

CHAPTER 21

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PART 1

STREET OPENINGS AND PAVEMENT CUTS

§21-101. 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.

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

MANAGER - the Manager of the Borough, or his authorized deputy, representative or inspector.

NEWLY-IMPROVED STREET - newly-constructed cartways including base and surfacing of either concrete or asphalt and reconstructed cartways surfaced with at least 1-1/4 inch top to asphalt. It shall be the prerogative of the Manager and/or Superintendent of Public Works to define the category of "newly-improved street" and advise the proper utility companies of this designation.

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

PUBLIC UTILITY COMPANY - Allegheny County Sanitary Authority (ALCOSAN), any cable television company or any company subject to the jurisdiction of and control by the Pennsylvania Public Utility Commission.

STREET - a public street, public easement, right-of-way, public highway, public alley, public sidewalk, public way or public road accepted or maintained by the Borough, or open for travel and use by the public, whether or not so accepted or maintained, including the entire area within the right-of-way thereof.

(Ord. 906, 2/8/1995, §1)

§21-102. 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 Manager 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

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the work to be done immediately, provided the permit could not reasonably and practically have been obtained beforehand. In such cases where emergency openings are necessary, however, the Borough shall be notified prior to such openings in one of the following manners:

- (1) Fax notification.
- (2) Telephone notification.
- (3) PA one call.

B. The person shall thereafter apply for a permit on the first regular business day on which the office of the Manager is open for business and said permit shall be retroactive to the date when the work was begun.

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 where the permittee desires to perform additional work not in excess of an amount greater than 10% of the amount specified in the permit, permittees may apply to the Manager for an amended permit to permit the additional work. If the additional work desired to be formed by the permittee exceeds 10% of the amount specified in the original permit, an application for a new permit shall be made. Any deposit or bond posted in connection with the original permit shall be deemed to cover any such additional work as may be added pursuant to the issuance of an amended permit within the limit specified herein.
3. **Commencement of Work.** Work for which a permit has been issued shall commence within 30 days after the issuance of the permit therefor. If not so commenced, the permit shall be terminated automatically unless the permittee applies 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 by reason of failure to commence work within 30 days after issuance or within any extension of time granted hereunder 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 performed in any place other than the location specifically designated in the permit.
5. **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 Manager a request for an extension of time, setting forth therein the reasons for the requested extension. If the Manager finds that the failure to complete the work under the permit within the time specified therein was due to circumstances reasonably beyond the control of the permittee and that an extension of time to complete the work under the permit is 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 Manager. The permit, fee, deposit, insurance and bond requirements of this Part shall not be applicable to any openings made by Borough owned and/or operated utilities.
7. **State and County Highways.** The provisions of this Part shall not be applicable in those instances where the street or highway is maintained by the Commonwealth or by the County of Allegheny; provided, however, that any person applying for a permit to do work within the right-of-way of a street or highway maintained by the Commonwealth of Pennsylvania or by the County of Allegheny which would otherwise require a permit under the terms of this Part shall notify the Manager at the time that said application is made and at the time that the work under any permit issued pursuant to said application is begun, so that proper safety precautions may be taken by the Borough during the continuation of said work.
8. **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.
9. **Revocation of Permits.**
 - A. Any permit may be revoked by the Manager after notice to the permittee, for:
 - (1) Violation of any condition of the permit or of any provision of this Part.
 - (2) Violation of any other applicable provision of the Municipal Code or any law relating to the work.
 - (3) Existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of others.
 - B. A permittee shall be granted a period of 3 days from the date 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.
 - 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.
 - D. When any permit has been revoked and the work authorized by the permit

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has not been completed, the Manager shall do or cause to be done 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 thereby incurred by the Borough shall be recovered from the deposit or bond the permittee has made or filed with the Borough.

(*Ord. 906, 2/8/1995, §2*)

§21-103. Applications and Permits.

1. **Duties and Responsibilities of Applicants.** It shall be the duty and responsibility of any applicant:
 - A. Make written application for such permit with the Manager on such form as he shall prescribe. No work shall commence until the Manager has approved the application and plan and issued a permit and until the permittee has paid and provided all required fees, deposits, certificates and bonds.
 - B. Furnish in triplicate a plan showing the work to be performed under said permit. Two copies of such plan shall be returned to the applicant at the time the permit is granted.
 - C. 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 a permit shall constitute such an agreement by the applicant whether the same is expressed or not.
2. **Duties and Responsibilities of Permittees.** It shall be the duty and responsibility of any person receiving a permit to:
 - A. Pay a minimum permit fee, in an amount as established from time to time by resolution of Borough Council, provided, however, that public utility companies may elect to be billed monthly for such fees as they accrue, upon written notice to the Manager. [*Ord. 995*]
 - B. Make a deposit to cover:
 - (1) Any additional costs borne by the Borough specifically related to the work authorized by the permit and, unless the permittee is granted permission to restore the street surface as provided in §21-104(2)(D) of this Part.
 - (2) The cost of restoring the street surface removed or damaged by the work done under such permit. The amount of such deposit shall be computed by the Manager as provided in §21-105 of this Part. In the

