

## **Chapter 21**

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**Part 1****General Policies and Standards****§21-101. Street Improvement Policy Adopted.**

It is hereby declared to be the policy of the Forest Hills Borough in respect of the original permanent paving, widening, curbing or guttering of all roads, streets and alleys or parts thereof shown on the Borough street map, hereinafter referred to, that the construction material shall be as follows:

A. For original permanent paving and widening the surface paving material shall be either Portland cement concrete or asphaltic or bituminous material as Council shall prescribe in the ordinance authorizing such paving or widening.

B. For curbing and guttering, material shall be Portland cement concrete.

C. Such material shall be furnished and used in accordance with such specifications as shall, from time to time, be prescribed by the Public Works Committee of Council in standard regulations promulgated and adopted by such Committee in accordance with the procedure hereinafter set forth and that the cost of such improvements shall be paid by equitable assessment against abutting property and by payments from the General Fund of the Forest Hills Borough as more specifically hereinafter set forth.

(*Ord. 555, 5/16/1970, §1*)

**§21-102. Borough Street Map.**

1. The Borough Street Map shall set forth the location and name of all roads, streets and alleys in the Borough which have been laid out and opened or dedicated and accepted as public roads, streets and alleys therein. Said map shall be amended, from time to time, by the Borough Engineer as changes to conform to the requirements of this Section are necessary therein. The map shall bear the certification of the Borough Engineer that the same is complete and accurate and shall be endorsed with the date and fact of its approval by the Public Works Committee of Council.

2. A copy bearing such certification and endorsement of approval shall be made available during regular business hours for public inspection in the office of the Public Works Manager. The Borough Engineer and the Public Works Manager are hereby authorized and directed to prepare said map, amend or revise the same, from time to time, and to take such other action relative thereto as may be appropriate to comply with the provisions of this Part.

(*Ord. 555, 5/16/1970, §2*)

**§21-103. Standard Regulations Authorized.**

The Public Works Committee of Council is hereby authorized and directed to adopt and promulgate standard regulations for street paving, widening, curbing and guttering within the standards prescribed by this Part and in implementation thereof in such form as said Committee, by and with the advice and recommendations of the Borough Engineer, shall decide. The regulations may be amended and revised, from time to time, by said Committee in the same manner in which they shall have been originally

promulgated and adopted. Said standard regulations for street paving, widening, curbing and guttering hereinafter referred to as the “regulations” shall be in writing and shall bear the certification of the Borough Engineer that the same are complete and accurate and shall be endorsed with the date and fact of approval by the Public Works Committee of Council. A copy of the regulations bearing such certification and endorsement or approval shall be made available during regular business hours for public inspection in the office of the Public Works Manager.

*(Ord. 555, 5/16/1970, §3)*

**§21-104. Payment of Costs of Improvements.**

The cost of any improvements made pursuant to this Part shall be paid by the Borough and the owners of abutting property or either of them in accordance with the provisions of the law relating to street improvements in boroughs.

*(Ord. 555, 5/16/1970, §4)*

**§21-105. Definition.**

The phrase “Public Works Committee of Council” as used herein shall be construed to mean the Public Works Committee of Council as now constituted or any committee hereafter organized by the Council performing the same or similar function.

*(Ord. 555, 5/16/1970, §5)*

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**Part 2****Excavations****A. Definitions****§21-201. 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:

*Applicant* - any person who makes application for a permit.

*Borough* - the Forest Hills Borough, County of Allegheny, Commonwealth of Pennsylvania.

*Borough Manager* - the Manager of the Forest Hills Borough, who shall be in charge of the Department of Highways or the Highway operations in the Borough, or his authorized deputy, representative or inspector.

*Emergency* - any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

*Permittee* - any person who has been issued a permit and has agreed to fulfill all the terms of this Part.

*Person* - includes any natural person, partnership, firm, association, utility, corporation or authority created pursuant to an act of the General Assembly. Whenever used in any Section prescribing and imposing a penalty, the term "person" as applied to associations shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

*Street* - includes a public street, public easement, public right-of-way, public highway, public alley, public way or public road accepted or maintained by the Borough and all improvements within the limits thereof including pavement, curbs and sidewalks.

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

(Ord. 918, 6/19/2002)



**B. Permit Requirements****§21-211. Permit Required.**

It shall be unlawful for any person to make any tunnel, opening, cut, break or excavation of any kind in or under the surface of any street without first securing a permit from the Borough for each separate undertaking; provided, however, any person maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately; provided, the permit could not reasonably and practically have been obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the Borough Manager is open for business and said permit shall be retroactive to the date when the work was begun.

*(Ord. 918, 6/19/2002)*

**§21-212. Street Openings Limited.**

No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount or quantity greater than that specified in the permit, except that upon approval by the Borough Manager additional work may be done under the provisions of the permit in any amount not greater than 10 percent of the amount specified in the permit. Any deposit and bond posted in connection with the original permit shall be deemed to cover any such additional work as may be approved pursuant to this Section within the limits mentioned herein.

*(Ord. 918, 6/19/2002)*

**§21-213. Commencement of Work.**

Work for which a permit has been issued shall commence within 10 days after the issuance of such permit. If not so commenced, the permit shall be automatically terminated.

*(Ord. 918, 6/19/2002)*

**§21-214. Permits Nontransferable.**

Permits are not transferable from one person to another and the work shall not be made in any place other than the location specifically designated in the permit.

