

## AN ORDINANCE

NO. \_\_\_\_\_

**AN ORDINANCE To Amend The Code Of The Township Of Lower Merion, Chapter 133, Streets And Sidewalks, To Require That Newly Constructed Sidewalks Must Conform To ADA And PennDOT Standards; And To Require That Sidewalks Must Be Upgraded To Such Standards A) When Any Amount Of Sidewalk Replacement Is Associated With Utility Main, Or Utility Pole Replacement; and B) Wherever Replacement Of Existing Sidewalk On A Street Corner Is The Sole Maintenance Remedy Possible To Ensure The Safety Of The Public; Except Where No Pedestrian Route Is Present On The Opposite Side Of The Street.**

The Board of Commissioners of the Township of Lower Merion hereby ordains:

**Section 1.** The Code of the Township of Lower Merion, Chapter 133, Streets and Sidewalks, Article III, Right-of-Way Occupancy, Excavation and Use, , Section 133-14, Performance of work, subsection I, ADA compliance, shall be amended to provide as follows:

### **Article III. Right-of-Way Occupancy, Excavation and Use**

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#### **§ 133-14. Performance of work.**

All work performed hereunder shall be subject to the approval of the Director of Public Works or his designee. The Township may inspect the work and, if necessary, require the permittee to perform rework or additional work to ensure that construction in, or other use of, the right-of-way is performed and completed in a manner that is safe and in conformance with Township standards. All such work shall conform to the following standards:

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- I. ADA compliance. All work pursuant to this article shall be completed in accordance with the guidelines of the Americans With Disabilities Act of 1990, as amended (ADA compliant), as amended and reflected within the current standards and guidelines established by the Pennsylvania Department of Transportation (PennDOT). Notwithstanding the requirements set forth in Section 135-28, paved pedestrian accessible routes (sidewalks) must maintain a minimum width of not less than 36 inches (three feet) at pinch points caused by any form of obstruction to pedestrian movement. The Americans With Disabilities Act of 1990, and

subsequently related PennDOT guidelines are incorporated by reference and shall take precedence over any lesser standard set forth herein. Requirements to upgrade existing facilities to meet current ADA requirements shall be as follows:

- a) when any amount of sidewalk replacement is associated with utility main, or utility pole replacement; and
- b) wherever replacement of existing sidewalk on a street corner is the sole maintenance remedy possible to ensure the safety of the public; except where no pedestrian route is present on the opposite side of the street. and not less than 36 inches (three feet) in width. The Americans With Disabilities Act of 1990 guidelines are incorporated by reference and shall take precedence over any lesser standard set forth herein.

**Section 2.** Nothing in this Ordinance or in Chapter 133 of the Code of the Township of Lower Merion, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapters 133 prior to the adoption of this amendment.

**Section 3.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court 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.** This Ordinance shall take effect and be in force from and after its approval as required by law.

Approved by the Board this       day of       , 2019.

BOARD OF COMMISSIONERS OF THE  
TOWNSHIP OF LOWER MERION

ATTEST:

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Daniel S. Bernheim, President

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Jody L. Kelley, Secretary