

**SUMMIT TOWNSHIP
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-02

AN ORDINANCE OF SUMMIT TOWNSHIP, AMENDING TOWNSHIP ORDINANCE NO. 2019-04, GENERALLY KNOWN AS THE “SUMMIT TOWNSHIP SIDEWALK ORDINANCE”, AMENDING THE REQUIREMENTS FOR SIDEWALKS AND OBLIGATIONS FOR PROPERTY OWNERS TO CONSTRUCT SIDEWALKS; AND PROVIDING FOR RATIFICATION, A REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, on June 3, 2019, the Board of Supervisors of Summit Township (“Township”) adopted Ordinance No. 2019-04, entitled as the Summit Township Sidewalk Ordinance (“Sidewalk Ordinance”); and

WHEREAS, section 2401 of the Second Class Township Code authorizes the Township Board of Supervisors to regulate the construction of sidewalks within the Township; and

WHEREAS, the Board of Supervisors have determined that certain portions of the Sidewalk Ordinance should be amended to better address the construction of sidewalks within the Township; and

WHEREAS, the Township believes that these amendments are in the best interest of the health safety and welfare of its citizens and residents.

NOW THEREFORE, this _____ day of _____, 2023, be it enacted and ordained by the Board of Supervisors of Summit Township, Erie County, Pennsylvania, as follows:

1. **Recitals.** The recitals set forth above are incorporated as if more fully set forth herein.

2. Amendment Section 4 of the Sidewalk Ordinance. That Section 4 of the Sidewalk Ordinance be amended through the inclusion of the underlined terms and the deletion of the terms struck out as follows:

SECTION 4. REQUIREMENT FOR SIDEWALKS

- ~~A. Required for land developments within the B-1 and B-2 Districts.~~
- A. Required for any land development which abuts a street which is designated on the “Official Map – Summit Township Transportation Map” as future sidewalk.

- B. Sidewalks shall be required on both sides of ~~the~~ new public streets in major subdivisions or land developments which intersect with streets with existing sidewalk or future sidewalk as designated on the “Official Map – Summit Township Transportation Map”. ~~in the R-3, T-1, and PRD Districts.~~
 - ~~1. Where semi-detached and multi-family structures are planned.~~
 - ~~2. In those subdivisions or land developments which have a typical lot width at the building setback line of eighty (80) feet or less.~~

- ~~C. Sidewalks may also be required in major subdivisions or land developments in the R-1, R-2, R-3, T-1, and PRD Districts.~~
- ~~1. If sidewalks are existing in adjacent subdivisions or land developments.~~
- ~~2. To provide access to community facilities such as schools, shopping areas, and recreation areas.~~

- C. Property Owner to Construct Sidewalk.
 - a. On any street designated on the “Official Map – Summit Township Transportation Map” as future sidewalk, it shall be the duty of the property owner abutting such street to construct and maintain sidewalk for use of pedestrians. On every lot or parcel of land upon which a residence or other improvement is being constructed it shall be the concurrent duty of the contractor in charge of such construction to so construct such sidewalks as hereinbefore provided.
 - b. If the owners fail to construct such sidewalks, the Township may lay out and construct the same or cause the same to be done and charge the costs thereof against the property owners. Should the owners fail to

pay the expenses of the construction of the sidewalks for which they are liable, the Board of Supervisors may recover the amount by action of assumpsit or may file municipal liens therefore against the abutting properties under law for the filing and collection of municipal liens, together with attorney's fees, statutory rates of interests and the costs of filing and satisfaction. Such expenses may not exceed fifteen percent (15%) of the assessed valuation of the abutting property.

c. Whenever, in the judgment of the Board of Supervisors, it shall become necessary to construct sidewalks abutting any of the streets as designated on the "Official Map – Summit Township Transportation Map", the Board of Supervisors shall give notice in writing to the owners of any such lot or piece of ground, or to their duly authorized agent in charge of the same, to construct such sidewalk. If the owner fails to complete the sidewalk within a period of sixty days, weather permitting, after the receipt of the notice, the board of supervisors may construct the sidewalk or curb and charge the costs to the abutting property owners pursuant to this Ordinance.

D. Curb ramps shall be constructed to provide pedestrian access in all directions at the intersection of roadways or high to medium volume driveways.

E. For new streets in districts where sidewalk is required, the sidewalk shall be bonded and constructed at the same time as the new street.

F. Locations of sidewalks and curb ramps shall be shown on a separate plan drawing.

1. The plan shall show the existing and proposed contours, utilities, driveways, Rights-of-way, and details necessary to demonstrate compliance with ADA standards.

3. **Ratification.** That the remainder of the Sidewalk Ordinance is hereby ratified.

4. **Severability.** If any sentence, clause, section or amendment 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 amendments of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or amendment thereof not been included herein.

5. **Repealer.** All other Ordinances or parts of Ordinances which are contrary to the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

6. **Effective Date.** This Ordinance shall take effect five (5) days after its enactment and adoption by the Board of Supervisors.

DULY ENACTED AND ORDAINED on the day and year first above written by the Board of Supervisors of Summit Township, Erie County, Pennsylvania.

ATTEST:

SUMMIT TOWNSHIP

Lisa Vallimont, Secretary

BY: _____
Jack Lee Jr. Supervisor

BY: _____
Mark Welka, Supervisor

BY: _____
Anthony Davis, Supervisor

SECRETARY CERTIFICATE

I hereby certify a true copy of Summit Township, Erie County, Pennsylvania, Ordinance No. _____, as adopted by the Board of Supervisors on _____, 2023 and advertised in the Erie Times-News on _____, 2023.

Lisa Vallimont, Secretary