

**CHAPTER 21**  
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**Part 1**

**Streets**

**A. Street Openings and Excavations.**

**§101. Definitions.**

1. The following words, when used in this Part 1A, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

ALLEY (Public) – a minor right-of-way providing secondary access to the side or rear of one or more properties but which shall have a maximum right-of-way width of 24 feet.

APPLICANT – any person who makes application for a permit.

BOROUGH – the Borough of Stroudsburg, County of Monroe, Commonwealth of Pennsylvania.

BOROUGH MANAGER – the person in charge of Borough affairs, including the Street Department or the street operations in the Borough, or his authorized deputy, representative or inspector.

CALENDAR YEAR – January 1 through December 31, inclusive.

CONCRETE – includes soil cement, plant cement concrete or reinforced cement concrete; material contained in the base course of some Borough streets.

COST – actual expenditures incurred by the Borough for labor, equipment and materials. These expenditures include all fringe benefits and overhead.

DEGRADATION FEE – a fee paid by the permittee to the Borough to defray a percentage of the costs for resurfacing and reconstruction of Borough streets resulting from the depreciation of streets associated with street openings.

DEPARTMENT – the Street Department of the Borough of Stroudsburg.

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

FLOWABLE BACKFILL – a type of backfill material composed of materials approved by the Pennsylvania Department of Transportation and the Borough of Stroudsburg.

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**INSPECTION FEE** – a fee paid by the permittee to the Borough to defray street opening inspection costs.

**MUNICIPAL AUTHORITY** – any body corporate and politic created pursuant to the laws of the Commonwealth of Pennsylvania.

**PERMIT FEE** – a fee paid by the permittee to the Borough to cover the costs of issuing, processing and filing the street opening permit.

**PERMITTEE** – any person who has been issued a permit and has agreed to fulfill all the terms of this Part 1A.

**PERSON** – any natural person, partnership, firm, association, utility, corporation or authority created pursuant to an act of the Pennsylvania 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.

**PUBLIC UTILITY COMPANY** – any company subject to the jurisdiction and control by the Pennsylvania Public Utility Commission.

**RESURFACE** – a process which provides a new wearing surface in a certain paved street area between curbs with the same material that was existing prior to excavation or approved by the Borough of Stroudsburg or its designee.

**ROADWAY EXCAVATION (street openings)** – any ditch, trench excavation, tunnel, saw cut, test or vent hole, or opening in or under the surface of any street.

**SIDEWALK AREA** – that portion of the street right-of-way reserved for sidewalks.

**STREET** – an entire right-of-way of a public street, public easement, public right-of-way, public highway, public alley, public way or public road accepted or maintained by the Borough or in which the Borough maintains utility lines within the Borough limits.

**VENT HOLE** – an exploratory opening to vent vapors, gas or liquids to the surface, including jackhammer or drill holes, four inches in diameter or less.

**WORKDAY** – a normal business day for the Borough government, i.e., Monday through Friday, except designated holidays.

2. In this Part 1A, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(Ord. 782, 12/15/1999)

**§102. Street Openings and Pavement Cuts.**

1. Permit Required.
  - A. It shall be unlawful for any person to make any tunnel, opening 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.
  - B. 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 that 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. In all cases where emergency openings are necessary, the Borough Street Department shall be notified prior to such opening by contacting the Monroe County Control Center, who shall send the appropriate message to the supervisor.
2. 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 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 such an amount as the Borough Manager shall deem appropriate and necessary to complete the work. Any deposit and bond posted in connection with the permit shall be deemed to cover any such additional work as may be approved pursuant to this section within the limit mentioned herein.
3. Commencement of Work. Work for which a permit has been issued shall commence within 10 days after the issuance of the permit therefor. If not so commenced, the permit shall be automatically terminated unless the permittee applies, in writing, to the Borough Manager for an extension of time within which to commence work. If such an extension is granted, the original permit shall remain in force for the period of time specified in the extension. Permits which terminate within 10 days after issuance or within any extension of time granted by the Borough Manager may be renewed only upon the payment of an additional permit fee as originally required.
4. 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.
5. Expiration of Permits. Every permit shall expire at the time stated in the permit. If the permittee should not 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

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necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work.

6. **Municipal Utility Cuts.** All street openings required by utilities owned and/or operated by the Borough shall be made and restored under the direction and supervision of the Borough Manager. The permit, fee, deposit, insurance and bond requirements of this Part 1A shall not be applicable to any openings made by such municipally owned and/or operated utilities. This shall not include independent operating authorities. Any designated fee shall be paid to a special fund from the appropriate Borough fund.
7. **Rights of Borough.** Every permit shall be granted subject to the right of the Borough or of any other person to lawfully use the street for any purpose, not inconsistent with the permit.
8. **Denial of Permit.** No permit shall be granted to any applicant unless the applicant has paid to the Borough any and all monies due to the Borough for prior excavations made or for any loss, damage or expense in any manner occasioned by or arising from the work done by the applicant or his designee under the provisions of this subpart.
9. **Revocation of Permits.**
  - A. Any permit may be revoked by the Borough Manager after notice to the permittee for:
    - (1) Violation of any condition of the permit or any provision of this Part 1A.
    - (2) Violation of any provision of any other applicable ordinance or law relating to the work.
    - (3) Existence of any condition or the doing of any act constituting or creating a nuisance or endangering life or property.
  - B. A permittee shall be granted a period of three days from the date of the notice to correct the violation and to proceed with the diligent pursuit of the work authorized by the permit before said permit is revoked.
  - C. 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 reasons 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 at his last known address.
  - D. When any permit has been revoked and the work authorized by the permit has not been completed, the Borough Manager shall do 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 hereby incurred by the Borough shall be recovered from the deposit or bond the permittee has made or filed with the Borough. Should the deposit or bond be insufficient to cover the Borough's expenses, the permittee shall reimburse the Borough for expenses exceeding the deposit or bond. Additional permits to the permittee shall be denied until all expenses incurred by the Borough are reimbursed.

