

BOROUGH OF RICHLAND  
LEBANON COUNTY, PENNSYLVANIA  
ORDINANCE NO. 393

AN ORDINANCE OF THE BOROUGH OF RICHLAND, LEBANON COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS REGARDING THE INSTALLATION AND MAINTENANCE OF CURBS, SIDEWALKS, AND DRIVEWAYS WITHIN THE BOROUGH OF RICHLAND, INCLUDING: A SHORT TITLE; DEFINITIONS; RESPONSIBILITY OF PROPERTY OWNER(S); PERMITS AND FEES; GENERAL REQUIREMENTS; CONSTRUCTION; REPAIR AND REPLACEMENT METHODS AND SPECIFICATIONS; SUPPLEMENTAL REGULATIONS; AUTHORIZATION FOR OTHER CURBS AND SIDEWALKS NOT SPECIFIED HEREIN; MANDATORY RECONSTRUCTION OF CURB AND SIDEWALK; DRIVEWAYS; FAILURE TO COMPLY; VIOLATIONS AND PENALTIES; CUMULATIVE RIGHTS AND REMEDIES; SEVERABILITY AND REPEAL OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE.

BE IT ENACTED by the Borough Council of the Borough of Richland, Lebanon County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same, as follows:

**INSTALLATION AND MAINTENANCE OF SIDEWALKS AND CURBS**

**§ 1. Short Title.**

This Ordinance will be known and hereinafter referred to as the "Richland Borough Curb, Sidewalk, and Driveway Ordinance."

**§ 2. Definitions.**

For the purposes of this ordinance, the following terms shall have meanings ascribed thereto as follows:

**ADA** – The Federal Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*, and regulations adopted implementing such statute.

**BOROUGH** – The Borough of Richland, Lebanon County, Pennsylvania.

**COUNCIL** – The governing body of Richland Borough, Lebanon County, Pennsylvania.

**DRIVEWAY** – Every entrance or exit that is used by vehicular traffic to, or from, properties abutting a public street or road.

**MUTCD** – The Manual of Uniform Traffic Control Devices published by the Federal Highway Administration and adopted by PennDOT.



**PENNDOT** – The Pennsylvania Department of Transportation or any agency successor thereto.

**PENNDOT STANDARDS FOR ROADWAY CONSTRUCTION** – Publication 72M, June 2010 Edition Change #10, dated March 3, 2023. (Note that these standards are continuously updated pending new construction procedures and materials).

- RC-64M – Curbs and Gutters (Sheets 1-2 of 2)
- RC-67M – Curb Ramps and Sidewalks Sheets 1-14 of 14)
- Publication 408 – PennDOT Specifications

**PERSON** – Any individual, association, partnership, public or private corporation, whether for-profit or not-for-profit, trust, estate or other legally recognized entity. Whenever the term “person” is used in connection with any clause providing for the imposition of a fine or penalty or the ordering of the action to comply with the terms of this ordinance, the term “person” shall include the members of an association, partnership or firm and the officers of any public or private corporation, whether for-profit or not-for-profit.

**PROPERTY OWNER(S)** – Any individual, association, partnership, public or private corporation, whether for-profit or not-for-profit, trust, estate or other legally recognized entity owning and responsible for a portion of land, building, or property.

**SURFACE GUTTER** – A depressed flow channel troweled along the top of concrete sidewalk to provide positive drainage for roof-downspouts flowing across sidewalks, concrete curb, and eventually being conveyed into the streets gutter system.

### **§ 3. Responsibility of Property Owner(s).**

The property owner(s) of all lots fronting or abutting upon any public street or alley shall, upon written notice from Council, construct, lay, and set the respective sidewalks and curbs in front of or alongside their respective lots according to the elevations, grade, width, height and slope which are now or hereafter established by the Borough, and of the materials and specifications hereinafter prescribed. Additionally, the property owner(s) of all lots fronting or abutting upon any public street or alley shall maintain in good repair and condition free of hazard, satisfactory to Council or its designee, the respective sidewalks and curbs in front of or alongside their respective lots. Such maintenance shall include the removal of any obstruction caused by the limbs and branches of vegetation adjacent to sidewalks.

