

Chapter 21

Streets and Sidewalks

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Part 1**Construction of Curbs and Sidewalks****§21-101. Construction and Repair Required.**

The Borough may require owners of property abutting on any street, including State highways, to construct, pave, repave and repair the sidewalk, curb and gutter along such property, at such grades and under such regulations as may be prescribed by the Borough Engineer.

(Ord. 2015-4, 9/8/2015)

§21-102. Supports under Sidewalks and Curbs.

Where sidewalks or curbs are to be constructed, paved, repaved or repaired over coal cellars or other excavations, such sidewalks shall be supported by iron or steel beams, girders, stone or concrete arches. Any support of wood or perishable material shall be prohibited.

(Ord. 2015-4, 9/8/2015)

§21-103. Conformity to Line and Grade.

All sidewalks, curbs and gutters shall be constructed, paved, repaved or repaired upon the line and grade obtained by the property owner from the Borough Engineer.

(Ord. 2015-4, 9/8/2015)

§21-104. Notice to Do Work.

Notice to construct, pave, repave and repair sidewalks, curbs or gutters shall be given by registered or certified mail to abutting property owners, and such owners shall have _____ days to comply with said notice in conformity with any construction specifications prescribed by the Borough Engineer.

(Ord. 2015-4, 9/8/2015)

§21-105. Permit.

1. No curb or sidewalk construction or reconstruction or repairs shall be performed by or for any property owner unless the property owner or person doing the work shall first have obtained a permit for such work, which permit shall be valid for a period of 60 days. The permit fee is to be established from time to time by resolution of the Borough Council. It will be a violation to do any work without having first secured this permit. In securing a permit the applicant shall state the following:

- A. Actual owner of real estate.
- B. Number of lineal feet of curb and sidewalk to be constructed.
- C. Name of contractor to do the construction.
- D. Location of the pavement relative to curb and property line.

2. No permit will be required for new curbing, gutters or sidewalks to be constructed in an approved subdivision which is to be installed by the developer.

(Ord. 2015-4, 9/8/2015)

§21-106. Inspection.

1. At any time during the performance of the required work, the Borough Engineer may inspect the work to determine whether construction specifications are being observed.

2. The Engineer of the Borough or his duly authorized agent shall have the authority and power to give a citation to cease and desist curb or sidewalk work within the Borough violating any of the provisions, rules or regulations specified in this Part.

(Ord. 2015-4, 9/8/2015)

§21-107. Borough May Do Work and Collect Costs.

Upon the failure of any property owner to construct, pave, repave or maintain any sidewalk, curb or gutter in compliance with notice to do so, the Borough may do the same or cause the same to be done, and may levy the cost of its work on such owner as a property lien to be collected in the manner provided by law.

(Ord. 2015-4, 9/8/2015)

§21-108. Emergency Repairs.

Where in the opinion of the [designated official] a dangerous condition exists that can be repaired by an expenditure of \$500, the Borough shall send such property owner notice by registered or certified mail stating emergency repairs are required. Upon failure of such owner to comply with the notice within 48 hours after receiving it, the Borough may make emergency repairs, and levy the cost of its work on such owner as a lien to be collected in the manner provided by law.

(Ord. 2015-4, 9/8/2015)

§21-109. Construction and Repair Done on Owner's Initiative Without Notice.

Any property owner not required by notice to construct, pave, repave or keep in repair sidewalks, curbs or gutters may construct, pave, repave or repair the sidewalk, curb and gutter abutting his property; provided, such owner shall make application to the Borough Engineer before commencing work, shall conform to the provisions of this Part and other regulations as to specifications for construction and repair work and shall notify the Engineer within 2 days after completion of his work.

(Ord. 2015-4, 9/8/2015)

§21-110. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs together with reasonable attorney fees and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall

constitute a separate offense.

(Ord. 2015-4, 9/8/2015)

Part 2**Clearing of Ice and Snow****§21-201. Unlawful Acts.**

1. It shall be unlawful for any owner or lessee of any property to allow or permit snow or ice to lie upon, remain upon or be piled or accumulated upon a sidewalk upon which such property abuts within the Borough for more than 24 hours.

