



BOROUGH OF TARENTUM

Allegheny County, Pennsylvania

ORDINANCE #26-08



AN ORDINANCE OF THE BOROUGH OF TARENTUM, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 216, STREETS AND SIDEWALKS, TO CLARIFY RESPONSIBILITY FOR CURB AND SIDEWALK WORK; DISTINGUISH VEHICULAR CURB CUTS FROM ORDINARY CURB REPAIR; ESTABLISH PERMIT, CONSTRUCTION, INSPECTION, NOTICE, AND COST-RECOVERY PROCEDURES; CLARIFY THE APPLICATION OF STREET-OPENING PERMITS; AND PROVIDE FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.

WHEREAS, 8 Pa.C.S. § 1801 authorizes a borough, by ordinance, to require owners of property abutting a street to construct and keep sidewalks and curbs in repair and in a safe and usable condition under specifications prescribed by Council; and

WHEREAS, 8 Pa.C.S. § 1804 authorizes a borough to pay all or part of the cost and expense of grading and curbing a sidewalk; and

WHEREAS, 8 Pa.C.S. §§ 1805 and 1806 authorize a borough, following the applicable notice and procedures, to perform certain work and recover the authorized costs; and

WHEREAS, the Borough desires to reconcile and clarify the provisions of Chapter 216 governing curb cuts, sidewalks, curbs, and street openings so that property owners and Borough personnel may apply one consistent process.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Tarentum as follows:

SECTION 1. Article I Amended and Restated

The title of Article I of Chapter 216 is amended to read "Vehicular Curb Cuts," and §§ 216-1 through 216-3 are amended and restated in their entirety as follows:

ARTICLE I. VEHICULAR CURB CUTS

§ 216-1. Scope; permit and approval required.

- F. No person shall cut, lower, chip, break, remove, or otherwise alter any curb located along a public street or alley for the purpose of creating, widening, relocating, modifying, or abandoning a driveway or other vehicular means of ingress or egress except in accordance with this article.
- G. This article applies to curb alterations for vehicular ingress and egress. Ordinary curb construction, reconstruction, replacement, repair, or maintenance associated with sidewalk work is governed by Article III. Excavation into a cartway, subsurface facility, or drainage structure is also subject to Article IV when applicable.
- H. When work is subject to more than one article of this chapter or another applicable ordinance or law, the applicant shall obtain every required approval before work begins.

§ 216-2. Application; approval; performance of work; costs.

- I. **Application.** The property owner shall submit a written application to the Borough Manager on a form supplied by the Borough. The application shall include the location, dimensions, purpose, proposed construction details, effect on drainage and pedestrian travel, identity of the proposed contractor, and any other information reasonably required



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by the Borough Manager, Public Works Director, Borough Engineer, Code Enforcement Officer, or Chief of Police.

- J. **Council approval.** After administrative and engineering review, the Borough Manager shall transmit the application and staff recommendation to Borough Council. Council may approve, deny, or impose reasonable conditions upon the application to protect pedestrian and vehicular safety, drainage, utilities, public improvements, and the public right-of-way.
- K. **Costs and deposit.** The applicant shall pay all permit, engineering, inspection, labor, material, equipment, restoration, and administrative costs arising from the work. Before approval or commencement, the applicant shall deposit with the Borough an amount estimated to be sufficient to cover Borough costs. Any unused balance shall be refunded after final acceptance; any deficiency shall be paid upon demand.
- L. **Performance of work.** At Council's direction, the work may be performed by Borough forces at the applicant's expense or by a qualified contractor approved by the Borough and working under Borough inspection. The applicant shall provide insurance, bonds, traffic controls, and other protections required by the Borough based on the nature of the work.
- M. **Restoration after discontinued use.** When an approved driveway or vehicular access ceases to be used or is abandoned, the property owner shall, at the owner's expense, restore the curb and sidewalk in accordance with Article III and the standards then in effect, unless Council approves another disposition.
- N. **Other approvals preserved.** Approval under this article does not replace any zoning, building, accessibility, PennDOT, utility, stormwater, street-opening, or other approval required by law.

§ 216-3. Violations; remedies and penalties.