### **§ 4. Permit Required; Fees.**

- 1) Prior to the laying, construction, reconstruction or alteration of either curbs or sidewalks by property owner(s), a property owner(s) shall apply for a permit from the Borough to do so according to the regulations set forth herein, together with the appropriate fee as may be established from time to time by resolution. The Borough shall issue the permit if the application conforms to the ordinances of the Borough. No person, whether a property owner(s) or a contractor, shall lay, construct, reconstruct or alter either curbs or sidewalks prior to obtaining a permit.



- 2) The property owner(s) contractor is responsible for notification of all utilities using the Pennsylvania One-Call System and other means as necessary prior to the start of work.

## **§ 5. General Requirements.**

- 1) Location, Line and Grade. Parameters for location, line and grade will be outlined by the Borough where applicable upon request. Curbs and sidewalks shall be constructed in accordance with approved development and/or PennDOT Publication 72M plans and specifications and to lines and grades outlined by the Borough. No curb or sidewalk grade shall adversely impact upon any building foundation.
- 2) Safety. The property owner(s) contractor shall leave the work area clean and neat at the end of each day. The property owner(s) contractor shall place suitable barricades around the work area in such a manner as to protect both pedestrians and vehicular traffic. In the event that work involves the curb and/or apron adjacent to the roadway, such barricades shall be properly lighted during night hours. The property owner(s) contractor shall maintain the work zone in compliance with PennDOT work zone traffic control requirements.
- 3) Obstructions. Where existing structures such as light standards, utility poles, street signage, and fire hydrants are within the limits of curb or sidewalk construction, a rubberized expansion joint, at least one-half inch ( $\frac{1}{2}$ " ) thick, shall be placed completely around said obstruction for the full depth of the concrete. Expansion joint material shall be placed to form a square four inches (4") from each side of the obstruction. No obstruction other than those listed above, shall be permitted to be placed within a sidewalk without additional authorization from the Borough. No structure shall be constructed within the limits of the curb. When obstructions including, but not limited to, railroad ties, concrete gutter and brick crosswalks are encountered during excavation, such obstructions shall be completely removed by the property owner(s) contractor, and the excavated area backfilled and mechanically tamped for compaction. Disturbance to the subgrade area below proposed sidewalk shall be filled with suitable material and mechanically compacted to the satisfaction of the Borough. Tree stumps and roots shall be completely removed by the property owner(s) contractor.
- 4) Downspouts and Rain Gutters. Downspouts may only be placed within the sidewalk and curb along Borough roads when necessary to resolve existing conditions and when specifically approved by the Borough.
  - a) A one inch (1") reveal shall be maintained between the paved street surface and the bottom invert of the downspout pipe protruding through the curb onto the street.
  - b) Trench drains or steel plates shall be utilized to cover the downspouts and rain gutters through the sidewalk area, when less than two inches (2") of concrete cover is provided over top of a rain gutter. The Borough, at their discrepancy, shall have the right to require trench drains or steel plates wherever a downspout or rain gutter passes beneath the sidewalk and concrete curb.



