

**TUNKHANNOCK BOROUGH  
WYOMING COUNTY, PENNSYLVANIA**

**ORDINANCE # 2007-4**

**AN ORDINANCE REGULATING THE CONSTRUCTION AND REPAIRING OF ALL SIDEWALKS, CURBS AND GUTTERS IN THE BOROUGH OF TUNKHANNOCK, WYOMING COUNTY, PENNSYLVANIA, BY PROVIDING FOR THE FIXING AND DESIGNATION AND REPAIR THEREOF, FOR SPECIFICATIONS AND EXPENSES OF CONSTRUCTION AND REPAIR THEREOF, PROHIBITING OPEN GUTTERS IN CURBS AND SIDEWALKS AND PROVIDING FOR THE ISSUANCE OF PERMITS AND THE FIXING OF FEES AND CHARGES THEREFORE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Tunkhannock, Wyoming County, Pennsylvania, as follows:

SECTION 1. GENERAL PURPOSES: The construction of any new sidewalks or curbs and the repairing of any existing sidewalks or curbs along public streets and state highways in the Borough of Tunkhannock, Wyoming County, Pennsylvania, shall be done in conformance with the following specifications, regulations and/or provisions at the expense of the land owner unless Council agrees to pay all or a part of said costs pursuant to section 1804 of the Borough Code, 53 P.S. 46803.

SECTION 2. NEW DEVELOPMENT: Sidewalks and curbs shall be required along all streets and roads proposed for public use within the Borough of Tunkhannock which are constructed after the effective date of this Ordinance.

SECTION 3. WAIVER AND MODIFICATION: The Borough Council may waive or modify the minimum standards this Ordinance, when literal compliance with mandatory provisions is shown to the satisfaction of the Borough Council, to be unreasonable, to cause undue hardship, or when alternative standards can be demonstrated to provide equal or better results.

SECTION 4. GRADES: The grade to which every curb, gutter, or sidewalk shall be hereafter laid, constructed or repaired, shall be that fixed and designated by the Borough Engineer, or authorized representative, representing the

Borough Council of the Borough of Tunkhannock, Wyoming County, Pennsylvania. Any such grade may be established separate and apart from the grade or grades established for the cartway or roadway.

SECTION 5. SIDEWALK WIDTH AND LOCATION: The space between the street side of the curb to the street side of the paved edge of the sidewalk shall be four (4) feet seven (7) inches, and the sidewalk paved width shall be no less than four (4) feet and no (0) inches in all new developments or street construction. In existing developed sections of the Borough, and where sidewalks have been constructed prior to the date of this Ordinance, existing conditions shall be taken into consideration by the Borough of Tunkhannock in applying the width and location regulations.

SECTION 7. DRAINAGE: Finished sidewalks and curbs shall have a grade from the inner edge of the sidewalk to the outer edge of the curbs of one quarter of an inch (1/4) to the foot.

SECTION 8. INSPECTION: All work done hereunder shall be inspected by the Borough Engineer, or authorized representative, representing the Borough Council of the Borough of Tunkhannock, Wyoming County, Pennsylvania. The cost of any such inspection shall be born by the permit applicant.

SECTION 9. PUBLIC SAFETY: It shall be the duty of the owners of the land abutting upon any curbs, and/or sidewalks to keep them in such repair and condition that they may not be or become dangerous to the welfare and safety of the traveling public. The Borough Council of the Borough of Tunkhannock, Wyoming County, Pennsylvania, is hereby empowered to notify property owners when sidewalks and curbs are in need of repair or renewal and the repair or renewal thereof shall be made by the property owners within thirty (30) days after said written notice is given to the said property owners. Nothing herein contained shall be construed to place the responsibility of determining when sidewalks may become dangerous to the welfare and safety of the traveling public upon the Borough. At all times such responsibility shall be solely upon the property owner whose land abuts the curb or sidewalk.

SECTION 10. OPEN GUTTERS - RAIN CONDUCTORS: No open gutters for conducting rain water or drainage of any kind will be permitted to run over top of the sidewalk or curbs. All

underground rain conductors shall be of pipe material such as cast iron, wrought iron, clay or approved plastics, constructed under the sidewalk and through the curb to the gutter.

SECTION 11. PERMITS: No persons or person, firm or corporation shall construct or repair any sidewalk, curb or gutters, without first applying for and obtaining from the Borough of Tunkhannock, Wyoming County, Pennsylvania County, Pennsylvania, a permit for the same use. The application for such permit shall set forth:

1. The full name and address of the owners of the land affected;
2. The name and address of the contractor, or the person to perform the work;
3. The precise location of the property upon which the work is to be done;
4. The length of the proposed project;
5. Contractor's compliance with Worker's Compensation Act of 1990, as amended, if applicable; and
6. Such other pertinent information as may be considered necessary.

SECTION 12. FEES: The Borough Council may establish fees and charges for permits and inspections established by this Ordinance from time to time by resolution.