*(Ord. 918, 6/19/2002)*

**§21-215. Expiration of Permits.**

Every permit shall expire at the end of the period of time which shall be set out in the permit. If the permittee shall be unable to complete the work within the specified time, he shall prior to expiration of the permit present in writing to the Borough Manager a request for an extension of time, setting forth therein the reasons for the requested extension. If, in the opinion of the Borough Manager such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work.

*(Ord. 918, 6/19/2002)*

**§21-216. State and County Highways.**

The provisions of this Part shall not be applicable in those instances where the highway is maintained by the Commonwealth of Pennsylvania or by the County of Allegheny.

*(Ord. 918, 6/19/2002)*

**§21-217. Rights of Borough.**

Every permit shall be granted subject to the right of the Borough, or of any other person entitled thereto, to use the street for any purpose for which such street may lawfully be used, not inconsistent with the permit.

*(Ord. 918, 6/19/2002)*

**§21-218. Revocation of Permits.**

1. Any permit maybe revoked by the Borough Manager after notice to the permittee for:

- A. Violation of any condition of the permit or of any provision of this Part.
- B. Violation of any provision of any other applicable ordinance or law relating to the work.

C. The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or properties of others. A permittee may be granted a period of three days from the day of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked. Written notice of any such violation or condition shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the permit. Notice may be given either by personal delivery thereof to the person to be notified or by certified or registered United States mail addressed to the person to be notified.

2. When any permit has been revoked and the work authorized by the permit has not been completed, the Borough Manager shall undertake such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses incurred by the Borough shall be recovered from the deposit or bond the permittee has made or filed with the Borough.

*(Ord. 918, 6/19/2002)*

**§21-219. Emergency Street Openings; Notice.**

Where a person proceeds with a street opening without a permit under emergency circumstances pursuant to §21-211 above, that person shall notify the Borough Police Department, Fire Department and Borough Manager as soon as possible of the nature of the emergency and street opening, the expected duration of the emergency and all circumstances related thereto.

*(Ord. 918, 6/19/2002)*

### **C. Duties and Responsibilities**

#### **§21-221. Applicants for Permits.**

It shall be the duty and responsibility of any applicant to:

A. Make a written application for such permit with the Borough Manager on such form as he shall prescribe. No work shall commence until the Borough Manager has approved the application and plan and issued a permit, and until the permittee has paid and provided all fees, deposits, certificates and bonds required by this Part.

B. Furnish in duplicate a plan showing the work to be performed under such permit. If approved by the Borough Manager, one copy of such plan shall be returned to the applicant at the time the permit is granted.

C. Agree to hold harmless and defend the Borough, its officers, employees and agents from any and all costs, damages and liabilities which may accrue by reason of any work performed under such permit. The acceptance of any permit under this Part shall constitute such an agreement by the applicant whether the same is expressed or not.

*(Ord. 918, 6/19/2002)*

#### **§21-222. Permit Holder's Responsibilities.**

It shall be the duty and responsibility of any person receiving a permit to:

A. Pay a permit fee as established by resolution of Borough Council; provided, however, that public utilities or authorities may elect to be billed monthly for such fees as they accrue.

B. Make a deposit to cover the costs of inspecting the work authorized by the permit. The amount of the deposit shall be computed by the Borough Manager as provided by Part 2E hereof.

C. Furnish a performance bond as required by Part 2F hereof.

D. Furnish a certificate of insurance as required by Part 2G hereof.

E. Notify all property owners, residents and businesses affected by the permitted work as required by Part 2I hereof.

F. Present evidence that all necessary materials, labor and equipment are available to complete the work authorized by the permit.

G. Keep the original copy of the permit and an approved copy of the plan at all times while such work is in progress at the location for which said permit was granted and show such permit and/or plan upon demand by Borough authorities.

H. Record by video camera or other similar means, prior to undertaking work authorized under the permit and following completion of said work:

(1) The internal condition of any and all storm sewer and sanitary sewer lines located on public property or public right-of-way within 100 feet of the work area.

(2) The condition of the work area and all adjacent properties (including streets, sidewalks, building structures and landscapings) and the internal condition of any storm sewer or sanitary sewer lines located on private

property within 50 feet of the work area.

A copy of the necessary recordings shall be submitted to the Borough Manager for review and retention prior to commencement of work and upon completion of work.

*(Ord. 918, 6/19/2002)*

**D. Additional Regulations Authorized****§21-231. Adoption of Regulations.**

The Borough Manager is hereby authorized and directed to adopt such written regulations that maybe necessary for the implementation and enforcement of this Part. Such regulations shall include but not be limited to:

- A. Limitations on the size of an opening.
- B. Restrictions for the protection of existing subsurface installations, monuments and drainage systems.
- C. Requirements for the storage and removal of excavated materials.
- D. Designation of safety precautions to be taken by the permittee.
- E. Restrictions as to the time of day when the work may be performed.
- F. Requirements for backfilling, inspecting and restoring openings.

*(Ord. 918, 6/19/2002)*

**§21-232. Approval of Regulations.**

Any regulations adopted by the Borough Manager shall become effective within 30 days after submission to Borough Council, unless the regulations are disapproved by Council within the 30-day period.

*(Ord. 918, 6/19/2002)*

**§21-233. Publication of Regulations.**

A summary of the regulations adopted by the Borough Manager and approved by Council shall be published once in a newspaper of general circulation in the Borough or as otherwise maybe designated by Council. Copies of the published regulations also shall be made available in the office of the Borough Manager.