- c) All subsurface rain water conductors and rain gutters shall be placed in a manner that the top of pipe is at least two inches (2") below the top elevation of the concrete curb.
  - d) When installing new concrete sidewalk, downspouts and rain gutters shall not discharge directly onto and across a sidewalk surface, or through a depressed channelized flow line in the sidewalk otherwise known as "surface gutters", creating a non-compliant ADA surface and/or creating a threatening condition during cold seasons, due to snow melt and potential ice.
- 5) **Street Signs.** The property owner(s) contractor is responsible for knowing and marking the location of existing street signs before construction, or reconstruction, begins. Where existing street signs are within the limits of sidewalk construction, a four inch (4") polyvinyl chloride (PVC) pipe sleeve shall be installed by the property owner and/or property owner(s) contractor. This pipe sleeve shall extend the entire depth of the concrete. In addition, the sleeve shall be installed as directed by the Borough to comply with MUTCD standards. The property owner(s) contractor shall contact the Borough in the event of questions about the installation of signs and associated sleeves. In the event that a stop sign or other traffic control sign is involved within the project limits, temporary provisions shall be made to keep such sign erect and visible to motorists. No sign sleeves shall be installed within the limits of the curb. This installation shall not interfere with compliance with the ADA for minimum clear area and minimum vertical clearance.
- 6) **ADA Compliant Curb Ramps.** ADA compliant ramps shall be provided at each intersection corner and driveways other than those classified as "minimum use" per PennDOT. Curb ramps shall be installed in accordance with PennDOT Standards for Roadway Construction, Publication 72M, latest edition, and applicable ADA standards. The Truncated Domes utilized in the ramp construction shall be colonial red in color.
- 7) **Monuments.** No roadway monuments or property corners shall be covered or disturbed by the construction of a sidewalk or curb unless they are appropriately reestablished.
- 8) **Tree Stumps and Roots.** When tree stumps and/or roots are encountered in excavation for curbs or sidewalks, they shall be removed by stump grinder and/or excavation. Grindings shall be completely removed. Spaces adjacent to the sidewalk shall be filled with acceptable material placed in six inch (6") layers and each layer shall be mechanically compacted before the next layer is placed. The final layer of backfill in landscaped areas shall consist of previously stripped or new topsoil placed to meet the final grade. On the street side of the curb, the property owner(s) contractor shall comply with all applicable requirements of the Borough to restore or establish the roadway.
- 9) **Curb and Sidewalk** are required along the public, or private street, frontage of any residential lot or dwelling.



**§ 6. Construction, Repair and Replacement Methods and Specifications.**

**1) Sidewalks.**

- a) Sidewalks shall be made of Class S (3,500 PSI at 28-days) concrete with a minimum width of five feet (5') and constructed in accordance with PennDOT Standards for Roadway Construction, Publication 72M (RC-67M), latest edition, and other associated PennDOT Publication 408 Specifications, latest addition, unless specifically noted otherwise within this ordinance.
  - i) Additional width greater than five feet (5') may be required by Council when deemed necessary based on anticipated pedestrian traffic patterns, trip generators, or existing adjacent streetscape standards.
  - ii) Sidewalks may be four feet (4') in width when passing tree wells or other obstructions, at the Borough's discretion.
- b) All concrete sidewalks shall have a minimum thickness of four inches (4") of concrete and be installed with steel welded wire fabric.
- c) All concrete sidewalks across driveway aprons shall have a minimum thickness of six inches (6") and be installed with steel welded wire fabric.
- d) Excavations for sidewalks shall be made to the required depth and a layer of compacted aggregate stone base not less than four inches (4") thick shall be placed on stable subgrade and thoroughly mechanically compacted, prior to the pouring of the sidewalk.
- e) A grass strip, between the back of concrete curb, and front edge of sidewalk shall be provided to a width of three feet (3') for all new residential construction.
- f) Wherever possible, property owner(s) shall maintain a uniform design for curb and sidewalk replacement within the block. If a grass strip exists between the curb and sidewalk, the grass strip shall be preserved when the sidewalk is replaced, particularly when the majority of sidewalks within a block contain similar grass strips. If a sidewalk without a grass strip is replaced and a majority of sidewalks within the block have a grass strip, a grass strip shall be provided.
- g) Sidewalks shall have a uniform cross slope of no less than 0.5% and no more than two percent (2%) from the back edge of the sidewalk, the front edge of the sidewalk, towards the curb, unless directed otherwise by the Borough. The grass strip between the sidewalk and the curb shall be at a minimum cross-slope of two percent (2%) unless unique scenarios exist and an alternate practice is acceptable to the Borough.
- h) Rubberized expansion joint material, at least one-half inch ( $\frac{1}{2}$ ") thick, shall be placed no more than every twenty (20) linear feet of sidewalk, at the beginning and end of the radius, and at a change in horizontal alignment and property lines.
  - i) If six feet (6') panels are proposed, expansion joints shall be provided at eighteen feet (18') intervals.