case of a public utility company, the Borough may waive this requirement of a deposit if said utility company files with the Borough, its corporate bond in a form satisfactory to the Borough Solicitor, conditioned upon the payment to the Borough of all costs which would otherwise be covered by and paid out of such a deposit. In the event such utility company elects to file such a bond, the Borough shall bill such utility company monthly for such costs as they accrue.

- C. Furnish a maintenance bond as required in §21-106 of this Part and, when the permittee is granted permission to restore the street surface as provided in §21-104(2)(D) of this Part, a performance bond as required in §21-106 of this Part.
- D. Furnish a certificate of insurance as required in §2-107 of this Part unless excepted from such requirement by the provisions of §21-107.
- E. Submit, when required by the Manager, a list of owners and/or tenants and/or addresses of all properties abutting the area where the work authorized by the permit is to be performed.
- F. Present evidence, when required, that all materials, labor and equipment which are needed to complete such work as authorized by the permit are available.
- G. Keep the original copy of the permit and an approved copy of the plan (see subsection (1)(B), above) at all times while such work is in progress at the location for which such permit was granted and show such permit and/or plan upon demand by a Borough official.
- H. Provide advance notification to operators of underground facilities about excavation, augering, blasting or other activities which may endanger underground facilities, using a one call system if one is in operation.

(Ord. 906, 2/8/1995, §3; as amended by Ord. 995, 12/10/2003)

§21-104. 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 250 feet measured longitudinally shall be opened in any street at any one time, except by special permission of the Manager.
- C. All utility facilities shall be exposed sufficiently or definite location be

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determined ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.

- D. Pipe drains, pipe culverts or other facilities encountered shall be protected by the permittee.
- E. Any person whose facilities are damaged, or caused to be relocated by the permittee shall notify the permittee and the Borough of such damage and thereafter may make the necessary repairs or relocation and in conjunction with notifying 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 work or relocation work may be withheld by the Manager from the deposit pending determination of liability for the damage.
- F. 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 bench mark with the Borough shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the Manager. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of the monument.
- G. When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage.
- H. When any earth, gravel or other excavated material is caused to flow, roll or wash upon any street, the permittee shall cause removal of same from the street within 8 hours after deposit to permit safe flow of traffic. In the event the earth, gravel or other excavated material so deposited is not removed as specified, the Manager shall cause such removal and the cost incurred shall be paid by the permittee or deducted from his deposit.
- I. Every permittee shall place around the project such barriers, barricades, lights, warning flags and danger signs as shall be determined by the Manager to be necessary for the protection of the public. Additional safety requirements may be prescribed by the Manager, and where applicable, shall be in conformance with the requirements set forth in 67 Pa.Code §203.1 *et seq.* Dealing with work zone traffic control. Copies of the publication shall be made available in the office of the Manager for inspection by the public. Whenever any person fails to provide or maintain the required safety devices, 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, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this Section.

- J. 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.
 - K. 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 dirt or dust nuisance, the Manager may require the permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the 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 ½ the sidewalk width open along such sidewalk line.
 - L. Work authorized by a permit shall be performed between the hours of 7 a.m. and 7 p.m., Monday through Saturday, unless the permittee obtains written consent from the Manager to do the work at an earlier or later hour. Such permission shall be granted only in the case of an emergency or in the event the work authorized by the permit is to be performed in traffic-congested areas.
 - M. In granting any permit, the 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, wight and type of equipment.
 - (3) Designation of routes upon which materials may be transported.
 - (4) Designation of 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 the course of the work.
 - N. **Hydra-Hammer, Headache Ball.** The use of a mechanical device for the breaking of pavement, such as a hydra-hammer, headache ball, etc., will be permitted only under special written permission of the Manager.
2. **Backfilling and Restoring Opening.**

