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PART 1

STREET OPENINGS AND EXCAVATIONS

§101. "Street" Defined.

The word "street," as used in this Part, shall mean any public street, avenue, road, square, alley, highway or other public place located in the Borough and established for the use of vehicles.

(Ord. 1422, 11/18/2003, §101)

§102. Permit Required Prior to Making Opening or Excavation.

It shall be unlawful for any person to open or to make any excavation of any kind in any street in the Borough without first securing a permit provided in this Section and §103.

(Ord. 1422, 11/18/2003, §102)

§103. Application for Permit.

Any person who shall desire to make any opening or excavation in any street, or to connect a driveway to a city street, or constructing, cutting, altering or repairing a curb, marking the boundary of a paved street, or installing any pole or structure for telephone, cable, electric or any other service within any street, or the placing, constructing, or installing of any device or thing which obstructs public travel or public use within city streets in the Borough shall make application to the Secretary, in writing, for that purpose. The application shall be made upon forms to be furnished by the Borough and shall set forth the name of 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. 1422, 11/18/2003, §103)

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§104. Application Fee.

At the time an application is filed with the Secretary, an application fee as provided in the Fee Resolution, which may be amended from time to time by the Borough Council, shall be submitted. Said application fee shall be nonrefundable.

(Ord. 1422, 11/18/2003, §104)

§105. Issuance of Permit.

1. Before any permit shall be issued to open or excavate any street, the applicant shall have paid the required application fee. In addition, the applicant shall deliver to the Borough a fee of \$500 for each opening or a yearly performance bond in the amount of \$5,000. Said fee shall be returnable and said bond not utilized provided the applicant satisfactorily restores street and work area site to the satisfaction of the Borough. The return of said fee or the non-utilization of said bond shall not be construed as relieving the applicant from the provisions of §107 of this Part.
2. Before any permit is issued, the project area will be inspected by the Director of Public Works, and the scope of work reviewed. After said inspection and review, the Director of Public Works will give his recommendation to the Borough Manager on approving or denying the application.
3. Permits shall be valid for 30 days from the date of issuance. Permanent restoration work for permits issued between October 15 and April 15 shall be completed on or before May 15.

(Ord. 1422, 11/18/2003, §105)

§106. Insurance Requirements.

All permits shall be subject to the following insurance conditions and requirements:

- A. No work shall be undertaken without current applicable policies of insurance in effect including workmen's compensation coverage, and vehicle insurance coverage meeting the minimum requirements of Pennsylvania law.
- B. No work shall be undertaken without current and applicable policies of comprehensive general liability and contractors liability insurance in effect providing minimum coverage of \$300,000 per person and \$500,000 in the aggregate for bodily injuries, death and property damage claims on a per occurrence basis.

- C. Permittee shall require subcontractors or persons engaged in any construction or other work related to the project to obtain and maintain effect insurance meeting the same requirements as set forth above.
- D. Upon request, permittee shall provide certificates of insurance to the Borough and other information as may be required to confirm that the coverages required are in effect.

(Ord. 1422, 11/18/2003, §106)

§107. Refilling of Opening; Restoration of Street Surfaces

Every person who shall open or excavate any street in the Borough shall thoroughly and completely refill the opening or excavation with approved materials, tamping or ramming, so as to prevent any settling thereafter, and shall resurface the portion of the street disturbed, to the same grade as the original surface, according to specifications of the Pennsylvania Department of Transportation set forth in their Publication #408. If within two years after restoration of the surface as required by this Section, defects appear resulting from defective backfilling by the permit holder or his agent or employee, the permit holder shall be responsible for reimbursing the Borough for the cost of all necessary repairs to the surface.

(Ord. 1422, 11/18/2003, §107)

§108. Responsibility for Cost of Work; Supervision Over Work.