- ii) If four feet (4') panels are proposed, expansion joints shall be provided at twenty feet (20') intervals.
- i) Construction joints shall be placed at a maximum distance of five linear feet, or form a square concrete block (i.e. four feet (4') for four feet (4') wide sidewalk, five feet (5') for five feet (5') wide sidewalk, six feet (6') for six feet (6') wide sidewalk). Construction joints may be hand tooled or saw-cut, but must be established to a depth equal to a minimum depth of one inch (1"), or a quarter of the thickness of the concrete slab (whichever is greater).
- j) Where a sidewalk abuts the curb, a building, wall or other permanent structure, a rubberized expansion joint, at least one-half inch ( $\frac{1}{2}$ ") thick, shall be placed between the curb and sidewalk for the full length of such permanent structure or feature.
- k) Concrete sidewalk shall not be installed in a monolithic pour with concrete curb, unless approved by the Borough for unique circumstances. Concrete sidewalk and concrete curb shall be installed separately.
- l) Property owner(s) shall install ADA ramps in accordance with RC-67M standards at any street crossings in new construction or reconstruction projects when required by the Borough; even if one previously did not exist or was non-compliant to current ADA standards.

## 2) Curbs.

- a) Vertical curbs shall be constructed of Class A (3,000 PSI at 28-days) concrete, and constructed in accordance with PennDOT Standards for Roadway Construction, Publication 72M (RC-64M), latest edition, and associated PennDOT Publication 408 specifications, latest edition, unless specifically noted otherwise within this ordinance. Replacement of any existing slant curb shall be consistent with current PennDOT standards.
- b) Any removed, or deteriorated, slate curb shall be replaced with vertical concrete curb per applicable PennDOT standards, and a reveal satisfactory to the Borough, unless the Borough authorizes slate curb to be reinstalled in unique circumstances.
- c) Rubberized expansion joint material, at least one-half inch ( $\frac{1}{2}$ ") thick, shall be placed in curbs at the end of each workday, at the beginning and end of a radius, at a change in horizontal alignment.
- d) Excavations shall be made to the required depth and the material upon which the curb is to be constructed shall be stable and have a layer of 2B crushed stone not less than four inches (4") thick which shall be placed and thoroughly mechanically tamped and compacted, prior to the laying of the curb.
- e) Asphalt removal within the street to accommodate excavation and full depth forming for curb installation shall be parallel to the finished curb and not less than twelve inches (12") nor more than twenty-four inches (24") from the face of the curb and shall be saw-cut in



a straight-line full depth. All material excavated from the street area shall be replaced with PennDOT approved 2A modified stone and mechanically compacted in lifts of six inches (6"). The cross-section and material of the asphalt roadway restoration from the existing, or disturbed cartway edge, to the face of the curb being modified or replaced, shall match the adjacent existing asphalt cross-section.

- f) Prior to installation of wearing course in the vicinity of newly replaced or modified concrete curb, the exiting wearing course of the public roadway should be milled and overlaid one-foot (1') from the saw-cut excavation to eliminate vertical seams. All seams shall be sealed with AC-20 or an approved equal.
- g) A depressed curb shall be constructed across every private residential, maintenance, and minimum use driveway, and shall be installed with steel reinforcement as depicted in the PennDOT RC-64M standard. The curb shall remain at least 1 ½-inches above the finished street surface to accommodate gutter flow unless identified for ADA access, in which cases it will need to be paved flush.
- h) Concrete curb shall not be installed in a monolithic pour with concrete sidewalk, unless approved by the Borough for unique circumstances. Concrete sidewalk and concrete curb shall be installed separately to the specifications listed in this ordinance.

### **3) Brick Sidewalks, or other Alternative Approaches.**

- a) Property owner(s) may install brick paving in place of concrete sidewalk only where directly authorized by Council.
- b) Excavation shall be made to the required depth, and the subgrade compacted to a firm, even surface.
- c) A six-inch (6") layer of 2B stone shall be placed and mechanically compacted, and shall be a width two feet (2') greater than the brick sidewalk width, with the 2B stone base extending one foot (1') beyond either side of the proposed walk.
- d) A two-inch (2") layer of compacted stone dust or sand shall be placed on top of the 2B stone base.
- e) Brick shall be set on the compacted stone dust so that the bricks are oriented perpendicular to the length of the sidewalk, so that the edges do not tend to roll, and shall be brushed with washed sand, then plate tamped.
- f) If other specific methods, manner, or standards of construction are pursued, they shall be presented to, and approved by, the Borough prior to installation.

