

**Resolution No. 2016-27
New Britain Township
Bucks County, Pennsylvania**

A RESOLUTION OF NEW BRITAIN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA ESTABLISHING PROCEDURES AND CRITERIA FOR THE INSPECTION, MAINTENANCE, CARE, REPAIR, REFURBISHMENT, AND REPLACEMENT OF CURBS, CURB RAMPS, SIDEWALKS, PATHS, TRAILS, GUTTERS, SWALES, AND DRIVEWAY APRONS IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN CHAPTER 21, PART 4, OF THE TOWNSHIP CODE.

WHEREAS, curbs, curb ramps, sidewalks, driveway aprons, bike paths, pedestrian trails, gutters, and swales have become integral parts of much of the developed portion of New Britain Township (“Township”); and

WHEREAS, as such amenities age, it becomes necessary to create a mechanism to assure their proper maintenance, care, and if necessary, replacement; and

WHEREAS, the Second Class Township Code, including, but not limited to Articles 22, 23, 24, and 27, provides that abutting property owners shall bear responsibility for such maintenance, care, and replacement; and

WHEREAS, the Board of Supervisors of New Britain Township adopted Ordinance No. 2015-11-08 on November 16, 2015, which provides that abutting property owners shall bear responsibility for such maintenance, care, repair, refurbishment, and replacement of sidewalks, paths, trails, curbs, curb ramps, driveway aprons, gutters, and swales; prescribes penalties for violation of these requirements to maintain, care for, repair, refurbish, and/or replace sidewalks, paths, trails, curbs, curb ramps, driveway aprons, gutters, swales; and authorizes the Board to adopt regulations concerning the maintenance, care, repair, refurbishment, and replacement of these types of facilities and improvements.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisor of New Britain Township, as follows:

- I. Inspections: Inspections of sidewalks, paths, trails, curbs, curb ramps, driveway aprons, gutters, and swales located in a public right-of-way, will be conducted when:
 - A property goes up for sale or rent
 - A complaint is received by the Township
 - Township roads are inspected under the Annual Road Program
- A. Use and Occupancy: When an application for a Use and Occupancy (U&O) Permit is received in conjunction with the sale or rental of a property, an inspection shall be completed by the Township Code Enforcement Official, the Township Public Works Superintendent, or a Township designee. A Concrete Inspection Form shall be utilized for the inspection.

- a. The property owner will be notified in writing of any deficient curbing, curb ramp, sidewalk, path, trail, driveway apron, gutter, or swale requiring maintenance/repair/replacement found by the inspection.
 - b. If a deficiency is found, the subject property must come into compliance before the Township will issue the U&O Permit. If buyer and seller desire settlement to occur prior to the work necessary for compliance is completed, the Township will issue a temporary U&O Permit upon receipt of an agreement to complete this work, on a Township form, executed by the buyer; along with the posting of escrow by the buyer or seller covering the entire cost of this work to ensure compliance.
 - c. Compliance shall be completed within 90 days of notification by the Township of the deficiency. Weather restrictions or a request in writing may extend the time for compliance, at the discretion of the Township Manager.
 - d. It is the property owner's responsibility to obtain a permit and complete the work necessary to come into compliance, either individually or by hiring a contractor. Regardless of who undertakes this work, the applicable Township specifications must be met, or PennDOT specifications must be met if the work is within the PennDOT right-of-way.
 - e. If the property owner fails to bring the property into compliance within the timeframe specified, the Township has the right and ability to undertake and complete the necessary work and bill the property owner for the entire cost of this work. The owner shall have 30 days to pay this bill or enter into a payment agreement with the Township. If payment is not made within the required timeframe, the Township may levy the cost of this work, together with the cost of collection and reasonable administrative charge, on the property owner as a municipal lien.
- B. Complaint: If a complaint is received by the Township concerning the condition of a sidewalk, path, trail, curb, curb ramp, driveway apron, gutter, or swale within the public right-of-way, the Township Code Enforcement Official, the Township Public Works Superintendent, or a Township designee will perform an inspection of all the sidewalks, paths, trails, curbs, curb ramps, driveway aprons, gutters, and swales located in public right-of-ways within the general vicinity of the location of the complaint. A Concrete Inspection Form shall be utilized for the inspection.
- a. The property owner will be notified in writing of any deficient curbing, curb ramp, sidewalk, path, trail, driveway apron, gutter, or swale requiring maintenance/repair/replacement found by the inspection.
 - b. Compliance shall be completed within 90 days of notification by the Township of the deficiency. Weather restrictions or a request in writing may extend the time for compliance, at the discretion of the Township Manager.

