

CHAPTER 21

STREETS AND SIDEWALKS

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Part 1

Construction and Repair of Sidewalks and Curbs

§101. Scope. All curbs and sidewalks within the Borough shall be the full responsibility of the abutting property owners. The owners shall construct, maintain, repair, and/or replace any and all curbs and sidewalks abutting their premises and keep them in safe condition at all times. (Ord. 173, 11/4/1969, §1)

§102. Streets Being Improved. All curbs and sidewalks on a street to be improved to an established grade must be constructed and in good condition prior to the improvement of such street within the Borough, all as determined by the Borough Council. (Ord. 173, 11/4/1969, §2)

§103. Property Owners to Construct or Replace Sidewalks and Curbs Upon Notice. Every owner of property on a street to be improved to an established grade in the Borough shall, within sixty (60) days after written notice from the Borough Council, construct a combination sidewalk and curb, which shall conform to all applicable requirements of this Part, in front of or along side of such property. (Ord. 173, 11/4/1969, §3)

§104. Property Owners to Repair Sidewalks and Curbs Upon Notice. Every owner of property in the Borough shall, within thirty (30) days after notice from the Borough Council, repair any sidewalks and/or curb, or any combination sidewalk and curb, in the manner stipulated in such notice and in accordance with all applicable requirements of this Part, in front of or along the side of such property. (Ord. 173, 11/4/1969, §4)

§105. Permit. A permit for the construction, replacement or repair of any curb or sidewalk or combination curb and sidewalk must be secured by the owner of property prior to the commencement of any work on such property. Application for such permit shall be made to the Borough Secretary and the fee, per installation, accompanying said application shall be in an amount as established from time to time by resolution of the Borough Council. The ^{BUILDING ENGR} Secretary is authorized to issue a permit for new construction, subject to the applicable requirements of this Part, without referring said application to the Borough Council. All applications involving repair or replacement of existing curbs and/or sidewalks shall be referred to the Borough Council, however, and a permit will only be issued upon approval by the Borough Council. (Ord. 173, 11/4/1969, §5; as amended by Ord. 263, 4/7/1992)

§106. Authority for Property Owners to do Work Without Notice. Any owner of property within the Borough may, of his own volition and without notice from the Borough Council, construct, replace or repair a sidewalk and/or curb, or a combination sidewalk or curb, in front of or alongside of such property provided that he shall first obtain a permit therefore from the Borough ^{INSPECTOR} Secretary, and shall conform with all applicable requirements of this Part. (Ord. 173, 11/4/1969, §6)

§107. Manner of Doing Work. All sidewalks and/or curbs, or combination sidewalks and curbs, shall be constructed or reconstructed of concrete

and only in accordance with the specifications attached hereto and marked Exhibit "A" and Exhibit "B." Exhibit "A" sets forth the specifications required for all new construction, or the replacement of both existing curb and sidewalks. Exhibit "B" contains the specifications applicable to the repair or replacement of an existing curb or sidewalk, but shall not be applicable when a substantial portion of both curb and sidewalk is being repaired or replaced. The Borough Council shall determine when the reconstruction or replacement of any sidewalk and/or curb, or a combination sidewalk and curb, rather than the repair thereof shall be necessary, and the permit issued by the Secretary after such determination shall specify the manner of the repair or replacement, including a specific reference to Exhibit "A," or Exhibit "B," as the specifications applicable to such work. (Ord. 173, 11/4/1969, §7)

§108. Lines and Grades. All sidewalks and/or curbs, or combination curb and sidewalk, shall be constructed, replaced or repaired according to a line and grade to be obtained by the property owner from the Borough Engineer, and not otherwise. It shall be the duty of the Borough Engineer, upon receiving a copy of an application for a permit from the Borough Secretary to furnish the proper lines and grades at the expense of the Borough, and such sidewalks and/or curbs, or combination curb and sidewalk, shall only be constructed, replaced or repaired according to the lines and grades as given; provided, however that the Borough Engineer shall not furnish lines and grades for sidewalks and/or curbs, or combination curbs and sidewalks, upon any street or highway where the Borough Council has not as yet established an official street grade line by ordinance duly adopted. (Ord. 173, 11/4/1969, §8)