10. Emergency Openings. Any emergency street openings shall be substantiated in writing on the next business day when an emergency street opening is requested. An emergency permit fee is required.

(Ord. 782, 12/15/1999)

### **§103. Applications and Permits.**

1. Duties and Responsibilities of Applicants. It shall be the duty and the responsibility of any applicant to:
  - A. Make 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 1A.
  - B. Furnish a plan showing the work to be performed under this permit. A copy of such plan shall be returned to the applicant at the time the permit is granted. The said plans hereinbefore referred to shall include the location of the proposed work and also the location of other underground utilities in the said street or streets.
  - C. All street openings require PA One Call notification prior to application for a permit. A PA One Call serial number is required on the permit application.
  - D. All permits will at all times be in the possession of a competent person actually on the work site and will be shown at all times to any police officer or properly authorized officer or employee of the Street Department upon demand.
  - E. Agree to save the Borough, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit. The acceptance of any permit under this Part 1A shall constitute such an agreement by the applicant whether the same is expressed or not.

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2. Duties and Responsibilities of Permittees. It shall be the duty and responsibility of any person receiving a permit to:
  - A. Pay a permit fee as set by current Borough of Stroudsburg resolution.
  - B. Make a deposit in an amount set by current Borough of Stroudsburg resolution to cover the cost of inspecting and supervising the work authorized by the permit and the cost of restoring the street damaged by such work.
  - C. Furnish a maintenance, indemnity and performance bond as required by §106.
  - D. Furnish certificate of insurance as required by §107.
  - E. Keep the original copy of the permit, a copy of the PA One Call notification or PA One Call serial number, 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 the Borough Manager, police authorities or their designee.

(Ord. 782, 12/15/1999)

### **§104. Street Opening Regulations.**

1. Opening and Excavation Restrictions.
  - A. No opening or excavation in any street shall extend beyond the centerline of the street before being backfilled and the surface of the street temporarily restored.
  - B. No more than 150 feet, measured longitudinally, shall be opened in any street at any one time, except by special permission of the Borough Manager.
  - C. Excavation will be by open cut from the surface, and no tunneling or drifting will be permitted except by permission and so noted on the permit. The amount of trench opened and also the amount unfilled will at all times be subject to the decision of the department. No trench or excavation will be under-cut or have a greater width at the bottom than at the top. In case of slips or slides of the excavation, the same will be trimmed to solid earth and the top surface cut back to the limit of the same before any backfilling is commenced. When necessary or required by the Occupational Safety and Health Association (OSHA), Subpart P, Excavations, Trenching and Shoring, 1926.650, 1926.651, 1926.652, 1926.653, the sides of a trench will be sheathed and braced and rendered secure until the construction has been laid therein and the trench refilled. Care will be taken not to move or disturb other subsurface structures, and in crossing these or running parallel

with or near them, they will be securely hung, braced and supported in place until the work is completed. The applicant will maintain their respective services and will repair all damage done to any of the said structures in a manner consistent with sound engineering and construction principles. In rock excavation, all drilling and blasting will be conducted with the greatest possible care and all possible precautions taken to guard against accidents. The permittee will at all times exercise the utmost care in the use of explosives so as not to endanger life or property and will at all times comply with Title 25, Rules and Regulations for the Storage, Handling, and Use of Explosives, as set forth by the Pennsylvania Department of Environmental Protection. Blasting delays less than one-half second will not be permitted in the Borough except when waived by the Engineer. The permittee will be required to obtain blasting permits from the Zoning and Code Enforcement Officer.

- D. All utility facilities shall be located sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation if necessary.
- E. Pipe drains, pipe culverts or other facilities encountered shall be protected by the permittee.
- F. Any person whose facilities are damaged or caused to be relocated by the permittee may make the necessary repairs or relocation and file a claim against the permittee with the Borough for the cost of such repairs or relocation. Public utility companies concerned shall be notified by the Borough in sufficient time to determine the validity of the damage or relocation claims. The cost of such repair or relocation work may be held by the Borough Manager from the deposit pending determination of liability for the damage.
- G. Monuments of concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point or a permanent survey benchmark within the Borough shall not be removed or disturbed or caused to be removed or disturbed. The permittee shall pay all expenses incident to the proper replacement of the monument.
- H. When work is performed by the permittee that interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the satisfaction of the Borough Manager and at the permittee's expense.
- I. 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 at the conclusion of the current workday. In the event the earth, gravel or other excavated material so deposited is not removed, the

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Borough Manager shall cause such removal, and the cost incurred shall be paid by the permittee or deducted from his deposit.

- J. Work zone traffic control violations shall result in the imposition of the following penalties:
- (1) Upon receipt of oral or written notice of violation from the authorized representative of the Borough or a police officer whose jurisdiction includes the permitted work area, the permittee shall cease to perform any further work in the permitted area except to restore the area to a safe condition. No further work may commence in the permitted area until the violations have been remedied. Where the permittee has received oral notice of the violation, written notice shall be sent to the permittee within 10 days of receipt of the oral notice.
  - (2) Confiscation of the applicant's permit by any police officer or authorized representative of the Borough.
  - (3) Revocation of the applicant's permit by the Borough.
  - (4) Removal of facilities installed without a permit or in violation of the provisions of this section.
  - (5) Fines, imprisonment or other penalties as are provided by statute.
- K. The Borough may revoke a permit whenever it determines that the permitted excavation is not being maintained, is in violation of a condition of the permit or this section, constitutes a hazard to traffic, or interferes with the proper use of the street by the Borough or the public.
- L. Every permittee shall place around the project 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. Barricading shall be in compliance with the regulations as set forth in the Commonwealth of Pennsylvania, Department of Transportation, Publication 203, and any future revisions thereto. Copies of this publication shall be made available in the office of the Borough Manager for inspection by 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. The amount of the cost incurred shall be paid by the permittee or deducted from his deposit. No person shall willfully move, remove, injury, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this Part 1A.
- M. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants.

