

JAN 11 2018

ORDINANCE NO. 343

AN ORDINANCE OF THE BOROUGH OF BERLIN, SOMERSET COUNTY, PENNSYLVANIA AMENDING, REVISING AND REPEALING ORDINANCE NUMBER 319A OF SUCH BOROUGH TO THE EXTENT IT IS INCONSISTENT HERewith; AMENDING SECTION B, PARAGRAPH 2 OF ARTICLE 1 OF SUCH ORDINANCE; REAFFIRMING ALL OTHER PARTS AND PROVISIONS OF ORDINANCE NUMBER 319A; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE

WHEREAS, the Borough of Berlin (hereinafter "the Borough") previously enacted Ordinance No. 319 A governing maintenance, repair, and replacement of sidewalks within the Borough; and

WHEREAS, the Council for the Borough finds its necessary to amend its prior Ordinance No. 319A as such Ordinance pertains to construction or replacement of certain sidewalks and curbs within the Borough by the Borough along State highways;

WHEREAS, it is hereby expressly declared that it is not the purpose or intention of the Borough, by this Ordinance, to discriminate against or in any way to impose undue hardship, upon any individual, group, company or other business entity of any type;

NOW, THEREFORE, be it ordained and enacted by the Council of the Borough of Berlin, Somerset County, Pennsylvania, and it is hereby ordained and enacted by authority of the same:

SECTION NO. 1: REPEALER

Ordinance No. 319 A of Berlin Borough or any part or portion thereof is amended, repealed, and/or revised to the extent inconsistent herewith.

SECTION NO. 2: AMENDMENTS TO ARTICLE 1, SECTION B, PARAGRAPH 2 OF ORDINANCE 319A

Article 1, Section B, Paragraph 2 of Ordinance 319A shall be amended to read

as follows:

2. Sidewalks and curbs with the exception of those which are constructed or replaced in the Borough by the Borough, shall be constructed, repaired, replaced, and maintained for the use of pedestrians at the expense of the owners of the abutting properties along such streets, alleys, public ways or State highways within the Borough as determined by Borough Council. Such sidewalks shall be kept in good repair and safe condition and shall be maintained for the use of pedestrians at the expense of the abutting properties owners along such streets, alleys, public ways or State highways within the Borough even if the Borough ultimately constructs or replaces the same.

SECTION NO. 3: REAFFIRMATION OF ALL OTHER SECTIONS AND PARTS OF ORDINANCE NO. 319A

All other provisions and portions of Ordinance No. 319A of the Borough shall remain in full force and affect and are reaffirmed and/or readopted hereby.

SECTION NO. 4: VALIDITY

If any section, clause or part of this Ordinance is for any reason found to be unconstitutional, illegal or otherwise invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid sentence, clause, section or part not been included herein.

SECTION NO. 5: EFFECTIVE DATE

This Ordinance shall become effective within five days of its adoption.

DULY ENACTED AND ORDAINED, this *2nd* day of *January*,

2018, by the Borough Council of the Borough of Berlin, Somerset County, Pennsylvania, in lawful session fully assembled.

BOROUGH OF BERLIN,
Somerset County, Pennsylvania

By: Charles E. Rhodes
Borough Council President

James Fisher
Council Member

Barbara L. Zepos
Council Member

Clifford P. Hauer
Council Member

Mark A. [Signature]
Council Member

[Signature]
Council Member

John J. [Signature]
Council Member

ATTEST:

[Signature]
Secretary

Examined and approved this 2nd day of January, 2018.

[Signature]
Mayor