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- A. All pavement cuts, openings and excavations shall be made properly and backfilled properly by the permittees in accordance with the Borough Specifications set forth and incorporated herein at the Appendix to this Chapter and Part 9 of Chapter 22 (referred to herein as the “Borough Specifications”) . Unless permittee has been granted permission to restore the street surface as provided in §21-104(2)(D), permittee also shall place a temporary surface on the pavement cut, opening or excavation in accordance with Borough specification. If the permittee has been granted permission to restore the street surface but weather conditions are such as to prevent the completion of permanent restoration of the street surface at the time backfilling is completed, permittee shall install a temporary surface in accordance with Borough Specifications until such time as weather conditions will permit permanent restoration of the street surface. [*Ord. 995*]
- B. The Manager shall be notified by the permittee during the 48 hour periods preceding the beginnings of:
- (1) Backfilling;
 - (2) Restoration;
- and the approximate time each will be begun.
- C. No backfilling or restoration shall be accomplished unless or until the Manager is present or permission has been granted for backfilling or restoration after inspection by the Manager.
- D. The work of final restoration, including both paving surface and paving base, shall be performed directly by the Borough under the supervision of the Manager; provided, however, that upon a public utility company’s application for permission to perform the work of restoration, the Borough may grant permission to such public utility company to perform the work of restoration. In those cases where such permission is granted, the work of restoration, including both paving surface and paving base, shall be performed by the permittee according to Borough Specifications and shall be subject to inspection by the Borough.
- E. If the Manager finds that paving surfaces adjacent to the street openings may be damaged where trenches are made parallel to the street, or where a number of cross trenches are laid in proximity to one another, or where the equipment used may cause such damage, he may require negotiated contribution from the permittee for the resurfacing in place of patching of such street if the total area of the proposed patch or probably damaged area exceeds 25% of the total pavement surfacing between curb faces or between concrete gutter edges. Such negotiations shall be carried on and contributions agreed upon prior to issuance of a permit.
- F. After excavation is commenced, the work of making and backfilling the

name shall be prosecuted with due diligence. Unless the provisions of §21-104(2)(A) of this Part apply, the permittee is required to complete permanent restoration of the street surface in accordance with Borough Specifications within 7 days after repairs and/or installation are completed. Furthermore, the permittee shall be required to install and maintain a temporary surface in accordance with Borough Specifications during:

- (1) The period between the completion of repairs and/or installation and the commencement of final restoration.
 - (2) The periods during the actual work when workers do not require access to the excavation.
- G. Inspections of all work authorized by a permit shall be made by the Manager at such times and in such manner as required to assure compliance with provisions of this Part. If the nature of the work to be performed under any permit is such as to require the services of a full-time inspector, the Manager shall provide for the services of such an inspector.
- H. All inspection costs shall be borne by the permittee. Such costs shall be based upon a schedule of charges on file in the office of the Manager.
- I. Upon completion of all work accomplished under the provisions of a permit, the permittee shall notify the Manager in writing. A certificate of final inspection shall be issued by the Manager to each permittee no sooner than 1 year and not later than 18 months after the permanent restoration of the excavation has been made, providing the work authorized by the permit has been performed according to Borough Specifications. Prior to the issuance of a certificate, the Manager shall make a 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 2 years from date of completion of the permanent restoration, and permittee fails to make such correction after notification, any expense 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 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 of the Borough 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 assumes charge when making final surface restoration, unless permittee has been granted permission to perform the work of restoration of the street surface as provided in §21-104(2)(D).

(Ord. 906, 2/8/1995, §4; as amended by Ord. 995, 12/10/2003)

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§21-105. Deposits.

1. **Computation of Deposit.** The Manager, upon receipt of a properly completed application, shall determine the amount of the deposit to be made by the permittee in accordance with the schedule of charges established pursuant to subsection (5) of this Section; provided, however, that the minimum deposit required shall not be less than \$50. The deposit shall be paid at the time the permit is issued, 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 work authorized by the permit, to cover the cost of all necessary inspections of said work or any other expenses incurred by the Borough in carrying out the provisions of this Part. In the case of a public utility company, the requirement of such deposit may be waived if such public utility company files with the Borough its corporate bond as provided in §21-103(2)(B) of this Part.
2. **Form of Deposit.** The deposit may be either in the form of a certified, treasurer's or cashier's check or in lawful money of the United States.
3. **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 or competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.
4. **Yearly Deposit.** Whenever any public utility company shall anticipate applying for permits for more than one street opening or excavation per calendar year and does not elect to file a corporate bond as hereinbefore provided, such public utility company may post one deposit in an amount and form as hereinbefore provided for the calendar year or part thereof to cover the cost of deposits which would otherwise be required for the anticipated permits.
5. **Deposit and Cost Schedules.** The Manager shall establish a schedule of charges for inspections, labor, materials and other such expenses as may be incurred by the Borough in carrying out the provisions of this Part. This schedule shall be established by the Manager in accordance with the reasonably anticipated costs to be incurred by the Borough in making such inspections, including reasonable administrative and overhead expenses, and in accordance with the currently prevailing costs in the area for any labor and materials which may be provided by the Borough. The Manager shall revise said schedule from time to time to reflect any increase or decrease in the costs used to establish said charges. The schedule shall be open to public inspection in the office of the Manager upon request.
6. **Decision on Costs.** The decision of the Manager as to the cost 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 cost.
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 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. 906, 2/8/1995, §1)

§21-106. Bond Requirements.