All work in connection with openings in any street, including excavation, protection, refilling and resurfacing, shall be done by the permit holder 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 Manager or his duly authorized representative. The Borough Manager or his duly authorized representative may require that cutting of the surface of improved streets and backfilling of all excavations in those streets be done by the Borough, and the charge for that work shall be paid by the permit holder on the basis of actual cost of the work plus 20%. In the event the work involves substantial road cuts or openings involving more than 100 square feet or more than 100 lineal feet, the applicant shall be charged and be liable to the Borough for the reasonable actual costs of inspection by the Borough and applicant shall agree upon a unit cost inspection charge to be paid in advance.

(Ord. 1422, 11/18/2003, §108)

§109. Requirements for Work.

- 1. No opening or excavation in any street shall extend from the curb line into the street a distance greater than one foot beyond the center line of the street before

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- being refilled and the surface of the street restored to a condition safe and convenient for travel.
2. No more than 150 feet longitudinally shall be opened in any street at any one time.
 3. The work of excavation shall be conducted so as not to interfere with the water mains, sewers or their connections with buildings or with any other subsurface lines or constructions, until permission of the proper authorities in connection with such subsurface lines or constructions shall have been obtained.
 4. No tunneling shall be allowed without the express approval of the Council or its duly authorized representative and that permission shall be endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of Council or its duly authorized representative, or an inspector designated by him, and shall be done only in a method approved by him. Tunneling shall not be defined to include augers and bores normally used by utility companies.
 5. All openings or excavations shall be backfilled promptly with approved materials and thoroughly compacted layers each of which shall not exceed six inches in depth. On improved streets, the backfilling shall be placed to within 10 inches of the surface, and resurfacing shall be done in conformity with State specifications per Subsection 106.
 6. During the making of any excavation in any street every necessary and reasonable precaution shall be taken by the permit holder and the persons actually doing the work to keep the street in a safe and passable condition both day and night, by guards, barriers, lights and other devices, and all excavating permits are granted under and subject to the express condition that the person to whom the permit 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 excavation, or by any leak, explosion or other injury from any pipe, apparatus, conduit or any other matter placed in said excavation.
 7. The applicant shall notify Borough Manager or his duly authorized representative when the opening or excavation is ready for backfilling before any backfilling is done, and also when the work is completed by proper backfilling in the case of unimproved streets and by resurfacing in the case of improved streets.
 8. In the event that any work performed by or for a permit holder shall, in the opinion of Borough Manager or its duly authorized representative, be unsatisfactory and the deficiency is not 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 Secretary and indicated on the permit, the Borough may proceed to correct such unsatisfactory work or complete any incomplete work, and charge the cost, plus 20%, to the permit holder. Provided, under special circumstances, the Secretary, at his discretion, and on application of the permit holder, may extend the termination date of a permit.

(Ord. 1422, 11/18/2003, §109)

§110. Emergency Work.

In case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus to commence an excavation to remedy the 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 the pipe, line, construction or apparatus, Borough Manager or his duly appointed 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 20%.

(Ord. 1422, 11/18/2003, §110)

§111. Except in Emergencies Streets not to be Opened Within Five Years After Paving or Improvement.

Borough Manager or his duly authorized representative 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 that street within 30 days from giving the notice, unless the time is extended in writing for cause shown by Borough Manager or duly authorized representative. New paving shall not be opened for a period of five years after its completion, except in case of emergency, the existence of which emergency and the necessity for the opening of the paving to be determined by; Borough Manager or duly authorized representative. If it is sought to excavate upon or open a street with five years after the completion of the paving for any other reason than an emergency as above stated, the applicant shall make written application to Council, and a permit for the opening shall only be issued after express approval of Council.

(Ord. 1422, 11/18/2003, §111)

§112. Location of New or Extended Water and Gas Mains Subject to Approval of Council.

No new water or gas main shall hereafter be laid or constructed and no existing water or gas main shall be extended in any streets in the Borough until the exact location and the plan of the proposed main has first been approved by Council.

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(Ord. 1422, 11/18/2003, §112)

§113. Maps of Utility Lines to be Furnished.