*(Ord. 918, 6/19/2002)*



**E. Deposits to Cover Costs****§21-241. Computation of Deposit.**

The Borough Manager, upon receipt of a properly completed application, shall determine the amount of deposit to be made by the permittee; provided, however, that the deposit shall not be less than \$50. The deposit shall be paid at the time the permit is received, and the deposit shall be used to: reimburse the Borough for the cost of any labor and/or materials furnished by it in connection with the work authorized by the permit; to cover all necessary site inspections, site supervision, traffic control, administrative activities; and for any other purpose set forth in this Part.

*(Ord. 918, 6/19/2002)*

**§21-242. Form of Deposit.**

The deposit maybe either in the form of a certified treasurer's or cashier's check or in lawful United States currency.

*(Ord. 918, 6/19/2002)*

**§21-243. Insufficient Deposit.**

If any deposit is insufficient to pay all costs, the permittee shall, upon demand, pay to the Borough an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the Borough may institute an action to recover the same in any court of competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.

*(Ord. 918, 6/19/2002)*

**§21-244. Yearly Deposit.**

Whenever any public utility or authority shall anticipate more than one street opening or excavation per calendar year, such utility or authority may post one deposit in an amount and form as provided above for the calendar year or part thereof to cover the costs of any and all work.

*(Ord. 918, 6/19/2002)*

**§21-245. Depositing and Cost Schedules.**

The Borough Manager is authorized to establish a schedule of charges for inspections, labor, materials and such other expenses as maybe incurred by the Borough in meeting the requirements of this Part. The schedule shall be available for public inspection in the office of the Borough Manager.

*(Ord. 918, 6/19/2002)*

**§21-246. Decision on Costs.**

The decision of the Borough Manager as to the costs of any work done or repairs made by him or under his direction, pursuant to the provisions of this Part, shall be final and conclusive as to such costs, subject to such rights of appeal as may exist by statute.

*(Ord. 918, 6/19/2002)*

**§21-247. Refund of Deposit.**

Upon notification by the permittee that all work authorized by the permit has been completed and after restoration of the opening, the Borough Manager shall refund to the permittee his deposit less all costs incurred by the Borough in connection with said permit. In no event shall the permit fee be refunded.

*(Ord. 918, 6/19/2002)*

**F. Bond Requirements****§21-251. Maintenance Bond Requirements.**

Upon filing a permit application, each applicant shall provide the Borough with an acceptable cash bond or corporate surety bond to guarantee faithful performance of the work authorized by a permit granted pursuant to this Part. The amount of the bond shall be 100 percent of the estimated cost of restoring the street opening. The term of the bond shall begin upon the date of posting thereof and shall terminate upon the permittee's receipt of a certificate of final inspection from the Borough Manager. If the permittee anticipates requesting more than one permit per year as required by this Part, he may furnish one continuing corporate surety bond to guarantee faithful performance in such amount as the Borough Manager deems necessary. The amount of such bond shall be in relation to the cost of restoring pavement cuts to be made by the permittee throughout the year.

*(Ord. 918, 6/19/2002)*

**§21-252. Default in Performance.**

Whenever the Borough Manager shall find that a default has occurred in the performance of any terra or condition of the permit, written notice thereof shall be given to the principal and to the surety of the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Borough Manager to be reasonably necessary for the completion of such work.

*(Ord. 918, 6/19/2002)*

**§21-253. Completion of Work.**

After receipt of such notice the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, indemnify the Borough for the cost of doing the work as set forth in the notice.

*(Ord. 918, 6/19/2002)*



**G. Liability Insurance****§21-261. Insurance Requirements.**

Each applicant, upon the receipt of a permit, shall provide the Borough with an acceptable certificate of insurance indicating that he is insured against claims for damages which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the Borough Manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall not be in an amount less than \$500,000 for all accidents. Public utilities and authorities may be relieved of the obligation of submitting such a certificate if they are insured in accordance with all the requirements of this Part.

*(Ord. 918, 6/19/2002)*



## **H. Openings in New Streets**

### **§21-271. Notices of Improvements.**

When the Borough shall improve or pave any street, the Borough Manager shall first give notice to all persons owning property abutting the street to be paved or improved, and to all public utilities and authorities operating in the Borough, and all such persons, utilities and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street, within 30 days from the date of such notice. The time shall be extended if permission is requested in writing and approved by the Borough Manager.

*(Ord. 918, 6/19/2002)*

### **§21-272. Restrictions Upon Opening New Streets.**

No permit shall be issued by the Borough Manager which would allow an excavation or opening a paved and improved street surface less than 5 years old unless the applicant can clearly demonstrate that public health or safety require that the proposed work be permitted or unless an emergency condition exists.

*(Ord. 918, 6/19/2002)*

### **§21-273. Penalty for Opening New Streets.**

If, by special action of the Borough Manager a permit is issued to open any paved and improved street surface less than 5 years old, a penalty charge shall be made for the opening, except that the penalty shall be waived in the event the work is of an emergency nature. The penalty charge shall be on a sliding scale and shall be equal to 2 percent of the costs of restoring the opening for each unelapsed month or fraction thereof of the 5-year restricted period.

*(Ord. 918, 6/19/2002)*



## **I. General Provisions**

### **§21-281. Information Required.**

Every person owning, using, controlling, or having an interest in pipes, conduits, ducts, or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, telecommunications, water or steam to or from the Borough or to or from its residents, or for any other purposes shall, upon request of the Borough Manager, furnish him forthwith any information relative to the location, size and description of all such installations.

*(Ord. 918, 6/19/2002)*

### **§21-282. Abandoned Facilities.**

When the Borough plans to pave or improve streets in which there are abandoned facilities, the owner of such facilities shall be notified to remove them if the Borough Council determines that their removal is in the best interest of the Borough. If the owner shall remove the abandoned facilities, then the Borough shall effect such removal and the owner shall reimburse the Borough of the costs thereof.

