

**BOROUGH OF HARMONY**  
**Butler County, Pennsylvania**

**ORDINANCE NO. 373**

**AN ORDINANCE TO PROMOTE AND PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE BOROUGH OF HARMONY, BUTLER COUNTY, PENNSYLVANIA, AND FOR THE PURPOSE OF REGULATING AND REVISING CERTAIN SIDEWALK AND DRIVEWAY REQUIREMENTS AND REGULATIONS WITHIN THE BOROUGH OF HARMONY, BUTLER COUNTY, PENNSYLVANIA SET FORTH IN CHAPTER 21 OF THE CODE OF ORDINANCES OF HARMONY BOROUGH, AND FOR THE PURPOSE OF REVISING CERTAIN LICENSING REGULATIONS SET FORTH IN CHAPTER 13 OF THE CODE OF ORDINANCES OF HARMONY BOROUGH.**

**WHEREAS**, in order to promote and protect the health, safety and welfare of the residents of the Borough of Harmony, Butler County, Pennsylvania (the "Borough"), the Borough has determined that it is necessary to provide certain regulations and requirements for sidewalks, driveways and licenses within the Borough; and

**WHEREAS**, in order to promote and protect the health, safety and welfare of the residents of the Borough, the Borough desires to supplement Chapter 21 of the Code of Ordinances of Harmony Borough to include certain sidewalk and driveway requirements and regulations; and



**WHEREAS**, in order to promote and protect the health, safety and welfare of the residents of the Borough, the Borough desires to amend and revise certain licensing requirements contained in Chapter 13 of the Code of Ordinances of Harmony Borough.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Borough of Harmony, Butler County, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

**SECTION 1. Addition of Sidewalk and Driveway Regulations.**

Chapter 21 of the Code of Ordinances of the Borough of Harmony is hereby amended to include Part III "Sidewalks and Driveways", as follows:

**"Part III Sidewalks and Driveways**

**Section 21 - 301. Sidewalk Construction By Notice**

**A. Construction and Repair Required.** The Borough may require owners of property abutting on any streets, including State highways, to construct, pave, repave and keep in good repair the sidewalk along such property, at such grades and under such regulations as may be prescribed by ordinance.

**B. Definition of a deficient sidewalk.** Any of the following conditions constitute a sidewalk deficiency and may require replacement of the affected section of sidewalk:

- (1) A crack in which one side of the walkway is one (1) inch or higher above the adjoining section of sidewalk.
- (2) A crack that is greater than two (2) inches from side to side.

**C. Notice to do Work.** Notice to construct, pave, repave and repair sidewalks shall be given by registered or certified mail to abutting property owners, and such owners shall be given sixty (60) days to comply with said notice in conformity with any construction specifications prescribed by ordinance.

**D. Inspection.** At any time during the performance of the required work, the Borough Zoning Officer may inspect the work to determine whether construction specifications are being observed.

**E. Municipality May Do Work and Collect Costs.** Upon the failure of any property owner to construct, pave, repave or maintain any sidewalk in compliance with notice to do so, the Borough may do the same or cause the same to be done, and may levy the cost of its work on such owner as a property lien to be collected in the manner provided by law.

**Section 21-302 Emergency Repairs.**

Where, in the opinion of the Borough Zoning Officer, a dangerous condition exists that can be repaired by an expenditure of not more than three hundred dollars (\$300), the Borough shall send such property owner notice by registered or certified mail stating emergency repairs are required. Upon failure



of such owner to comply with the notice within forty-eight (48) hours after receiving it, the Borough may make emergency repairs and levy cost of its work on such owner as a property lien to be collected in the manner provided by law.

#### **Section 21-303 Construction and Repair Done on Owner's Initiative Without Notice.**

Any property owner not required by notice to construct, pave, repave or keep in repair sidewalks may construct, pave, repave or repair the sidewalk abutting his property; provided, such owner shall make application to the Borough Zoning Officer before commencing work, shall conform to the provisions of this Part and other regulations as to specifications for construction and repair work and shall notify the Zoning Officer within two (2) days after completion of his work.

#### **Section 21-304 Permits**

Before commencing any construction, reconstruction or repair of any sidewalk within the Borough, the owner(s) of the property involved or their agent(s) shall make application for and get a permit from the Zoning Officer for such work. The application shall include a brief statement of the nature and method of construction or repair to be used. The Zoning Officer is hereby empowered and authorized to make such reasonable regulations and prescribe such forms as shall be necessary for the application for said permit. Upon approval of the application, the Zoning Officer shall issue a permit allowing the construction, reconstruction or repair. The cost of the permit shall be as established from time to time by resolution of Borough Council.

