

UPPER GWYNEDD TOWNSHIP MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2022-01

**AN ORDINANCE AMENDING THE CODE OF UPPER GWYNEDD
TOWNSHIP AT CHAPTER 168 – “SUBDIVISION AND LAND
DEVELOPMENT,” AT SECTION 23 – “SIDEWALKS”**

WHEREAS, the Township of Upper Gwynedd is a duly organized Township of the first class, existing and operating in accordance with the laws of the Commonwealth of Pennsylvania; and

WHEREAS, pursuant to Section 56502 of the First Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §56502, the Board of Commissioners is empowered to adopt resolutions and ordinances prescribing the manner in which powers of the Township shall be carried out; and

WHEREAS, the Board of Commissioners has determined that Chapter 168 – “Subdivision and Land Development,” should be amended at Section 23 – “Sidewalks,” in the best interests of the maintenance of peace, good government, health and welfare of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED THAT:

Section 1. The Upper Gwynedd Township Code of Ordinances is hereby amended at Chapter 168 – “Subdivision and Land Development,” at Section 23 – “Sidewalks,” which shall read as follows, with the underlined portion of the code indicating the added text:

- A. Sidewalks shall be provided where required, except where, in the opinion of the Board of Commissioners, they are not necessary for public safety and convenience.
- B. When provided, sidewalks shall be constructed with a six-inch crushed aggregate base of concrete with a minimum twenty-eight-day strength of 3,000 pounds per square inch, with a minimum width of four feet and a thickness of four inches, except at driveway crossings, when the sidewalk thickness shall be increased to six inches and reinforced with six inches by six inches of wire mesh. Where a sidewalk abuts the curb, a building, wall or other permanent structure, a premolded expansion joint 1/2 inch in thickness shall be placed between the curb and structure for the full length of such permanent structure. Sidewalks shall be constructed in separate slabs 30 feet in length, except for closures. The slab between expansion joints shall be divided into blocks five feet in length by scoring transversely.
- C. Sidewalks shall be constructed so as to discharge drainage into the road, the grade of which shall not be less than 1/4 inch per foot.
- D. Sidewalks shall be cured in accordance with Pennsylvania Department of Transportation Specifications, Publication 408, latest edition.

E. The Board of Commissioners, in the exercise of its sole discretion, may determine that a fee in lieu of installation of required sidewalks is appropriate if one or more of the following conditions exist:

- (1) Sidewalks are scheduled to be installed as part of a Township, County, or State project that has been funded for construction;
- (2) Where the District Executive of PennDOT recommends in writing that no sidewalk be constructed, and the Township agrees;
- (3) The sidewalks are not logical extensions of or links to other existing or proposed pedestrian facilities;
- (4) Where a combination of conditions exists which make it impractical or not feasible to construct a sidewalk (such as, but not limited to, topography, hazardous conditions, impacts in environmentally sensitive areas, or other conditions warranting same, upon the recommendation of the Township Engineer);
- (5) The sidewalks are not a proposed feature as depicted in the Township's Comprehensive Plan or any Official Map as may have been adopted by the Township;
- (6) Other situations unique to the site or project that render sidewalk installation impractical or unnecessary at the time of construction; or
- (7) The purpose and intent of this ordinance is better served by the Township's acceptance of fees in lieu of installation and construction of said sidewalks.

If it is determined that the Township will accept a fee in lieu of sidewalk installation, the fee to be paid shall be equal to the costs of the installation and construction of sidewalks in the proposed subdivision or land development, as verified by the Township's engineer. The calculation of installation and construction costs shall include the cost of any ramps necessary to ensure accessibility in compliance with the Americans with Disabilities Act ("ADA"). Payment of the required contribution shall be included as a condition of approval of such subdivision and land development plans. The fee shall be paid upon approval of the subdivision or land development plan or any phase or section thereof.

All fees paid to the Township in lieu of sidewalk installation shall be placed in an interest-bearing account and shall be accounted for separately from other Township funds. Interest earned on this account shall likewise be the funds of the Township. The Township shall maintain records indicating the source of the funds and the projects where the funds are expended. Such fees shall only be used in the following manner:

- (1) For construction or expansion of sidewalks, ADA curb ramps, trails, pedestrian accesses, or other facilities that are available to the public or located in a public right-of-way or easement.
- (2) For design, engineering, acquisition of rights-of-way or easements and utility relocation associated with installation of facilities described above.

Section 2. **Severability.** In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

Section 3. **Repealer.** All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

Section 4. **Effective Date.** This Ordinance shall become effective five (5) days after its enactment.

ORDAINED and **ENACTED** this _____ day of _____, 2022.

ATTEST:

**BOARD OF COMMISSIONERS
UPPER GWYNEDD TOWNSHIP**

BY: _____
Sandra Brookley Zadell, Township Secretary

BY: _____
Denise Hull, President,
Board of Commissioners