All utility companies which own and/or operate utility lines within any street, alley or way of the Borough shall within six months after passage of this ordinance furnish the Borough with a map or maps showing the approximate location of such lines and accurate data shall be furnished to the Borough for all future installations.

(Ord. 1422, 11/18/2003, §113)

§114. Payment for Work Done by Borough.

Payment for all work done by the Borough under this Part shall be made by the person liable under the provisions of this Part within 30 days after a bill is sent to that person by the Borough. Upon failure to pay such charges within that time, they shall be collectible by the Borough in the manner provided by law for the collection of municipal claims.

(Ord. 1422, 11/18/2003, §114)

§115. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, 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. 1422, 11/18/2003, §115)

§116. Exceptions.

This Part shall not apply to laying sidewalks or to planting poles, except those in paved areas, or the construction and maintenance work performed by Borough work forces or Borough contracted work in so far as permits and permit fees or bonds are provided for herein.

(Ord. 1422, 11/18/2003, §116)

PART 2

STREET OBSTRUCTIONS

§201. Certain Obstruction Prohibited.

It shall be unlawful for any person to extend a driveway or to place any obstruction of any kind upon any street or alley in the Borough. An obstruction shall be deemed to be any object, whether permanent or not, placed upon a street within the curb lines in such a manner as to change or rise above the grade line of the street.

(Ord. 1036, 9/14/1976, §1)

§202. Penalty for Violation.

Any person, firm or corporation 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 continues shall constitute a separate offense.

(Ord. 1036, 9/14/1976, §2; as amended by A.O.)

PART 3
CURBING

§301. Minimum Height of Curbing.

The curbing along any street or alley in the Borough shall have a minimum height of four inches from the top of the paved surface of the street or alley to the top of the curb.

(Ord. 921, 4/27/1968, §1)

§302. Specifications for Curbing; Approval of Work.

All construction of curbing along any street or alley shall meet the specifications of the engineer or other person designated by Council and the construction shall be subject to the approval of the engineer or other authorized person.

(Ord. 921, 4/27/1968, §2)

§303. Material for Curbing.

The construction of all curbing shall be of concrete unless otherwise permitted by the engineer or other authorized person appointed by Council.

(Ord. 921, 4/27/1968, §3)

PART 4

SIDEWALK CONSTRUCTION AND REPAIR

§401. Notice to Sidewalk Construction or Repair.

Whenever Borough Council deems it necessary, Borough Council shall order that a sidewalk be constructed, reconstructed or repaired along any portion of any street in the Borough, every owner of real estate fronting or abutting upon that portion of the street shall be required upon 30 days notice from the Borough to construct, reconstruct or repair the sidewalk as so directed by the Borough or its designee.

(Ord. 1339, 3/11/1997, Art. I)

§402. New Sidewalks.

New sidewalks constructed or sidewalks replaced along the streets within the Borough shall be of one course concrete construction and shall conform to the following requirements:

- A. Said sidewalk shall be constructed as a series of independent sections in general not more than six feet high in length.
- B. Each section shall be at least four feet wide and four inches in depth and shall be constructed of six bag concrete mix.
- C. Driveway aprons shall be four inches thick and contain reinforcing material or shall be six inches thick if constructed without reinforcing material.
- D. Each section of a sidewalks shall be separated by a vertical joint or relief break running the full width of the slab. A 1/2 inch expansion joint shall be provided at least once in every five sections of sidewalk and shall be filled with an approved joint filler. An expansion seam shall likewise be provided where the sidewalk meets a curb and at such other places as may be directed by the Greenville Borough Council or its designee.
- E. New sidewalks may likewise be constructed of bricks and/or paving bricks or blocks provided the bricks and/or paving bricks or blocks are laid upon a four inch base of concrete and provided further that the width of the sidewalk so constructed shall be at least four feet.

(Ord. 1339, 3/11/1997, Art. II)

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§403. Existing Sidewalks.