- N. Excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate a dust nuisance, the Borough Manager may require the permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconveniences to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the Borough Manager. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee shall keep a passageway at least one-half the sidewalk width open along such a sidewalk line.
- O. Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless the permittee obtains written consent from the Borough Manager to do the work at an earlier or later hour. Such permission shall be granted only in case of an emergency or in the event the work authorized by the permit is to be performed in traffic-congested areas.
- P. In granting any permit, the Borough Manager may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall not be limited to:
  - (1) Limitations on the period of the year in which the work may be performed.
  - (2) Restrictions as to the size and type of equipment.
  - (3) Designation of routes upon which materials may be transported.
  - (4) The place and manner of disposal of excavated materials.
  - (5) Requirements as to the laying of dust, the cleaning of streets, the prevention of noise and other results offensive or injurious to the neighborhood, the general public or any portion thereof.
  - (6) Regulations as to the use of streets in course of the work.

2. Backfilling and Restoring Opening.

- A. All pavement cuts, openings and excavations shall be properly made, back-filled and temporarily surfaced by the permittee under the supervision and with the approval of the Borough Manager.
- B. The Borough Manager must be notified by the permittee during the forty-eight-hour period preceding beginning of backfilling of the date and approximate time at which backfilling will begin.

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- C. The work of final restoration, including both paving surface and paving base, shall be performed directly by the Borough under the supervision of the Borough Manager at the permittee's expense, unless otherwise required by the said Borough Manager, in which case the work of the final restoration, including both paving surface and paving base, shall be performed by the permittee under Borough inspection and according to Borough specifications.
- D. If the Borough Manager finds that the paving surfaces of a street may be damaged by the permittee in any way, the Manager may require a contribution from the permittee for the resurfacing in place or patching of such street if the total area damaged exceeds 25% of the total pavement surfacing between the curb face and the center line of the road surface or between the concrete gutter edge and the center line in any block. Contributions shall be agreed upon prior to issuance of a permit.
- E. All excavations will be commenced and completed by the use of a reasonable work force working around the clock, or in the alternative, all excavated material will be removed and at the cessation of work suitable steel plates will be placed over the excavation or trenches will be backfilled for protection and to allow traffic to resume. No excavation shall be left open and unattended.
- F. The Borough Manager shall make such inspections as he may deem necessary of all work authorized by a permit. The Borough Manager is empowered to provide a full-time inspector if necessary to ensure compliance with the provisions of this Part.
- G. All backfilling, temporary patch and final restoration shall be performed under current specifications as currently approved by the Borough of Stroudsburg Council resolution. The Street Department shall establish the standards for paving, backfilling and associated work, which can be obtained prior to excavation work from that department.
- H. All inspection costs shall be borne by the permittee. Such costs shall be based on a schedule of charges on file in the office of the Borough Manager.
- I. The permittee shall notify the Borough Manager, in writing, upon completion of all work accomplished under the provisions of the permit. A certificate of final inspection shall be issued by the Borough Manager to each permittee no sooner than one year (with the exception of §106, Subsection 1A) after the permanent restoration of the excavation has been made, provided that the work authorized by the permit has been performed according to Borough specifications. Prior to the issuance of a certificate, the Borough Manager shall make final inspection of the restoration to determine whether Borough specifications have been adhered to.

- J. If any settlement in a restored area occurs within a period of two years from the date of completion of the permanent restoration, any expenses incurred by the Borough in correcting such settlement shall be paid by the permittee or recovered from his bond, unless the permittee submits proof satisfactory to the Borough Manager that the settlement was not due to defective backfilling.
  - K. In no case shall any opening made by a permittee be considered in the charge or care of the Borough or any of its officers or employees, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of the police power, when it is necessary to protect life and property; provided, however, that the Borough shall assume charge at such time as it commences to physically make the final restoration. In the event that the Borough does not restore the street opening, in no case shall any opening made by the permittee be considered in the charge or care of the Borough or any officers or employees, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of the police power, when it is necessary to protect life and property.
3. Test Holes and Vent Holes. A street opening permit shall be obtained for any test hole or vent hole. No test hole or vent hole shall be made in or upon a greater surface of the highway than as specified in such permit, and no excavation, test hole or vent hole shall interfere with any water line, sewer, drain or any other underground utility service. All test or vent holes shall be backfilled with temporary patch and final restoration as per technical specifications sheet passed by current resolution.

(Ord. 782, 12/15/1999)

**§105. Deposits.**

- 1. Permit Fees. The permit fee, in an amount set by Council resolution, shall include the administrative fee for issuance of the permit, up to four hours of inspection of the backfilling process, one inspection of the temporary patch and one inspection of the final restoration. Hours spent on inspection or maintenance of the patch beyond these specified amounts shall be deducted from the deposit.
- 2. Computation of Deposit. The Borough Manager, upon receipt of a properly completed application, shall determine the amount of the deposit to be made by the permittee in accordance with a schedule of charges provided by §105, Subsection 5; provided, however, that the minimum amount of the deposit shall be \$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 work and/or materials furnished by it in connection with the work authorized by the permit, to cover all necessary inspections of said work, and for any other purpose set forth in this Part 1A.

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3. Form of Deposit. The deposit may be either in the form of a check or in lawful money of the United States.
4. Insufficient Deposit. If any deposit is less than sufficient 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.
5. Deposit and Cost Schedule. The Borough Manager shall establish and maintain a schedule of charges for inspections, labor, materials and such other expenses as may be incurred by the Borough in meeting the requirements of this Part 1A. In developing the schedule, the Borough Manager shall be guided by the prevailing costs in the area of labor, materials and equipment. The Borough Manager shall revise the schedule of charges periodically to reflect any increase or decrease in costs used to establish such charges. The schedule of charges shall be opened to a public inspection in the office of the Borough Manager upon demand.
6. Decision on Costs. The Borough Manager shall determine the cost of any work done or repairs made by him or under his direction, pursuant to the provisions of this Part 1A.
7. 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.
8. In the event a permittee disputes any amount charged by the Borough Manager in the course of his permit, the Borough's governing body shall decide the amount due the Borough.

