure to do so within ninety (90) days after notice by Borough Council, said Borough Council may cause the same to be done in the manner herein provided, and said Borough Council shall collect the cost thereof and a penalty of ten percent (10%) of said the said cost thereof, together with all charges and expenses, from the owner or owners of the lot or lots in the manner hereinbefore provided in subsection (f).

(i) Present brick sidewalks requiring the replacement of more than twenty percent (20%) of the total area shall be entirely replaced by a concrete pavement or sidewalk. In the case of concrete sidewalks, in the event any concrete block thereof requires the replacement of more than 25 percent of the total area of said concrete block, then said concrete block in need of repair shall be replaced in its entirety; provided, however, where a portion of such a concrete block is removed for installation or repairs to utilities, then said block shall be replaced in its entirety.

(j) Curb and sidewalk shall be constructed along the front of each lot on which a new building or structure is constructed where said lot adjoins a public street, road or highway. In the case of a corner lot, curbing and sidewalk shall be constructed along both the front of the lot and the side of the lot adjacent to the public street, road or highway. In the case of industrial or commercial development, Borough Council may, by Resolution, waive any or all of the requirements of this subparagraph if in its opinion, said development is located in an area of the Borough where curb and/or sidewalk is neither desirable nor necessary. Such curb and sidewalk shall be constructed within sixty (60) days after such new building or structure is completed and/or ready for occupancy.

SECTION 2 - PLANTING OF TREES AND SHRUBBERY IN OR NEAR SIDEWALK AREAS.

It is hereby declared to be unlawful for any person, firm, or corporation to plant any trees, evergreens, hedges, plants or shrubbery within two feet (2') of the topographical building line along any street, road, or highway in the Borough of Leesport; and it is further declared to be unlawful for any person, firm or corporation to plant any trees, evergreens, hedges, plants, or shrubbery in any sidewalk area within the Borough of Leesport. As used in this section, the term "sidewalk area" shall mean the area located between the topographical curb line and the topographical building line as from time to time

shown on the topographical survey of the Borough of Leesport. Any trees, evergreens, hedges, plants or shrubbery planted in violation of this section are hereby declared to be public nuisances and must be removed within thirty (30) days after notice to the owner or owners of the respective lot or lots so to do by Borough Council, and upon failure of said owner or owners to accomplish said removal, Borough Council shall cause the same to be done, and shall collect from said owner or owners of the lot or lots the cost thereof, together with a penalty of ten percent (10%) of the full cost thereof. In the event that any such owner or owners shall fail or refuse to make any payments required by this section, Borough Council shall file a lien therefor against such lot or lots or shall bring an action in assumpsit against said owner or owners for collection thereof.

SECTION 3 - PLACEMENT OF SIGNS, BARRIERS AND LIGHTS.

Any person, firm or corporation grading any sidewalk areas, or constructing or repairing any curbs, gutters, sidewalks, driveway entrances or retaining walls, or removing any trees or shrubbery, or opening or excavating in or under any streets, alleys or sidewalk areas, or storing or depositing materials on any streets, alleys, or sidewalk areas, shall place suitable signs, barriers, and/or lights so as to protect the users of streets, alleys, or sidewalk areas in the vicinity thereof from injury to person or property. In the event that Borough Council, through its authorized officials, directs the person, firm or corporation performing the work to place a certain type and/or quantity of signs, barriers or lights in a certain manner, said person, firm or corporation shall promptly comply with such direction.

SECTION 4 - MISCELLANEOUS REGULATIONS

(a) All subsurface rain water conductors shall be placed in such a manner that the top of pipe will be three inches (3") from the top of curb with expansion joints placed vertically to the center line of pipe.

(b) All individual home services for public utilities (excluding gas services) shall be raised and/or lowered to proper curb elevation by the person, firm, or corporation installing the concrete curb, driveway, and/or sidewalks at such premises.

(c) All traffic signs removed during construction of concrete curb, sidewalk, and/or driveway shall be replaced by the person, firm or corporation performing the installation.

