

## **Chapter 229**

### **STREETS AND SIDEWALKS**

#### **ARTICLE I Obstructions**

- § 229-1. Obstructions prohibited.**
- § 229-2. Removal of obstructions; liability for costs.**

#### **ARTICLE II Awnings and Signs**

- § 229-3. Permit required.**
- § 229-4. Cloth awnings.**
- § 229-5. Hanging goods or merchandise over sidewalk.**

#### **ARTICLE III Snow and Ice Removal**

- § 229-6. Responsibility of owner; removal by Borough.**
- § 229-7. Ice on sidewalks.**
- § 229-8. Costs to become lien.**

#### **ARTICLE IV Sidewalk Specifications**

- § 229-9. Responsibility of owners.**
- § 229-10. Permit requirements.**
- § 229-11. Specifications.**
- § 229-12. Construction by Borough; costs.**

#### **ARTICLE V Excavations**

- § 229-13. Permit; bonding requirement.**
- § 229-14. Inspection; return of bond.**
- § 229-15. Repair by Borough; recovery of costs.**
- § 229-16. Size and duration of opening; time for completion.**
- § 229-17. Safety measures.**
- § 229-18. Return of streets to original condition; paved trench repair.**
- § 229-19. Emergencies.**

#### **ARTICLE VI Visual Obstructions**

- § 229-20. Height restricted.**
- § 229-21. Notice to comply.**
- § 229-22. Failure to comply.**
- § 229-23. Cost to become lien.**
- § 229-24. Enforcement.**

#### **ARTICLE VII Penalties**

- § 229-25. Violations and penalties.**

**[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs 3-8-1956 by Ord. No. 164 and 6-25-1973 (Ch. 70 of the 1973 Code). Amendments noted where applicable.]**

## GENERAL REFERENCES

Brush, grass and weeds — See Ch. 83.

Littering — See Ch. 162.

Dumpsters, construction waste containers and refuse containers — See Ch. 117.

Use of skateboards and roller skates — See Ch. 216.

## ARTICLE I

**Obstructions****§ 229-1. Obstructions prohibited.**

It shall be unlawful for any person or persons to obstruct any sidewalk, street, public alley or thoroughfare by or with any car, vehicle or anything standing beyond or across any such sidewalk, street, public alley or thoroughfare so as to impede the free passage of any person or vehicle.

**§ 229-2. Removal of obstructions; liability for costs.**

Whenever any car, vehicle or other thing shall be so situated as to obstruct any sidewalk, street, public alley or thoroughfare in violation of this article, a police officer may cause such car, vehicle or other thing to be removed, and such removal and subsequent storage shall be at the risk and expense of the owner.

## ARTICLE II

**Awnings and Signs****§ 229-3. Permit required. [Amended 5-11-2015 by Ord. No. 783-2015]**

No owner or occupant of any dwelling house, store or other building shall fix, put up or erect, or allow to remain fixed, put up or erected, except by permission of the Borough Council, any permanent awning or sign upon or over any street or sidewalk, or any signpost, sign or fixtures, projecting into or over any street or sidewalk.

**§ 229-4. Cloth awnings.**

Awnings made of cloth may be erected and used in any street if made and supported in the manner following and not otherwise:

- A. They shall not extend farther than the outer edge of the sidewalk.
- B. They must be supported by iron frames, which shall be, at their lower side, not less than eight feet from the sidewalk, and no part of such awning shall be at a lesser distance than seven feet from the sidewalk.

**§ 229-5. Hanging goods or merchandise over sidewalk.**

No person shall hang or place any goods, merchandise or other articles upon any awning or frame over a sidewalk.

ARTICLE III  
Snow and Ice Removal

**§ 229-6. Responsibility of owner; removal by Borough. [Amended 5-11-2015 by Ord. No. 783-2015]**

The owner of any lot or lands adjoining any public sidewalk shall keep the same free of snow, slush or ice. In the event a property owner fails or neglects to comply with this requirement within 24 hours following any storm depositing snow, slush or ice, such may be removed by the Department of Public Works. Failure to complete such removal shall be an act of negligence by the property owner.