2. It shall further be unlawful for any owner of an apartment to allow or permit snow or ice to lie upon, remain upon or be piled or accumulated upon any walkway used by residents of the apartment or upon any paved surface used for ingress, egress or parking of motor vehicles for more than 24 hours.

(Ord. 2015-4, 9/8/2015)

§21-202. Pathways to Be Cleared.

1. It shall be the duty of the property owner or the lessee of the same, not later than 24 hours after snow has ceased to fall, to clear or cause to be cleared a pathway in the sidewalk upon which said property abuts. Such pathway shall not be less than 30 inches in width and shall be thoroughly cleaned to the extent of snow and ice or other obstruction.

2. It shall be the duty of the owner of any apartment within the Borough, not later than 24 hours after snow has ceased to fall, to clear or cause to be cleared a pathway in any walkway within the apartment complex. Such pathway shall be not less than 30 inches in width and shall be thoroughly cleaned to that extent of snow and ice or other obstruction.

3. It shall be the duty of the owner of any apartment within the Borough, not later than 24 hours after snow has ceased to fall, to clear or cause to be cleared any paved surface used for ingress, egress or parking of motor vehicles. Such paved surface shall be thoroughly cleaned of snow and ice or other obstruction.

(Ord. 2015-4, 9/8/2015)

§21-203. Placement of Snow, Fire Hydrants.

1. Snow or ice removed from sidewalk area shall be placed on the property of the owner, adjacent to the removal area. Excessive amounts of snow or ice may be placed in the area between the sidewalk and the curblin, but not in the street. If the snow and ice is frozen so hard that it cannot be removed without injury to the pavement or damaging the base of the footpath, the owner of the property shall cause the sidewalk abutting or adjacent to such permit to be strewn with ashes, sand, sawdust or any suitable abrasive material and shall, as soon thereafter as the weather shall permit, thoroughly clean such sidewalks.

2. Fire hydrants shall not be covered with snow or ice.

3. It shall be unlawful to throw, shovel or plow snow into or upon any roads and streets within the Borough with the intent of allowing such snow to remain on such roads and streets.

(Ord. 2015-4, 9/8/2015)

§21-204. Authority for Borough to Do Work.

In any case where the owner, occupant, or tenant, as aforesaid, shall fail, neglect, or refuse to comply with any of the provisions of this Part within the time limit prescribed therein, the Borough may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent party, and to collect the expenses thereof, with any additional amount allowed by law, from said owner, occupant, or tenant, as the case may be, which may be in addition to any fine or penalty imposed by this Part.

(Ord. 2015-4, 9/8/2015)

§21-205. Parking During and after Snowfall and Snowfall Emergencies.

1. Whenever there shall be any snowfall or if the State or Borough shall declare a snow emergency upon snow emergency routes, no on-street parking of vehicles shall be permitted.

2. Any time a snow emergency shall be deemed to be in effect by virtue of the foregoing provisions, such emergency shall continue to exist until such time as the State or Borough shall declare that the snow emergency has been terminated.

3. During any snowfall or any snow emergency which has been declared throughout the Borough, it shall be unlawful to park any vehicle on any street within the Borough until the snow has been completely plowed for the full width of the cartway, except on those streets within the Borough where only on-street parking is available.

(Ord. 2015-4, 9/8/2015)

§21-206. Motor Vehicles Left Unattended.

It shall be unlawful for any motor vehicle to be left parked, stalled, incapable of moving under its own power or left unattended on any street or road within this Borough in violation of the provisions of this Part, and in addition to the penalties hereinafter provided for such violation, any such motor vehicle may be removed and/or impounded by the Borough.

(Ord. 2015-4, 9/8/2015)

§21-207. Violations and Penalties.

In addition to those violations and remedies detailed herein, any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$500 plus costs together with reasonable attorney fees and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2015-4, 9/8/2015)

§21-208. Failure to Enforce Not a Waiver.

The failure of the Borough to enforce any provision of this Part shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

(Ord. 2015-4, 9/8/2015)

