

PART H

Sidewalk Construction And Repair

Section 701. Definitions. The following definitions shall be used in defining the meaning of the terms used in this ordinance, as amended:

- a. **Construct.** The building or laying of a new sidewalk on areas of land where none previously existed.
- b. **Repair; Reconstruct.** The restoration or repair of a sidewalk, curb, gutter or drain which has previously been in existence and shall be deemed to include patching, the relaying or reconstruction of certain parts thereof, or any other measures necessary to make the said sidewalks, curbs, gutters and drains safe and in good condition and within the provisions of this ordinance.

(Ordinance 163, August 10, 1936, Section 13, as amended by Ordinance 600, September 13, 1961, and by Ordinance 1451, October 9, 1994, Section 1.)

Section 702. Sidewalk Required.

a. **On Certain Highways.** Sidewalks for the use of pedestrians shall be built and maintained on all dedicated streets or State highways of the Municipality, at the expense of the owners of the abutting properties and shall be kept in thorough repair and in a safe condition. Sidewalks shall be accessible to all individuals. Sidewalks shall be built upon 1 year's notice to the owner. Repair to sidewalks shall be made within 120 days of notice to the owner. Said notices shall be given by the Municipal Secretary at the direction of the Municipal Engineer. Where curbs, gutters and drains are not already provided, Council may, in the notice to lay the sidewalks, also require that curbs, gutters and drains be laid. However, in Council's discretion, any curbs, gutters or drains may be installed by the Borough of State College, and the cost thereof assessed to the abutting property owners in the manner set forth in Sections 201, et. seq., of this Chapter.

Upon approval of the Borough Engineer, a property owner may construct, on private property, all or a portion of sidewalk required by this Chapter. Such sidewalk shall be subject to all other provisions of this Chapter in the same manner as sidewalk constructed in the dedicated right-of-way. The property owner may also be required to grant an easement to the Borough for such sidewalk.

b. **When Building.** When any new building is to be constructed within the Municipality, the owner of the premises shall be, and hereby is, required to construct sidewalks on all portions of the premises abutting a public street if the same have not already been constructed.

c. On A Vacant Lot.

(1) When 40 percent or more of the lots abutting a street block have been built upon, the owner of any vacant lot abutting the block shall be, and is hereby, required to construct sidewalks on all portions of the premises abutting a public street.

(2) The owner of any vacant lot abutting a street which connects areas having sidewalks shall be required to construct sidewalks on all portions of the premises abutting a public street.

d. Exceptions. Under the following circumstances, the Municipal Engineer may recommend the sidewalk requirement be waived:

(1) On a corner lot where one of the streets is not constructed, nor contemplated to be constructed within the near future, on the sides of the lot adjoining such unbuilt street.

(2) Adjoining an open, but non-paved, dirt street, which is not scheduled for construction in the near future.

(3) Where physical constraints make the construction of sidewalk impractical. If the Municipal Engineer so recommends, such recommendation shall be considered by Borough Council, which may either affirm or reject such recommendation. If rejected, such sidewalk shall be constructed by the owner, as set forth above. If affirmed, such sidewalk need not be constructed at such time; however, any change in the circumstances surrounding the exception at any later time will initiate reconsideration of sidewalk installation and the Engineer shall have the right to make a new recommendation and Council shall have the right to affirm or reject such recommendation.

Appeals of the Municipal Engineer's decision shall be made directly to Borough Council.

e. Certain Sidewalks Exempted. Due to previous Council policy, sidewalks were not required in certain cul-de-sacs. In recognition of this long-time policy, the following exemptions are made:

(1) **Exemptions from the Provisions of Sections 602.a, b and c of this Ordinance:** Edgewood Circle, in its entirety; Greenfield Circle, in its entirety; Homan Avenue, South Garner Street east to its end; Jackson Circle, East Mitchell Avenue north to its end; and, Marylyn Avenue, Allen Street east to Tusseyview Park.

(2) **Exemptions from the Provisions of Section 602.c of this Ordinance:** Inverary Place, in its entirety.

(Ordinance 975, April 21, 1980, as amended by Ordinance 1158, December 16, 1986, Section 1, Ordinance 1253, August 24, 1989, Ordinance 1451, October 9, 1994, Section 2, and by Ordinance 1605, October 22, 1999, Section 1.)

