

**FAWN GROVE BOROUGH YORK COUNTY, PENNSYLVANIA**

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**ORDINANCE NO. 2011-1**

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**AN ORDINANCE OF FAWN GROVE BOROUGH COUNCIL, YORK COUNTY, PENNSYLVANIA, AUTHORIZING THE BOROUGH TO DIRECT PROPERTY OWNERS WITHIN THE BOROUGH TO REPAIR THE SIDEWALKS AND CURBS ABUTTING THEIR PROPERTIES AND TO PAY THE COSTS THEREOF; AND IN LIEU OF SUCH WORK AUTHORIZING THE BOROUGH TO REPAIR SIDEWALKS AND CURBS AND CHARGE THE COSTS TO ABUTTING PROPERTY OWNERS**

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**BE IT HEREBY ENACTED AND ORDAINED** by the Borough Council of Fawn Grove, York County, Pennsylvania as follows:

**SECTION 1: Title.** This Ordinance shall be known as the "Fawn Grove Borough Sidewalk and Curb Ordinance".

**SECTION 2: Statutory Authority.** This Ordinance is enacted pursuant to the authority conferred upon the Fawn Grove Borough Council by the Borough Code to provide for ordinance for the repair of sidewalks within the Borough (53 P.S. 46801).

**SECTION 3: Repair by Property Owner.** The Borough Council shall, upon examination and recommendation of the Mayor or its duly authorized representative and/or Borough Engineer, give 30 days written notice to a property owner, to repair a sidewalk and/or curb abutting his/her property and to pay the expense thereof. All repairs done by the property owner or contractor shall be accomplished in accordance with the standards set forth in Section 5 of this Ordinance.

**SECTION 4: Repair by Borough.** In the event the property owner fails to repair a sidewalk or curb, upon notice as provided, the Borough Council is authorized to direct the work to be done and shall provide notice to the property owner that the Borough intends to proceed with repairs if the sidewalk or curb is not repaired within 30 days. The costs of repair, plus a ten percent (10%) administrative fee, shall be collected from the property owner as provided for by law.

**SECTION 5: Design Standards.** All repairs of sidewalks and curbs within the Borough shall be done in accordance with the design standards established by the Fawn Grove Borough Subdivision and Land Development Ordinance, which are incorporated herein by reference as they presently exist and as they may be amended in the future. All such work shall require a permit from and inspection by the Borough to ensure compliance with the requirements of this Ordinance.

**SECTION 6: Violations and Penalties.** A property owner's failure to pay for the Borough's repairs to the sidewalk and/or curb in accordance with section 4 of this Ordinance shall result in the filing of a municipal claim. In addition, any person who violates or permits the violation of this Ordinance, shall constitute a summary offense and prosecution thereof shall be according to the practice in the case of summary convictions and shall pay a fine of not more than \$600.00, plus all court costs, including reasonable attorney's fees incurred by the Borough in the enforcement of this Ordinance. Each day a violation exists shall constitute a separate offense. Further, the appropriate officer or agents of the Borough are hereby authorized to seek relief, including injunction, to enforce compliance herewith.

**ENACTED AND ORDAINED** this 2<sup>nd</sup> day of August, 2011.

**ATTEST:**

**FAWN GROVE BOROUGH COUNCIL**

Cathy E. Burkwood  
Secretary

By: Jordan M. Feller  
President

**Approved this 2<sup>nd</sup> day of August 2011.**

By: Bradley M. Frey  
Mayor