(Ord. 782, 12/15/1999)

### **§106. Bond Requirements.**

1. Maintenance Bond Requirements. Each applicant, upon the receipt of a permit, shall provide the Borough with an indemnity bond saving the Borough harmless of and from any and all losses, damages, liability arising out of injury and a surety bond conditioned for compliance with the street opening specifications of the Borough and the provisions of this Part 1A. The Borough Manager shall determine the amount of the bond, and it shall be in relation to the cost of restoring the pavement cut to be made by the permittee; provided, however, that the minimum amount of the bond shall be \$1,000. The term of each such bond shall begin from the completion date of the permanent restoration of the opening by the Borough and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Borough Manager. 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. In the event that the Borough does not restore the street opening, each applicant, upon the receipt of a permit, shall provide the Borough with an acceptable surety bond to guarantee faithful performance of the work authorized by a permit granted pursuant to this Part 1A. The amount of the bond shall be 100% 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 receipt by the permittee of a certificate of final inspection from the Borough Manager.

A. All independent operating Municipal Authorities and Public Utility Companies operating in the Borough that own and maintain underground facilities may post a yearly bond in the amount of not less than \$25,000 (as determined by the Borough Manager or Council) in order to secure all street opening permits taken out in its name for the required two-year restoration period. Such utilities shall notify the Borough Manager that permanent restoration has been performed according to specifications and are ready for inspection per §104, Subsection 2, Backfilling and Restoring Opening, Subsections I and J. However, due to the placement of the maintenance bond, the Manager or designated Borough Inspector shall make the inspection and return all deposits within 30 days to said municipal authority or public utility company, provided that said restoration is acceptable to the Borough. The bond shall guarantee the continued maintenance and responsibility of these excavation permits for the required two-year period.

2. Default in Performance. Whenever the Borough Manager shall find that a default has occurred in the performance of any term or condition of the permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof and the period of time demand by the Borough Manager to be reasonably necessary for the completion of the work.
3. 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. 782, 12/15/1999)

### **§107. Liability Coverage.**

1. Liability 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 for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his contractor, 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

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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 less than \$10,000 for each person and \$20,000 for each accident, and for property damages not less than \$5,000, with an aggregate of \$20,000 for all accidents. In the event that the excavation exceeds 120 square feet in area, the liability insurance for bodily injury in effect shall not be less than \$100,000 for each person and \$300,000 for each accident, and for property damages not less than \$50,000, with an aggregate of \$100,000 for all accidents.

2. **Workers' Compensation Insurance Requirements.** The permittee shall provide proof of workers' compensation coverage for all employees at the site of the excavation. The permittee is responsible for obtaining proof of coverage from contractors or subcontractors and providing proof to the Borough. Coverage must be in accordance with State requirements.

(Ord. 782, 12/15/1999)

### **§108. Openings in New Streets.**

1. **Notice of Improvements.** When the Borough shall improve or pave any street, the Borough Secretary shall give notice to all persons owning property abutting on the street about to be paved or improved and to all public utilities and municipal authorities operating in the Borough, and all such persons, public utilities and municipal authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street, within 120 days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Borough Secretary after consultation with the Borough Manager and Engineer.
2. **Restrictions upon Opening New Streets.** No permit shall be issued by the Borough Manager which would allow an excavation or opening in a paved and improved street surface less than five 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.
3. **Penalty for Opening New Streets.** If a permit is issued to open any paved and improved street surface less than 10 years old, a degradation fee shall be charged for the opening. The degradation charge shall be on a sliding scale and shall be set by resolution and available for public inspection by request in the office of the Borough Manager or Street Superintendent. The Borough requires prepayment of the estimated degradation fee at the time the permit is issued.

(Ord. 782, 12/15/1999)

**§109. General Provisions; Penalties.**

1. Street List Requirements.
  - A. 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, communication impulses, water or steam to or from the Borough, or to or from its inhabitants, or for any other purposes, shall file with the Borough Manager, within 120 days after the adoption of this subpart, a written statement containing the names of the Borough's streets wherein the aforementioned facilities owned by such a person are located. In the alternative, a copy can be submitted of the map maintained by the utility and shall be provided on media acceptable to the Borough.
  - B. Within 90 days after the first day of January of each and every year, such person shall notify the Borough Manager, in writing, of the changes necessary to maintain the street list required in Subsection 1A above.
2. Abandoned Facilities.
  - A. Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any street, or the use thereof, is abandoned, the person owning, using, controlling or having an interest therein shall, within 30 days after such abandonment, file with the Borough Manager a statement, in writing, giving in detail the location of the structure so abandoned.
  - B. Whenever there are manholes or tunnels associated with abandoned underground facilities, such manholes or tunnels shall be filled in at the time of abandonment and the Borough Manager notified thereof in writing.
  - C. When the Borough plans to pave or improve streets in which there are abandoned facilities, the owners of such facilities shall be required to remove them if, in the opinion of the Council, their removal is in the best interest of the Borough. If the owner shall refuse to remove such facilities, the Borough shall remove the abandoned facilities, and the owner shall reimburse the Borough for such removal.
3. Street Opening Permit Notices.
  - A. If the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, the permittee shall notify the affected property owners and/or tenants of the proposed work to be done.
  - B. If the work to be undertaken by a permittee will affect other subsurface installations in the vicinity of the proposed opening, the permittee shall notify the owners of such facilities of the proposed work.

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- C. The Borough Manager shall notify, in writing, the Borough Police and Fire Departments of all street opening permits he grants. Such notification shall state the nature of the work to be done, proposed beginning and completion dates, and the location of such projects.
4. The permittee shall notify, in writing, all public transportation systems of all street openings which might affect, interrupt or restrict traffic flow.
  5. Any new utility installations are subject to right of the Borough of Stroudsburg to require relocation or removal at utility's expense based on the Borough's future construction schedule.
  6. Penalties. Any person, firm or corporation who shall violate any provision of this Part 1A shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, together with costs of prosecution, or to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part 1A continues shall constitute a separate offense.