1. **Performance Bond Where Municipality Does Not Restore Opening.** In those instances where the applicant has received or intends to apply for permission to perform the work of restoration of the street surface, each such applicant or permittee, upon receipt of a permit shall provide the Borough with an acceptable 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% 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 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 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. In the case of a public utility company, its corporate bond in a form satisfactory to the Solicitor may be accepted in lieu of the corporate surety bond required by this Section.
2. **Maintenance Bond.** Each applicant, upon the receipt of a permit, shall provide the Borough with an acceptable corporate surety bond conditioned for compliance with the street opening specifications of the Borough and the provisions of this Part. The 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, the minimum amount of the bond shall not be less than \$2,000. 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 Manager. If the permittee anticipates requesting more than one permit a year, he may file a continuing corporate surety bond conditioned for compliance with the specifications of the Borough and the provisions of this Part in such amount as the Manager deems this Part in such amount as the 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. In the case of a public utility company, its corporate bond in a form satisfactory to the Solicitor may be accepted in lieu of the corporate surety bond required by this Section.
3. **Default in Performance.** Whenever the 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 deemed by the Manager to be reasonably necessary for the completion of such work.

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4. **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. 906, 2/8/1995, §6)

§21-107. Liability Insurance.

1. **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 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 Manager in accordance with the nature of the risk involved; provided, however, it shall provide for a minimum of comprehensive bodily injury liability insurance including coverage on a personal injury basis and comprehensive property damage liability insurance not less than \$2,000,000 combined single limit. Public utility companies and authorities may be relieved of the obligation of submitting such a certificate if they submit satisfactory evidence that they are insured in accordance with the requirements of this Part or have adequate provision for self-insurance. Public utility companies may file an annual certificate of insurance in lieu of individual certificates for each permit.

(Ord. 906, 2/8/1995, §7)

§21-108. Openings in Newly-Improved Streets.

1. **Notice of Proposed Improvement.** When the Borough shall improve or pave any street, the Manager first shall give notice to all persons owning property abutting on the street about to be paved or improved, and to all public utility companies and authorities operating in the Borough and all such persons, public utility companies and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street, within 30 days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Manager after consultation with the Borough Engineer.
2. **Restrictions Upon Opening Newly-Improved Street.** No permit shall be issued by the Manager which would allow an excavation or opening in a paved and improved street surface less than 5 years old unless the applicant can demonstrate clearly that public health or safety require that the proposed work be permitted or unless an emergency condition exists.
3. **Penalty for Opening Newly-Improved Street.** If, by special action of the

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% of the cost of restoring the opening for each unelapsed month or fraction thereof of the 5 year restricted period. Said penalty may be waived by action of the Borough Council.

(Ord. 906, 2/8/1995, §8)

§21-109. General Provisions.

1. Street List of Underground Utility Installations.

- 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 premises of its inhabitants, or for any other purposes, shall file with the Manager, within 120 days after the adoption of this Part, a written statement containing the names of the Borough's streets wherein the aforementioned facilities owned by such person are located.
- B. Within 90 days after the first day of January of each and every year, such person shall notify in writing the Manager of the changes necessary to maintain the street list required under subsection (1)(A), above.

2. Abandoned Facilities.

- A. Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any street is abandoned, or the use thereof abandoned, the person owning, using, controlling or having an interest therein shall, within 30 days after such abandonment, file with the Manager a statement in writing giving in detail the location of the structure so abandoned. Whenever there are manholes or tunnels associated with any abandoned underground facilities, such manholes or tunnels shall be filled in at the time of abandonment and the Manager notified thereof in writing.
- B. 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, in the opinion of the Commission, their removal is in the best interest of the Borough. If the owner shall refuse to remove such abandoned facilities, the Borough shall remove the abandoned facilities and the owner shall reimburse the Borough for such removal.

3. Notice to Property Owners and Tenants Abutting Project.

- 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 Manager may require

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the permittee to submit a list of owners and/or tenants and/or addresses of all properties abutting the area where the work authorized by the permit is to be performed. Upon receipt of such list, the Manager 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 installation(s) in the vicinity of the proposed opening, the Manager shall notify the owner(s) of such facilities of the proposed work.
4. **Notice to Police and Fire Authorities.** The Manager shall notify in writing Borough police and fire authorities of all street opening permits he grants of a nature that would require a street being closed. Such notification shall state the nature of the work to be done, proposed beginning and completion dates, and the location of such project.

