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PART 1

STREET OPENINGS AND EXCAVATIONS

§101. DEFINITIONS.

1. As used in this Part, the following words shall have the meanings hereby respectively ascribed thereto:

PERSON - any natural person, partnership, association, firm or corporation.

STREET - the roadway of any public street, alley, avenue or highway in the Borough, with the exception of State highways.

2. In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 206, 3/18/1974, §1)

§102. PERMIT REQUIRED.

It shall be unlawful for any person to make any opening or excavation in any street in the Borough without first having obtained a permit from the Borough. Such permit shall be issued by the Borough Secretary, upon payment of a fee in an amount as established from time to time by resolution of the Borough Council, which shall be for the use of the Borough, to cover or cover in part the cost of issuing the permit and the supervision and investigations needed under this Part. In addition, the applicant for the permit shall deposit the sum as determined from time to time by resolution of Borough Council, which shall be applied against the cost of resurfacing the street by the Borough after completion and refilling of the excavation by the permit holder.

(Ord. 206, 3/18/1974, §2; as amended by A.O.)

§103. CONDITIONS FOR PERMIT.

Every permit issued under this Part shall state, as a condition thereof; the purpose for which the opening or excavation is authorized; the location and approximate surface area of the opening; the date when the work is to be commenced pursuant to the permit; and the number of days for which the permit shall be valid. It shall be the duty of the permit holder to do all work under this Part in conformity with all such conditions, and a failure to comply therewith shall constitute a violation of this Part.

(Ord. 206, 3/18/1974, §3)

§104. DUTY OF PERMIT HOLDER.

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1. It shall the duty of the holder of every permit under this Part:
 - A. At all times to take every necessary and reasonable safety precautions, including the installation and maintenance of guards, barriers and warning signs, and, during hours of darkness and restricted visibility, warning lights and/or flares.
 - B. To backfill the excavation under the direction of the Borough Engineer, with materials prescribed by him, and compacted into layers as directed by him.
 - C. After backfilling, if required by the Borough, to install a temporary paving, thoroughly bound and compacted, flush with the surface of the adjoining paving.
 - D. Prior to the date of expiration of the permit, to remove all tools, equipment, debris and other material and articles used in connection with or accumulating by reason of the opening or excavation and the work pertaining thereto.
 - E. To save the Borough harmless from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.
2. Provided; any permit holder who occupies any street or portion thereof pursuant to any franchise heretofore granted by the Borough shall also be responsible for adhering to any conditions contained in such franchise pertaining to the subject matter of this Part or to making, guarding or refilling of openings or excavations in streets and/or the restoration of the surface of the street thereafter.

(Ord. 206, 3/18/1974, §4)

§105. RESURFACING OF STREETS.

The resurfacing of all streets, following the making of openings or excavations pursuant to this Part, shall be done by the Borough either by its own employees or by persons under contract with the Borough. The cost and expense of such resurfacing shall be paid by the Borough, but the deposit made by the applicant for the permit, as required by §102 of this Part, shall be applied against such cost and expense, with any surplus to be returned to the permit holder.

(Ord. 206, 3/18/1974, §5)

§106. EMERGENCY OPENING OR EXCAVATION.

In case of any emergency resulting from the breaking of any pipe or main, explosion or other unforeseen occurrence, the person responsible for the maintenance of such pipe, main or other facility involved in such emergency may proceed with the opening or excavation of the

street as necessary to remedy the condition and to make necessary repairs, without first having applied for and obtained the permit required under this Part, but within 72 hours after the occurrence of the emergency he shall apply for and obtain a proper permit, following the same procedures and adhering to all other requirements that would have applied had he applied for and obtained such permit in advance.

(Ord. 206, 3/18/1974, §6)

§107. PENALTY.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which a violation shall continue shall be deemed a separate offense.

(Ord. 206, 3/18/1974, §7; as amended by A.O.

PART 2

SIDEWALK CONSTRUCTION

§201. PROPERTY OWNER TO CONSTRUCT OR RECONSTRUCT SIDEWALKS ON NOTICE.

Every owner of property in the Borough shall, on 30 days notice from the Borough Council, construct or reconstruct a sidewalk, which shall conform to all applicable requirements of this Part, in front of or alongside such property.

(Ord. 207, 3/18/1974, §1)

§202. PROPERTY OWNERS TO REPAIR SIDEWALKS ON NOTICE.

Every owner of property in the Borough shall, on 30 days notice from the Borough Council, repair the sidewalk, in the manner and to the extent stipulated in such notice, in front of or alongside such property.

(Ord. 207, 3/18/1974, §2)

§203. WIDTH OF SIDEWALK AREA.