### **§ 7. Supplemental Regulations.**

- 1) Material Specifications. All materials shall conform to PennDOT Publication 408, latest edition.



- 2) Forms. All forms must be well aligned and fully supported. Within areas where sidewalks have curved alignments, the forms must be smooth with no observable or abrupt changes in direction.
- 3) Finishing. All forms shall be removed within 24-hours after the concrete has been placed and minor defects addressed.
- 4) Curing. Concrete curbs and sidewalks shall be protected from rain with plastic or similar material. Curing compound may be applied to retain moisture in concrete to allow complete hydration of the cement. Plastic, burlap or other types of moisture barrier shall be used to maintain concrete wet during the curing process for at least seven (7) days after pouring if curing compound is not used. No concrete shall be placed when the temperature is below 40°F, or inconsistent with the standards outlined within the applicable sections of PennDOT Publication 408. To help prevent spalling and deterioration of concrete surface from winter damage, a concrete hardener may be applied 28 days after concrete is poured.
- 5) Backfilling and Trench Restoration. After the concrete has cured sufficiently, spaces adjacent to the curb and sidewalk shall be refilled with acceptable material in lifts of not more than six inches (6") in depth. Each layer shall be thoroughly and mechanically compacted to the required elevation on the roadway side of all curbs, backfill shall consist of PennDOT approved 2A modified stone placed and compacted in six-inch (6") layers to within six inches (6") of the existing road surface or as required to match required asphalt restoration. The contractor shall temporarily fill the area with stone until such time as permanent trench restoration is completed. In such circumstances, the contractor may be required to temporarily fill the excavated area with cold patch asphalt if the duration of time between the temporary and permanent restoration of the subject area is anticipated to be in excess of 14-days. All roadway restoration shall conform to Borough standards.
- 6) Scoring and Finishing. Where sidewalk is installed as part of an enhancement area with specific uniform standards established, all sidewalk and curbing shall be installed in accordance with those applicable standards. This may include but not be limited to troweled frame borders, special broom finishes, scoring, etc.
- 7) Concrete Color. Coloring of concrete for curbs and/or sidewalks shall be prohibited unless specifically approved by Council.
- 8) Stamped Decorative Patterned Concrete. Stamped concrete for curbs and/or sidewalks shall be prohibited unless specifically approved by Council.
- 9) Borough Observation. After compacted stone base and all forms have been set and prior to pouring of any concrete, the property owner(s) contractor shall contact the Borough office to schedule an observation. All expenses associated with Borough Observation will be forwarded and paid by the property owner(s). In cases where there is concern regarding the stability of the subgrade soil or substantial disturbance to the subgrade occurs the Borough will request to verify the stability of the subgrade soil prior to placement of stone base. The Borough shall be provided with a minimum 24-hours' prior notice to the on-site expected



concrete delivery time. The property owner(s) contractor shall complete all corrective actions outlined by the Borough representative and if necessary shall notify the Borough that the site is ready for follow-up observation. Notice to the Borough for follow-up observation shall be provided with a minimum 24-hours' prior notice. All required follow-up observations shall be completed prior to the pouring of concrete. Concrete pour tickets from the trucks delivering concrete verifying the concrete mixture shall be made available to the Borough upon request. A final observation shall be completed after concrete has set and cleanup has been completed; if the sidewalk is no longer in current ADA compliance, the Borough may require the sidewalk to be removed, reformed, and re-poured.

**§ 8. Authorization for Other Curbs and Sidewalks.**

Council may, by resolution or by motion, authorize the construction of curbs and sidewalks other than specified herein upon written request from the property owner(s).