Section 703. Standards and Specifications for Sidewalks, Curbs, Gutters and Drains. Sidewalks, curbs, gutters or drains shall be constructed, repaired or replaced according to the following specifications and using the following materials only:

a. Concrete Walks. All sidewalks shall be of 1-course, Class A, 3300 PSI concrete construction and shall be built as a series of independent sections, not more than 6 feet in length, except that sidewalks may also be constructed as set forth in Section 603.c hereunder. All sidewalks and curbs shall be constructed, repaired or replaced in accordance with the grade and lines established by the Municipal Council. The following shall be the specification for the construction, repair or replacement of all sidewalks, curbs, gutters and drains, except as necessarily altered by the provision of Section 603.b hereunder:

(1) **Portland Cement.** The requirements of the latest standard specifications of the American Society for Testing Materials.

(2) **Fine Aggregate.** Natural sand or screenings from hard, tough, crushed rock. Must be clean and well graded. All fine aggregate shall pass a 1/4-inch screen, and 95 percent shall be retained on a 100-mesh screen. Not more than 3 percent by weight shall be removed by decantation, and mortar briquets shall develop a strength at least equal to that of Ottawa sand of the same proportions.

(3) **Coarse Aggregate.** May be pebbles, broken stone or blast furnace slag. Must be clean, hard, durable and uncoated. All coarse aggregate shall pass a 1-inch screen and 95 percent shall be retained on a 1/4-inch screen.

(4) **Water.** Water shall be clean enough to drink.

(5) **Mixing.** Mixed until each particle of fine aggregate is coated with cement and each particle of coarse aggregate is coated with mortar and not less than 1½ after all materials have been placed in the mixer.

(6) **Joint Filler.** Shall be premolded strips of bituminous filled fibre or mineral aggregate, ½-inch thick, as wide as the thickness of the sidewalk and at least 2 feet long.

(7) **Forms.** Shall be of 2 inches thick or of steel of equal strength. Flexible strips may be used on curves. They shall be rigidly held to any grade by stakes or braces.

(8) **Division Plates.** Shall be of 1/8-inch steel as wide as the depth of the slab and as long as the width of the walk.

(9) **Subgrade.** Shall be well drained and compacted to a firm surface with a uniform bearing strength.

(10) **Drains.** When necessary, 4-inch concrete or terra cotta drains shall be laid to protect the walk from damage by frost action.

(11) **Sub-base.** On poorly drained soil, where drains are impractical, a 5-inch sub-base of cinders, gravel or other porous material shall be constructed. It shall be thoroughly tamped and drained into a street gutter.

(12) **Thickness And Proportions.** The walk shall never be less than 4 inches thick in a residential section and 5 inches thick in a business section and never less than 6 inches thick where a driveway crosses the walk. Concrete shall be mixed in the approximate proportion of 1 part cement, 2 parts fine aggregate and 3 parts of coarse aggregate with a maximum of 6 gallons of water per sack of cement, including the moisture in the aggregate. The concrete shall not have a slump of less than 2 inches nor more than 6 inches.

(13) **Placing and Finishing.** Concrete shall be placed immediately after mixing. It shall be tamped and struck off with a template and shall be floated with a wood float until the surface has a true contour. Care shall be taken to not bring to the surface an excess of water and fine sand by overfinishing. A slip-resistant texture shall be achieved by coarse-brooming the finished surface in a transverse direction.

(14) **Jointing.** The walk shall be cut into separate rectangular slabs not greater than 5 feet wide nor 6 feet long. The surface edges of each slab shall be rounded to a 1/4-inch radius. Markings shall be exactly at cuts between slabs.

(15) **Curing and Sealing.** All concrete shall be cured by applying a white pigmented liquid membrane-forming curing compound or another method with authorization of the Municipal Engineer.

All new concrete shall be sprayed with an anti-spalling compound (boiled linseed oil) mixture at a rate of 0.02 gallon per square yard or at the rate specified by the manufacturer, applied approximately 45 to 60 days following placement. Application shall be by pressure spray equipment, portable hand spray equipment, brushing or a combination of these methods to insure complete coverage of treated concrete surfaces. A second application will be made a minimum of 24 hours after the initial application.

(16) **Expansion Joints.** Shall extend from the surface to the subgrade and shall be at right angles to the sidewalk surface and completely filled with compressible material. A 1/2-inch expansion joint shall be made across the walk at approximately 50-foot intervals. At all places

where the walk intersects a curb line or another walk, expansion joints shall be made.

(17) **Curbing**. Finished concrete shall be kept wet for 7 days.