Existing sidewalks constructed of brick, stone or material other than concrete may be maintained and repaired with like material of which such sidewalks are constructed and said sidewalks are to have like width. If the condition of any existing sidewalk becomes such that in the judgment of the code officials of the Borough, reconstruction is necessary in order to restore such walk to a safe condition, then such sidewalk shall be reconstructed of concrete, brick or paving brick or blocks and shall in all other respects conform to the applicable provisions regarding new sidewalks in this Part. In the judgment of the code officials of the Borough, if a sidewalk is in need of 75% or more repair, in length of said sidewalk, then the entire sidewalk shall be reconstructed.

(Ord. 1339, 3/11/1997, Art. III)

§404. Owner May do Work.

Nothing in this Part shall be construed so as to prevent any owner or owners of property from personally laying or repairing any fronting or abutting sidewalks in need of construction, reconstruction or repair provided that the owner complies with the terms of this Part and any other relevant Borough ordinance. The owner shall first notify the Borough and obtain a permit from the Borough code official before replacing any existing sidewalk or sections thereof.

(Ord. 1339, 3/11/1997, Art. IV; as amended by A.O.)

§405. Replacement of Sidewalks.

The Borough deems it in the best interest of the residents of the Borough that all existing sidewalks remain, and if any said sidewalk or section of sidewalk is removed then that sidewalk or section must be replaced.

(Ord. 1339, 3/11/1997, §V)

§406. Written Notice to Repair.

If, in the opinion of the Greenville Borough Code Office, a sidewalk within the Borough is in need of repair or replacement, then the Greenville Borough Code Office shall give a written notice to the owner of property upon which the sidewalk is located, directing said owner to repair or replace the sidewalk. If any property owner shall fail upon receipt of said notice to repair or replace the sidewalk abutting his property as required by and within the time period specified in the notice provided by the Greenville Borough Code Office, then that owner shall be considered in violation of this Part and subject to the penalties hereinafter provided. Additionally, if any property owner shall fail to repair or construct the sidewalk as foresaid after notice, the Borough shall have the right to enter the property and to effect the repairs or replacement of the sidewalk on its own

either through independent contractors or with Borough employees. Upon making the repairs or upon replacing the sidewalk the Borough shall charge the property owner the cost of labor and materials plus an additional 10% and shall have the right to place a municipal lien upon the property to secure the repayment of the same.

(Ord. 1339, 3/11/1997, Art. VI)

§407. Criteria to Repair.

The Borough shall apply the following criteria to determine whether a sidewalk is in need of repair or replacement:

- A. Any sidewalk with a missing slab or portion of a slab must have that slab replaced.
- B. A sidewalk slab with a crack that exhibits signs of the sections separating either vertically or horizontally shall be replaced.
- C. Any sections of sidewalk where there is a difference in elevation of greater than 3/8 inch between sections shall be repaired such that the sidewalk surface is smooth and level for the entire length of the sidewalk.
- D. Any section of sidewalk that is displaced more than one inch horizontally from adjacent sections shall be repaired so that the offset sections are brought into line with the remainder of the sidewalk.
- E. Any sidewalk or portion thereof that exhibits spalling, crumbling, deterioration or any defective surface condition shall be replaced.
- F. Any defective condition that in the opinion of the code official constitutes a danger or hazard to public health or safety shall be repaired to the satisfaction of the code official.

(Ord. 1339, 3/11/1997, Art. VII; as amended by A.O.

§408. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine not less than \$300 nor 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.

(Ord. 1339, 3/11/1997, Art. VIII; as amended by A.O.

PART 5

SNOW AND ICE REMOVAL

§501. Owners and Occupants of Premises to Remove Snow and Ice From Sidewalks.