*(Ord. 918, 6/19/2002)*

### **§21-283. Notices to Property Owners and Tenants.**

1. At least 3 weeks prior to commencing permitted work, the permittee shall provide written notice of the proposed work to all property owners, residents and businesses within 300 feet of the work area. A copy of this written notice shall be provided to the Borough Manager, Borough Police Department and the Forest Hills Volunteer Fire Department. This written notice shall include the following:

- A. A work schedule indicating the days and time that work will be performed and the date of anticipated completion.
- B. A summary of the work to be performed.
- C. A summary of any traffic restrictions, including the days and times of such restrictions.
- D. The name, address and telephone number of a person to be contacted in case of an emergency or complaints.
- E. The name, address and telephone number of the contractor or other party responsible for direct supervision of the work.

2. The permittee shall submit a press release to any major media outlets designated by the Borough Manager notifying area residents of the notice information referenced in subsection .1 above. This requirement may be waived by the Borough Manager where the effected streets are not major thoroughfares.

3. Prior to beginning the permitted work, the permittee shall submit a notarized written statement to the Borough Manager certifying that the permittee has complied with the above-referenced notice requirements.

*(Ord. 918, 6/19/2002)*

### **§21-284. Notices to Police and Fire Authorities.**

The Borough Manager shall notify in writing the Borough Police Department and the Borough Volunteer Fire Department of all street opening permits that are granted. Such notification shall state the nature of the work to be done, proposed commencement and completion dates, and the location of such project.

*(Ord. 918, 6/19/2002)*

**§21-285. Safety Procedures and Warning Devices.**

1. No opening or excavation of any streets shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored, unless otherwise permitted by the Borough Manager.

2. When any earth, gravel or other excavated material is caused to roll, flow or wash upon any street, the permittee shall cause the same to be removed from the street within 8 hours after deposit. In the event the earth, gravel or other excavated material so deposited is not removed, the Borough Manager shall cause such removal and the cost incurred shall be paid by the permittee or deducted from the cash deposit or surety bond.

3. Every permittee shall place around the project sites such barriers, barricades, lights, warning flags and danger signs as shall be determined by the Borough Manager to be necessary for the protection of the public. Whenever any person fails to provide or maintain the safety devices required by the Borough Manager, such devices shall be installed and maintained by the Borough and the costs incurred to be paid by the permittee or deducted from the cash deposit or surety bond.

4. No person shall willfully move, remove, injure, destroy, or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with provisions of this Part.

*(Ord. 918, 6/19/2002)*

**§21-286. Restoration and Maintenance of Areas Disturbed by Excavation.**

1. Within 48 hours of completing work, any permit holder who shall make any street opening shall cause such street opening to be restored to the same surface, good order, repair and condition in which it was prior to the street opening. All restoration work involving a public street shall be performed in accordance with Borough specifications.

2. The permit holder shall be responsible for the maintenance of areas disturbed by such street openings for a period of two years from the date of the completion of such restoration and further shall pay or cause to be paid the costs of all work required or necessary in such restoration and maintenance. When written notice requiring repair or maintenance is given by the Borough to the party responsible for making a street opening and such party shall fail or neglect to make such repair or perform such maintenance within 14 days of such notice, such neglect or failure shall constitute a violation of the provisions of this Part.

*(Ord. 918, 6/19/2002)*

**§21-287. Restoration of Damaged Property.**

1. Any planted or landscaped area which is disturbed by work performed under

the permit shall be restored to a condition at least equal to that existing before the commencement of construction. Any shrub, grass, tree or plant injured or destroyed shall be replaced with ones of the same size, color, species, condition, caliper and quality.

2. Any sidewalk, driveway or other privately owned or maintained facility or object damaged, destroyed or removed shall be restored to the satisfaction of the Borough Manager.

3. Any Borough sign damaged, lost or destroyed by the permit holder shall be replaced by the Borough and the cost thereof shall be assessed against the permit holder or recovered by the Borough as otherwise allowed by law.

4. If, during the course of construction, any municipally owned or maintained sewer, under-drain, manhole, catch basin, curb, guardrail or other facility or appurtenance is damaged, destroyed or disturbed, such condition shall be reported immediately to the Borough Manager who shall then prescribe, direct, supervise and inspect the necessary corrective action.

(*Ord. 918, 6/19/2002*)

**§21-288. Penalties.**

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.

2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(*Ord. 918, 6/19/2002; as amended by Ord. 976, 1/16/2008*)



**Part 3****Sidewalks****A. Construction, Reconstruction, Maintenance and Repair****§21-301. Property Owners to Construct or Reconstruct Sidewalks on Notice.**

Every owner of property in the Forest Hills Borough shall, on 30 days notice from the Borough Council, or its designated representative, construct or reconstruct a temporary or permanent sidewalk, as directed by such notice, which shall conform to all the applicable requirements of this Part, in front of or alongside such property.

(*Ord. 463, 6/23/1965, §1; as amended by Ord. 830, 3/18/1992*)

**§21-302. Property Owners to Repair Sidewalks on Notice.**

Every owner of property in the Forest Hills Borough shall, on five days notice from Borough Council, repair the sidewalk in front of or alongside such property, in the manner stipulated in such notice. Provided, nothing herein shall preclude the use by the Council of the authority vested therein by the Borough Code to require that emergency repairs to sidewalks, involving an expenditure of not more than \$50, to be made on 48 hours notice.