(Ord. 782, 12/15/1999)

### **B. Deposit of Snow or Debris on Public Streets.**

#### **§121. Deposit of Snow or Debris on Public Streets Regulated.**

No person, firm or corporation shall deposit, or cause to be deposited, in any public street, alley or roadway in the Borough of Stroudsburg, snow or debris taken or removed from property privately owned or occupied, excluding snow taken or removed from public sidewalks, except as permitted by this Part 1B.

(Ord. 529, 12/6/1972, §1)

#### **§122. Application Required for Snow Removal Service.**

Any person, firm or corporation owning or occupying property within the Borough of Stroudsburg may remove all snow from such property and deposit the same in a public street, alley or roadway abutting or adjacent to such property without violation of this Part 1B, provided that, within 10 days after the effective date of this Part 1B as to snow removal in 1972 and not later than the first day of November of 1973 and of each subsequent year, such owner or occupant of private property shall have applied, in writing, to the Borough Manager for such snow removal service.

(Ord. 529, 12/6/1972, §2)

**§123. Snow Removal Service Contract; Fee; Regulations.**

Upon application for such service, the Borough Manager shall cause to be determined, by actual measurement, the total area of that part of the applicant's property from which the applicant intends to remove snow into a public street, alley or roadway, and the Borough of Stroudsburg shall contract with the applicant for such service on the following terms and conditions:

- A. The owner or occupant shall pay a minimum amount of \$100 annually if the area to be serviced shall be 2,000 square feet or less and an additional amount of \$25 annually for each 500 square feet, or fraction thereof, of area to be serviced in excess of 2,000 square feet; the total amount of such special snow removal charges shall be paid by the owner or occupant upon execution and delivery of the contract by or on behalf of the Borough.
- B. In consideration of payment of such special charges, the Borough shall permit such owners or occupants to deposit snow in public streets, alleys or roadways under the control and direction of the Borough Manager and shall remove and dispose of such snow in conjunction with ordinary snow removal work of Borough employees and equipment.
- C. The Borough of Stroudsburg shall not contract with any person, firm or corporation for such snow removal service to be performed during a current snow removal season, after the dates fixed herein for filing application for service, excepting that a person, firm or corporation acquiring or occupying property after the first day of January 1973 may apply within 20 days after acquiring title or occupancy and shall receive such service for the remainder of the current snow removal season upon payment of the total amount of charges applicable to the specific property.
- D. Separated properties shall be separately measured for computation of service charges, irrespective of ownership or occupancy.
- E. Every owner or occupant contracting for snow removal service pursuant to this Subpart 1B shall, at his sole cost, remove snow from the measured part of his property and deposit it in piles or windrows in the adjacent street, alley or roadway, or temporarily in piles or windrows upon his property when practicable to do so, and as ordered by the Borough Manager for most convenient subsequent loading and hauling by Borough employees and equipment. The Borough shall have no obligation to any contracting owner or occupant to load or haul any snow not deposited or piled in accordance with prior orders or directions of the Borough Manager, and repeated failure or refusal of a contracting party to comply with all such reasonable orders or directions shall be grounds for cancellation by the Borough of the contract with such party.

(Ord. 529, 12/6/1972, §3)

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### **§124. Form and Term of Contract.**

The form of contract under this Part 1B shall be as prescribed and approved by resolution of the Borough Council. The term for each contract shall commence on date of filing application for such service and shall expire on the first day of November next following. Applications for service shall be renewed annually.

(Ord. 529, 12/6/1972, §4)

### **§125. Non-Obligation of Borough.**

No provisions of this Part 1B, and no contract executed pursuant hereto, shall impose upon the Borough of Stroudsburg any obligation to collect, load, haul or dispose of any material or substance other than snow or to enter upon any private property and remove snow therefrom, excepting only when snow shall have been temporarily piled or placed upon such private property at the order or direction of the Borough Manager.

(Ord. 529, 12/6/1972, §5)

### **§126. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 1B shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, together with costs of prosecution, or to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part 1B continues shall constitute a separate offense.

(Ord. 529, 12/6/1972, §6; as amended by Ord. 599, 12/19/1983)

**Part 2**

**Sidewalks**

**A. Snow Removal.**

**§201. Snow Removal from Sidewalks Required Within Certain Time.**

1. The occupant/owner of every property fronting upon or alongside any streets in the Borough of Stroudsburg shall remove snow and ice from the entire length and width of the sidewalk no later than 9:00 a.m. if the snow had fallen after 8:00 p.m. of the previous evening or no later than 9:00 p.m. if the snow had fallen after 9:00 a.m. If ice cannot be cleared without damage to the sidewalk, it is required that it be strewn with antiskid, such as sand, salt or similar substance.
2. The occupant/owner of every property fronting upon or alongside any street in the Borough of Stroudsburg that has parking meters located at the street line shall remove all snow from the entire length and width of the sidewalk and curb and deposit the snow/ice in the street adjacent to the curb. All snow/ice shall be cleared from the sidewalk and curb and deposited into the street no later than 9:00 p.m. on the day the snow has fallen. If ice cannot be cleared without damage to the sidewalk, it is required that it be strewn with antiskid, such as sand, salt or similar substance.

(Ord. 510, 5/6/1970, §1; as amended by Ord. 599, 12/19/1983; by Ord. 703, 4/10/1991, §1; and by Ord. 909, 11/4/2009)

**§202. Borough May Remove Snow and Charge Expenses.**

In any case where the owner, occupant or tenant, shall fail, neglect or refuse to comply with any of the provisions of §201 within the time limit prescribed, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk and to collect all expenses for the snow removal.

(Ord. 510, 5/6/1970, §2; as amended by Ord. 909, 11/4/2009)

**§203. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 2A shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 nor more than \$300, together with costs of prosecution, or to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part 2A continues shall constitute a separate offense. In the event the Borough causes the snow or ice to be removed, the costs of such removal will be charged in addition to any fines or penalties.