SECTION 5 - INDEMNIFICATION OF BOROUGH OF LEESPORT

Any person, firm or corporation applying for any permit under this Ordinance shall agree to indemnify and hold the Borough of Leesport harmless from and against any and all liability, loss, damage, cost or expense, including, but not limited to reasonable attorneys fees, sustained or incurred as a result of the grading of any sidewalk area, or the construction, reconstruction, alteration, modification, or repair of any sidewalk, curb, driveway entrance, or front or rear retaining wall, or as a result of the performance of any other work for which a permit is granted, regardless of whether any such liability, loss, damage, cost or expense shall have been caused by the negligence or wrongful act of the Borough of Leesport, or any agent, servant, or employee thereof.

SECTION 6 - PENALTIES AND REMEDIES FOR VIOLATIONS.

(a) Any person, firm, or corporation who shall violate or fail to comply with the provisions of this Ordinance, or any order, rule, or regulation made or enacted in pursuance thereof, shall be guilty of a summary offense and shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred Fifty Dollars (\$150.00) and not more than Three Hundred Dollars (\$300.00), or the maximum fine permitted by law for a summary offense, and in default of the payment thereof, shall be sentenced to undergo imprisonment in the Berks County Prison for a period not exceeding thirty (30) days. Each day that a violation of this Ordinance shall continue shall constitute a separate summary offense.

(b) Borough Council may revoke any permit issued to any person, firm or corporation violating any of the provisions of this Ordinance.

(c) The imposition of penalties herein prescribed shall not preclude the Borough of Leesport from instituting an appropriate action or proceeding to prevent the performance of work or acts declared to be unlawful under the provision of this Ordinance, or to restrain, correct or abate a violation, or seek relief by a complaint in equity.

SECTION 7 - REPEALER.

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance, specifically including Ordinance No. 289, enacted in March, 1976, are hereby repealed insofar, but only insofar, as said Ordinances are inconsistent herewith.

Notwithstanding anything hereabove set forth in this Ordinance, whenever the provisions of this Ordinance shall be inconsistent with the provisions of the Subdivision Regulations of the Borough of Leesport as from time to time are in effect and

the provisions of said Subdivision Regulations are more restrictive or contain more stringent requirements than are set forth within the Ordinance, then in such event the provisions of said Subdivision Regulations shall prevail and be applicable.

ENACTED AND ORDAINED as an Ordinance this 9th day of December, 1987.

BOROUGH OF LEESPORT

By: Lawrence C. Koller
President of Council

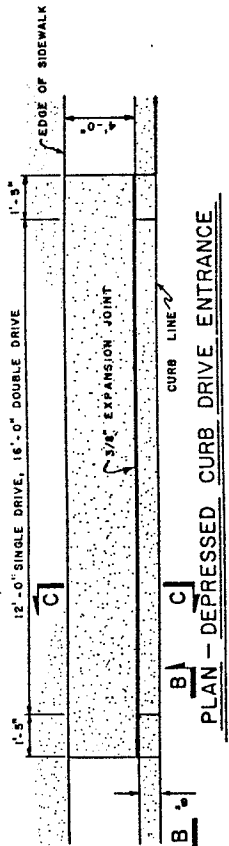
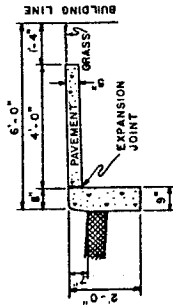
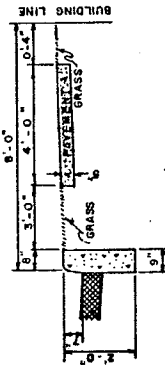
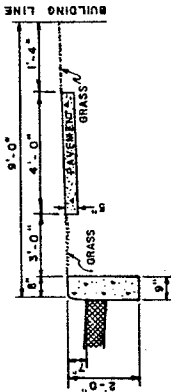
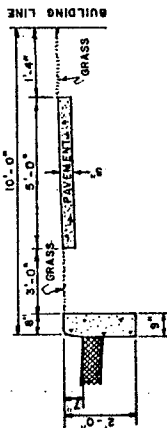
Attest: Suzanne J. Hesse
Secretary of Council

APPROVED AS AN ORDINANCE, this 9th day of December, 1987.