(Ord. 906, 2/8/1995, §9)

§21-110. Penalties.

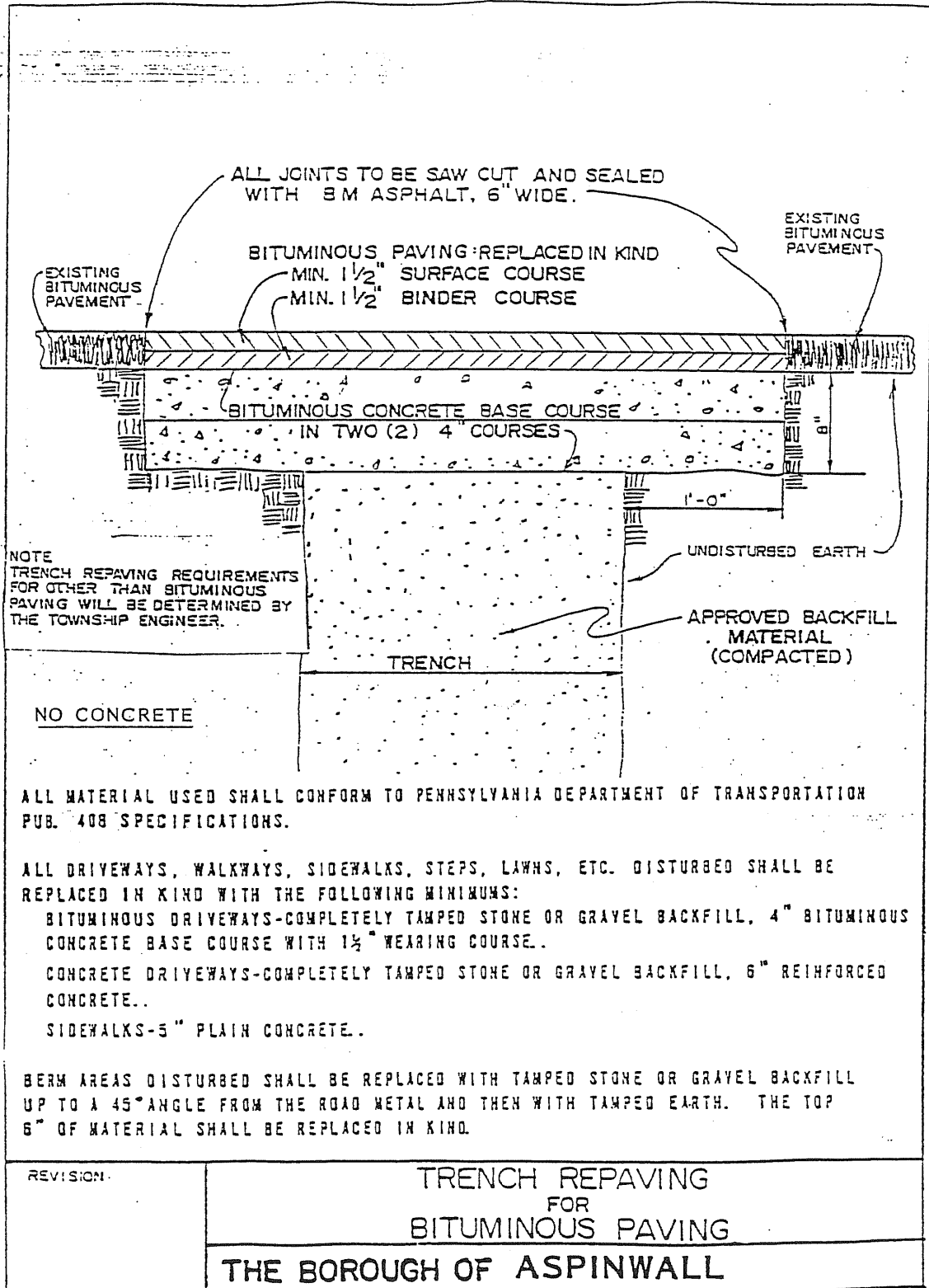
1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
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. 906, 2/8/1995, §10; as added by Ord. 995, 12/10/2003)