#### **Section 21-305 Materials and Specifications.**

A. All sidewalks constructed or reconstructed within the Borough shall be constructed of concrete or brick paving stones and not less than four (4) feet in width, and in areas zoned commercial or business, five (5) feet in width, unless, in the opinion of Borough Council, unnecessary and undue hardship will result to the abutting property owner by reason of such requirement. In such instance, Borough Council may authorize, by resolution, the approval of construction of concrete sidewalks of a lesser width, but not less than three (3) feet. Provided, that where there are existing sidewalks, a sidewalk may be constructed or reconstructed to a width that is consistent with the existing sidewalks in the immediate area.

B The specifications for the construction of concrete sidewalks within the Borough are set out in Section 22-606 (B) of the Harmony Borough Code. The specification for the construction of concrete curbs within the Borough are set out in Section 22-603 of the Harmony Borough Code. These specification shall apply to the construction or reconstruction of a sidewalk whether the construction of the sidewalk is made by the property owner or his contractor is hereby adopted. It shall be unlawful for any person to fail or refuse to comply with the requirements of these specifications.

C. Whenever a sidewalk is constructed or reconstructed, the owner shall be responsible for making curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway. The owners shall be responsible for the construction or reconstruction of said curb ramp according to the specification in Section 22-606 (B). The owner shall be required to construct or reconstruct such curb ramp whenever any portion of the sidewalk or curb is being constructed, whether or not the part of the sidewalk or curb is being constructed or reconstructed includes the intersection radius, or other barrier to entry from a street level pedestrian walkway.

D.. The contractor shall attend carefully to all public service devices such as stop boxes for water or gas supply, or any other objects of such a character, that may be found within the area of the sidewalk under construction, by setting them at such a height as to bring the top of such device in each case flush with the top of the finished walk, so that they may be accessible and usable after the completion of the walk.



#### **Section 21-306. Owner's Responsibility to Maintain Sidewalks.**

It shall be the owner's responsibility to keep the sidewalks on his property in good repair, and if the sidewalks become damaged and need replacement, the owner shall be responsible for securing the necessary permits and complying with other requirements of this Part.

#### **Section 21-307 Authority to Remedy; Collect Costs.**

Upon neglect, failure or refusal of any property owner to comply with the requirements of this Section, and in addition to the penalties of §21-313, the Borough may after notice and in accordance with the provisions of the Borough Code, cause the grading, paving and repairing to be done at the cost of the owner and may collect the cost thereof and ten percent (10%) additional, together with all charges and expenses, from such owner, and may file a municipal claim therefor or collect the same by Action in Assumpsit. Any new sidewalk constructed other than as provided herein may be removed at the expense of the property owner. In addition to the remedies now vested in the Borough to make repairs to sidewalks, emergency repairs may be made where in the opinion of the officer or the head of the department or committee lawfully having charge of sidewalk repairs, a dangerous condition exists that can be repaired by an expenditure of not more than three hundred dollars (\$300.00). Such repairs to be made in accordance with the provisions of the Borough Code.

#### **Section 21-308 Contractor to Obey Applicable Laws and Ordinances.**

The contractor shall be required to observe all the provisions of this Part and other Borough ordinances relative to obstructing streets, maintaining signals, keeping open passageways and generally to obey all laws and ordinances controlling and limiting those engaged in the work.

#### **Section 21-309 Construction of Driveways.**

Any owner, lessee or other person constructing a driveway approach shall, before starting the construction of such driveway approach, make application for a permit for the doing of such work to the Borough Zoning Officer. Such application shall state briefly the nature and method of construction to be used in making the necessary driveway approach. The Borough Zoning Officer is hereby empowered and authorized to make such reasonable regulations and prescribe such forms as shall be necessary for the application of said permit herein authorized.

#### **Section 21-310 Issuance of Permit for Driveway Construction.**

The Borough Zoning Officer shall, upon application being filed by the proper parties, and upon approval of the plans for the driveway, issue a permit allowing the construction of such driveway approach.

#### **Section 21-311 Remedy of Defects in Driveway Drainage.**

Any owner or lessee of property which has an existing driveway approach which is defective, and does not provide for adequate drainage of surface water shall, upon notice from the Borough Zoning Officer, remedy such defect within fifteen (15) days thereafter.