(Ord. 510, 5/6/1970, §3; as amended by Ord. 599, 12/19/1983; and by Ord. 909, 11/4/2009)

## STREETS AND SIDEWALKS

### **B. Use of Sidewalk for Display or Advertising; Obstructions.**

#### **§221. Use of Sidewalks for Display or Advertising Regulated.**

1. No person may place any obstruction, including but not limited to goods, merchandise or advertising signs, on a sidewalk in the Borough of Stroudsburg. No owner or occupant of a property improved by a sidewalk shall allow any obstruction or impediment to pedestrian traffic to remain upon that sidewalk in the Borough of Stroudsburg, except in accordance with §222.
2. Definitions.

LICENSED EATING AND DRINKING ESTABLISHMENTS—retail food facilities that provide food or drink for immediate consumption. This may include, but is not limited to: eat-in or take-out restaurants, caterers, bakery shops, coffee shops, tea rooms, bed and breakfasts, bars/clubs, fair concessionaires, grocery stores selling immediate consumption food/drinks, or convenience stores selling immediate consumption food/drinks.

SEASONAL OUTDOOR CAFÉ DINING AREA—any covered patio area or unenclosed portion of a licensed eating and drinking establishment that provides an outdoor dining area with seating for patrons on a sidewalk that is contiguous to the property lines of the establishment and does not extend past ten (10) feet from the front building line.

SEASONAL OUTDOOR CAFÉ DINING LICENSE—any and all licensed eating and drinking establishments may obtain an annual license from the Borough of Stroudsburg for the limited calendar time period from March 1 through and including November 1 for a table service time period of 6:00 a.m. until 12:00 a.m. (midnight) a seasonal outdoor café dining area. Although table service shall end at 12:00 a.m., the seasonal outdoor café dining area furniture shall be removed from the sidewalk area by 2:00 a.m.

[Ord. 920]

3. General Requirements.
  - A. Seasonal outdoor café dining for table service only, restricted to use of sidewalks contiguous to property lines in excess of five (5) feet in width minimum from the building line to street line, and the use for seasonal outdoor café dining shall leave a minimum of five (5) feet of usable, safe, clear walk area of the sidewalk. The outdoor dining area shall leave no less than five (5) unobstructed feet of sidewalk width at every point which is clear and unimpeded for pedestrian traffic. In the event that five (5) feet is not obtainable, the applicant may request to the Codes Officer a reduction in the minimum feet of usable, safe, clear walk area of the sidewalk, but not less than thirty-six (36) inches. The request shall only be granted under special consideration and shall not be detrimental to pedestrian traffic.

- B. No building entrance or egress may be blocked at any time. The outdoor café dining area shall not be permitted within 10 feet of any driveway or alley. The location of outdoor dining may not use driveways or areas that are used for off-street parking.

[Ord. 920]

- 4. Umbrella Requirements. Umbrellas for the purpose of shielding patrons from weather and such elements shall be affixed to outdoor tables in a manner which prevents the umbrellas and/or tables and/or chairs from tipping. Head clearance of eighty (80) inches is required over any portion of a pedestrian right of way or aisle way for sidewalk café or building entrances or egresses. Signage applied to an umbrella by the umbrella manufacturer or a retail vendor, such as (but not limited to) food or drink products are exempt from a sign permit. The total signage on an awning or umbrella shall not exceed twenty (20) percent of the area of the umbrella. [Ord. 920]

- 5. Material of Tables, Chairs, Umbrellas.

- A. Tables and chairs shall be of wood or metal and shall be treated with a weather resistant finish. Picnic-style tables are prohibited.
- B. Umbrella fabric shall be of a material suitable for outdoor use, and must be cloth or canvas-type. No plastic fabrics, plastic/vinyl-laminated fabrics, or any type of rigid materials are permitted for use as umbrellas within an outdoor seating area.

[Ord. 920]

- 6. Removal of Outdoor Café Dining Furniture During Inclement Weather. In the event of heavy or gust winds, appropriate measures must be taken to secure any object subject to such conditions. In the event of below freezing temperatures, ice, or snow, sidewalks must be cleared of outdoor café dining furniture. [Ord. 920]

- 7. Borough to Notify Licensee of Events. During Borough approved events, the Borough will determine on an event-by-event basis, due to the concerns for the Borough citizens' health, safety and welfare, if seasonal outdoor café dining may occur. Reasonable notice will be served to license holders under this Part. [Ord. 920]

- 8. Outdoor Café Dining Seating Capacity.

- A. The amount of outdoor café dining seats shall not exceed twelve (12) seats or twenty-five percent (25%) of the indoor seating whichever is the least restrictive of Part 3 of this Chapter. [Ord. 941]
- B. Any licensee desiring to change the permitted use, i.e., by increasing the size of the outdoor dining area or by changing the use or arrangement or the occupancy, shall file a new application in accordance with the outdoor café dining license.

## STREETS AND SIDEWALKS

[Ord. 920]

### 9. Prohibitions.

- A. All furniture other than tables, chairs, umbrellas, barricades, and a hostess podium are prohibited. This includes, but is not limited to, serving stations, bar counters, shelves, racks, sofas, televisions, trash receptacles, heaters and torches.
- B. No heating or cooking of food or open flames shall be allowed on a sidewalk area.

[Ord. 920]

### 10. License. Any food establishment intending to provide seasonal outdoor café dining table service only is required to apply and obtain a license. An application must be filed with the Borough to secure a license. A fee of seventy-five dollars (\$75.00) must be paid with the filing of the application. Such fee can be amended in the future by resolution of Borough Council. Such application shall be made upon forms provided by the Borough and shall include the following:

- A. Name and address of applicant.
- B. Width of existing public right-of-way sidewalk intended to be used immediately adjacent to property.
- C. Proof of proper licenses for food establishment.
- D. Dimensions of the area of sidewalk in which outdoor café dining is proposed.
- E. Diagram to scale of actual intended equipment, tables and chairs for space on sidewalk and proposed occupant load.
- F. The written consent of the property owner.
- G. Certificate of insurance demonstrating coverage for intended sidewalk use.
- H. Indoor seating capacity of food establishment.
- I. No action shall be taken on any application for a license under this subsection until the application has been completed in its entirety and the application fee, as required by a schedule of fees established and amended from time to time by resolution of Borough Council, has been paid in full. The schedule of fees shall be kept on file at the Municipal Building. There shall be no prorating of fees under this subsection.
- J. The applicant shall well and truly save, indemnify, defend and keep harmless the Borough of Stroudsburg, its officers, employees and agents from and against any and all actions, suits, demands, payments, costs and charges for

and by reason of the existence of the restaurant-café and all damages to persons or property resulting from or in any manner caused by the presence, location, use, operation, installation, maintenance, replacement or removal of such restaurant-café or by the acts or omissions of the employees or agents of the applicant in connection with such restaurant-café.