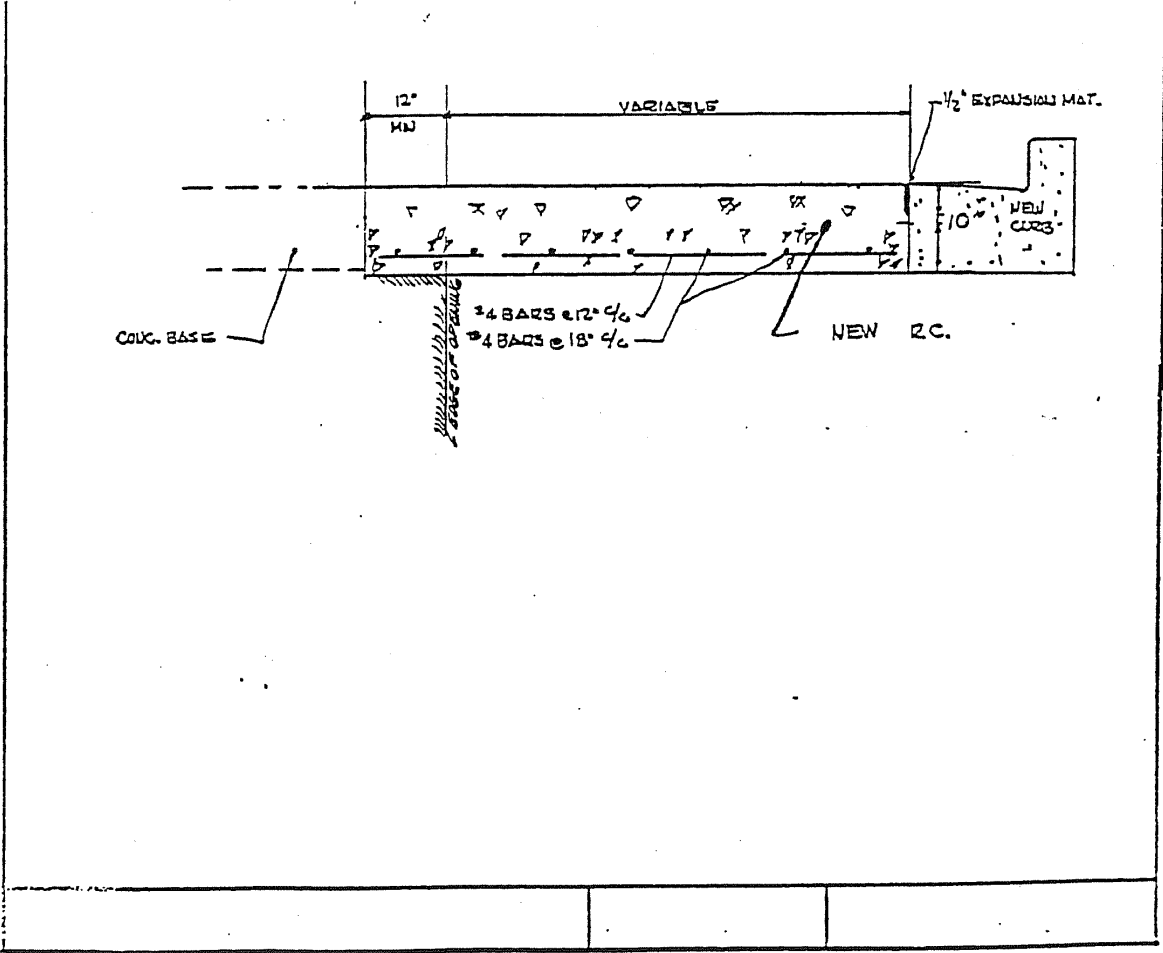
APPENDIX

CONSTRUCTION DETAILS FOR STREET OPENINGS (CHAPTER 21)

