

SUMMIT TOWNSHIP
ERIE COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 2019-04
AMENDED BY ORDINANCE NUMBER 2023-02

AN ORDINANCE OF THE TOWNSHIP OF SUMMIT, ERIE COUNTY, PENNSYLVANIA, REGULATING SIDEWALK CONSTRUCTION AND MAINTENANCE, REQUIRING BONDING, PROVIDING FOR CORRECTION OF IMPROPER WORK AND PRESCRIBING PENALTIES FOR VIOLATIONS.

Whereas, for the construction and maintenance of sidewalks within Summit Township, it is necessary that sidewalks are installed in such a proper dimension and proper manner, to allow for the passage of pedestrians.

SECTION 1. REPEAL OF PRIOR ORDINANCE

This Ordinance hereby repeals and replaces Ordinance No. 2013-01, as amended, in its entirety.

SECTION 2. TITLE AND APPLICABILITY

- A. This ordinance shall be known as the “Summit Township Sidewalk Ordinance”.
- B. Sidewalks, curbs and gutters shall not be placed or replaced within the right-of-way of any public highway, road, street, avenue, public lane or public alley in Summit Township by any owner, person, firm, association or corporation without first obtaining approval from the Township Board of Supervisors.

SECTION 3. BONDING REQUIREMENTS

- A. For new streets in districts where sidewalk is required, the sidewalk shall be bonded and constructed at the same time as the new street.
- B. A bond is required to construct or repair any sidewalk along the right-of-way of any public highway or street in Summit Township.
 - 1. The bond fee for sidewalk construction is calculated per linear foot of sidewalk and for each ADA accessible curb ramp unit. The bond fee is determined by the Board of Supervisors pursuant to the Bond Fee Schedule, attached hereto as Exhibit A. The Board of Supervisors are vested with the authority to amend the Bond Fee Schedule, from time-to-time, through a duly adopted Resolution.
 - 2. Length of sidewalk is calculated using the centerline of the sidewalk.

3. In the event of a corner lot, the sidewalk will require the installation of ADA accessible curb ramps at the intersection (typically two ramps per corner). Contact Summit Township for further information and to schedule a site meeting.
- C. The bond release procedure is:
1. The applicant submits a written request to Summit Township for site inspection to be performed by the Township at least seven (7) days prior to the Public Meeting.
 2. The Township Inspector makes a recommendation to either release the bond or hold the bond until the work is completed according to the requirements of this Ordinance.
 3. The applicant shall have in place markers delineating the existing right-of-way.
 4. If the Township Inspector recommends release, a request is placed on the Supervisor's meeting agenda for action.

SECTION 4. REQUIREMENT FOR SIDEWALKS (Amended by Ord. 2023-02)

- 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 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".
- C. Property Owner to Construct Sidewalk.
1. On any street designated on the "Official Map – Summit Township Transportation Map" as future sidewalk, and upon receipt of notice from the Township Board of Supervisors pursuant to subsection (c) below, 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.
 2. 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.

3. 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.

SECTION 5. SIDEWALK CONSTRUCTION STANDARDS

- A. 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 Americans with Disabilities Act (ADA) 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.
- B. All sidewalks shall be constructed in accordance with specifications for plain cement concrete sidewalk as found in the most current editions of PennDOT Publication 408, Highway Specifications, and PennDOT Publication 72M, Roadway Construction Standards.

- C. All curb ramps shall be constructed in accordance with ADA Standards for Accessible Design and PennDOT Publication 72M, Roadway Construction Standards, and PennDOT RC-67M, Curb Ramps and Sidewalks, latest editions.
- D. The property owner, their contractor or agents shall be responsible for safe and proper construction procedures. The public shall be protected against danger or injury by traffic and pedestrian control procedures during construction. All building materials and obstructions shall be removed from the highway at the end of construction.
- E. In addition to PennDOT/ADA specifications and standards, the following shall be followed:
 - 1. Sidewalks, where provided, shall be within the street right-of-way with the back of the sidewalk along the right-of-way line, and where conditions permit, shall line up with adequate walks in adjoining subdivisions. Markers shall be placed delineating the existing right-of-way and remain until the bond is released.
 - 2. Sidewalks shall be a minimum of five (5) feet wide.
 - 3. Subbase shall be placed under all sidewalks and shall consist of gravel/aggregate placed on properly compacted subgrade soils with a minimum thickness of six (6) inches.
 - 4. The sidewalk shall be constructed of cement concrete with a broom finish, and be at least four (4) inches thick.
 - 5. Sidewalk across driveways shall be constructed of cement concrete with a broom finish, and be at least six (6) inches thick.
 - 6. Welded wire fabric shall be installed in sidewalks across driveways. The minimum size shall be 6 x 6 – W1.4 x W1.4.
 - 7. The cross slope of the sidewalk shall not exceed two percent (2%).
 - 8. If the longitudinal slope of a sidewalk exceeds five percent (5%), a ramp shall be installed in accordance with the latest ADA standards.
 - a. Flared curb ramps shall be used. The use of cheek walls will be granted only under certain circumstances.
 - b. Metal Detectable Warning Surfaces are not permitted.
 - 9. Tooled joints shall be placed at a maximum interval of five (5) feet.