**§ 229-7. Ice on sidewalks.**

In the event that snow, slush or ice may become frozen on sidewalks in such a way that removal is difficult or is injurious to sidewalks, the sidewalks shall be rendered safe for public travel by use of cinders, sand or other suitable materials and shall be properly cleaned thereafter as weather may permit. If any owner of lots or lands abutting sidewalks fails to comply with this requirement, the walks shall be rendered safe by the Department of Public Works and thereafter cleaned at its direction.

**§ 229-8. Costs to become lien. [Amended 5-8-2006 by Ord. No. 674-2006]**

The cost of any work performed by the Department of Public Works pursuant to this article shall be charged against the property owner and shall be billed and collected by the Clerk. Such charge shall be a lien on the adjoining realty to the same extent as Borough taxes and may be included in the tax roll and enforced in the same manner as other Borough taxes. The cost of all actual items of work, including labor and materials, plus overhead expense, shall be charged.

ARTICLE IV  
Sidewalk Specifications

**§ 229-9. Responsibility of owners. [Amended 5-11-2015 by Ord. No. 783-2015]**

All new sidewalks constructed within the Borough shall be constructed by the owner of the adjoining property at the expense of said owner. Any replacement of an existing sidewalk shall be considered new sidewalk construction to which the terms of this article shall apply.

**§ 229-10. Permit requirements. [Amended 5-11-2015 by Ord. No. 783-2015]**

No permit shall be required for the construction, replacement or repair of sidewalks.

**§ 229-11. Specifications.**

New sidewalks shall be constructed according to the following specifications:

- A. All sidewalks shall be not less than four feet in width, except that repairs or replacements may conform to the width of the existing sidewalk.
- B. All sidewalks shall be not less than four inches thick, except that, where such sidewalks are crossed by driveways, said sidewalks shall not be less than six inches thick through the width of such driveway.
- C. Expansion joints.
  - (1) The individual blocks of the sidewalk shall not be over four feet in length. There shall be at least a one-fourth-inch open expansion joint between each block of the sidewalk, or alternate blocks shall be poured without expansion joints.
  - (2) In the alternative, sidewalks may have transverse construction joints of one-half-inch premolded bituminous material to the full depth of the concrete, spaced 20 feet apart. The top surface shall be scored at intervals of three to five feet so that the finished walk will be marked in squares both longitudinally and transversely.
- D. Joints and edges must be finished with an edging tool of one-fourth-inch radius. Premolded bituminous joint filler shall be placed between sidewalk and curb, pavement, buildings and so forth.
- E. Sidewalks shall have a mixture of not less than one part cement to two parts clean sand and four parts clean gravel or broken stone. Said coarse aggregate shall be both No. 1 and No. 2 crushed stone. The proportions shall be such that there is a minimum strength of 3,500 pounds per square inch.
- F. All sidewalks shall be struck off to grade and finished with a wooden float, leaving a smooth but nonslippery surface. After the sidewalk is finished and the surface is hard, it shall be covered for at least two days to keep moisture in the sidewalk.
- G. The grade and location of any sidewalk shall be determined by the Superintendent of the Department of Public Works.
- H. The water used during the construction shall be free of oil, alkali, acid or vegetable matter.
- I. Ingredients of concrete shall be separately measured, loose, in approved receptacles. The mixing of concrete, whether by machinery or by hand, shall be done in a manner satisfactory to the Superintendent and subject at all stages to his approval. Batch making only will be approved, and hand mixing will be permitted only in case of necessity. A minimum of water, accurately measured, shall be used to give the necessary plasticity. After the materials are first wetted, the work must proceed without delay until the whole batch is in place. The mass in place will be carefully and thoroughly worked to expel air, fill voids and secure perfect and continuous contact with forms. The mixtures herein provided are minimum requirements.
- J. Notice of the work to be done, 24 hours in advance thereof, and also upon the completion of the new sidewalks, must be submitted to the Superintendent of the Department of Public Works, who may then inspect the completed work, which shall

comply with all the specifications herein. The Superintendent must be given an opportunity to inspect during the progress of the work.