- K. The applicant shall maintain the restaurant-café in accordance with all Borough ordinances and state and federal laws, as well as rules and regulations promulgated and adopted by the Borough which pertain to this use of restaurant-cafes.
- L. The applicant shall remove the outdoor portion of the restaurant/café immediately after written notice if the Borough or the Code Enforcement Officer determines that the restaurant-café is detrimental to the health, safety and general welfare of the Borough or its citizens;
  - (1) Due to pedestrian traffic changes, the restaurant-café narrows the sidewalk to the extent that pedestrian traffic is impeded;
  - (2) The restaurant-café interferes with the maintenance or installation of an underground utility structure;
  - (3) The restaurant-café is no longer being used as such;
  - (4) The restaurant-café has been temporarily or permanently closed for violation of any Borough, state or federal law and/or regulation; or
  - (5) The restaurant-café is operated in violation of any ordinance, rule or regulation of the Borough of Stroudsburg.
- M. In the event that the applicant fails to remove the restaurant-café immediately after written notice, the Borough may proceed to remove and restore the area and charge the applicant for the cost thereof. Should the restaurant-café be removed by the Borough, the applicant shall be entitled to a return of the equipment, furnishings or appurtenances so removed only after the payment of all costs due to the Borough and by requesting the return in writing. The responsibility for removal under the provisions of this subsection shall be the sole responsibility of the applicant without any obligation or cost assessed against the Borough.
- N. The Borough may, from time to time, promulgate whatever rules or regulations it deems necessary or desirable to effectuate the purposes of this subsection, and the same shall be approved by the Borough Council.

[Ord. 920]

- 11. Penalties. 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 three hundred dollars (\$300.00) together with the costs of prosecution, or to undergo

## STREETS AND SIDEWALKS

imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. [Ord. 920]

(Ord. 734, 1/18/1995, §1; as amended by Ord. 920, 5/20/2010; and by Ord. 941, 5/4/2011)

### **§222. Exceptions.**

1. The following are exceptions to the prohibition of obstructions in §221:
  - A. Construction by the Borough of Stroudsburg or other agency of State or local government acting within its authority.
  - B. Temporary obstruction needed for construction or repair of the sidewalk or the property on which the sidewalk is constructed.
  - C. Reasonable obstruction, not to exceed one hour, when necessary to transport goods or services to the property on which the sidewalk is constructed.
  - D. The following exceptions shall be allowed, provided that at all times a minimum of three feet of clear, unobstructed pedestrian walkway shall be maintained with a five-foot square turnaround provided not more than 200 feet apart:
    - (1) Curb lights on a light pole, meters and benches approved by the Borough Council.
    - (2) Poles needed by public utility companies to provide necessary services.
    - (3) Flags and other decorations during holiday periods or on other suitable days approved by Borough Council.
    - (4) Shade and ornamental trees and other ornamental plants, whether in containers or planted in soil.
    - (5) Existing supports for existing marquees.
    - (6) In commercial districts, displays of merchandise and tables and chairs for the serving of food between the hours of 6:00 a.m. and 10:00 p.m. No obstructions shall be permitted within three feet of the curb.

(Ord. 787, 7/5/2000)

**§223. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 2B shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, together with cost of prosecution, or imprisonment for a term not to exceed 30 days. Every day that a violation of this Part 2B continues shall constitute a separate offense.

(Ord. 787, 7/5/2000)

**C. Laying and Repair of Sidewalks, Curbs and Gutters.**

**§241. Required Materials.**

All sidewalks, curbing and gutters hereafter laid or relaid on or along any Borough street or alley shall be of concrete unless, by express authorization, Council allows the use of other material.

(Ord. 204, 9/4/1935, §1)

**§242. Borough Engineer to Provide Specifications.**

It shall be the duty of the Borough Engineer to furnish, without cost, to any property owner who is about to lay or relay sidewalks, curbing or gutters the respective proper grades, locations and widths of the same by appropriate markings upon the ground.

(Ord. 204, 9/4/1935, §2)

**§243. Borough Engineer to Set Grade of Gutters; Requirements.**

The grade of all gutters shall be set by the Borough Engineer at the time of laying or relaying of the same, said grade to provide for proper flow of surface waters to sewer or other appropriate outlets.

(Ord. 204, 9/4/1935, §3)

**§244. Grade of Sidewalk and Curb.**

The grade of curbs and sidewalks shall be that set by the particular ordinance establishing the same for any street or alley.

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(Ord. 204, 9/4/1935, §4)

### **§245. Width and Location of Sidewalks, Curbs and Gutters.**

The width and location of sidewalks, curbing and gutters shall be that set by the particular ordinance establishing the same for any street or alley.

(Ord. 204, 9/4/1935, §5)

### **§246. Notice to Conform to Specifications; Borough May Do Work and Collect Costs.**

Any property owner who shall lay or relay or cause or allow to be laid or relaid any sidewalk, curbing or gutter contrary to the provisions of §241 to 245 of this Part 2C shall, by direction of Council, be given by notice 30 days within which to conform to the provisions of said sections. Upon neglect of any property owner to comply with said provisions within the 30 days as aforesaid, the Council may direct the necessary work to comply with said provisions to be done at the cost of such owner. The cost of such necessary work, together with 10% additional, and all charges and expenses, shall be collected from the said owner, either by municipal claim or action in assumpsit in the manner provided by law.

(Ord. 204, 9/4/1935, §6)

### **§247. Notice to Lay or Relay Sidewalks, Curbs and Gutters.**

Ordained sidewalks, curbs or gutters shall be laid or relaid by the property owners upon notice from the Council within 60 days after receipt of such notice.