10. Expansion joints shall be 3/4-inch premolded expansion joint filler and be placed at an interval of twenty (25) feet.
11. Where the sidewalk is setback from the curb, a grass planting strip shall be provided between the curb and the sidewalk.
12. It shall hereafter be unlawful to plant and maintain any trees between curb and corresponding sidewalk. This shall not apply to any trees presently so growing. All new trees shall be planted on the residence side of the sidewalk at a minimum distance of (10) feet from the outside edge of the sidewalk.
13. The sidewalk shall be graded toward the roadway and not exceed the maximum allowable 2% cross slope. The grass strip shall be graded toward the roadway to provide positive drainage of the sidewalk to the roadway. Site specific topography may allow an adjustment to this standard, which shall be requested from Summit Township and as may be recommended by the Township Engineer.
14. When adjacent to curb, the sidewalk shall be sloped to drain to the street and not exceed the maximum allowable 2% cross slope. Site specific topography may allow an adjustment to this standard, which shall be requested from Summit Township and as may be recommended by the Township Engineer.
15. If any sidewalk and/or curb shall be reconstructed, repaired or replaced without conforming to the requirements of this Ordinance, or of any other ordinance or law, the Township may require the owner of the premises and other persons responsible for such construction to remove the faulty curb or paving as a nuisance, and replace it with conforming construction, and on failure of such person to do so within such time as the Township shall fix, the Township may proceed to do so and collect the cost thereof by entry of lien or otherwise.

SECTION 6. MAINTENANCE OF SIDEWALKS

- A. Summit Township shall not be responsible for the construction, maintenance, condition, repair, or replacement of sidewalks. All such responsibility shall rest solely with the owner of the abutting property.
 1. The owner of the abutting property shall be responsible for keeping the sidewalks immediately in front of his/her property in good order and repair and free of all obstructions, including snow, ice, and debris. The owner of the abutting property shall repair or replace any sidewalk which deteriorates or becomes hazardous to pedestrians.

2. Summit Township may notify the abutting property owner when necessary repairs or replacement of the sidewalk is needed. The property owner shall make the necessary repairs or replacement within thirty (30) days after written notice is received by the property owner.
 3. If the abutting property owner fails to comply with the requirements of the notice within sixty (60) days from the date of the notice, the Township may make the necessary repairs or replace the sidewalk. The abutting property owner shall pay the cost of the repairs or replacement plus a penalty of ten percent (10%) of the costs. The fee may be collected as provided by law in an action of assumpsit or by filing a municipal lien against the property.
- B. Summit Township shall not be responsible for keeping sidewalks free and clear of snow and ice. All such responsibility shall rest solely with the owner, occupant, or tenant of the abutting property.
1. The owner, occupant, or tenant of every property abutting a public street or highway along which a public sidewalk exists shall have the duty and responsibility to keep such sidewalks clear of any accumulation of snow or ice or made safe for pedestrian traffic by the application of anti-skid materials, as provided in this article. Where such property is occupied by a single tenancy, the duties and responsibilities imposed in this article shall be upon the occupant. Where the property is unoccupied or is occupied in multiple tenancies, then the duties and responsibilities imposed shall be the responsibility of the owner.
 2. All accumulation of snow and ice of a depth in excess of two (2) inches shall be removed from public sidewalks within 24 hours after the precipitation causing the same shall have ceased. Such snow or ice shall be completely cleared from the sidewalk exposing the wearing surface of the same to a width not less than 24 inches.
 3. No person removing snow or ice from a public sidewalk as required in this article or removing snow or ice from any portion of the property shall deposit such snow or ice in or upon any public street between the curblines of such street.
 4. Should any person fail, neglect, or refuse to remove any snow or ice from any public sidewalk as required in this article, the Township may, but shall not be obligated to, remove such snow or ice. In the event that the Township shall elect to remove such snow or ice, the person responsible for such removal shall be liable to the Township for all costs and expenses incurred by the Township in removing the same, which costs and expenses

shall be in addition to the penalties provided in this for the violation thereof.