1. The owner or occupant of every property located in the Borough of Greenville shall remove or cause to be removed all snow and ice from the sidewalk abutting that property within six hours after the same shall have ceased to fall or to be formed on the walk, except that where the snow and/or ice does not cease falling or being formed until after sunset of any day, the owner or occupant shall not be required to have the sidewalk clear of the same until 10:00 a.m. of the following day. Provided, property owners shall be responsible for removal of snow and/or ice where the premises are unoccupied, or are occupied by the owner, or are designed for occupancy by more than one tenant; the occupiers shall be responsible in case of property designed for occupancy by one tenant only. The Borough shall have authority to cause any snow and ice not removed within the prescribed time limit to be removed, and to collect the cost of removal, and an additional penalty of 10% from the owner or occupant failing or neglecting or refusing to have the snow and ice removed within the time limit.
2. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to at term of imprisonment not to exceed 30 days. Provided, the fine and costs may be imposed in addition to the cost of removal of the snow and ice, and the additional penalty of 10% as provided in this Section. [A.O.]

(Ord. 156, 5/11/1907, §1; as amended by Ord. 685, 11/10/1955, §1; and by A.O.

PART 6

SIDEWALK OBSTRUCTIONS AND ENCROACHMENTS

§601. Cellarways and Railings Within Street Lines to be Removed under Certain Conditions.

1. From and after the passage of this Section, no person shall build, have or allow to remain within the street lines of any street in the Borough, any open or outside cellarway or any railing around a cellarway which will in any way interfere with or render inconvenient the traffic on or use of the street. Upon 30 days notice from Council, the owner of the building or premises upon which that obstruction is erected or exists shall remove the obstruction or encroachment or make any alterations directed by Council to eliminate the objectionable features. Failure to do so within the time limit shall constitute a violation of this Section. In case the owner does not remove the obstruction or encroachment or make required alterations, Council shall have authority to have the work done and to collect from the defaulting owner the cost and expenses of the work with an additional amount of 10%.
2. Penalty. Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$600 plus costs and, in default of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day on which a violation, after notice thereof, shall exist shall be deemed a separate offense. Provided, the imposition of any penalty under this subsection shall not excuse nor prevent the enforced removal of obstructions under subsection (1) nor the payment of the cost of said removal plus an additional 10%. [A.O.]

(Ord. 272, 10/29/1915, 1; as amended by A.O.)

§602. Obstructions not to be Placed on Street or Sidewalk; Restrictions on Conduct of Business on Sidewalk.

1. No person shall pile, deposit or place or cause to be piled, deposited or placed any rubbish, wood, coal, goods, wares or merchandise, dirt or any impediment or obstruction of any kind upon any sidewalk, street or alley in the Borough, nor may any person use any portion of any sidewalk, street or alley for the conduct of any business or for the placing of any article of merchandise whatever for display or exhibition. Provided, however, upon "special sidewalk days" as designated by Council, from time to time, goods, wares and merchandise may be displayed on and sold from the sidewalk between the hours set apart by Council for the purpose with only the portion of the sidewalk as specified by Council to be occupied by the goods, wares and merchandise and stands, tables or racks in connection with the sale.

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2. This Section shall not prohibit the placement of a bicycle rack that is no greater than 3 1/2 feet in width upon on any sidewalk that is at least 12 feet in width. [Ord. 1277]

(Ord. 125, 5/7/1902, §1; as amended by Ord. 684, 11/10/1955, §1; and by Ord. 1277, 7/13/1993, §1)

§603. Use of Sidewalks for Loading and Unloading of Merchandise.

Nothing in §602 shall prevent any person, for the purpose of loading and unloading goods, wares and merchandise, from using and occupying the outer edge of the sidewalk abutting the premises occupied by him; provided, that a space at least seven feet in width along the center of the sidewalk shall always be kept clear, open and unencumbered.

(Ord. 125, 5/7/1902, §2; as amended by Ord. 684, 11/10/1955, §2)

§604. Penalty for Violation.

Any person, firm or corporation 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 continues shall constitute a separate offense.

(Ord. 125, 5/7/1902, §3; as amended by Ord. 684, 11/10/1955, §3; and by A.O.