(Ord. 204, 9/4/1935, §7)

### **§248. Notice to Repair Sidewalks, Curbs and Gutters.**

Repairs to sidewalks, curbing or gutters, unless the same be deemed emergency repairs, as hereinafter provided, shall be made by property owners upon notice from the Council within 30 days after receipt of said notice.

(Ord. 204, 9/4/1935, §8)

### **§249. Emergency Repairs in Charge of Borough Manager.**

Emergency repairs to sidewalks shall be in charge of the Borough Manager. The Manager shall file a certificate with the Borough Secretary, setting forth the necessity, place

and character of said repairs, whereupon notice shall be served to make repairs within 48 hours.

(Ord. 204, 9/4/1935, §9)

**§250. Emergency Repairs.**

Emergency repairs to sidewalks shall be made where a dangerous condition exists and the cost of doing repair work does not exceed \$25. The certificate of the Manager of the Council shall be conclusive evidence of the existence of the emergency justifying the repairs.

(Ord. 204, 9/4/1935, §10)

**§251. Service of Notices.**

All notices required by the terms of this Subpart 2C 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. If the owner has no agent or tenant or there is no occupier of such premises, service shall be by printed or written notice posted upon the premises.

(Ord. 204, 9/4/1935, §11)

**§252. Borough May Do Work and Collect Costs and Additional Amount.**

In the event of failure of any property owner to lay, relay, repair or make emergency repairs to curbing, sidewalks or gutters within the time required by the terms of this Subpart 2C, the Council shall direct that said work be done at the cost of the said owner and shall collect the cost thereof, and 10% additional, together with all charges and expenses, from such owner, either by municipal claim or action in assumpsit in the manner provided by law.

(Ord. 204, 9/4/1935, §12)

**§253. Owner Desiring Alteration to File Drawings with Council for Approval.**

Every owner who shall desire to alter the location, width or grade of any sidewalk, curbing or gutter for the purpose of opening a driveway or for any other purpose shall, before beginning such alteration, file with the Council a detailed drawing showing the full nature and extent of such proposed alteration. The Council shall, at or before the next regular meeting, express its assent or dissent to said proposed plan. If the Council does not approve the plan, the reason therefor shall be entered upon the minutes.

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(Ord. 204, 9/4/1935, §13)

### **§254. Penalty for Alteration Without Approval of Council.**

Any person who shall alter or cause to be altered the location, width or grade of any sidewalk, curbing or gutter without filing the drawing as aforesaid or without securing permission of the Council for said alteration shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300, together with costs of prosecution, or to imprisonment for a term not to exceed 30 days.

(Ord. 204, 9/4/1935, §14; as amended by Ord. 599, 12/19/1983)

### **§255. Owner Required to Restore Alterations if Not in Conformance with Drawings.**

Any owner making or allowing an alteration of curbing, sidewalk or gutter not in conformity to drawings filed as aforesaid, or without the consent of Council, shall, in the discretion of Council, restore said sidewalk, curbing or gutter to the location, width or grade existing before said alteration. Upon failure of restoration, at the direction of the Council, said owner shall be given 30 days' notice, as hereinbefore provided, to complete the said restoration. At the expiration of the said 30 days, the Council may direct that said work be done at the cost of the said owner, as provided in §252.

(Ord. 204, 9/4/1935, §15)

### **§256. Council May Require Reconstruction and Conformance to Established Specifications.**

Whenever any departure from established grade, location or width of sidewalk, curbing or gutter exists by reason of driveway or other construction and such is, in the opinion of the Council, no longer necessary or practical, the owner shall, after notice, as provided in §247 hereof, reconstruct the same to conform to the established width, location or grade; and in default thereof by the owner, the work shall be done at the cost of the owner as provided in §252 hereof.

(Ord. 204, 9/4/1935, §16)

### **§257. Council May Pay Portion of Construction Costs.**

Any property owner desiring, or directed by Council, to construct curbing and gutters may make application to the Council to bear a portion of the costs of construction. The Council may, in its discretion, pay not more than one-half of the costs of construction and the grading incident thereto from general Borough funds.

(Ord. 204, 9/4/1935, §17)

**§258. Responsibility of Sidewalks, Curbs and Gutters.**

The adjacent property owner shall be required to repair and maintain all sidewalks, curbs and gutters as set forth in subsequent sections of this Part. Any work completed by the Borough and accepted by the property owner shall be considered to be work done by the property owner, who shall be responsible for all further maintenance of said work.

(Ord. 204, 9/4/1935; as added by Ord. 743, 5/1/1996)

**D. Sweeping and Cleaning of Sidewalks.**

**§261. Responsibility of Property Owners, Tenants, or Lessees.**

All property owners, their tenants, or lessees in the Borough of Stroudsburg shall have the duty to keep the sidewalks adjoining their properties free and clear of dirt, litter, and debris.

(Ord. 863, 8/16/2006)

**§262. Time Frame for Sweeping.**

Said property owners, their tenants, or lessees shall sweep said sidewalks and remove all dirt, litter, and debris on or before 10:00 a.m. of each day of the week, excluding Sundays.

(Ord. 863, 8/16/2006)

**§263. Disposal of Dirt, Litter, and Debris.**

Such dirt, litter, and debris shall not be placed on the cartway of any street in the Borough of Stroudsburg but instead shall be placed in a container by the property owner, his tenants, or lessees and disposed of in the same manner as he/she disposes of his/her other waste materials, at the sole cost and expense of said property owner, his tenants, or lessees.

(Ord. 863, 8/16/2006)

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### **§264. Violations and Penalties.**

Any property owner, tenant, or lessee who shall violate the provisions of this Subpart D shall be liable to pay a fine of not less than \$100 nor more than \$600, plus costs of prosecution, for each offense, and in default of payment of such fine and costs, to imprisonment for not more than 30 days, for each offense. Each day's continuance of the offense shall constitute a new offense.

(Ord. 863, 8/16/2006)