

Chapter 21

Streets and Sidewalks

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Part 1**Street Excavations****§21-101. Permit Fee; Bond.**

Before any individual, partnership or corporation shall dig or open the surface of any street, court, highway or alleyway in the Borough of Clarks Green, in addition to all other requirements of law or other ordinances of the Borough of Clarks Green, said individual, partnership or corporation shall apply for a permit and pay to the Borough a permit fee in the amount as established from time to time by resolution of the Borough Council and enter into an obligation in favor of the Borough of Clarks Green with a surety or sureties in an amount to be approved by the Borough, conditioned that said excavation shall be properly filled up and the street, court, alleyway or highway repaired and restored to the same condition as before said excavation was made. In lieu of a bond with a surety, an individual, partnership or corporation may post a cash bond in favor of the Borough in an amount approved by the Borough. In the case of a public utility company, the Borough shall have the right to waive the bonding requirements hereinabove mentioned.

(Ord. 7-1975, 10/10/1975; as amended by Ord. 3-1977, 3/14/1977; by Ord. 3-1993, 8/9/1993; by Ord. 4-1994, 12/12/1994; by Ord. 2-1995, 1/9/1995; and by Ord. 3-2005, 10/10/2005)

§21-102. Compliance Required.

No individual, partnership or corporation shall dig, open or excavate the surface of any street, highway, court or alleyway before complying with §26-101 of this Part.
(Ord. 7-1975, 10/10/1975)

§21-103. Permit Issued to Principal Contractor.

Where an individual, partnership or corporation intends to make a pave cut at the behest of, under contract with or as agent, subcontractor or employee of a principal, the permit shall be issued to the principal only.
(Ord. 7-1975, 10/10/1975)

§21-104. Backfilling and Repaving.

All excavations in Borough streets shall be backfilled with No. 2A coarse aggregate meeting the requirements of PennDOT Publication 408 Specifications, §703. Compaction shall be performed to produce a density of backfill of not less than 95% of maximum density obtained at optimum moisture content per ASTM D-1557. Where the excavation is in a paved surface, the pavement shall be restored with 4½ inches of bituminous concrete base course and 1½ inches of bituminous wearing course ID-2, meeting the requirements of PennDOT Publication 408 Specifications, §305 and §420 respectively. Prior to replacement of the pavement, 1 foot outside of each edge of the opening shall be sawed the full depth of pavement in a neat straight line (1-foot cutback). The detached material shall be removed without damaging the adjacent pavement. The final pavement joint between new and existing pavement shall be

sealed with AC-20 to a width of 4 inches either side of the joint. In cases where pave cuts are made between December 1 and April 15, the pavement restoration shall consist of cold patch or similar temporary material. Final pavement restoration shall be completed as specified hereinabove during the next paving season, but in no event later than October 31.

(*Ord. 7-1975, 10/10/1975; as amended by Ord. 3-2001, 10/8/2001*)

§21-105. Emergency Repair.

Should emergency repairs be required by public utility companies, pave cuts may be made by said public utility companies without the issuance of a permit prior to excavation. Within 48 hours after the commencement of an emergency repair by a public utility company, said company shall apply for a permit and comply with all provisions of this Part.

(*Ord. 7-1975, 10/10/1975*)

§21-106. Safety.

The person to whom the permit is issued shall be responsible for safeguarding the excavation against damage or injury to persons or property and shall properly barricade the excavation and shall install warning lights which shall be lighted during the period from sundown to sunup.

(*Ord. 7-1975, 10/10/1975*)

§21-107. Corrective Work Performed by Borough.

In the event that the excavation is not properly filled in and the opening backfilled and repaved in accordance with the provisions of this Part, the Borough may undertake to repave at the expense of the person, partnership or corporation making the excavation and receive reimbursement from the bond with surety or cash bond posted in accordance with §21-101. In the event that the cost of the repairs exceeds the amount of the bond with surety or cash bond, the Borough may collect the excess from the person, partnership or corporation undertaking the excavation or his or its principal, together with an additional 20% of such cost.

(*Ord. 7-1975, 10/10/1975*)

§21-108. Return of Bond.

In the event that the excavation is properly filled in, the opening backfilled and repaved in accordance with the provisions of this Part and a cash bond has been posted with the Borough, said cash bond shall be returned to the person, partnership or corporation complying with the terms of this Part.

