

ORDINANCE NO. 247-25

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AMENDING SECTION 1, SUBSECTION C, OF ORDINANCE NO. 359, AS CODIFIED AT ARTICLE III ENTITLED "CONSTRUCTION STANDARDS FOR CURBS AND SIDEWALKS", SECTION 247-12, SUBSECTION C OF THE BOROUGH OF FLEETWOOD CODE OF ORDINANCES, TO AMEND THE DEFINITION OF "SIDEWALK AREA"

This Ordinance supplements and amends in part Ordinance No. 359 dated April 21, 1972, last amended by Ordinance No. 377 dated August 20, 1973, regulating: grading of sidewalk areas; construction and repair of curbs, sidewalks, driveway entrances and retaining walls; planting trees and shrubbery in or near sidewalk areas; openings or excavations in or under the streets, alleys and sidewalk areas; storage or depositing of materials on streets, alleys and sidewalk areas; and placement of signs, barriers and lights.

**BE IT ORDAINED** and **ENACTED** by the Borough Council of the Borough of Fleetwood, in the County of Berks and Commonwealth of Pennsylvania, and it is hereby **ORDAINED** and **ENACTED** by the authority of the same, in accordance with the provisions of the Act of the Assembly of the Commonwealth of Pennsylvania, as follows.

**SECTION 1:** Section 1, Subsection c of Ordinance No. 359, as codified at Article III entitled "Construction Standards for Curbs and Sidewalks", Section 247-12, Subsection C of the Borough of Fleetwood Code of Ordinances, is hereby amended to amend the definition of "sidewalk area", as follows:

C. Any person, firm or corporation desiring to grade any sidewalk area (which is defined as the area located between the curblines and the actual building face as exists as of the time of commencement of work related to grading, construction or repair of any sidewalk, curb, driveway entrance, or front or rear retaining wall), shall first obtain a permit therefor from the Borough Secretary, said permit to be issued by said Borough Secretary only after the following conditions have been satisfied: (1) the filing of a written application with said Borough Secretary upon such form as is approved by the Borough Council by resolution, setting forth the location, purpose and detailed description of the improvement; (2) the approval of said application by the Borough Engineer or Inspector; (3) the payment of a permit fee of \$2 to the Borough Secretary at the time of filing application, which fee shall be the total fee regardless of the number of improvements set forth in the

application; and (4) in all cases of new construction of any curb or of resetting any curb in excess of 10 feet in length, and in the case of any other type improvement when requested by the applicant, the Borough Engineer shall furnish applicant with necessary lines and/or grades, the cost of which shall be paid for by the applicant by depositing the amount of \$30 with the Borough Secretary at the time of filing the application, and any difference in cost above or below the amount of the deposit shall be paid by or returned to the applicant at time of issuance of permit. If an application is made for a permit for a type of improvement for which said deposit is not required, but the Borough Engineer or Building Inspector considers it necessary nevertheless to furnish lines and/or grades, the Engineer shall furnish such lines and/or grades and the cost thereof shall be paid by the applicant at the time of issuance of permit or renewal thereof. A permit shall be effective for a period of 90 days from date of issuance, and may, prior to expiration of the original or renewal period be renewed by the Borough Secretary, for a period of 90 days upon the application and payment of \$2 for each 90 days by the person, firm, or corporation to whom the original permit was issued.

**SECTION 2:** All ordinances or parts of ordinances inconsistent herewith shall be and the same are hereby repealed but only insofar as they conflict and are inconsistent with the provisions of this Ordinance.


**SECTION 3.** If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Ordinance is for any reason declared to be illegal, unconstitutional, or invalid by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of the within Ordinance. The Borough hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional, or invalid.

**SECTION 4.** This Ordinance shall become effective at the earliest date permitted by law.

ORDAINED and ENACTED by the Borough Council of the Borough of Fleetwood in lawful session duly assembles this 10<sup>th</sup> day of August, 2015.

BOROUGH OF FLEETWOOD  
Berks County, Pennsylvania

Attest:

  
\_\_\_\_\_  
Colin Boyer, Secretary

By:   
\_\_\_\_\_  
Suzanne Touch, President

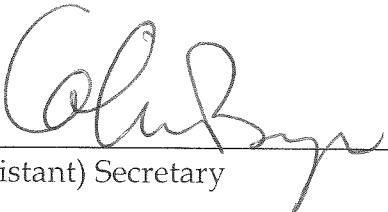
APPROVED this 10<sup>th</sup> day of August, 2015

  
\_\_\_\_\_  
Tammy Gore, Mayor

MUNICIPAL CERTIFICATION

I, Colin Boyer, (Assistant) Secretary of the Borough of Fleetwood, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 247-25 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Borough of Fleetwood, on Friday, July 31, 2015, and was duly enacted and approved as set forth at a Regular Meeting of the Borough Council held on August 10,, 2015.

[SEAL]

  
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(Assistant) Secretary