(*Ord. 463, 6/23/1965, §2*)

**§21-303. Temporary Sidewalks.**

On all streets on which a grade shall not have been established, the Council shall, when in its judgment decide it is necessary, require that temporary sidewalks, of cinder or other material, be laid in accordance with specifications adopted from time to time by the Council for such temporary sidewalks. Such specifications shall be adopted by the Council on motion and shall be kept on file in the office of the Borough Secretary.

(*Ord. 463, 6/23/1965, §3*)

**§21-304. Permanent Sidewalks.**

On all streets on which a grade shall have been established, the sidewalk shall be paved with concrete, according to specifications adopted from time to time on motion by Council and kept on file in the office of the Borough Secretary. The width of the sidewalk on any and every street shall be determined by the Council at the time that it shall order the construction of such sidewalk, and the Council may specify either that the entire width thereof be paved with concrete or that only a portion of the width be paved and the remainder be maintained as a grass plot. Every notice to construct or reconstruct a sidewalk shall specify the width of the sidewalk and the width and location of the paved portion thereof, as well as the grade and slope thereof, and the sidewalk shall be constructed or reconstructed in strict conformity with such notice. At the intersection of any two streets, the sidewalk shall be laid to the curb on both streets.

(*Ord. 463, 6/23/1965, §4*)

**§21-305. Private Driveways Crossing Sidewalks.**

All private driveways to cross any sidewalk shall be made of concrete, according to the same specifications as for the concrete used in the construction of the sidewalk, and shall extend from the street line to the property line. The grade of every such driveway shall meet the grade of the paved portion of the sidewalk on either side, and, for the purpose of providing drainage from the driveway to the street, it may be depressed by gradual inclination toward the center to not more than three inches below the paved portion of the sidewalk. From the outside line of the paved portion of the sidewalk to the street line it shall descend at an even grade to the level of the street gutter. No private driveway shall be constructed until the plan thereof shall have been submitted to and approved by Council, which shall have authority to specify the width and location of the driveway entrance, and to refuse approval for more than one driveway leading into the same premises, and to require the placement of driveways in the interest of public safety and with a minimum of interference to vehicular and pedestrian traffic and parking.

*(Ord. 463, 6/23/1965, §5)*

**§21-306. Determination of Extent of Work Necessary; Inspections.**

It shall be the duty of the Borough Engineer to determine, in the case of any individual property, whether or not the sidewalk shall be reconstructed or shall merely be repaired, and, if so, the specific part or parts thereof to be reconstructed or repaired. The Engineer may, at any time during the course of the work of constructing, reconstructing or repairing any sidewalk, either person or by authorized deputy or assistant, visit the site of such work to ascertain whether the work is being done according to requirements, and he or one of his deputies or assistants shall visit any such site for such purpose at any reasonable time when requested to do so by the property owner. Within 72 hours after the completion of the work of construction, reconstruction or repair of any sidewalk, it shall be the duty of the owner of the property where such work was done to notify the Borough Engineer of that fact, so that he may inspect such sidewalk to determine whether the same shall have been constructed, reconstructed or repaired, as the case may be, as required by this Part and the specifications and requirements adopted thereunder.

*(Ord. 463, 6/23/1965, §6)*

**§21-307. Authority of Property Owner on His Own Initiative.**

Any property owner, upon his own initiative, and without notice from any Borough authority, may reconstruct or repair a sidewalk in front of or alongside his property, provided that such owner shall first make application to the Borough Engineer and shall conform to the requirements of this Part and the specifications and requirements adopted thereunder that would be applicable for a sidewalk to be reconstructed or repaired on notice from the Borough. No property owner shall construct a new temporary or permanent sidewalk, where no temporary or permanent sidewalk, as the case may be, shall have been previously located, except upon order and notice from the Borough Council, as provided in §21-301.

*(Ord. 463, 6/23/1965, §7)*

**§21-308. Authority for Borough to Do Work and Collect Cost, and Additional**

**Amounts from Property Owners.**

Upon the neglect of any property owner to comply with any notice to him as provided in §§21-301 or 21-302, the Borough may, after notice, cause such work of construction, reconstruction or repair, as the case may be, to be done, and may collect the cost thereof, and 10 percent additional, together with all charges and expenses, from such owner, and may file a municipal claim therefor, or may collect the same by action in assumpsit.

(*Ord. 463, 6/23/1965, §8*)

**§21-309. Penalties.**

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.

2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(*Ord. 463, 6/23/1965; as added by Ord. 830, 3/18/1992; and by Ord. 976, 1/16/2008*)



**B. Snow and Ice Removal from Sidewalks****§21-321. Snow and Ice to Be Removed from Sidewalks.**

The owner, occupant or tenant of every property fronting upon or alongside any of the streets in the Forest Hills Borough is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside such property all snow and ice thereon fallen or formed, within 10 hours after the same shall have ceased to fall or to be formed. Provided, snow or ice that has ceased to fall or to be formed after 6 p.m. may be removed at any time before 10 a.m. the next morning. Provided further, the owner of a property shall be responsible for conforming to the requirements of this Section where such property is occupied by such owner or is unoccupied or vacant or where such property is occupied by such owner or is unoccupied or vacant or where such property is multiple-business or multiple-dwelling property, occupied by more than one tenant or occupier; the tenant or occupier of a property shall be responsible where such property is a single unit tenanted or occupied by such tenant or occupier.

(*Ord. 464, 6/23/1965, §1*)

**§21-322. Authority for Borough to Do Work and Collect Costs.**

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of §21-321 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 expenses thereof, with an additional amount of 10 percent 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 §21-323 hereof.