**§ 229-12. Construction by Borough; costs.**

Where the Borough Council has notified owners of adjoining property to construct sidewalks, and such owners have not constructed such sidewalks as required by notice, the Borough Council may cause the same to be constructed and assess the cost thereof against such adjoining land. All assessments shall be made and collected, and taxes levied, as provided by law.

**ARTICLE V  
Excavations**

**§ 229-13. Permit; bonding requirement. [Amended 11-22-1976 by Ord. No. 271; 5-11-2015 by Ord. No. 783-2015]**

It shall be unlawful for any person or persons, corporation or corporations to cut into, excavate or open any of the streets, avenues or highways, or any portion thereof, of the Borough of Laurel Springs without first making written application to the Clerk of the Borough, setting forth the kind and character of the proposed excavation and obtaining from the Clerk a permit for each and every opening of 500 feet or less. Before the issuance of said permit, the applicant shall file with the Clerk a bond approved by the Borough Solicitor in the amount set forth in the annual fee ordinance, signed by the applicant and conditioned upon restoring the street, avenue or highway to its original elevation or grade within five days after the work incident to the excavation or opening shall have been completed. For each excavation or opening of any street or highway, the applicant shall pay to the Clerk the sum as set forth in the Annual Fee Ordinance for a permit, which sum the Clerk shall pay into the Borough treasury.

**§ 229-14. Inspection; return of bond.**

Within 10 days after the work incident to any excavation or opening of any street or highway shall have been completed, the excavation or opening shall be inspected by the Chairman of the Highway Committee or the Borough Engineer, and if, in the judgment of the official making such inspection, the surface of the street has been restored to its original condition, the official making the aforesaid inspection shall instruct the Borough Clerk to return the said bond to the applicant for cancellation.

**§ 229-15. Repair by Borough; recovery of costs.**

- A. In case the Borough shall be obliged to refill, repair or repave any of the streets so disturbed, because of any default or failure of the person or persons, corporation or corporations to restore any street, highway or avenue to its original condition, then in such case the Borough shall have the right to proceed against the person or persons, corporation or corporations to recover any damages the Borough may have sustained, or,

at its option, the Borough may bring suit on the bond filed with the Borough Clerk, as herein provided.

- B. The filing of said bond shall not be construed as exempting the person or persons, corporation or corporations filing the same from the payment of the sum as provided in the Annual Fee Ordinance to the Clerk for the issuance of a permit in accordance with the aforesaid provisions.

**§ 229-16. Size and duration of opening; time for completion.**

No person or corporation shall open or excavate a street or highway for a greater distance than 500 feet at one time or keep the same open for a longer period than two weeks, and during all the period while such street or highway is being excavated, occupied or used in any manner as aforesaid, there shall be provided by the person or corporation obtaining such permit a space of street level of at least 15 feet in width for the purpose of allowing vehicles free and unimpeded use of such space. Any person or corporation making openings as aforesaid along the line of any street or highway in the Borough, and any corporation having the right to lay wires, pipes or other conduits or to make repairs under the highway or any section or sections thereof, shall complete all of said work within 30 days from the granting of the permit herein provided for.

**§ 229-17. Safety measures.**

Any person or corporation excavating, opening or in any manner using any of the streets or highways of the Borough for any purpose whatever under a permit obtained as herein provided for shall, wherever any excavation may be dangerous to pedestrian or vehicular traffic where left exposed, place upon any earth, dirt, building material, appliances or equipment suitable and sufficient lights, as required by the Chairman of the Highway Committee or the Borough Engineer, at twilight in the evening, which shall be kept burning until sunrise during the time of such excavation, occupation or use of the streets as aforesaid and until five days after such excavations shall have been filled and completed.