- c. It is the property owner's responsibility to obtain a permit and complete the work necessary to come into compliance, either individually or by hiring a contractor. Regardless of who undertakes this work, the applicable Township specifications must be met or PennDOT specifications must be met if the work is within the PennDOT right-of-way.
- d. If the property owner fails to bring the property into compliance within the timeframe specified, the Township has the right and ability to undertake and complete the necessary work and bill the property owner for the entire cost of this work. The owner shall have 30 days to pay this bill or enter into a payment agreement with the Township. If payment is not made within the required timeframe, the Township may levy the cost of this work, together with the cost of collection and reasonable administrative charge, on the property owner as a municipal lien.

C. Annual Road Program Inspection:

- a. Approximately 12-14 months prior to the paving of a Township road under the Township's Annual Road Program, an inspection shall be completed of all curbing, curb ramps, sidewalks, paths, trails, driveway aprons, gutters, and swales located within the right-of-way of that road.
- b. This inspection shall be completed by the Township Public Works Superintendent, the Township Engineer, or a Township designee.
- c. The property owner will be notified in writing of any deficient curbing, sidewalk, path, trail, driveway apron, gutter, or swale requiring maintenance/repair/replacement found by the inspection and will be given approximately 12 months to obtain a permit to complete the required work and come into compliance.
- d. It is the property owner's responsibility to obtain a permit and complete the work necessary to come into compliance, either individually or by hiring a contractor. Regardless of who undertakes this work, the applicable Township specifications must be met.
- e. If the property owner fails to bring the property into compliance within the timeframe specified, the Township has the right and ability to undertake and complete the necessary work and bill the property owner for the entire cost of this work. The owner shall have 30 days to pay this bill or enter into a payment agreement with the Township. If payment is not made within the required timeframe, the Township may levy the cost of this work, together with the cost of collection and reasonable administrative charge, on the property owner as a municipal lien.

- D. Emergency Work: If during an inspection of a sidewalk, path, trail, curb, curb ramp, driveway apron, gutter, or swale within the public right-of-way, the Township discovers a condition that poses an immediate and serious danger the public, the property owner shall be notified verbally and in writing, by regular mail and

registered or certified mail, of this condition and that immediate repair of this condition is required.

- a. Compliance shall be completed by the property owner within 48 hours of receipt of written notification from the Township of this condition/deficiency. Weather restrictions or a request in writing may extend the time for compliance, at the discretion of the Township Manager.
- b. It is the property owner's responsibility to obtain a permit and complete the work necessary to come into compliance, either individually or by hiring a contractor. Regardless of who undertakes this work, the applicable Township specifications must be met or PennDOT specifications met if the work is within the PennDOT right-of-way.
- c. If the property owner fails to bring the property into compliance within the timeframe specified, the Township has the right and ability to undertake and complete the necessary work and bill the property owner for the entire cost of this work. The owner shall have 30 days to pay this bill or enter into a payment agreement with the Township. If payment is not made within the required timeframe, the Township may levy the cost of this work, together with the cost of collection and reasonable administrative charge, on the property owner as a municipal lien.

II. Criteria for Replacement of Existing Curb, Curb Ramp, Sidewalk, Path, Trail, Driveway Apron, Gutter, or Swale in Public Rights-of-Way: Any curb, curb ramp, sidewalk, path, trail, driveway apron, gutter, and/or swale that is determined by the Township to be deficient; constitute a hazard; or is nonfunctional shall be replaced. Also, the existence of any of the following deficiencies/characteristics shall be reason for repair or replacement:

- A. Deterioration – Spalling, chipping, damage and/or surface disintegration that covers more than twenty-five percent (25%) of the surface area of that section/block of curb, curb ramp, sidewalk, path, trail, apron, or gutter.
- B. Cracking – Any crack in a section/block of curb, curb ramp, sidewalk, path, trail, driveway apron, or gutter that is a width of one-quarter inch or more at any point along the crack. Any cracks one-quarter inch wide or wider within a bituminous walkway/path/trail shall be filled in with asphalt sealant or rubberized asphalt depending on the width of the crack.
- C. Misalignment – Any section/block of curb out of vertical or horizontal alignment by one inch (1”) or more; or any sidewalk section/block that is tilted in any direction one-half inch (1/2”) or more out of alignment from an adjoining section/block or raised or sunk more than one inch (1”) in twelve inches (12”).
- D. Broken Curb - Where a curb has been broken, snapped off, or capped.. No capping shall be permitted. The Township shall determine if existing Belgian block curb is in

a condition warranting replacement based on the above provisions and other specifications adopted by the Township.