(*Ord. 464, 6/23/1965, §2*)

**§21-323. Depositing of Snow and Ice on Public Ways.**

No person shall place, deposit, dump, shovel or cause any placement, depositing, dumping or shoveling of snow or ice onto any Borough street, road, alley or way, which snow or ice has been removed from a sidewalk, driveway or property adjacent to such Borough street, road, alley or way.

(*Ord. 662, 6/15/1977, §1*)

**§21-324. Property Owners to Maintain Without Notice.**

Owners of real estate in the Forest Hills Borough abutting on any street or State highway are required to keep the area of the Borough street or State highway located between one cartway and the right-of-way line in a safe and useable condition. The aforesaid area may include a paved footway, sidewalk, and/or unpaved grass plot.

(*Ord. 662, 6/15/1977; as added by Ord. 830, 3/18/1992*)

**§21-325. Penalties.**

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus court costs and costs of prosecution incurred by the Borough,

and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.

2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(*Ord. 464, 6/23/1965, §3; as amended by Ord. 662, 6/15/1977; by Ord. 830, 3/18/1992; and by Ord. 976, 1/16/2008*)

**Part 4****Obstructions in Streets and Sidewalks****§21-401. Certain Material Not to Be Permitted to Accumulate.**

From and after the passage of this Part it shall be unlawful for any person, firm or corporation, or their agent or agents, engaged in the hauling, transportation, excavation or dumping of earth, soil, building material or any commodity, to cause or permit the same to gather or accumulate on any of the roads, streets, lanes, alleys or footwalks of the Forest Hills Borough.

(*Ord. 159½*, 3/12/1930, §1)

**§21-402. Unlawful to Place Obstructions on Streets, Alleys and Sidewalks.**

1. From and after the passage of this Part it shall be unlawful for any person, firm or corporation, or their agent or agents, to place or cause to be placed on any street, alley or square and the sidewalks thereof in the said Borough, anything that may obstruct the same or prevent or hinder the free and full use of the same, except for sidewalk sales or as otherwise allowed by law.

2. The term "sidewalk sale," as used in this Section, is a sale conducted on a sidewalk immediately adjacent to a business located in a B-1 Business District, as that District is defined in the Borough's Zoning Ordinance [Chapter 27], pursuant to a permit issued by the Borough Manager or his designee, which shall not exceed 4 consecutive days in a row or a total of 12 days in any calendar year, provided that there is at a minimum, 2 feet of unobstructed sidewalk space to allow for a safe pedestrian passage, and provided further that no sidewalk sale may extend beyond the sidewalk contiguous to the property boundary of the business.

(*Ord. 159½*, 3/12/1930, §2; as amended by *Ord. 920*, 10/16/2002, §1)

**§21-403. Authority for Borough to Remove Obstructions.**

From and after the passage of this Part, any material or thing in or upon any of the streets, alleys or sidewalks in the Borough contrary to the provisions of this Part shall constitute an obstruction to the streets and may be removed by the Borough as authorized by law.

(*Ord. 159½*, 3/12/1930, §3; as amended by *Ord. 441*, 6/23/1965, §1)

**§21-404. "Sidewalk" Defined.**

The word "sidewalk" as used in this Part, shall mean and include the portion of a street located outside the cartway, and may include paved footway, unpaved grassplot, curb and gutter.

(*Ord. 159½*, 3/12/1930; as added by *Ord. 830*, 3/18/1992)

**§21-405. Penalties.**

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon

conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.

2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(*Ord. 159½*, 3/12/1930, §4; as amended by *Ord. 830*, 3/18/1992; and by *Ord. 976*, 1/16/2008)

**Part 5****Driveway and Street Access****§21-501. Purpose.**

The purpose of this Part is to regulate the location, construction, maintenance, and drainage of driveways and other property within the right-of-ways of or connecting to streets, for the purpose of security, safety, and reasonable access, preservation of existing street operating capacity and condition, preservation of surrounding land uses, provision of adequate drainage, and economy of maintenance.

(Ord. 950, 12/15/2004, §501)

**§21-502. Definitions.**

For the purposes of this Part, these terms shall be defined as follows:

*Average daily traffic* - the total volume of vehicle trips expected on a street or access way during a specified period of time in whole days -- more than 1 day and less than 1 year -- divided by the number of whole days in that time period. One vehicle entering and exiting a property constitutes two trips.

*Borough* - Forest Hills Borough.

*Curbline* - a line formed by the face of the existing curb or in its absence the outer edge of the shoulder, along which curbing is or may be located.

*Drainage facility* - a roadway or street hydraulic structure that performs the function of conveying, diverting, or removing surface water from the street right-of-way.

*Driveway* - every entrance or exit used by vehicular traffic to or from properties abutting or connecting to a street. The term includes proposed public and private streets, lanes, alleys, courts, and ways, including acceleration and deceleration lanes and such drainage structures as may be necessary for the proper construction and maintenance thereof.

*Egress* - the exit of vehicular traffic from abutting properties to a highway.

*Engineer* - the Engineer of Forest Hills Borough, or his or her designee.

*Form 408* - the latest revision of highway construction specifications issued by PennDOT.

*Improved area* - the area within the street right-of-way which has been constructed for roadway purposes, including roadbed, pavement, shoulders, slope, sidewalks, drainage facilities, and any other appurtenances.

*Ingress* - entrance of vehicular traffic to abutting properties from a highway.