§109. Driveways. In all instances where access to property by vehicles is desired by the owner of such property, the curb may be cut down and proper provisions made for a driveway across the sidewalk. The width of said driveway shall not exceed twelve (12') feet and such work shall be done according to the specifications attached hereto, made a part hereof and marked Exhibits "A" or "B," as the case may be. (Ord. 173, 11/4/1969, §9) *PERMIT MUST BE OBTAINED FROM BUILDING INSP. PRIOR TO CONSTRUCTION.*

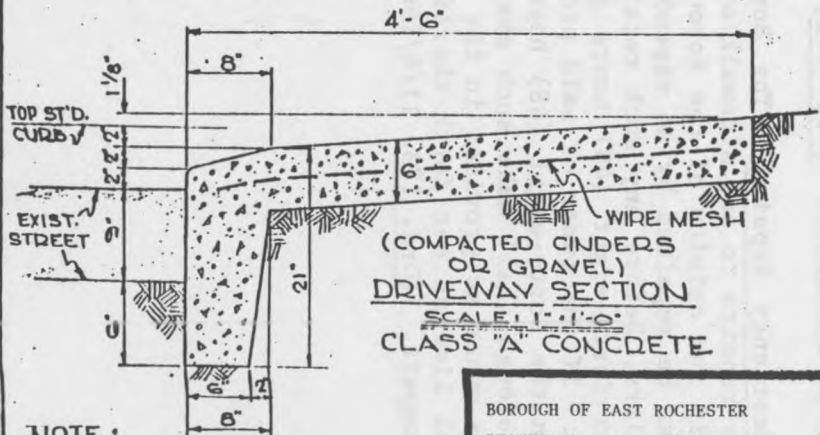
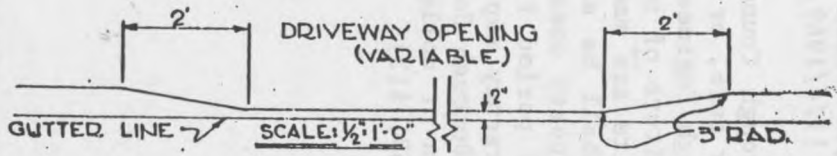
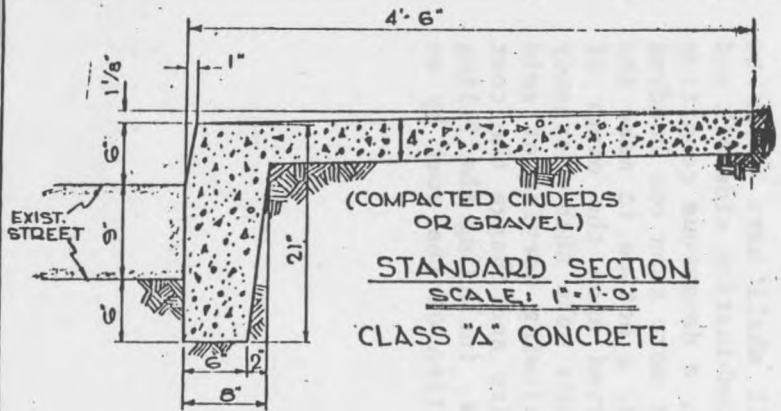
§110. Supervision and Inspection of Work. It shall be the duty and responsibility of the Borough Council to determine, in the case of any individual property, whether or not the sidewalk and/or curb, or combination curb and sidewalk, shall be replaced or repaired, and, if so, the specified part or parts thereof to be replaced or repaired. Representatives of the Borough Council may at any time, during the course of construction replacing or repairing any sidewalk and/or curb, or combination curb and sidewalk, visit the site of such work to ascertain whether such work is being done according to requirements; and a representative shall visit any such site for such purpose whenever requested by the property owner. (Ord. 173, 11/4/1969, §10)

§111. Inspection Requirements. Within two (2) days after the completion of the work of construction, replacement or repair of any sidewalk and/or curb, or combination curb and sidewalk, it shall be the duty of the owner of the property where such work was done to notify the Borough Secretary of that fact in order that the Borough Council inspect such construction, replacement or repair work to determine whether the grade

thereof has been observed and followed, and the work performed in accordance with the requirements of this Part. (Ord. 173, 11/4/1969, §11)