SECTION 7. MODIFICATIONS

- A. The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety and welfare. If the literal compliance with any mandatory provision of this Ordinance is shown by the applicant to the satisfaction of the Board of Supervisors of Summit Township (the “Board”) present at a public meeting to be unreasonable and to cause undue hardship as it applies to the particular property, the Board may grant a modification from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a modification shall not have the effect of making null and void the intent and purpose of this Ordinance.
- B. Application Requirements
 - 1. All requests for modifications shall be made at the time of plan or permit application.
 - 2. Should a revision to a submitted plan require a modification which was not apparent at the time of the initial plan submission, the request for a modification shall be submitted prior to the filing of the final plan or issuance of permit.
- C. Action On Modification Requests
 - 1. At a public meeting, and after review and recommendation by the Township Engineer, the Board shall review the request to determine if the literal compliance with any mandatory provision of this Ordinance is demonstrated by the applicant to exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.
 - 2. The applicant shall demonstrate that an alternative proposal will allow for equal or better results and represents the minimum modification necessary. If the Board determines that the applicant has met his burden, it may grant a modification from the literal compliance with the terms of this Ordinance.
 - 3. In granting modifications, the Board may impose such conditions as will, in its judgment; secure the objectives and purposes of this Ordinance.

4. When a modification is granted with conditions, a statement of the approved modification including the imposed condition(s) shall be provided on the final plan.

D. Deferral of Construction.

1. If this Ordinance would require construction of sidewalks but an applicant for relief establishes that proper cause for deferring actual construction exists, the Board may defer the time of construction of sidewalks so long as it ensures proper security for construction of sidewalks at such time as the period of deferred construction expires. The burden of establishing cause for a deferral is on the applicant and deferral should be allowed only where future circumstances likely would be materially different than those existing at the time of the Board's action.

E. Standards for Grant of Modification or Deferral

1. The allowance of a modification or deferral is not intended and shall not be applied to evade or limit the general requirement in this and other ordinances that sidewalks be constructed.
2. Modifications from the obligation to construct and maintain sidewalks may be granted where an applicant establishes that any of the following circumstances exist and such circumstances are such that requiring construction of sidewalks would not serve the intended public purpose, would create significant risk of harm or injury and/or would result in sidewalk being constructed that would not, in the future, extend to other sidewalk and that such findings result from unique conditions and not from general application of the regulation:
 - a. Whereas, because of grade, slope, topography or other physical conditions, construction of a sidewalk would not feasibly serve the intended purpose of facilitating safe pedestrian circulation off of a street or highway.
 - b. Where a subdivision creates three or fewer lots, none of which abuts or is likely in the future to abut another lot on which a sidewalk has been or likely would in the future be constructed; provided, that in such event, future subdivision of said lots shall be prohibited; such prohibition shall be stated on the plan of subdivision as recorded and such relief would be rescinded in the event of a future subdivision.
 - c. Whereas a subdivision includes streets and sidewalks constructed within its boundaries and abuts another, pre-existing street whose grade, slope or topography is such that requiring construction of

sidewalks along it would create a potentially unsafe condition and/or be unlikely to connect to current or prospective future sidewalks.

- d. Where the Board of Supervisors concludes that requiring construction of a sidewalk would not serve the public purposes of the requirement in view of future development patterns, absence of sidewalks in the vicinity and/or physical conditions as described above.
- e. A condition or situation created by the applicant or otherwise within the applicant's control shall be considered a self-created hardship, which generally shall preclude the grant of modification or deferral.
- f. The Board shall have the authority to impose such conditions on the grant of modification or deferral as it believes are necessary and appropriate in the circumstances.
- g. Where it is determined that proper cause for grant of modification or deferral exists, the modification or deferral granted shall be limited to such extent as is necessary to address the causes found to exist which justify modification or deferral.
- h. The applicant and all grantees and successors of the applicant shall be responsible for complying with all conditions imposed on the grant of modification or deferral.