**§ 229-18. Return of streets to original condition; paved trench repair. [Amended 5-11-2015 by Ord. No. 783-2015]**

- A. Any person or corporation excavating, occupying or using the streets or highways or alleys as aforesaid shall replace them in the same condition as they existed before such excavation, occupation or use, and all replaced earth shall be tamped or paved, all materials shall be properly placed aside, the street or highway shall be filled, repaired and repaved, and all excess earth, debris or other material removed to the satisfaction of the Chairman of the Highway Committee or the Borough Engineer.
- B. Trench repair.
- (1) Trench repair shall include backfill of the soils excavated beneath the dense graded aggregate (subsoil); a six-inch layer of dense-graded aggregate; four inches bituminous stabilized base course; two inches bituminous concrete surface course.

The trench shall be saw cut, and resulting joints shall be hot sealed upon completion of the two-inch bituminous concrete surface course installation.

- (2) Not less than the top six inches of the subsoil shall be compacted to the required density. All backfilled subsoils and dense-graded aggregate shall be compacted to at least 95% of their maximum density at a moisture content within 2% of optimum as defined and determined by current ASTM Designation D-698, Method C.
- (3) The contractor may use whatever methods and equipment he deems best to achieve the required compaction; provided, however, that he shall not use any methods or equipment that might cause damage to any above- or below-ground structures or utilities, either in or adjacent to the project.
- (4) A pavement patch detail is attached for reference.<sup>1</sup>

#### **§ 229-19. Emergencies.**

In case of the sudden break or bursting of any gas or water main where immediate repair is necessary to prevent the discontinuance of essential public services, it shall not be necessary to obtain a permit before beginning such repair, but such permit shall be obtained within two days after the occurrence of such emergency, and this section shall not be construed to exempt any person or corporation repairing said pipes, conduits or mains from any other provision of this article requiring the filing of a bond, containing the conditions hereinabove set forth, with the Borough Clerk.

### **ARTICLE VI Visual Obstructions**

#### **§ 229-20. Height restricted. [Amended 5-11-2015 by Ord. No. 783-2015]**

The owner, tenants or persons legally in possession of any land within the Borough of Laurel Springs may be required to keep all brush, hedges and other plant life growing within 10 feet of any roadway and 25 feet of the intersection of two roadways cut to a height of not more than 2 1/2 feet, where it shall be necessary and expedient for the preservation of public safety, within 10 days after notice to cut the same, which notice shall be given in the manner hereinafter provided. At no time shall vegetation be permitted to obstruct the sight lines at the intersection of two roadways or the intersection of a commercial driveway and roadway.

#### **§ 229-21. Notice to comply.**

Any notice required hereunder shall be in writing and may be served either personally or by ordinary mail addressed to the owner, tenant or person in possession of any premises affected by such notice. Said notice shall be given under the hand of the Borough Clerk.

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1. Editor's Note: A copy of said detail is on file in the Borough offices.



**§ 229-22. Failure to comply. [Amended 5-11-2015 by Ord. No. 783-2015]**

In the event that any owner, tenant or person in possession fails to cut or remove any brush, hedges or other plant life within 10 days after notice has been given as set forth herein, the same shall be cut under the direction and supervision of the Director of the Department of Public Works, who shall certify the cost thereof to the Borough Clerk, and the property owner shall be notified in writing and be responsible for the cost thereof.

**§ 229-23. Cost to become lien. [Amended 5-11-2015 by Ord. No. 783-2015]**

The Borough Clerk shall examine the records, and if the cost of removal remains unpaid after 30 days from the date of notice, the amount so charged shall become a lien upon such lands and shall be added to and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the Tax Collector in the same manner as taxes.

**§ 229-24. Enforcement. [Amended 5-11-2015 by Ord. No. 783-2015]**

The Property Maintenance Officer or his delegated Borough official shall be the enforcement officer charged with the administration and enforcement of this chapter, who shall act in conjunction with other officers and departments of the Borough referred to in this chapter.

**ARTICLE VII****Penalties****§ 229-25. Violations and penalties.**

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties provided in Chapter 1, § 1-15. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.