§112. Violation. Whenever the Borough Council representative shall find that any work performed under a permit issued in accordance with the requirements of this Part does not conform to the requirements of this Part, and to the specifications attached hereto as Exhibits "A" or "B" (as the case may be), he shall order such work to be brought into conformity therewith by the owner of such property within fifteen (15) days. In the event the owner shall fail or refuse to comply with the order of the Borough Council representative, the Borough Council may then, after notice to the owner, order the replacement or repair of the portion of such sidewalk and/or curb, or combination sidewalk and curb, not in conformity herewith, and may collect the cost of such work, plus ten (10%) percent, together with all charges and expenses, from such owner in accordance with the provisions of the Borough Code, or may file a municipal claim therefor or collect the same by action in assumpsit. Should a curb or sidewalk, or combination curb and sidewalk, be constructed in violation of the standards and regulations as determined by this Part, and without a permit, the owner of such property when so ordered by the Borough Council, shall remove or replace the sidewalk or curb constructed in violation. If the owner does not comply with such order within fifteen (15) days from the date of a written notice, the Borough Council may correct the violation and may collect the cost of such work, plus ten (10%) percent, together with all charges and expenses, from such owner in accordance with the provisions of the Borough Code, or may file a municipal claim therefor or collect the same by action in assumpsit. (Ord. 173, 11/4/1969, §12)

§113. Emergency Repairs. The Borough Council shall have power to make emergency repairs to any sidewalk or curb, or combination sidewalk and curb, where, in the opinion of the Borough Engineer, a dangerous condition exists that can be repaired by an expenditure of not more than one hundred (\$100.00) dollars. Before any such repairs are made, a notice to make the repairs within forty-eight (48) hours shall be served upon the owner of said property. If the owner of said property does not make such emergency repairs within the forty-eight (48) hour period following service of said notice, the Borough shall make such emergency repairs and charge the cost thereof to the owner as provided in the Borough Code, including the filing of a municipal lien as set forth therein or collection of the cost by an action in assumpsit. (Ord. 173, 11/4/1969, §13)



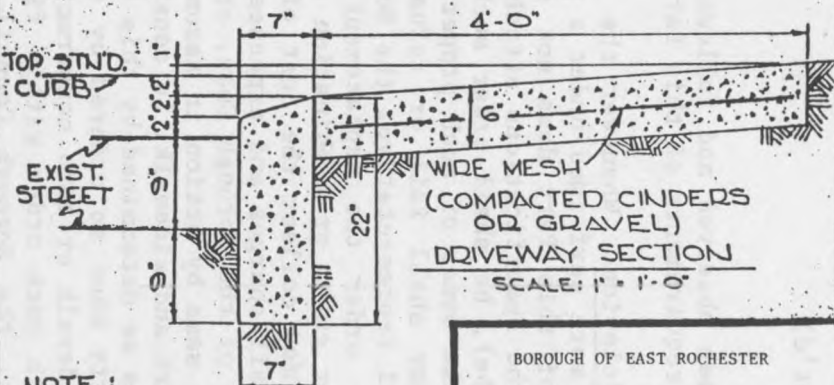
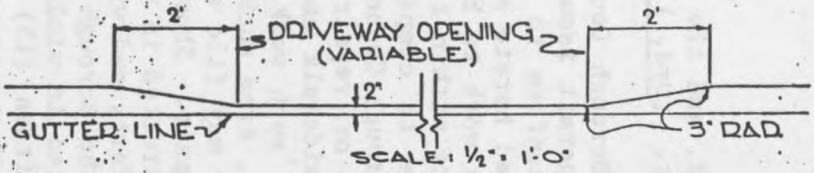
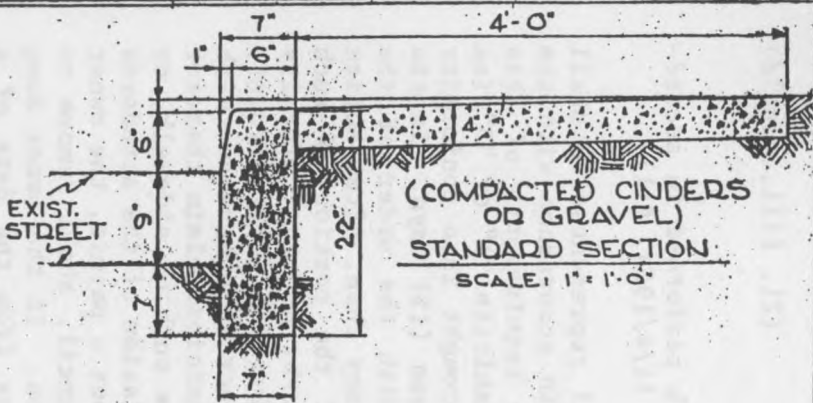
NOTE:
 EXPANSION JOINTS
 3'-6" MIN. SPACING
 6'-0" MAX. SPACING

