

ORDINANCE NO. 2867- 2019

AN ORDINANCE OF THE TOWNSHIP OF HAVERFORD, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING ORDINANCE NO. 1960, KNOWN AS THE "GENERAL LAWS OF THE TOWNSHIP OF HAVERFORD", ADOPTED JUNE 30, 1986, CHAPTER 58 (BUILDING CONSTRUCTION), SECTION 58-2 (ADDITIONS, DELETIONS AND MODIFICATIONS) BY MODIFYING THE PROVISIONS FOR CURB REPLACEMENT.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Haverford, County of Delaware, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same that Ordinance No. 1960, Chapter 58, is hereby amended as follows:

SECTION 1. Text Amendments

Section 58-2, Additions, deletions and modifications, is hereby amended to read as follows:

§ 58-2. Additions, deletions and modifications.

- A. Existing structures. It shall be unlawful for the owner(s) of any single-family, two-family or multifamily dwelling or nonresidential property or premises within the Township to be used, occupied or conveyed in ownership, in whole or in part, until a Certificate of Occupancy is approved by the Code Official of the Township, obtained by the grantor or seller, and delivered to the purchaser hereof.
- B. Each certificate of occupancy shall:
 - (1) Identify the zoning classification of the subject property; and,
 - (2) Disclose any notice of an uncorrected violation of:
 - (a) Section 58-3 herein;
 - (b) ~~The 2009 International Property Maintenance Code;~~ **The 2018 Property Maintenance Code;**
 - (c) Chapter 149, Sewage and Drainage Facilities, or
 - (d) Chapter 182, Zoning, of the General Laws of the Township of Haverford; and,
 - (3) Require such owner(s) to insert into any Agreement of Sale of such property a statement concerning any corrective measures needed.

Sidewalk Replacement. The seller(s) of real property in the Township shall replace any sidewalk and walkway segment or sections, including the

intersection quadrant for corner property that contain structural cracks, have a deviation in elevation between blocks in excess of **three quarters of one inch or have a substantial defect.**

C. Curb replacement.

(1) The seller(s) of real property in the Township shall replace any **existing** curb, curb segment, or curb section that:

(a) Contains structural cracks or structural defects; or,

(b) Has a deviation in elevation between curb segments or sections in excess of one inch; **or,**

(c) Has deteriorated or has a reveal of less than ~~four inches (4")~~ **three inches (3")** as measured from the road surface to the top of the curb.

(d) Pursuant to this subchapter, the seller shall replace the entire frontage of any section of curb in which more than 70% of the continuous street frontage requires replacement.

(2) All curbs requiring replacement under this section shall be replaced with a new curb:

(a) Constructed at the reveal height specified in accordance with § 157-11 of this Code, or any subsequent amendment thereto: or

(b) At a height matching the adjoining curb height on the same property where a segment of curb is called for replacement.

(c) New curbs shall be designed to transition disparate heights gradually; a maximum sloped elevation change from the adjoining property line shall be no greater than 3/4" per lineal foot as measured from the edge of the property line.

D. Driveway curbs. Curbs at driveways shall have a reveal of 1 1/2 inches to two inches. Where an existing driveway curb is replaced, it shall be removed in its entirety.

E. For purposes of this Section, the following definitions apply:

CURB REVEAL HEIGHT

That portion of the curb above the finished surface of the adjoining roadway or street.

DETERIORATED

Any portion of a curb or sidewalk that is in a weakened or disintegrated state that it no longer is in compliance with the original cross section, presents a hazard, or compromises the intended function.

STRUCTURAL CRACK

Any crack that is greater than 1/16 inch and is entirely through the sidewalk or curb.

SUBSTANTIAL DEFECT

1. Where one or more sidewalk blocks or pieces of curb is missing or where the sidewalk or an existing section of curb was never built;
2. One or more sidewalk blocks or pieces of curb is cracked to such an extent that one or more pieces of the flag(s) may be loosened or readily removed;
3. An undermined sidewalk block or piece of curb below which there is a visible void or a loose sidewalk flag that rocks or seesaws;
4. A trip hazard, where the vertical grade differential between adjacent sidewalk flags is greater than or equal to three quarters of an inch or where a sidewalk block contains one or more surface defects of one inch or greater in all horizontal directions and is one half inch or more in depth;
5. Improper slope, which shall mean (i) a block that does not drain toward the curb and retains water, (ii) block(s) that must be replaced to provide for adequate drainage or (iii) a cross slope exceeding established standards;
6. Patchwork, which shall mean (i) less than full-depth repairs to all or part of the surface area of broken, cracked or chipped blocks or curbs or (ii) blocks or curbs which are partially or wholly constructed with asphalt or other unapproved non-concrete material; except that, patchwork resulting from the installation of canopy poles, meters, light poles, signs and bus stop shelters shall not be subject to the provisions of this subdivision unless the patchwork constitutes a substantial defect as set forth in paragraphs (1) through (5) of this subdivision.


SECTION 2. Any ordinance or part of ordinance to the extent that it is inconsistent herewith is hereby repealed.


SECTION 3. Severability. The provision of this ordinance are severable and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 4. Effective Date. This ordinance shall become effective 10 days following final adoption by the Board of Commissioners and publication as required by law.

ADOPTED this day 13th of May, 2019.

TOWNSHIP OF HAVERFORD


BY: Andy Lewis
President
Board of Commissioners

ATTEST: 
David Burman
Township Manager/Secretary