(*Ord. 7-1975, 10/10/1975*)

§21-109. Liability Insurance.

A permittee, prior to the commencement of excavation work hereunder, shall furnish the Borough satisfactory evidence, in writing, that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the excavation permit, public liability insurance of not less than \$1,000,000

combined single limit for both bodily injury and property damage coverages per occurrence and not less than \$2,000,000 aggregate limit for the same, duly issued by an insurance company authorized to do business in the Commonwealth of Pennsylvania and on which policy the Borough is named as a coinsured.

(*Ord. 7-1975*, 10/10/1975; as amended by *Ord. 3-1993*, 8/9/1993; and by *Ord. 2-1995*, 1/9/1995)

§21-110. Indemnification of Borough.

The permittee shall indemnify, keep and hold the Borough free and harmless from liability on account of injury or damage to persons or property arising or growing out of the permittee's negligence in making any street excavation. In the event that suit shall be brought against the Borough, either independently or jointly with the permittee on account thereof, the permittee, upon notice to it by the Borough, shall defend the Borough in any suit at the cost of the permittee, and in the event of a final judgment being obtained against the Borough, either independently or jointly with the permittee, the permittee shall pay such judgment with all costs and hold the Borough harmless therefrom.

(*Ord. 7-1975*, 10/10/1975)

§21-111. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 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. 7-1975*, 10/10/1975; as amended by *Ord. 3-1989*, 10/9/1989, §95-14; and by *Ord. 3-2005*, 10/10/2005)

Part 2**Street Specifications****§21-201. Width and Construction of Sidewalks.**

Acceptable new Borough streets shall provide a stable road surface or cartway of not less than 16 feet in width, plus shoulders or better than the following type of construction. Sidewalks, if required on each side of not less than 4 feet in width, and the equal of under any ordinance of the Borough, shall be within the right-of-way.

(Ord. 2-1977, 2/14/1977)

§21-202. Clearing.

The entire right-of-way shall be cleared of all trees, stumps, brush, roots and other objectionable aeriels, structures, obstructions, etc., as directed and required by the Borough Council or Borough Road Committee. Storm sewers shall be installed to provide adequate drainage. When storm sewers, culverts and related installations are provided, they shall be design to permit unimpeded flow of natural watercourses; ensure adequate drainage of all low points along the line of streets; and intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained and at all intersection streets. All drainage structures, culverts, boxes, grates, etc., shall conform to the current specifications of the Pennsylvania Department of Transportation, as approved by the Borough Engineer.

(Ord. 2-1977, 2/14/1977)

§21-203. Drainage.

Storm sewers shall be installed to provide adequate drainage. When storm sewers, culverts and related installations are provided, they shall be designed to permit unimpeded flow of natural watercourses; ensure adequate drainage of all low points along the line of streets; and intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained and at all intersection streets. All drainage structures, culverts, boxes, grates, etc., shall conform to the current specification of the Pennsylvania Department of Transportation, as approved by the Borough Engineer.

(Ord. 2-1977, 2/14/1977)

§21-204. Construction of Street Surface; Crowning.

1. The street surface shall be of Pennsylvania CP-2 surface with 6-inch crushed aggregate base, constructed as follows:

- A. Excavate and grade.
- B. Scarify.
- C. Roll.
- D. Spread 6 inches of 2B crushed stone aggregate choke.
- E. Roll.

F. Spread 2½ inches of ID-2A.

G. Roll.

2. The cartway is to be crowned from its center at the rate of ½ inch per foot.

(Ord. 2-1977, 2/14/1977)

§21-205. Curbs.

Curbs are to be constructed as specified in the Subdivision and Land Development Ordinance [Chapter 22] of the Borough of Clarks Green, and as the same may be amended from time to time.

(Ord. 2-1977, 2/14/1977)

§21-206. Shoulders.

Shoulders a minimum of 4 feet wide shall be built on both sides of the cartway to the grade of the edge of the finished cartway surface and slope to the drainage ditch at the rate of ¾ inch per foot minimum. The shoulders shall have the same 6-inch aggregate base after compressed with a 10 to 12-ton roller as used on the cartway. This is then to be covered with a 2-inch plant mix topping or of a type of construction equal or better.

(Ord. 2-1977, 2/14/1977)

§21-207. Driveways.