SCALE: 1" = AS SHOWN
 DATE: AUG. 7, 1968
 F. B. No.

BOROUGH OF EAST ROCHESTER
 BEAVER CO. PENNA.

Combination Curb and Walk,
 and Driveway Crosssection

EXHIBIT "A"



NOTE:
EXPANSION JOINTS
3'-6" : MIN. SPACING
6'-0" : MAX SPACING

SCALE: 1" = AS SHOWN
DATE: DEC. 67
P. D. No.

BOROUGH OF EAST ROCHESTER
BEAVER CO. PENNA.
Standard Curb and Sidewalk Detail
EXHIBIT "B"

Part 2

Street Openings and Excavations

§201. Definitions. The following words, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

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

STREET - any public street, avenue, road, square, alley, highway or other public place located in the Borough and established for the use of vehicles, and shall also include public sidewalks wherever said sidewalks are located within the boundary lines of any public street, avenue, road, square, alley or highway.

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

(Ord. 111, 9/19/1955, §1)

§202. Adherence to Terms and Conditions. It shall be unlawful for any person to open or to make any excavation of any kind in any street in the Borough except under the terms and conditions hereinafter provided. (Ord. 111, 9/19/1955, §2)

§203. Permit Required. It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets in the Borough without first securing a permit therefor, as hereinafter provided. (Ord. 111, 9/19/1955, §3)

§204. Application. Any person who shall desire to make any openings or excavation in any of the streets in the Borough shall make application to the Borough Secretary in writing for the purpose. Such application shall be made upon blanks to be furnished by the Borough and shall set forth the name of the applicant, the exact location of the proposed opening or excavation, and the approximate size or depth thereof, and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the Borough and the laws of the Commonwealth in relation thereto, and that the applicant shall well and truly save, defend and keep harmless the Borough from and indemnify it against any and all actions, suits, demands, payments, costs, and charges for or by reason of the proposed 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. (Ord. 111, 9/19/1955, §4)

§205. Permit Fee. Before any permit shall be issued to open or excavate any street in the Borough, the applicant shall pay to the Borough Secretary a permit fee in an amount as established, from time to time, by resolution of Borough Council. In addition, the applicant shall post bond in an amount and under such terms and conditions as shall be established, from time to time, by resolution of Borough Council. Said bond will be returned without charge to the applicant upon completion of the work of

excavation and all backfilling as required by the provisions of this Part; provided, however, that no request for such refund shall be made until at least ninety (90) days after the Borough Secretary has been notified that the applicant has completed all required backfilling and resurfacing, and, provided further, that the Borough Engineer or his agent has inspected the backfilling of the excavation and filed a written approval thereof with the Borough Secretary. In the event the backfilling is improperly performed or the excavation is not refilled the Borough may forfeit such portion of the bond as may be required to complete the excavation or to correctly backfill the excavation and shall charge the expense of this work in the manner hereafter set forth in this Part. (Ord. 111, 9/9/1955, §5; as amended by Ord. 220, 11/3/1981, §1; and by Ord. 263, 4/7/1992)

§206. Specifications. Any person who shall open or excavate any improved street in the Borough shall thoroughly and completely refill the opening or excavation, puddling and ramming so as to prevent any settling thereafter; and shall restore the surfacing to the same condition as it was before the opening or excavation, and such restoration shall be in accordance with the specifications of the Department of Highways of the Commonwealth of Pennsylvania which are hereby adopted as specifications of the Borough for restoration of surfaces of streets in the Borough; as restored, the surface shall conform to the present grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If within two (2) years after the restoration of the surface as herein provided, defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving. (Ord. 111, 9/19/1955, §6)

§207. Work to be Done at Applicant's Expense. All work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by the applicant at his expense, and all such work shall be subject to the provisions of this Part and to the supervision and approval of the Borough Engineer or his agent. (Ord. 111, 9/19/1955, §7)

§208. Regulations.