#### **Section 21-312 Permit Fees.**

Except where otherwise provided in this Part, all fees for permits herein authorized shall be as established by resolution of Borough Council.

#### **Section 21-313 Penalties.**



Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00); and/or to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part continues shall constitute a separate offense."

**SECTION 2.     Revision of Licensing Regulations.**

Sections 13-202, 13-203, 13-204, and 13-206 contained in Chapter 13 of the Code of Ordinances of the Borough of Harmony are hereby revised to read as follows:

**"SECTION 13-202. License Required.**

- A. Licenses required to engage in peddling: No person shall engage in peddling in the Borough without first having taken out a license as herein provided.
- B. 501(c)(3) organizations may obtain a bulk license for multiple vendors that participate in an event sponsored by the organization.

**SECTION 13-203. Application.**

A. Every person desiring to engage in peddling in the Borough shall first make application to the secretary of the Council of Harmony Borough for a license. Upon such application, such person shall give his name, address, his previous criminal record, if any; the name of the person for whom he works, if any; the type of goods, wares and merchandise he wishes to peddle; the length of time for which he desires to be licensed; the type of vehicle he uses, if any; and the number of helpers he has. Provided, where a person makes application for himself and one or more helpers, all applicable personal information specified above shall be given for each helper, and an individual license shall be required for each helper. No license issued under this ordinance shall be transferrable from one person to another.

B. Every organization desiring to obtain a bulk license shall first make application to the secretary of the Council of Harmony Borough for a license. Upon such application, such person shall give a complete list of all vendors names, addresses, types of goods, wares and merchandise he wishes to peddle; and the length of time for which the event shall continue.

**SECTION 13-204. License Fee.**

No license shall be issued under this ordinance until a license fee, as follows, shall be paid to the Secretary of Borough Council, such license fee to be for the use of the Borough of Harmony:

There shall be a license fee of \$50, which shall be the license fee for a period of one (1) year. No license shall be issued for less than \$50, even though the requested period of time shall be less than one year. The license fee shall be required for each individual peddler.

**SECTION 13-206. Hours and operation.**

No person licensed under this Chapter shall engage in peddling before 12:00 noon or after 6:00 PM on Sunday, or upon any other day of the week before 9:00 A.M. or after dusk. No person licensed under this Chapter shall peddle, sell, hawk or cry his or her wares upon any of the streets, alleys or sidewalks of the Borough, nor shall he or she use any loudspeaker or other device by which the public is annoyed."



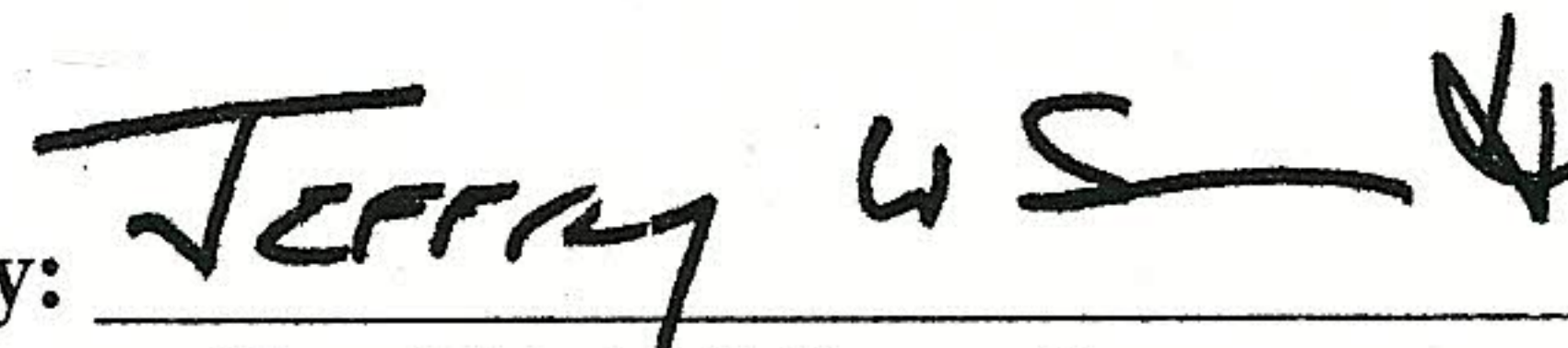
**SECTION 3. Repealer.** All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

**ORDAINED AND ENACTED** this 5 day of December, 2006.

**BOROUGH OF HARMONY**

**ATTEST:**

  
Secretary

By:   
President of Council