Wherever a driveway leads into an existing street, or one that will eventually be taken over by the Borough, it must conform to the elevation of the drainage ditch so that the runoff can be discharged to its proper destination without flowing out into the street. Where the drainage ditch is made part of the driveway, a 6-inch crushed aggregate base with 2-inch plant mix topping shall be used.

(Ord. 2-1977, 2/14/1977)

§21-208. Inspection; Determination of Compliance.

With respect to the acceptance of new or privately constructed streets by the Borough for use, occupancy and maintenance, the Borough Council shall have the right, after due and thorough inspection, to determine whether a given piece of construction meets these minimum specifications.

(Ord. 2-1977, 2/14/1977)

§21-209. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 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. 2-1977, 2/14/1977; as amended by Ord. 3-1989, 10/9/1989, §95-23; and by Ord. 3-2005, 10/10/2005)

Part 3**Maintenance of Sidewalks****§21-301. Sidewalks to Be Clean and Clear of Obstructions.**

Every owner or resident of any lot or parcel of land abutting upon any of the streets of the Borough shall keep and maintain that portion of the sidewalk immediately in front of such lot or parcel of land clean and clear of all obstructions. Whenever any obstructions have accumulated on such sidewalk, it shall be the duty of every such person to remove the same.

(Ord. 4-1982, 10/11/1982)

§21-302. Sidewalks to Be Safe and in Good Repair.

It shall be the duty of the owners of the abutting lots or lands to keep sidewalks in good repair and in a safe and usable condition for travel. Upon the neglect of any property owner to comply with any of the requirements of this Section, the Borough may, after notice, cause the grading, paving and/or repairing to be done at the cost of such owner and may collect the cost thereof and 10% additional, together with all charges and expenses, from such owner, and may file a municipal claim therefor or collect the same by action in assumpsit. All such notices shall be served upon the owner of the premises to which the notice refers, if such owner is a resident of the Borough. If the owner is not a resident, then the notice may be served upon the agent or tenant of the owner or upon the occupant of such premises at such premises. If the owner has no agent or tenant or there is no occupier of such premises, then service shall be by notice posted upon the premises.

(Ord. 4-1982, 10/11/1982)

§21-303. Trees and Shrubs.

Every owner or resident of any lot or parcel of land abutting upon any of the streets of the Borough shall not permit or allow shade trees, hedges or shrubs to become so overgrown as to interfere with passage along sidewalks or streets or to impede safe vision of oncoming traffic at or near street intersections.

(Ord. 4-1982, 10/11/1982)

§21-304. Vehicles on Sidewalks.

No person shall park, or permit to stand, any vehicles, whether attended or unattended, on a sidewalk or a portion thereof which abuts or is adjacent to any of the streets located within the Borough.

(Ord. 4-1982, 10/11/1982)

§21-305. Removal of Snow and Ice.

1. Within 24 hours after the accumulation of snow, sleet, hail, ice or freezing rain on sidewalks abutting or adjacent to any of the streets located within the Borough, the owner of any lot or parcel of land abutting any of the streets of the Borough shall clear

and clean said sidewalks of the foregoing precipitation.

2. No person shall throw, cast upon or otherwise dispose of snow upon the cartway of any Borough street or road.

(*Ord. 4-1982, 10/11/1982*)

§21-306. Violations and Penalties.

1. Whoever violates §21-304 of this Part shall, upon conviction thereof, be fined the sum of not less than \$25 nor more than \$1,000 for each offense. In case of nonpayment of such fine or fines, the offender may be imprisoned for more than 5 days. [*Ord. 3-2005*]

2. Whoever violates §§21-301, 21-302, or 21-303 of this Part shall, upon conviction thereof, be fined the sum of \$10 for each offense. Each day of violation of §§21-301, 21-302, or 21-303 of this Part shall constitute a new and separate offense. In default of payment of such fine, the offender may be imprisoned for not more than 5 days. [*Ord. 3-2003*]

3. Whoever violates §21-305 of this Part shall, upon conviction thereof, be fined the sum of \$25 for each offense if such offense relates to a residential property or \$50 if such offense relates to a commercial property. Each day of violation of §21-305 of this Part shall constitute a new and separate offense. In default of payment of such fine, the offender may be imprisoned for not more than 5 days. [*Ord. 3-2003*]

(*Ord. 4-1982, 10/11/1982; as amended by Ord. 3-2003, 10/13/2003, §§1, 2; and by Ord. 3-2005, 10/10/2005*)