1. No opening or excavation in any street shall extend from the curb line into the highway a distance greater than one (1') foot beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.

2. No more than five hundred (500') feet longitudinally shall be opened in any street at any one (1) time.

3. The work of excavation shall be so conducted as not to interfere with the water mains, sewers or their connections with the houses, or any other subsurface lines or constructions, until permission of the proper authorities in connection with subsurface lines or constructions which have been obtained.

4. No tunneling shall be allowed without the express approval of the Borough Engineer and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough Engineer or an inspector designated by him, and shall be done only by a method approved by him.

5. All openings or excavations shall be backfilled promptly with suitable materials and thoroughly compacted in layers, each of which shall not exceed six (6") inches in depth. On improved streets, the backfilling shall be placed to within ten (10") inches of the surface.

6. On improved streets, a temporary paving of suitable stony materials, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving.

7. During the making of any excavation in any street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in a safe and passable condition both day and night by guards, barriers, lanterns and other devices, and all excavating permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Borough from any loss in damages, or otherwise whatsoever, which may or shall be occasioned at any time by the said excavation, or by any leak or matter placed in the said excavation.

8. The applicant shall notify the Borough Engineer or his agent when the opening or excavation is ready for backfilling before any backfilling is done, and when the work is completed by proper backfilling in the case of unimproved streets and by temporary paving in the case of improved streets.

9. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Engineer, be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him, or in the event that the work for which the permit was granted is not completed within the time fixed by the Borough Secretary, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the costs thereof, plus twenty (20%) percent, to the applicant.

(Ord. 111, 9/19/1955, §8)

§209. Leaks, Explosions and Other Accidents. In the case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be unlawful for the person owning or responsible for such pipe, line, construction or apparatus to commence an excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter, and that all other provisions of this Part are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Borough Engineer, after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus twenty (20%) percent to such owner or person. (Ord. 111, 9/19/1955, §9)

§210. Notice. The Borough Secretary shall give timely notice to all persons owning property abutting on any street within the Borough about to be paved or improved, and to all public utility companies operating in the Borough, and all such persons and utility companies shall make all water, gas, or sewer connections, as well as any repairs thereto which would

necessitate excavation of the said street within thirty (30) days from the giving of such notice, unless such time is extended in writing for cause shown by the Borough Secretary. New paving shall not be opened for a period of five (5) years after completion thereof, except in case of emergency, the existence of which emergency and the necessity for the opening of such paving to be determined by the Borough Engineer. If it is sought to excavate upon or open a street within five (5) years after the completion of the paving thereof for any other reason than an emergency as above stated, the applicant shall make written application to the Borough Council, and a permit for such opening shall only be issued after express approval of Council. (Ord. 111, 9/19/1955, §10)

§211. Laying of Water or Gas Mains. No new water or gas main shall hereafter be laid or constructed and no existing water or gas main shall be extended in any of the streets of the Borough until the exact location thereto and the plan thereof shall have been first approved by the Borough Council. (Ord. 111, 9/19/1955, §11)

§212. Payment. Payment for all work done by the Borough under the provisions of this Part shall be made by the person made liable therefor under the provisions hereof within thirty (30) days after a bill therefor is sent to such person by the Borough. Upon failure to pay such charges within such time, the same shall be collectible by the Borough in the manner provided by law for the collection of municipal claims. (Ord. 111, 9/19/1955, §12)

§213. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding six hundred (\$600.00) dollars and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 111, 9/19/1955, §13; as amended by Ord. 263, 4/7/1992)

§214. Delegation of Power to Road Supervisor or Chairman of Street Committee. The Borough Engineer shall have the power to designate the Road Supervisor appointed by the Borough Council, or the Chairman of the Street Committee of the Borough, as his duly authorized agent for the purpose of carrying on any and all inspections and any and all supervisory functions required under the provisions of this Part to be performed by the Borough Engineer or his agent. (Ord. 111, 9/19/1955, §14; as amended by Ord. 263, 4/7/1992)