

ORDINANCE NO. 43

AN ORDINANCE FOR UPPER BERN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, REQUIRING ALL NEW CONSTRUCTION AND ANY SIDEWALK AND/OR CURB RENOVATION TO INSTALL CURB RAMPS IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the Supervisors as follows:

WHEREAS, the Federal Government has enacted sweeping regulations requiring local municipalities to make public access more convenient for citizens with disabilities through the Americans with Disabilities Act (hereinafter referred to as the "ADA"); and

WHEREAS, pursuant to the ADA, curb ramps are required at various intersections to enable individuals in wheelchairs access to the public sidewalks throughout the respective and various municipalities; and

WHEREAS, the Board of Supervisors of Upper Bern Township desires to enforce the ADA requirements in a prompt and efficient manner; and

WHEREAS, the Board of Supervisors of Upper Bern Township desires that all new construction and/or any repairs of sidewalk and curbing done at a corner location install curb ramps in compliance with the ADA.

NOW, THEREFORE, the Board of Supervisors of Upper Bern Township does hereby establish the following requirements:

Section 1. That the property owner who performs any new construction, at a street corner or any other location which is mandated by the ADA to have curb ramps, shall install curb ramps at the time that the sidewalk and curbing is being installed, with such ramp to be done in compliance with all specifications established through the ADA, the Commonwealth of Pennsylvania and Upper Bern Township;

Section 2. That whenever any repairs, modifications, or work of any kind are done on a sidewalk or curb on a property already equipped with sidewalk and curbing within Upper Bern Township, and the repair, modification or work is located at an intersection or other location where a curb ramp is mandated, a curb ramp shall be installed as part of the repair, modification or work in compliance with any building specifications of the ADA, Commonwealth of Pennsylvania, or Upper Bern Township;

Section 3. That in the event that the various rules and regulations for the construction of a curb ramp among the ADA, the Commonwealth of Pennsylvania and this Borough are in conflict, the most restrictive regulation shall prevail.

Section 4. That no work within Upper Bern Township on any sidewalk or curb shall be done without the property owner first submitting to the Upper Bern Township Building Inspector/Code Enforcement Officer a detailed set of plans and specifications showing that the contemplated curb ramp complies with the requirements and specifications as hereinabove set forth;

Section 5. That any sidewalk and/or curb construction which does not comply with the requirements of this Ordinance may, at the direction of the Building Inspector/Code Enforcement

Officer and/or the Borough Council, be removed at the property owner's expense and new curb ramps installed at the direction of Upper Bern Township, with all expense incurred by the Borough to be reimbursed by the property owner within thirty days after a submission of an invoice by the Borough;

Section 6. That any person violating any provision of this Ordinance shall be guilty of a summary offense, and upon conviction be subject up to the maximum fine and penalties imposed for summary offenses under the laws of the Commonwealth of Pennsylvania. Every day that the property owner allows violations of this Ordinance to remain shall constitute a new and separate offense;

Section 7. That any provision of any ordinance inconsistent with the provisions of this Ordinance, is repealed to the extent of the inconsistency.

ENACTED AND ORDAINED this 3 day of April, 1996

BOARD OF SUPERVISORS
UPPER BERN TOWNSHIP

Eric Heald, Jr.

[Signature]

Attest: [Signature]
Secretary