**§ 9. Mandatory Reconstruction of Curb and Sidewalk.**

- 1) Prior to public street improvements, including bituminous asphalt overlay, the Borough shall require, upon 90-days' written notification to the property owner(s), that curb and/or sidewalk be replaced when at the sole discretion of the Borough, curb and/or sidewalk does not have a normal life expectancy of more than five (5) years; or has substandard or hazardous conditions; or when the vertical curb does not have a minimum exposed surface or reveal of at least four inches (4"). If, in the opinion of the Borough, milling of the existing street surface can be satisfactorily achieved, the minimum reveal may be reduced to the extent of the proposed milling depth.
  - a) Vertical variations, or changes in level, of one-half inch ( $\frac{1}{2}$ ") or greater within the sidewalk or between slabs of sidewalk and/or curb, is hereby declared a hazard to public safety and shall be corrected in accordance with the specifications contained herein and applicable ADA standards. Vertical variations over one-fourth inch ( $\frac{1}{4}$ ") along accessible routes shall be beveled in accordance with ADA standards. In circumstances where the vertical separation within the sidewalk, or between slabs of sidewalk and/or curb, is less than or equal to one inch (1"), the grinding down of the vertical separation may be permitted in lieu-of replacement, if authorized by the Borough based on the present conditions.
  - b) The Borough shall determine which curbs and sidewalks do not meet the specifications required above, or have substantial spalling, deterioration, or pose public danger or concern, and shall notify the respective property owner(s) of necessary action. However, not receiving notice shall not relieve the property owner(s) from maintaining sidewalk and/or curb on their respective property(ies) in good repair and condition free of hazard.
    - i) In the case of curbing and sidewalk, the Borough at their discretion can require any areas of curb and sidewalk to be replaced by, and at the cost of, the property owner(s), should said curbing or sidewalk pose a dangerous or unsafe condition.



- ii) If more than twenty percent (20%) of any single section of curbing or sidewalk must be replaced, then the curb or sidewalk shall be saw-cut at the contraction joint(s) and the entire section from contraction joint to contraction joint, contraction joint to expansion joint, or expansion joint to expansion joint, be removed and replaced, or as otherwise required by the Borough.
- iii) If more than forty percent (40%) of the entirety of the concrete curb or sidewalk is inadequate or in need of repair along an entire property frontage, then the entire property owner(s) curb and sidewalk along their frontage shall be replaced, or as otherwise required by the Borough.

**§ 10. Driveways.**

- 1) All driveways shall conform with the definitions, standards, and specifications within the Lebanon County Model Access Management Ordinance Summary, pages 70-83 of the Lebanon County Subdivision and Land Development Ordinance, amended by Ordinance #49, December 5, 2013, or any updated or amended version of the County Ordinance; unless a waiver/modification is authorized by the Borough.
- 2) Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at any driveway entry. The Borough may require an applicant to grade adequate roadside drainage facilities, or install appropriate pipes at driveway crossings, at the Borough's discretion.
- 3) Driveway access shall be provided to the street of lesser classification when there is more than one (1) street classification involved.
- 4) Any new or proposed driveway shall be setback at least five feet (5') from a utility pole or hydrant.
- 5) Driveways, parking, and maneuvering areas must be located at least two feet (2') from any side and rear lot line.
- 6) Driveway entrances shall have the outside edge raised one and one-half inches (1-1/2") above the flow line of the gutter. Driveway entrances shall have a straight slope from the outside edge to the prescribed outside sidewalk edge and shall have a sidewalk surface of the same grade in width prescribed for sidewalks.
- 7) Where a development abuts an existing arterial or collector street, the Borough may require the use of shared access driveways between adjacent lots or uses in order to reduce the number of driveways connecting to such streets.
- 8) A driveway utilized for business purposes, or a shared residential driveway, shall be located and constructed so that a clear sight triangle of at least fifty feet (50'), as measured along the street center line, and five feet (5') along the driveway center line, is maintained; no permanent obstructions and/or plant materials over thirty inches (30") shall be placed in this area.



