

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 60

Session of
1983

INTRODUCED BY FRYER, A. C. FOSTER, JR., LEVI, NAHILL, GAMBLE,
PRESTON, MORRIS AND MARMION, JANUARY 26, 1983

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 26, 1983

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An
2 act concerning townships of the second class; and amending,
3 revising, consolidating, and changing the law relating
4 thereto," further providing for paving and curbing sidewalks.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 1402(b) of the act of May 1, 1933
8 (P.L.103, No.69), known as The Second Class Township Code,
9 reenacted and amended July 10, 1947 (P.L.1481, No.567) and
10 amended November 10, 1965 (P.L.709, No.339), is amended to read:

11 Section 1402. Construction of Sidewalks or Sidewalks and
12 Curbs Upon Petition of Property Owners or Pursuant to
13 Ordinance.--* * *

14 (b) [The township supervisors may also construct sidewalks
15 and curbs of suitable material along the roads or highways in
16 such townships pursuant to an ordinance authorizing such
17 construction. All reconstruction, repaving and recurbing may be
18 provided for in the ordinance providing for the original

1 construction, paving and curbing, without the necessity for
2 adopting a new ordinance for such reconstruction, repaving and
3 recurbing. Whenever any sidewalks or curbs are constructed by
4 the supervisors pursuant to such ordinance, the expense of the
5 construction of such sidewalks or curbs shall be paid by the
6 abutting property owners in proportion to their frontage, but in
7 no such instance shall any abutting property owner be liable for
8 the construction of such sidewalk in an amount greater than ten
9 percent, nor for the construction of such curb in an amount
10 greater than ten percent, of the assessed valuation of the
11 abutting property owned by him. Any expense above such maximum
12 liability of abutting property owners shall be paid by the
13 townships. If abutting property owners fail to so pay the
14 expenses of the construction of such sidewalks or curbs for
15 which they are liable, the township supervisors may recover the
16 amount by action of assumpsit or may file municipal liens
17 therefor against the abutting properties in the manner provided
18 by law for the filing and collection of municipal liens.]
19 Townships may, upon such notice as may be provided by ordinance,
20 require owners of property abutting on any street, including
21 State highways and county roads, to construct, pave, curb,
22 repave and recurb the sidewalks along such property with such
23 materials, at such grades and under such regulations as may be
24 prescribed by ordinance, and upon failure of such owners to
25 comply with such notice, or without notice to the property
26 owners as above provided, the townships shall in either case
27 have power to cause the same to be done by the township, and to
28 levy and collect the cost thereof from such owners of property
29 abutting such sidewalk. All reconstruction, repaving and
30 recurling may be provided for in the ordinance providing for the

1 original construction, paving and curbing, without the necessity
2 for adopting a new ordinance providing for such reconstruction,
3 repaving and recurbing.

4 (b.1) The cost of any such grading, paving, curbing,
5 repaving and recurbing shall be a lien upon the premises from
6 the time of the commencement of the work, which date shall be
7 fixed by the township engineer and shall be filed with the
8 township secretary. Any such lien may be collected by action in
9 assumpsit or by lien filed in the manner provided by law for the
10 filing and collection of municipal claims.

11 (b.2) The cost of any such paving, curbing, repaving and
12 recurbing may, in any case, be borne in whole or in part by the
13 township.

14 (b.3) No sidewalks shall be established and constructed upon
15 any State highway without the consent of the Department of
16 Transportation or upon any county road without the consent of
17 the county commissioners.

18 Section 2. This act shall take effect immediately.