All sidewalks hereafter constructed, reconstructed or repaired shall be paved to a width of not less than 5 feet, and shall be constructed of concrete or bituminous blacktop, in conformity with specifications as adopted by the Borough Council. All such walks shall conform to the line and grade adopted by the Borough, and it shall be the duty of the owner of the abutting property to obtain such line and grade from the Borough Engineer, before proceeding with the construction or reconstruction of the walks. Sidewalks shall be constructed and reconstructed with a fall of 1/2 inch to the foot from the property line to the outer edge of the curbing. Where a sidewalk shall be constructed or reconstructed at the entrance to a driveway or private alley, the property owner shall apply to the Engineer for special information containing the fall or slope and shall adhere thereto in the construction or reconstruction thereof.

(Ord. 207, 3/18/1974, §3)

§204. MATERIAL FOR SIDEWALKS.

Sidewalks heretofore constructed or reconstructed of a material other than concrete or blacktop, at a time when such other material was lawful for the purpose, may be repaired of the same material, where the Borough Engineer shall so approve, such approval to be granted only where the Engineer shall determine that the condition of the walk is such that reconstruction of the entire walk or of a specified portion thereof is not necessary, and that such sidewalk can be put into satisfactory condition without construction.

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(Ord. 207, 3/18/1974, §4)

§205. ROOF DRAINS.

It shall be unlawful to construct any sidewalk so that roof drainage is conducted across the surface thereof. Instead, all roof drains shall be conducted beneath the surface of the sidewalk and into the gutter through such subsurface drains or pipes.

(Ord. 207, 3/18/1974, §5)

§206. AUTHORITY FOR BOROUGH TO DO WORK AT EXPENSE OF DEFAULTING PROPERTY OWNER, PLUS ADDITIONAL TEN PERCENT.

If any owner of property shall fail to comply with the requirements of any notice given him pursuant to §201, within 30 days specified thereof, the Borough Council shall have the authority to cause such work of construction, reconstruct or repair, as the case may be, to be done by Borough personnel, or under contract with the Borough, and the Borough may then proceed to collect the cost of such work, with an additional amount of 10% from the property owner in default.

(Ord. 207, 3/18/1974, §6)

PART 3

SIDEWALK OBSTRUCTIONS

§301. DEFINITION AND INTERPRETATION.

The word "person," as used in this Part, shall mean and include any natural person, partnership, association, form or corporation. In this Part the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 208, 3/18/1974, §1)

§302. RESTRICTIONS ON CONSTRUCTION OF ADDITIONS TO BUILDINGS.

It shall be unlawful for any person to construct, place or maintain any fence, porch, cellar door, cellarway or any part of the any building or structure, or appendage or addition thereto, upon any part of any sidewalk in the Borough of East Conemaugh. Provided, it shall not be unlawful to construct or maintain steps or stairs, leading up from a sidewalk to a building or a porch, provided that a walkway, free and clear of obstruction or encroachment, at least 5 feet wide, shall remain between such steps or stairs and the line of the sidewalk nearest the curb or roadway.

(Ord. 208, 3/18/1974, §2)

§303. PENALTY FOR VIOLATION.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 208, 3/18/1974, §3; as amended by A.O.

PART 4

SNOW AND ICE REMOVAL

§401. REMOVAL OF SNOW AND ICE FROM SIDEWALKS.

The owner, occupant or tenant of every property abutting upon or alongside any street or alley in the Borough is hereby required to remove, or cause to be removed, from all sidewalks in front of or abutting upon such property, all snow and ice thereon fallen or formed, within 24 hours after the same shall have ceased to fall or to be formed. Provided, the owner of a property shall be responsible for conforming to the requirements of this Section where such property shall be occupied by such owner, shall be vacant or unoccupied or shall be a multiple unit property, having more than one tenant or tentable unit; the tenant or occupier of a property shall be so responsible where such property in a single-unit property, occupied by such tenant or occupier only.

(Ord. 209, 3/18/1974, §1)

§402. AUTHORITY FOR BOROUGH TO REMOVE SNOW AND ICE AT EXPENSE OF OWNER, OCCUPANT OR TENANT, PLUS ADDITIONAL TEN PERCENT.

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with the provisions of the §401 of this Part, within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent, and to collect the expense thereof, with an additional amount of 10% thereof, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under the §404 of this Part.

(Ord. 209, 3/18/1974, §2)

§403. UNLAWFUL TO DEPOSIT SNOW ON STREETS.

It shall be unlawful for any owner, occupant or tenant in the removal of snow and ice from any sidewalk or driveway, to place ice and snow accumulations to prohibit the travel of any street or alleyway within the Borough limits, or to in any way in the removal of any ice or snow from any sidewalk or driveway, obstruct an intersection within the Borough limits.

(Ord. 209, 3/18/1974; as added by Ord. 2/20/1978A)

§404. PENALTY FOR VIOLATION.

Any owner, occupant or tenant who shall fail to remove any snow or ice from any sidewalk as required by §401 of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall

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constitute a separate violation.

(Ord. 209, 3/18/1974, §3; as amended by Ord. 2/20/1978A; and by A.O.