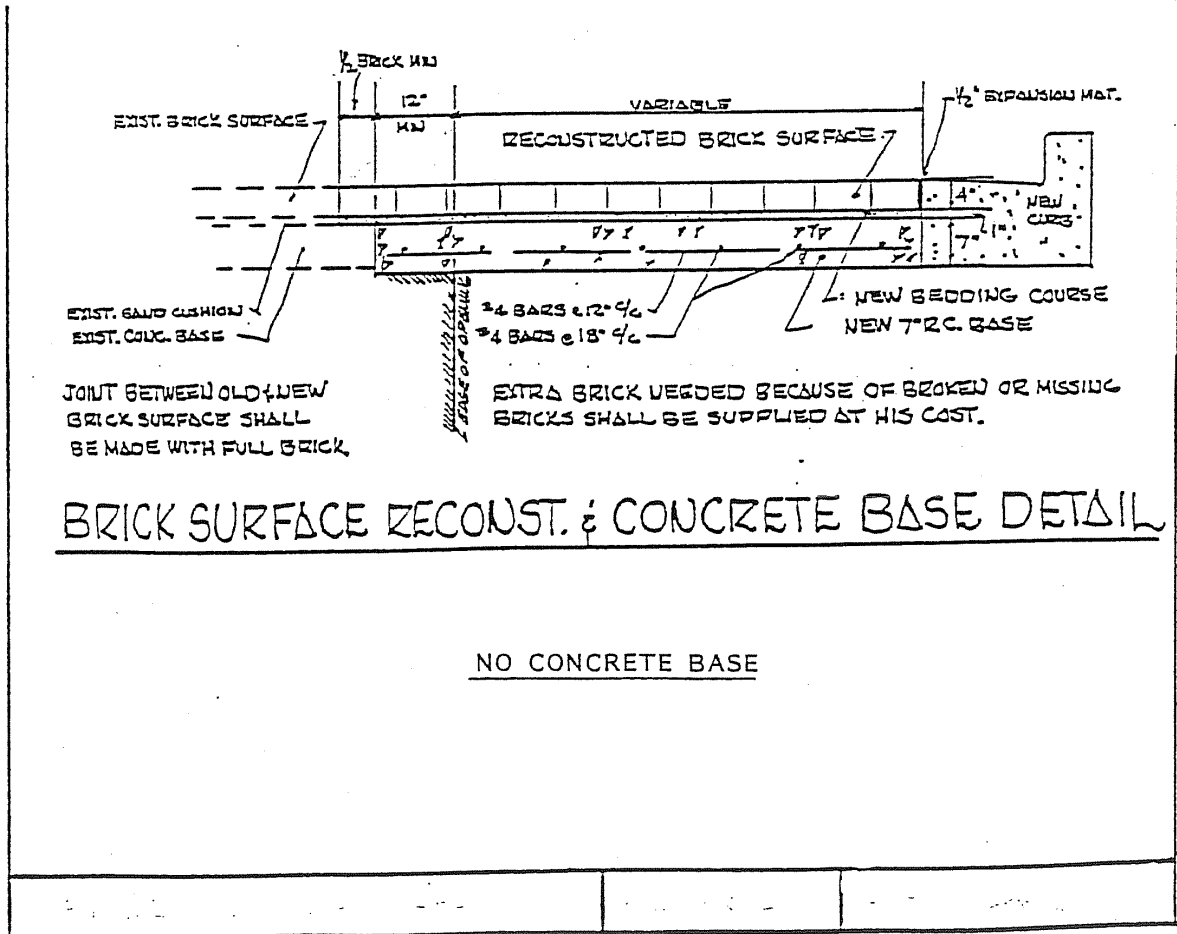
STREETS AND SIDEWALKS



CONCRETE SURFACE RECONST.



STREETS AND SIDEWALKS



PART 2

STREET AND DRIVEWAY CONSTRUCTION

§21-201. Construction Standards.

All streets, roads, alleys or driveways in the Borough of Aspinwall shall be designed, constructed, replaced and/or repaired in accordance with the Pennsylvania Department of Transportation (PennDOT) standards and specifications as contained in the current editions of the “Guidelines for Design of Local Roads and Streets” and Form 408 Specifications, unless otherwise specified in the Aspinwall Borough Specifications.

(Ord. 806, 6/11/1996, §11702)

§21-202. Applicability of Construction Standards.

The provisions of this Part shall apply to any new street, whether or not to be dedicated to the Borough, and to the repair, replacement or reconstruction of any public or private street, road, alley or driveway.

(Ord. 806, 6/11/1996, §11703)

§21-203. Review and Approval of Borough Engineer.

The plans for any proposed street construction, repair or replacement, if being undertaken by a party other than the Borough or under a contract with the Borough, shall be submitted to the Borough Manager at least 30 days prior to the start of construction. No work shall begin until the plans are approved by the Borough Engineer.

(Ord. 806, 6/11/1996, §11704)

§21-204. 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 \$1000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
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.

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

(*Ord. 806*, 6/11/1996, §11705; as added by *Ord. 995*, 12/10/2003)

PART 3

DRIVEWAY AND STREET ACCESS REGULATIONS

§21-301. Purpose.

The purpose of this Part is to regulate location, construction, maintenance and drainage of access driveways, local roads and other property within the right-of-ways of Borough 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. 974, 3/14/2001, §11720)

§21-302. Definitions.

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

ACCESS - any driveway, street or other means of passage of vehicles between the highway and abutting property, including acceleration and deceleration lanes and such drainage structures as may be necessary for the proper construction and maintenance thereof.

BOROUGH ENGINEER - the Engineer of the Borough of Aspinwall or his designee. [*Ord. 995*]

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.

DRIVEWAY - every entrance or exit used by vehicular traffic to or from properties abutting or connecting a public street. The term includes proposed streets, lanes, alleys, courts and ways.