*Minor modification* - a structural modification to an existing driveway not involving a change in use, increase in average daily traffic to the street from the driveway, change in the driveway width, or a change in traffic direction.

*Pavement edge* - the edge of the main traveled portion of any street, exclusive of shoulder.

*PennDOT* - the Pennsylvania Department of Transportation.

*Peak hour trip* - the maximum number of vehicle trips generated by a site development that occurs within a consecutive 60 minute period during a.m. adjacent street, p.m. adjacent street or development peak hour period. One vehicle entering and exiting a property constitutes two trips.

*Permit* - a street access permit issued by the Forest Hills Borough pursuant to this Part.

*Plans* - drawings which show the location, character, and dimensions of the proposed occupancy and related highway features, including layouts, profiles, cross sections, drainage, and other details.

*Roadway* - that portion of a street improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

*Shoulder* - the portion of the street, contiguous to the traffic lanes, for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses and pavements.

*Shoulder line* - the intersection of the shoulder slope with the side slope or ditch slope.

*Sight distance* - the distance required by a driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver as defined by PennDOT regulations.

*Street* - the area, including the entire width between right-of-way lines, over which the Borough, County of Allegheny, Commonwealth of Pennsylvania or other political subdivision has assumed or has been given jurisdiction for vehicular travel purposes.

*Street, arterial* - a street owned, operated and maintained by the Commonwealth of Pennsylvania or the County of Allegheny.

*Street, local* - a street other than an arterial street.

*Traffic control device* - any sign, signal, marking, or device placed or erected for the purpose of regulating, warning, or guiding vehicular traffic or pedestrians, or both.

*Vehicle* - every device in or by which any person or property is or may be transported or drawn upon a street.

(Ord. 950, 12/15/2004, §502)

### **§21-503. Street Access Permits Required; Application Review.**

1. No driveway, street or drainage facility or structure shall be constructed or altered within a street or connect to the street; and, no property located within 300 feet of a street having ingress or egress, directly or indirectly, via the street shall change its use in a manner which increases its average daily traffic to the street as determined under the ITE Trip Generation Manual without first obtaining a permit from the Borough. For purposes of this Section "altered" shall not include changes in driveway surface material.

2. The applicant shall submit a permit application in writing to the Code Enforcement Officer in the form prescribed by Borough Council. The permit application

shall be signed by the property owner and accompanied by proof of ownership. The street access permit application shall be filed contemporaneous with any application pursuant to Chapter 22 of the Forest Hills Borough Code of Ordinances, "Subdivision and Land Development." If no application is required pursuant to Chapter 22, the street access permit application shall be filed contemporaneously with the filing of an application for a building permit.

3. Any permit application for a driveway servicing one dwelling unit shall be accompanied by those materials prescribed by resolution of Borough Council. Any permit application for a driveway servicing any other use shall include those materials required by §21-504 of this Part.

4. The Code Enforcement Officer shall review and in writing approve, approve with modification or deny a permit application within 15 days of submission of an administratively complete application for (A) any driveway servicing one single family dwelling unit; or (B) a minor modification to any existing driveway for any use. The applicant or any other person aggrieved by said decision may appeal the Code Enforcement Officer's action by filing an appeal to Borough Council in writing within 30 days of the mailing of the Code Enforcement Officer's written decision.

5. The Borough Council shall review and in writing approve, approve with modification or deny a permit application for a driveway servicing any use other than one single family dwelling unit or a minor modification to an existing driveway within 60 days of submission of an administratively complete application. Any such application shall also be submitted to the Planning Commission for review and recommendation. The Planning Commission shall review and within 30 days of submission of an administratively complete application recommend in writing its approval, approval with modifications or denial of a permit application.

6. Any appeal of a Borough Council decision made pursuant to this Section shall be to the Court of Common Pleas of Allegheny County in accordance with the Local Agency Law, 2 Pa.C.S.A. §105.

(*Ord. 950, 12/15/2004, §503*)

#### **§21-504. Contents of Application Plan.**

A permit applicant for a driveway servicing more than one dwelling unit shall submit at the time of application four sets of plans which contain the following:

- A. The land use proposed for the property.
- B. A traffic control plan, if it is necessary to close a lane to vehicular traffic in order to perform the permitted work.
- C. A drainage control plan if, as a result of action of applicant, there will be an increase in the flow of water onto the street or into a street drainage facility, as determined by the Borough Engineer. The plan must include: source of water, existing and proposed flow, existing and proposed drainage pattern, and hydraulic computations demonstrating adequate capacity in the drainage system to accept the additional flow. The plan also shall comply with the Borough's Stormwater Management Ordinance [§22-404].
- D. A driveway access plan showing:

(1) Driveway width, radii, and other points of curvature, grades, or profile view of drive, angle relative to the street, and surface material.

(2) Dimensions of any traffic islands/dividers to separate traffic flow.

(3) Distance from proposed driveway to: nearest intersecting street, driveways on adjacent properties (both sides of street); adjacent land uses; any traffic control devices.

(4) Sight distance in each direction from the proposed driveway or street.

(5) The projected average daily traffic volume for the driveway, as determined by the ITE Trip Generation Manual.

E. The number of parking spaces which will be served by the proposed driveway.

F. A traffic impact study, if required of §21-505 of this Part.

(Ord. 950, 12/15/2004, §504)

### **§21-505. Specific Driveway and Road Design Requirements.**

1. No driveway will be approved unless all of the following conditions are met.

A. *General.* The driveway must have safe sight distance, not impair normal street movement, not result in excessive traffic flow or congestion on streets and not create a safety hazard to the public.