SECTION 13. SPECIFICATIONS: All installation, repair or other maintenance required shall be performed in accordance with the specifications that may be established by Borough Council from time to time by Resolution.

SECTION 14. PENALTIES, VIOLATIONS: Any person who violates any of the provisions of this Ordinance, upon conviction in a summary proceeding before any Magisterial District Judge, shall be subject to a penalty of not more than one thousand dollars (\$1000.00) and costs of prosecution for each and every offense or, upon default in payment of the fine and costs not caused by indigence or lack of sufficient assets, by imprisonment in the County Prison for a period not to exceed thirty (30) days. Each day that such violation is continued shall constitute a new and separate offense, punishable by like fine, penalty or imprisonment.

SECTION 15. COMPLIANCE WITH AMERICAN DISABILITY ACT  
STANDARDS: Any and all terms, conditions, specifications, or requirements of this Ordinance shall be consistent with the terms, conditions, standards, and specifications as may be established by or in accordance with the American Disabilities Act or any Codes, regulations, standards, specifications, administrative requirements, etc., as may be adopted by the appropriate and authorized agencies to implement the terms and conditions of said Act or any amendments thereto as may be hereinafter adopted or implemented by any federal, state, or county regulatory agency as if said standards, conditions, regulations, Codes or requirements were incorporated herein at length.

SECTION 16. CONFLICTING ORDINANCE REPEALED: Any Ordinance or part of Ordinance conflicting with this Ordinance is hereby repealed.

SECTION 17. UNCONSTITUTIONALITY. ETC.. OF THIS ORDINANCE: If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough Council of the Borough of Tunkhannock, Wyoming County, Pennsylvania, that this Ordinance would have been adopted and such unconstitutional, illegal, or invalid sentence, clause, section or part thereof should not be included herein.

SECTION 18. EFFECTIVE DATE: This Ordinance shall become effective upon enactment.

DULY ENACTED AND ORDAINED this 5 day of July, 2007 by the Borough Council of the Borough of Tunkhannock, Wyoming County, Pennsylvania, in lawful session duly assembled.

Attest:

Tunkhannock Borough

BY: \_\_\_\_\_  
Dawn Welch  
Borough Manager

BY: \_\_\_\_\_  
Ruby Sands, Council  
President

BY: \_\_\_\_\_  
Norman Ball, Mayor



## RESOLUITON# 5-2007

### Specifications

(a) All curbs and sidewalks as well as all driveways over sidewalks shall be constructed of monolithic concrete. Said concrete shall develop a compressive strength of 3,500 pounds per square inch (psi) in twenty-eight (28) days. Certification of the concrete mix shall be furnished if required by the Borough Engineer representing the Borough Council of the Borough of Tunkhannock, Wyoming County, Pennsylvania.

(b) Curbs shall be made to the following specifications: The curbs shall have a depth of not less than eighteen inches (18) and shall be eight inches (8) thick at the base and seven inches (7) thick at the top. Curbs shall be constructed with an eight inch (8) reveal and shall rest on a compacted bed of AASHTO No. 57 (PADOT 2B) crushed stone of a depth of not less than four inches (4).

(c) Sidewalks shall not be less than four inches (4) in thickness, shall include 6 x 6 by 10 gauge welded wire fabric and shall rest on a compacted bed of AASHTO No. 57 (PADOT 2B) crushed stone of a depth of not less than four inches (4). For width and location of sidewalks see Section 5.

(d) Mortar shall be used only in case of patching honey-combed concrete and then shall be one (1) part cement and two (2) parts of sand or its equal.

(e) Sidewalk shall have clean cut joints, a minimum one inch (1) deep, every five (5) linear feet, and expansion joints every thirty (30) linear feet or less, at structures, and at the end of a days work. Curbs shall have clean cut joints, a minimum two inches (2) deep, every ten (10) linear feet, and expansion joints every sixty (60) linear feet or less, at structures, and at the end of a days work. Expansion joints shall be one half inches (1/2) wide with premolded expansion joint filler. Expansion joint material shall also be placed between any curb and driveway apron. All sidewalks shall have a float finish except that any sidewalk on a grade of ten percent (10%) or greater shall have a broom finish.

(f) Driveways over sidewalks shall be at least six inches (6) thick and shall include 6 x 6 by 10 gauge welded wire fabric. Driveways over sidewalks shall be constructed to

rest on a compacted bed of AASHTO No. 57 (PADOT 2B) crushed stone of a depth of not less than four inches (4). Widths shall be a minimum of ten feet (10) for single driveways and twenty feet (20) for double driveways, except as approved otherwise by the Borough Council of the Borough of Tunkhannock, Wyoming County, Pennsylvania.

(g) All joints between curb and bituminous pavement shall be sealed with AC-20.

ATTEST:

\_\_\_\_\_  
Council President  
Tunkhannock Borough

\_\_\_\_\_  
Dawn Welch  
Borough Manager

\_\_\_\_\_  
Mayor