(18) **Width of Pavement**. The standard width for all sidewalk pavement shall be 5 feet, except that in the areas of the Municipality designated as "commercial" on the Municipal Zoning Map, the Council of the Municipality may require, on notice to the owner or owners, an additional width so that the sidewalk pavement extends from the curb line to the property line. Widths less than 5 feet may be permitted, upon approval of the Municipal Engineer, to accommodate areas around shade trees or other similar specific obstacles. In these cases, the sidewalk may be reduced to a minimum of 4 feet in width.

b. **Paver Blocks**. Sidewalks may also be constructed with concrete 4 inches in thickness and an additional 2 inches in thickness on top compound of (1) said and mortar grout or (2) an acceptable substitute as approved by the Municipal Engineer, with paving blocks set firmly in said grout. Such paver blocks must be kiln-fired paving brick of durable and substantial nature. No such paver block sidewalks shall be installed without first receiving written permission from the Engineer of the Municipality. If any single paving block or more is broken, the same shall be promptly replaced by the owner of the premises.

c. **Other Materials**. Sidewalks may also be constructed from other materials such as wood, steel or some other material, if unusual topography, trees or other similar conditions make it impractical to construct sidewalks from the materials set forth herein. Such other materials may be used only when such unusual circumstances exist and after specific approval by the Municipal Engineer on written application of the property owners.

d. **Repair Standards**.

(1) **Horizontal Alignment**. A sidewalk shall be repaired when a crack within a square or a joint between two adjacent squares has separated to a distance of 1-inch or greater or when the edges of a crack are chipped or broken to create surface openings of 1-inch or more. Where expansion or contraction joints have widened to 1-inch or greater, repairs shall be made in such a way to allow for expansion to occur later. If vertical movement occurs around a crack which, in the opinion of the Municipal Engineer, creates a tripping hazard, the square should be removed and replaced. Cracks shall be chipped out in a V-shape to sound concrete and thoroughly cleaned before repair.

(2) **Vertical Alignment**. Repairs shall be made when a sidewalk square has risen or sunk 1" or more in relation to the remainder of the square or to an adjacent square. If a portion of the block has risen or sunk more than 1", measured 15" from the edge of the block, repairs shall be made. The square can be physically raised or lowered to be realigned with the adjacent squares. If an entire square has sunk, it may be patched with concrete bonded overlay of the entire square. The minimum thickness of this patch cannot be less than 1 inch. Placing a wedge of patch material over a portion of the square is not acceptable.

(3) **Surface Deterioration.** A sidewalk square must be repaired when 25 percent or more of the exposed horizontal surface has chipped or crumbled, exposing aggregate and creating peaks and valleys, to a depth at any point of 1/2-inch or more below the original surface. A square must also be repaired in an area of 16 square inches or more has deteriorated or has developed a hole at least 1-inch deep in the surface. Deteriorated material must be removed down to sound concrete and the area thoroughly cleaned before repair.

(4) **Materials.** When sidewalks are reconstructed, they shall conform with Subsection 603.a of this Chapter. Repairs shall be made by first applying bonding agent and next placing patch material composed of half-and-half mixture of Portland cement and sand, or with a commercial epoxy-type concrete patch material. Other commercial material such as vinyl modified may be approved by the Engineer.

(5) The Municipal Engineer shall complete an inspection of all sidewalks in the Borough once every 2 years in the area zoned "General Commercial" and all other areas once every 4 years.

e. **Accessibility Standards.** Sidewalks, including those adjacent to driveways, shall meet accessibility requirements of prevailing federal, state and/or local laws, when reconstructed.

(Ordinance 163, August 10, 1936, as amended by Ordinance 600, September 13, 1961, Ordinance 716, September 26, 1967, Ordinance 895, August 16, 1976, Ordinance 1158, December 16, 1986, Section 2, Ordinance 1451, October 9, 1994, Section 3, and by Ordinance 1605, October 22, 1999, Sections 2 and 3.)

Section 704. Projections Beyond Building Line Prohibited. No projection of any doorway, cellar way, piazza, coal hole or other obstruction shall be permitted to extend beyond the building line, whether the same results from a new building being constructed or from alterations or additions to existing building. All constructions or materials and all porches, steps and other projections hereinbefore enumerated, now or hereafter built, placed or maintained contrary to this ordinance, are hereby declared unlawful and to be nuisances and to be abatable as such. (Ordinance 163, August 10, 1936, Section 2, reenacted by Ordinance 600, September 13, 1961.)

Section 705. Trees, Poles, Pipes Regulated. Trees, shrubbery, bushes, poles, pipes, etc., now or hereafter placed or maintained on the sidewalk limitations, or which overhang the sidewalk pavements as are herein provided, shall be so placed or maintained as to prevent injury to person or property and shall be removed, changed or trimmed upon 30 days' notice whenever, in the discretion of the Municipal Engineer, it is necessary for safety, convenience and best interest of the Municipality or of the inhabitants of the particular section thereof. Notice shall be served as otherwise provided in this ordinance, and failure of the owner or owners to comply with the said notice shall subject them to the fine as provided for in Section 610 hereof.