- O. A person who violates this article may be cited and, upon conviction, sentenced to pay a fine not exceeding \$600, together with costs. Each day a violation continues and each separate unauthorized curb alteration may constitute a separate offense.
- P. In addition to any fine, the Borough may issue a stop-work order, revoke an approval, require restoration, perform work when authorized by law, recover its costs from the responsible person, and pursue any cumulative remedy available at law or in equity.

SECTION 2. Title of Article III Amended

The title of Article III of Chapter 216 is amended from "Sidewalks" to "Curbs and Sidewalks."

SECTION 3. Sections 216-10 Through 216-13 Amended; Section 216-11.1 Added

Sections 216-10 through 216-13 are amended and restated in their entirety, and a new § 216-11.1 is added, as follows:

ARTICLE III. CURBS AND SIDEWALKS

§ 216-10. Responsibility for construction, repair, and maintenance.

- Q. Except as otherwise provided by law or by an authorized action of Borough Council, every owner of a lot abutting a public street shall, at the owner's expense, grade, construct,



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reconstruct, drain, pave, repave, repair, replace, and maintain the sidewalk and curb adjoining the property in a safe, passable, structurally sound, and usable condition.

- R. The duty established by this section applies to ordinary deterioration, settlement, displacement, cracking, spalling, drainage defects, unsafe changes in elevation, and other conditions requiring construction, replacement, repair, or maintenance.
- S. Nothing in this article limits Council's authority under 8 Pa.C.S. § 1804 or other applicable law to pay all or part of eligible work through a duly authorized capital project, streetscape project, accessibility project, emergency action, cost-sharing program, or other public improvement.
- T. A person, utility, contractor, or entity that damages a curb or sidewalk remains responsible to the extent provided by law, permit, franchise, contract, or agreement. This article does not eliminate any right of an owner or the Borough to recover from a responsible third party.
- U. This article allocates responsibility and costs under Borough law but shall not be construed to transfer, waive, or eliminate any duty imposed upon the Borough or another person by controlling federal or state law.

§ 216-11. Construction and reconstruction standards.

- V. All new, reconstructed, replaced, or repaired curbs and sidewalks shall conform to the Borough Standard Curb and Sidewalk Details, specifications, and approved grades adopted by Council by resolution, as amended from time to time, and to any written direction issued for the specific site by the Borough Engineer or authorized Borough representative.
- W. Curbs and sidewalks shall be designed, constructed, and inspected as a coordinated system so that grades, drainage, transitions, structural support, and pedestrian travel function properly. The Borough Engineer or authorized representative shall determine whether the work may be placed monolithically or shall be separated by an approved joint.
- X. Work shall comply with all applicable federal and state accessibility, highway-occupancy, building, work-zone, and public-right-of-way requirements. Where a state highway is involved, the owner shall obtain all approvals required by the Pennsylvania Department of Transportation.
- Y. No work shall obstruct or redirect lawful drainage, impair a utility, create a tripping hazard, narrow an accessible pedestrian route below the applicable standard, or interfere with the safe use of the street or sidewalk.
- Z. Alternative materials or designs may be approved in writing by the Borough Engineer when they provide equal or better safety, durability, drainage, and accessibility and are not prohibited by other applicable law.

§ 216-11.1. Permit; notice of work; inspections.

- AA. **Permit required.** Except for work performed directly by the Borough or emergency work expressly authorized by law, no person shall construct, reconstruct, remove, replace, repair, or materially alter a curb or sidewalk without first obtaining a curb and sidewalk permit from the Borough Manager or authorized designee.
- BB. **Application.** The application shall identify the property owner, contractor, location and scope of work, proposed materials and construction method, anticipated schedule, and any



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information reasonably required to review grades, drainage, utilities, accessibility, traffic control, and restoration.

CC. **Fees and security.** The applicant shall pay the permit and inspection fees established by Council by resolution. Based on the scope and risk of the work, the Borough may require insurance, a bond, a cash deposit, or other reasonable security to assure completion and restoration.

DD. **Notice before placement.** The permittee shall provide the Borough at least two business days' notice before setting final forms or placing concrete or other approved material, unless the Borough waives or shortens the notice in writing.

EE. **Inspections.** The Borough may inspect subgrade, forms, reinforcement, joints, grades, drainage, transitions, and completed work. No material shall be placed until any required pre-placement inspection is approved. Work placed without a required inspection may be ordered exposed, tested, removed, or reconstructed at the owner's expense.