- a) Any single residential driveway shall be located and constructed so that a clear sight triangle of at least twenty-five feet (25') can be maintained to the standards above.
- 9) Driveway intersections with a state route or road shall be subject to the approval of PennDOT. The applicant shall include Township comments with the submission of a PennDOT highway permit.
- 10) No person, owner and/or contractor shall install, initiate any work, or allow the installation or initiation of any work toward the installation of a driveway without first obtaining a permit from the Borough.
- 11) All driveways shall be constructed in a manner that prevents mud, stones, or other debris from being deposited within the right-of-way of any public or private street. If deemed necessary by the Borough, the Borough may require at their discretion, that any section of driveway within the public right-of-way is at paved to public roadway cross-section standard, driveways are paved, installed with a concrete surface or alternative approach, and/or require any necessary additional measures to be implemented to prevent roadway hazards on any public or private street.
- 12) Driveways constructed within Borough right-of-way shall not be finalized or paved, until the Borough public works, or other Borough representative, have inspected and approved the area.
- 13) No vehicle shall at any time be parked in front of any private garage or driveway, or within a private driveway to impede or prohibit use.

#### **§ 11. Failure to Comply.**

Whenever the property owner(s) of any property in the Borough shall fail to comply with any of these requirements, Council may cause notice to be served upon such property owner(s), their agent or tenant, in the manner prescribed by law, setting forth specifically in what respect such property owner(s) have failed to comply with any of the above requirements and what work such property owner(s) are required to do in order to effect such compliance. In the event of the failure or neglect of any such property owner(s) to comply with the terms and conditions of such notice within twenty (20) days from the date of service of such notice in the case of new work, or within ten (10) days from the date of service thereof in the case of repair work, Council may cause such work to be done at the cost of the property owner(s) of such property, and the cost thereof and ten percent (10%) additional, together with all charges and expenses, including but not limited to attorneys' fees, shall be collected from such property owner(s) by the Borough, which may file a municipal claim therefor and/or collect the same by a civil action, as Council may direct.

#### **§ 12. Violations and Penalties.**

Any person who shall violate a provision or who shall fail to comply with any of the requirements thereof shall be liable upon summary conviction therefor to fines and penalties of not less than Three Hundred Dollars (\$300) nor more than One Thousand Dollars (\$1,000) plus all costs of prosecution, which fines and penalties may be collected as provided by law. All fines and



penalties collected for violation shall be paid over to the Borough Treasurer. Each day that a violation continues and each section which is violated shall be deemed a continuing violation and separate offense. This Ordinance may also be enforced by an action in equity brought in the Lebanon County Court of Common Pleas.

**§ 13. Cumulative Rights and Remedies.**

The Borough's rights and remedies under this Ordinance and as otherwise provided by law shall be cumulative, and the pursuit of one shall not be deemed to preclude the subsequent pursuit of any other right or remedy.

**§ 14. Severability.**

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Borough that such Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

**§ 15. Repeal of Inconsistent Ordinances.**

All ordinances or parts of ordinances of this Borough which are inconsistent herewith are hereby repealed.

**§ 16. Effective Date.**

This Ordinance shall become effective at the earliest date permitted by law following the date of its enactment.

**ORDAINED** and **ENACTED** as an Ordinance by the Borough Council of the Borough of Richland, Lebanon County, Pennsylvania, in lawful session, duly assembled, this 10<sup>th</sup> day of October, 2023.

**BOROUGH OF RICHLAND**  
**Lebanon County, Pennsylvania**

By: \_\_\_\_\_

Council (Vice) President

Attest:

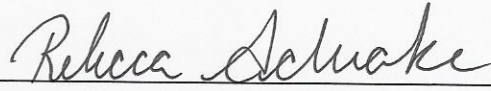
Rebecca Schnoke  
Rebecca Schnoke, Secretary



## MUNICIPAL CERTIFICATION

I, Rebecca Schnoke, Secretary, of the Borough of Richland, Lebanon County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 393 was advertised in the *Lebanon Daily News*, a daily newspaper of general circulation in the Borough of Richland and was duly enacted and approved as set forth at a regular meeting of the Borough Council held on the 10<sup>th</sup> day of October, 2023.

[SEAL]



Rebecca Schnoke, Secretary