E. Hazard - Any sidewalk/path/trail section/block or driveway apron that is determined to constitute a hazard to pedestrian traffic.

F. Curb Depressions – Any depressions that deviate from the adopted standards by more than one inch (1”).

III. Additional Regulations and Construction Specifications for Replacement: The replacement of any curb, curb ramps, sidewalk, path, trail, driveway apron, gutter, and/or swale shall meet the following standards:

A. All materials, workmanship, and construction shall conform to the applicable Federal, State, and Township statutes, codes, ordinances, standards, rules and regulations. Interpretation as to the applicability of any ordinance or scope of any provision shall rest with the Township. Any variation from these standards shall be made only with the expressed, written approval of the Township Engineer.

B. A monolithic pour that creates two or more of the following out of a single, undivided block of concrete will only be permitted when approved in writing by the Township: a driveway apron, curb, curb ramps, sidewalk, and/or gutter. Such permission shall only be granted where such a pour is required by site-specific conditions of the property and proper engineering will not allow these improvements be created through a non-monolithic pour.

C. Curb depressions shall be built to Township specifications. Any removed depressions shall be replaced with appropriate driveway apron adjustments.

D. All materials for the maintenance, care, repair, refurbishment, and/or replacement of any curb, curb ramp, sidewalk, path, trail, driveway apron, swale, and/or gutter shall be obtained from an approved source listed in the applicable PennDOT bulletins.

E. If the line and grade is needed where curb, curb ramp, sidewalk, path, trail, driveway apron, curb depression, swale, and/or gutter is non-existing, they shall be obtained by the property owner from the Township Engineer.

F. During the excavation, construction, repair, forming, curing, and backfilling of any curb, curb ramp, driveway apron, sidewalk, path, trail, gutter, or swale, the property owner or contractor shall provide, place, and maintain adequate hazard warnings to vehicular and pedestrian traffic by means of a PennDOT Type 1 barricade with lights, reflective cones, caution tape, or similar means.

G. Concrete shall be protected from weather and trespassers for a period of at least 72 hours after final set and shall be kept covered with wet burlap, sisal craft paper, or equal, curing compound, or other approved methods for that period.

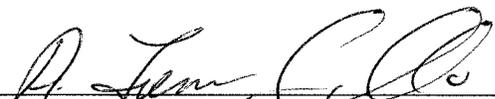
- H. All curb and sidewalk improvements shall provide for surface drainage under the sidewalk and through the curb by replacing pipes in kind or as directed by the Township Engineer in accordance with PennDOT Publication 408.
- I. The property owner shall be responsible for backfilling, compaction, and restoration of all vegetated areas disturbed as a result of the work.
- J. Any alternative repair methods shall be submitted to the Township Engineer for approval and shall be performed by a pre-approved contractor.
- K. Restoration of disturbed pavement shall be the responsibility of the property owner or contractor in accordance with the Township's specifications or PennDOT's Publication 408 where the work is within PennDOT's right-of-way.
- L. The property owner or contractor shall notify the Township at least 48 hours in advance of the pouring of concrete. An inspection is required prior to and during the pouring to approve the subgrade and to inspect the forms. The Township shall also inspect the concrete sealing/curing with Aquaron 2000 or Township-approved equal.

RESOLVED THIS 7th DAY OF NOVEMBER, 2016.

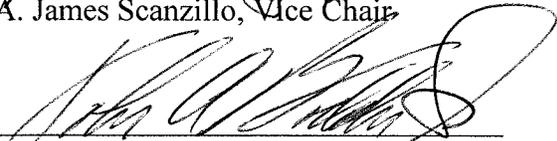
NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS



 William B. Jones, III, Chair



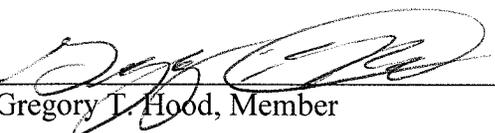
 A. James Scanzillo, Vice Chair



 John A. Boddan, Sr., Member

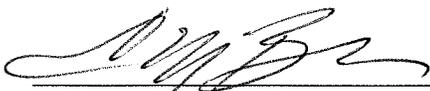


 Helen B. Haun, Member



 Gregory T. Hood, Member

Attest:



 Eileen M. Bradley,
 Manager/Secretary