(Ordinance 163, August 10, 1936, Section 3, reenacted by Ordinance 600, September 13, 1961, and amended by Ordinance 1525, March 13, 1997, Section 5.)

Section 706. Driveways. Where driveways exist or are hereafter constructed between the sidewalk and curb line, or over the sidewalk from the street to the abutting property, they must be so constructed that the material used will not work loose or scatter from the driveway. (Ordinance 163, August 10, 1936, Section 6, reenacted by Ordinance 600, September 13, 1961.)

Section 707. Emergency Repairs. The owner or owners of abutting properties shall make emergency repairs to the sidewalks upon 48 hours' notice where the Municipal Engineer deems it necessary and where the expense thereof will not exceed the sum of \$300.00. The notice shall be given to the Borough Secretary at the direction of the Municipal Engineer. Failure of the owner or owners to make said emergency repairs within the time specified shall subject them to the fine, as provided in Section 610 hereof. (Ordinance 163, August 10, 1936, Section 5, as amended by Ordinance 447, June 7, 1954, Section 1, Ordinance 600, September 13, 1961, Ordinance 1085, June 6, 1984, and by Ordinance 1451, October 9, 1994, Section 4.)

Section 708. Nonconformity. Pavements, foot walks, curbs, gutters and drains not laid in conformity with the provisions of this ordinance and the establishment grade of the street on which they are constructed are hereby declared to be nuisances and must be taken up and relaid according to the provisions of this ordinance within 30 days after notice to the owner or owners so to do. The notice shall be sent by the Municipal Secretary at the direction of the Municipal Engineer, who is hereby vested with authority to determine whether or not said pavements, foot walks, curbs, gutters and drains conform with the provisions of this ordinance. Failure of the owner or owners to comply with the provisions of this Section shall subject them to the fine, as provided for in Section 610 hereof. (Ordinance 163, August 10, 1936, Section 9.)

Section 709. Municipality Authorized to do Work. Whenever, in this ordinance, the owner or owners shall refuse or neglect to construct or repair any sidewalk, curb, gutter or drain when so ordered, the said Municipality may cause said sidewalk, curb, gutter or drain to be constructed or repaired in the manner herein and hereby required, and the said Municipality shall collect the costs thereof, together with all charges, penalties and expenses, from the owner or owners of the lot or lots as now allowed by law.

The election of the Municipality to so construct or repair any sidewalk, curb, gutter or drain shall not relieve the owner or owners of abutting properties from the penalty, as provided for in Section 610 hereof, except that new violations shall cease to occur upon the day the Council so authorizes the construction or repairing to be done.

(Ordinance 163, August 10, 1936, Section 10, reenacted by Ordinance 600, September 13, 1961.)

Section 710. Penalty for Violation. In the event of a violation of the provisions of this Ordinance after notice has been given, any person violating such provisions shall, upon conviction of such default, neglect or refusal, pay a fine of not less than \$100.00 and not more

than \$600.00, to be collected as now provided by law. Each day owner shall neglect or refuse to correct the overhang problem, as provided in this ordinance, shall be a separate offense.

(Ordinance 163, August 10, 1936, Section 11, reenacted by Ordinance 600, September 13, 1961,⁶⁰ and amended by Ordinance 1451, October 9, 1994, Section 5, Ordinance 1525, March 13, 1997, Section 6, and by Ordinance 1889, December 17, 2007, Section 5.)

Section 711. Notice & Payment of Violations. Upon the discovery of any violation under the terms of this ordinance, the Municipality shall, through its authorized agents, give notice to the owner of a violation hereunder, either by personal delivery to such owner, by United States mail directed to the last known address of such person or persons, as shown on the real estate registry records of the Municipality, or by leaving the same on the premises where such violation occurs.

If such person shall, within 7 days after the delivery, mailing or leaving of such notice, pay to the Treasurer of the Municipality the sum of \$50.00 for the violation, the same will constitute full satisfaction of for the violation noted in said notice. The failure of such person to make payment, as aforesaid, within 7 days, shall render such owner subject to the penalties as provided hereinabove.

Nothing contained in this Section shall affect, in any way, the provisions of this ordinance regarding separate offenses for every day any violation occurs.

(Ordinance 1525, March 13, 1997, Section 7, amended by Ordinance 1889, December 17, 2007, Section 5.)