

ORDINANCE # 2026-02

**AN ORDINANCE OF THE BOROUGH OF MILLERSTOWN, PERRY COUNTY,  
PENNSYLVANIA, GOVERNING THE MAINTENANCE OF AND RESPONSIBILITY  
FOR SIDEWALKS AND PRESCRIBING PENALTIES AND VIOLATIONS.**

**SECTION 1.        SIDEWALKS**

1.01        Definitions

- a.        "Sidewalk" means an improved area of concrete designed for pedestrian traffic and located upon the public boulevards within the dedicated right-of-way of the Borough of Millerstown.
- b.        "Existing Sidewalk" means sidewalks which are presently in place even though they do not conform to the specifications herein provided for.
- c.        "Person(s)" means any natural person, firm, corporation, partnership organization or legal entity whatsoever, including such entities that are acting through employees, servants, agents or others.

1.02        The Borough Council declares that the retention, repair and replacement of existing sidewalks within the Borough of Millerstown is in the public interest and that as far as possible the existing sidewalk system should be maintained, repaired and replaced, except in such circumstances where the Council determines it is unnecessary, unfair or not in the public interest to continue the sidewalk system.

1.03        Any sidewalk within the Borough of Millerstown which is determined to be deteriorated or otherwise in a condition unsafe or unfit for use shall be remedied by replacement or repair according to the specifications adopted by the Borough Council.

1.04        No person shall encumber or obstruct any sidewalk within the Borough of Millerstown, and it shall be unlawful to place building materials, excavation materials or other debris on any sidewalk.

1.05        Every owner of property in the Borough shall, on sixty (60) days notice, repair the sidewalk or curbing, or both, in the manner stipulated in such notice, in front of or alongside such property. If the sixty (60) days

concludes after November 15, then said repairs shall be made on or before April 30 of the following year or said notice.

- 1.06 Any property owner, upon his own initiative and without notice from any borough authority, may repair a sidewalk or curbing along his property, provided that such owner shall have obtained the permits specified in this Ordinance and shall do such repairs in accordance with the requirements of this Ordinance.
- 1.07 A permit shall be obtained from the Borough Engineer before doing any repairs or maintenance required. Application for the permit shall be made in accordance with the following rules and regulations:
- a. The applicant shall submit three (3) copies of the application and three (3) copies of the information requested on the form of application to the Borough Engineer.
  - b. An application fee, in accordance with the Fee Schedule as approved by Borough Council and on file in the Borough office, shall be submitted with the application to the Borough Engineer.
  - c. The Borough Engineer shall inspect the application and work to determine the degree of compliance to the regulations governing the work.
  - d. The Borough Engineer shall act upon such application within thirty (30) days of receipt of a complete application.
- 1.08 The cost of installation, maintenance and repair of sidewalks within the Borough of Millerstown shall be the responsibility of the abutting property owner. Such installation, maintenance and repair may be undertaken by such property owner, privately or through privately retained contractors, provided such installation, maintenance and repair is in strict conformity with the specifications adopted by the Borough Council, and during the course of such installation, maintenance and repair, the Street Committee or designee inspects and supervises such installation to insure conformity with the specifications. The Borough Council shall have the authority to install sidewalks and to assess the costs as to the property owner. The Borough Council shall have the authority to expend Borough funds towards the installation, maintenance and repair of sidewalks in

circumstances as the Borough Council determine fairness and justice requires in the sole and exclusive discretion of the Borough Council.

1.09 No person shall remove, deface, damage, destroy or otherwise alter the condition of any sidewalk within the Borough of Millerstown without the express written authorization of the Borough Council of the Borough of Millerstown. Any damage or destruction which is occasioned by any party whether it be accidental or otherwise shall be repaired or replaced immediately by the abutting property owner at their expense. If the damage or destruction was occasioned by the actions of a person other than the abutting property owner, such abutting property owner shall have the right to recover the cost of repair or replacement from the responsible person according to the general principles of law as made and provided, but such actions of third persons shall not alleviate the abutting owner of the responsibility to maintain, replace or repair damaged, destroyed or defective sidewalks.

1.10 No person shall use a sidewalk for any purpose other than pedestrian and bicycle traffic. The use of a motor scooter, motorcycle or other motor vehicle is strictly prohibited. Small children using tricycles or other small wheeled toys shall be permitted provided such items are not left unattended upon the sidewalk and further provided such children are supervised by their parent or guardian. No person shall leave, store or maintain any objects of any type whatsoever upon any sidewalk within the Borough of Millerstown without Borough Council permission. Skateboarding on sidewalks is prohibited. Bicycles are permitted on all public sidewalks except in those areas where they are expressly prohibited. Bicycles should yield to pedestrians in all areas. Vehicles are not permitted to park on sidewalks within the borough with the exception of emergency vehicles.

## **SECTION 2.**      Violations and Penalties

2.01      **Enforcement Notice.**      If it appears to the Codes Enforcement Officer that a violation of this Ordinance exists, the Codes Enforcement Officer shall send an

enforcement notice to the owner of record of the lot on which the violation has occurred.

- 2.02 **Borough to act at expense of property owner.** Upon failure of any owner of property in the Borough to repair any curb or sidewalk after notice has been given in accordance with this Ordinance, the borough may cause the necessary repairs to be done at the expense of said owner and may collect the cost thereof and all additional charges, expenses and penalties as authorized.
- 2.02 **Enforcement Action.** If the enforcement notice is not complied with promptly, the Codes Enforcement Officer shall institute in the name of the Borough any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use.
- 2.03 **Penalties.** Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Ordinance shall, upon being found liable for such violation in a civil enforcement proceeding commenced by the Borough, pay a judgement of not more than five hundred (\$500.00) dollars plus all Court costs, including the reasonable attorneys' fees incurred by the Borough as a result thereof. No judgement shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgement, the Borough may enforce the judgement pursuant to the applicable rules of civil procedure. Each day that a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5<sup>th</sup>) day following the date of the determination of a violation by the Magisterial District Judge, and thereafter each day that a violation continues shall constitute a separate violation. All judgements, costs and reasonable attorneys' fees collected for the violation of this Ordinance shall be paid over to the Borough for the general use of the Borough. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than

the Borough the right to commence any action for enforcement pursuant to this Section.

2.04 **Other Actions.** The imposition of the penalties herein prescribed shall not preclude the Borough Solicitor from instituting appropriate action to prevent unlawful use or construction or to restrain, correct or abate a violation or to prevent illegal use or occupancy.

Section 3. All Ordinances or parts of Ordinance inconsistent herewith being the same are repealed.

**ENACTED AND ORDAINED** this 4<sup>th</sup> day of May, 2026.

Borough of Millerstown

BY: *Pat J. Spina*  
Council President

ATTEST: *Karen Kull*  
Borough Secretary

**APPROVED** this 4<sup>th</sup> day of May, 2026.

*John P. Kern*  
Mayor