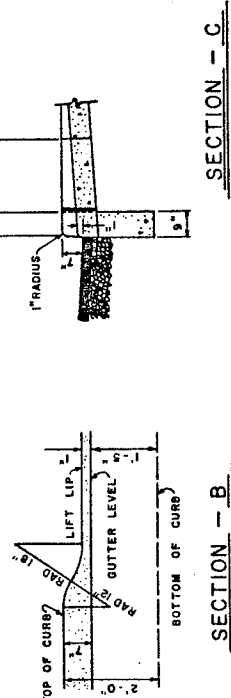
Walter C. Spat
Mayor

TYPICAL SIDEWALK SECTIONS

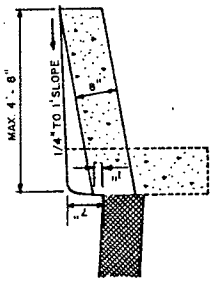
NOTE: SLOPE FOR ALL PAVEMENTS 1/4" PER FOOT FROM BUILDING LINE TO CURB LINE



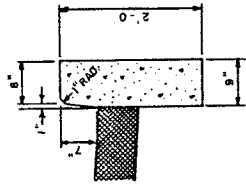
PLAN - DEPRESSED CURB DRIVE ENTRANCE



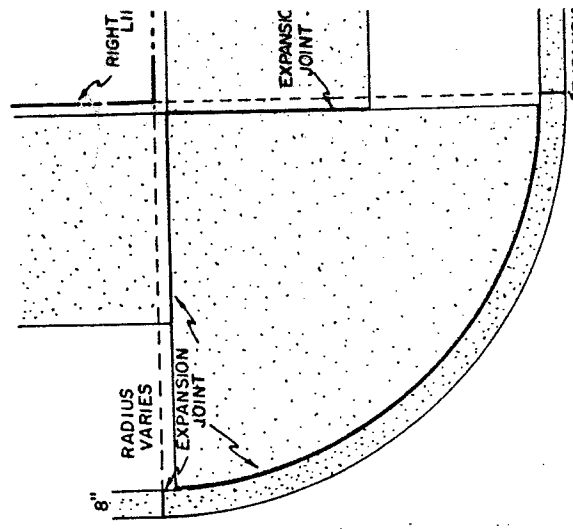
SECTION - B



SECTION - A



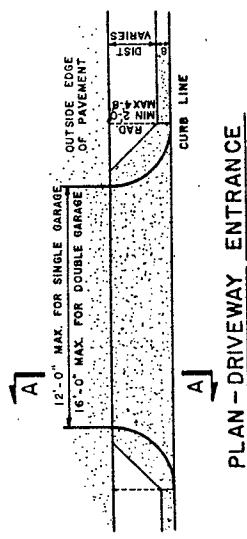
CURB DETAIL



PLAN: CONCRETE CURB AND SIDEWALK AT STREET INT.

- NOTES**
- 3/8" EXPANSION JOINTS EVERY 20' ON CURB AND SIDEWALK.
 - SCORE SIDEWALK EVERY 5' LINEAL FEET ALONG 5' WIDE SIDEWALKS. E LINEAL FEET ALONG 4' WIDE SIDEWALKS AND EVERY 10' ALONG CURB.
 - 3'-4" Penn DOT NO. 2 R.C. AGGREGATE TO BE USED AS BASE MATERIAL FOR CONSTRUCTION.

BOROUGH OF LEESPORT		CONSULTING	
BERKS COUNTY, PENNSYLVANIA		BY CHIEF ENGINEER, PENNSYLVANIA	
ORDINANCE PLAN		J.M.C. 10-4-5	DATE
CURB, SIDEWALK AND DRIVEWAY CONSTRUCTION		MADE	CHECK
NONE		APPROVALS	SCALE
7036-031 B		WORK ORDER	DATE



PLAN - DRIVEWAY ENTRANCE

THE CONTRACTOR SHALL NOTIFY THE BOROUGH DESIGNER 2 DAYS PRIOR TO THE START OF ANY WORK AND OR 2 DAYS PRIOR OF POURING CONCRETE FOR INSPECTION OF FORMS.