SECTION 8. PENALTIES FOR VIOLATION

- A. Any person, firm, or corporation in violation of any of the provisions of this Ordinance shall, upon conviction thereof, pay a fine of not more than Five Hundred Dollars (\$500) and the costs of prosecution for each and every offense, and may, upon default of the payment of said fine and costs, be sentenced to imprisonment to the extent allowed by law for the punishment of summary offenses. Each day in which a violation of this Ordinance occurs shall constitute a separate offense.

SECTION 9. SEVERABILITY

- A. 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 sentences, clauses, sections, or parts of this Ordinance.

SECTION 10. EFFECTIVE DATE

ORDAINED AND ENACTED INTO AN ORDINANCE June 3, 2019.

Amended February 21, 2023 – Ordinance 2023-03 Revised Section 4

Exhibit A
Bond Fee Schedule



Fee Schedule

Ordinance Books

Comprehensive Plan	\$100
Road Ordinance	\$5
Stormwater Ordinance	\$15
Subdiv, Land Dev, MHP	\$25
Appendix A-Greenspace	\$5
Zoning Ordinance	\$30
Appendix II	
Wireless Comm Facility	\$5

Zoning Maps

36 in x 48 in	\$25
24 in x 36 in	\$15
18 in x 24 in	\$10
11 in x 17 in	\$6
8.5 in x 11 in	\$5

Short-Term Rentals

License	\$100
Annual Renewal	\$100
Inspection	\$25

NSF / Returned Check

NSF or Returned Check Fee	\$35
---------------------------	------

Picnicana Park

*all rentals require a \$150 security deposit (to be returned if area is cleaned and tables are returned to their original location. Summit residents receive a 50% discount

Weekday Rental

Kitchen #1 & 1 Pavilion	\$375
Kitchen #1 & 2 Pavilions	\$525
Kitchen #3 & 1 Pavilion	\$475
Kitchen #3 & 2 Pavilions	\$625

Weekend Rental

Kitchen #1 & 1 Pavilion	\$525
Kitchen #1 & 2 Pavilions	\$725
Kitchen #3 & 1 Pavilion	\$625
Kitchen #3 & 2 Pavilions	\$825
2 Kitchens & 2 Pavilions	\$875

Records Request

Letter / Legal	\$25
Ledger	\$50
Engineer	\$5
Facsimile Local	\$1
Long Distance	\$2
Certification	\$5
Redaction	\$1
CD Rom or Zip Drive	Cost
Postage	Cost

Memorial Bricks

Veteran's Memorial Brick	\$25
--------------------------	------

Zoning / Sign Permits

Based on Estimated Cost of Construction

Residential or Agricultural Use (min fee \$6)

Up to \$200,000	\$3 per \$1,000
Over \$200,000	\$1 per \$1,000

Commercial or Industrial Use (min fee \$10)

Up to \$200,000	\$6 per \$1,000
Over \$200,000	\$2 per \$1,000
Sign Permit	\$10

Developer's Escrow

<u>Development Value</u>	<u>Required Escrow</u>
\$0 - \$300,000	\$1000
\$300,000 to \$750,000	\$1,500
\$750,001 to \$2,000,000	\$3,000
Over \$2,000,000	\$5,000

*if at any time the deposit falls below 25% of the original amount, the township will require such funds as to bring the account back to the full original amount requested

Hearing Fees

UCC Appeal	\$3,000
Conditional Use	\$500
Curative Amendment	\$500
Petition to Rezone	\$500
Zoning Hearing	\$500

(special exception, variance, violation, appeal)

Miscellaneous Permits / Fees

Burn Permit	\$0
Demolition Permit	\$25
Transient Mercantile License	\$25/month + \$5,000 Bond
Special Event Permit	\$75
Junkyard License	\$50
Sewage Management Agreement	\$100
Subdivision Fee	\$100 + \$10 each additional lot
Floodplain Application	\$250 or no more than 5% of total cost

Street Excavations & Openings

Driveway Permit	\$25
Road Occupancy Permit	\$25
Sidewalk Bond	\$50/ft \$3,000/curb ramp
<u>Excavation Depth</u>	<u>Bond up to 100 sq. ft</u>
Less than 5 feet	\$2,000
5 feet to 10 feet	\$4,000
Over 10 feet	\$8,000
*plus \$1,000 for every additional 100 sq. ft.	

Overweight Vehicles

Overweight Vehicle Permit	\$50
Excess Maintenance Agreement	\$12,500/mile bond

Earth Moving Operations

Activities +/- 1.5 acres	\$1,000 / acre disturbed
--------------------------	--------------------------