FF. **Final acceptance.** Completion of an inspection or issuance of an approval does not relieve the owner, permittee, or contractor from responsibility for compliance, latent defects, settlement, damage, or failure within any warranty or responsibility period established by the permit, security, or applicable law.

§ 216-12. Existing defective curbs and sidewalks.

GG. Any existing curb or sidewalk, regardless of material, that has become defective, unsafe, impassable, structurally unsound, or inconsistent with an applicable accessibility requirement shall be repaired or reconstructed as directed by the Borough in accordance with §§ 216-10 and 216-11.

HH. The Borough may require replacement of a full slab, panel, curb segment, or other reasonable construction unit when a partial repair would be unsafe, structurally inadequate, incompatible with approved grades or drainage, or unlikely to provide a durable repair.

§ 216-13. Inspections; notice; Borough work; recovery of costs; emergencies.

II. **Inspections.** The Borough may conduct periodic or complaint-based inspections of curbs and sidewalks and may document any condition requiring correction.

JJ. **Ordinary notice.** When correction is required through the ordinary enforcement and cost-recovery process, written notice shall identify the property, describe the condition and required work, and allow not less than 30 days for completion. Notice shall be served in the manner required by 8 Pa.C.S. § 1805(b), as amended, and any other applicable law.

KK. **Extensions.** Before the compliance period expires, the Borough Manager may grant a written extension for good cause when the owner is acting diligently and the extension will not create an unreasonable danger or obstruction. An extension may include temporary safety measures and a firm completion date.

LL. **Failure to comply.** If the owner fails to complete the required work within the notice period or an approved extension, the Borough may perform or contract for the work. The Borough may recover from the owner the cost of the work, an additional 10% of the cost, and all authorized charges and expenses, and may file a municipal claim or collect the amount by civil action or any other remedy authorized by law.



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MM. **Emergency repairs under the Borough Code.** When an inspection and certificate establish the conditions for emergency repair under 8 Pa.C.S. § 1806, as amended, the Borough may serve a 48-hour notice and, upon noncompliance, perform the authorized emergency repair and recover the cost in the manner provided by that statute. Nothing in this subsection limits temporary protective action or another remedy authorized by applicable law.

NN. **Cumulative enforcement.** The remedies in this section are cumulative and do not prevent issuance of a notice of violation or citation under § 216-19, a stop-work order, injunctive relief, or any other remedy available to the Borough.

SECTION 4. Section 216-22 Amended

Section 216-22 of Article IV is amended by adding a new Subsection E as follows:

§ 216-22. Permit required.

OO. **Routine curb and sidewalk work.** Work governed by Article III that remains outside the cartway and does not involve excavation of a subsurface utility, public drainage structure, pavement, or roadway base does not require a street-opening permit under this article but does require the curb and sidewalk permit established by § 216-11.1. If the work enters or affects any of those facilities, both articles apply unless the Borough issues a combined permit expressly satisfying both articles.

SECTION 5. Section 216-23 Amended

Section 216-23 of Article IV is amended by adding a new Subsection F as follows:

§ 216-23. Permit fees.

PP. **Curb and sidewalk permit fee.** Work exempt from a street-opening permit under § 216-22E is subject only to the curb and sidewalk permit and fees established under § 216-11.1. When both permits are required, Council may establish a combined application and fee schedule by resolution.



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SECTION 6. Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed separate, distinct, and independent, and the holding shall not affect the validity of the remaining portions.

SECTION 7. Repealer

All ordinances or parts of ordinances inconsistent with this ordinance are repealed to the extent of the inconsistency. All provisions of Chapter 216 not amended by this ordinance remain in full force and effect.

SECTION 8. Effective Date

This Ordinance shall take effect at the earliest date permitted by law.

IN WITNESS WHEREOF, this Ordinance is duly Ordained and Enacted by the Council of the Borough of Tarentum at a public meeting held this ____ day of _____, 2026.

ATTEST:

BOROUGH OF TARENTUM

Dwight D. Boddorf, Borough Manager

Scott Dadowski, President Council

EXAMINED AND APPROVED by me this ____ day of _____, 2026.

Eric Dee, Esq., Solicitor

Bob Lang, Mayor