B. *Location.* The following standards shall apply:

(1) A driveway shall not be located at highway interchanges or ramp areas so as to interfere with proper functioning.

(2) A driveway for a residential use not exceeding four dwelling units per lot, as that lot existed as of the date of adoption of this Part, may access either a local street or an arterial street. A driveway for any other use may only access an arterial street, and shall not be permitted to access a local street.

(3) If the driveway is near a signalized intersection, the permittee shall be required to pay the costs of any modifications to the signals which are necessary to control traffic movements from the driveway. This subsection shall not apply to a driveway serving only one single-family dwelling.

(4) If the property is a corner lot, the Borough may restrict access to only one street.

(5) The Borough may require a permittee to locate the driveway directly across from a street or driveway in order to avoid any safety hazard.

C. *Approach.* The location and angle of access of the driveway in relation to street intersection shall be such that a vehicle entering or leaving a driveway can do so in orderly and safe manner and with minimum interference to street traffic.

D. *Design Guidelines.* The applicable requirements for “minimum” and “low volume” driveways found in PennDOT Regulations, 67 Pa.Code §1.8, shall apply unless otherwise specified by the provisions of this Part. These requirements may be modified by the Borough to accommodate specific site or street conditions in order to protect the safety and traffic capacity of streets.

E. *New or Modified Streets.* New or modified streets and intersections including, but not limited to, those requiring a traffic study pursuant to §21-506, shall be designed for adequate traffic capacity defined as follows, unless otherwise approved by the Borough Engineer. All reference to levels of service (LOS) shall be as defined in the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.

(1) Traffic capacity LOS shall be based upon a future design year which coincides with completion of the development and PennDOT requirements;

(2) New unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each traffic movement;

(3) New or modified (additional approach created) signalized intersections shall be designed for LOS D or better for each traffic movement. Existing intersections impacted by development traffic shall maintain a minimum LOS D or, if future base LOS is E or F then degradation in delays shall be mitigated. A future design year analysis without development shall be completed for comparison purposes.

(4) Existing intersections impacted by development traffic shall maintain a minimum LOS D for each traffic movement.

(5) Streets shall be designed for a minimum LOS C for each traffic movement;

(6) Sight distance at driveways and new intersections shall meet standards specified by PennDOT regulations.

2. This Section shall not apply to driveways serving only one single-family dwelling.

(Ord. 950, 12/15/2004, §505)

**§21-506. Applicant Responsible for Traffic Study.**

1. In the event the use or uses for the proposed driveway or road connecting with any street will generate average daily traffic volume in excess of 75 trips based on the ITE Trip Generation Manual, the Borough shall order a traffic study to be prepared by its Engineer, the expense of which is to be borne by the applicant and paid before review of the submitted plans. An application shall not be considered administratively complete until the traffic study is completed. The Borough may require a traffic study for developments or changes in uses generating a volume of less than 75 average daily trips in cases where known traffic deficiencies exist in the area of proposed development or change in use. The Borough may waive the study requirement for an individual development or change in use, where said development or change in use was incorporated as part of a previous traffic impact study.

2. The Borough will provide a scope of study specifying the study area, intersections and any special requirements. Prior to initiation of the study, a meeting shall be held to review the scope of work. PennDOT may be invited to the meeting where appropriate. The study shall include the following:

A. Description of the proposed project in terms of land use and magnitude.

B. An inventory and analysis of existing roadway and traffic conditions in the site environs, including:

- (1) Roadway network and traffic control.
- (2) Existing traffic volumes in terms of peak hours and average daily traffic, where specifically requested.
- (3) Planned roadway improvements by others.
- (4) Intersection levels of service.
- (5) Roadway levels of service (where requested).
- (6) Other measures of roadway adequacy; i.e., lane-widths, traffic signal warrants and vehicle delay studies.

C. Projected site-generated traffic volumes in terms of:

- (1) Peak hours trips and average daily traffic trips (by phase if required).
- (2) Approach/departure distribution including method of determination.  
This must be approved prior to performing future traffic analyses.
- (3) Site traffic volumes in roadway.

D. An analysis of future traffic conditions, with and without the proposed development, including:

- (1) Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic). If the study is required for PennDOT review, the future design year shall be consistent with PennDOT requirements.
- (2) Intersection levels of service.
- (3) Roadway levels of service (where appropriate).
- (4) A pavement analysis of roadways which are projected to experience significant increases in average daily traffic volumes (where appropriate).
- (5) Other measures of roadway adequacy, i.e., lane-width; traffic signal warrants and vehicle delay studies.

E. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways.

F. A description and analysis of the proposed access plan and site plan.

- (1) On-site circulation plan showing parking locations and dimension, loading access, circulation roadway and traffic control.
- (2) Driveway access plan showing location of driveways and new intersections including geometric conditions and traffic control.

(*Ord. 950, 12/15/2004, §506*)

**§21-507. Modifications.**

If an equal or better design is available to comply with the requirements of this Part, the Borough Council may make such reasonable modifications to such requirements of this Part to allow the better design, upon recommendation of the Borough Engineer or Planning Commission, provided that such modification shall not be contrary to the public interest. Where appropriate, the Borough Engineer may require the submission of a traffic engineering study in support of the modification request. In

approving any such modification, the Borough Council may attach any reasonable conditions which may be necessary to assure protection of the public safety.

(*Ord. 950, 12/15/2004, §507*)

**§21-508. Penalties.**

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$600 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.

2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

3. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

(*Ord. 950, 12/15/2004, §508; as amended by Ord. 976, 1/16/2008*)