DRIVEWAY WIDTH - the narrowest width of a driveway measured perpendicular to the centerline of the driveway.

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

FORM 408 - the latest revision of highway construction specifications issued by the Pennsylvania Department of Transportation.

FRONTAGE WIDTH - the distance along the right-of-way line in front of an abutting property.

IMPROVED AREA - the area within the right-of-way which has been constructed for highway purposes including roadbed, pavement, shoulders, slope, sidewalks, drainage facilities and any other appurtenances.

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

JOINT-USE DRIVEWAY - a driveway shared by and constructed to provide access to two or more properties.

OWN - to hold title to land or a building or be a tenant in a lease that will not terminate within 15 years of the permit issuance date.

PAVEMENT EDGE - the edge of the main traveled portion of any highway, exclusive of shoulder.

PERMANENT CURBING - plain or reinforced cement concrete curb which meets Department standards.

PERMIT - a street access permit issued by the Borough of Aspinwall 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.

RIGHT-OF-WAY - the area which has been acquired by the Borough of Aspinwall for street purposes.

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

SETBACK - the lateral distance between the right-of-way line and the roadside building, liquid fuel pump island, display stand, or other object, which will result in space for vehicles to stop or park between such objects and the right-of-way line.

SHOULDER - the portion of the roadway, 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.

STREET - the area, including the entire width between right-of-way lines, over which the Borough has assumed or has been given jurisdiction.

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.

TURNING RADIUS - the radius of an arc which approximates the turning path

of the exterior corner of a vehicle.

VEHICLE - every device in or by which any person or property is or may be transported or drawn upon a highway. The term includes special mobile equipment as defined in the Pennsylvania Vehicle Code.

(*Ord. 974*, 3/14/2001, §11721; as amended by *Ord. 995*, 12/10/2003)

§21-303. Street Access Permits Required; Application Review.

1. Without first obtaining a street access permit from the Borough: (a) No driveway, local street or drainage facility or structure shall be constructed or altered within a Borough street right-of-way; (b) No property abutting or having ingress or egress via a Borough public street shall change its use or increase its daily peak traffic to a Borough street; (c) No drainage facility of the Borough shall be altered or a connection made thereto without first obtaining a permit from the Borough.
2. The applicant shall submit permit application in writing to the Borough Manager in the form prescribed by this Part. The permit application shall be signed by property owner and accompanied by proof of ownership.
3. The application shall include plans detailing location and pertinent dimensions of proposed installation and existing street features and drainage control plans as required by §21-304. The permit fee, in an amount as established from time to time by resolution of Borough Council, shall be submitted with the application.
4. Borough Council shall review all applications and plans for street or road construction which would adjoin or connect with any street within the boundaries of the Borough. Council may appoint a committee to review all plans for residential driveways which will adjoin onto any street or way within the Borough of Aspinwall. Said committee shall be comprised of three members of Council and the Borough Manager. Borough Council shall approve, approve with modification or deny an application for a street access permit.
5. Subdivision and/or land development plan approval by the Borough Council under the Borough Subdivision and Land Development Ordinance [Chapter 22] shall operate as a street access permit approval under this Section provided that: (a) the subdivision and/or land development plan complies with the requirements of this Chapter; (b) the applicant applies for and obtains a zoning use permit and a zoning occupancy permit from the Zoning Officer under the Borough Zoning Ordinance [Chapter 27]; and (c) the applicant complies with any and all conditions of approval of the subdivision and/or land development plan approval imposed by the Borough Council in accordance with the Borough Subdivision and Land Development Ordinance [Chapter 22].

(*Ord. 974*, 3/14/2001, §11722; as amended by *Ord. 995*, 12/10/2003; and by *Ord. 1025*, 12/19/2007, §1)

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§21-304. Contents of Application Plan.

1. The applicant for a street access permit is responsible for submitting four sets of plans with the permit application which contain the following, except as provided in subsection .2 below: [*Ord. 1025*]
 - A. Traffic control plan if it is necessary to close a lane to vehicular traffic in order to perform the permitted work.
 - B. Drainage control plan required if, as result of action of applicant, there will be an increase in the flow of water onto the street or into a street drainage facility. The plan must include: source of water, existing and proposed flow (cfs), existing and proposed drainage pattern and hydraulic computations demonstrating adequate capacity in the drainage system to accept the additional flow.
 - C. 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 streets, roads or highways; nearest driveway on adjacent properties (both sides of street); streets, driveways opposite site; adjacent land uses; any traffic control devices.
 - (4) Sight distance in each direction from proposed driveway.
 - (5) Number of vehicles per day expected to use driveway.
2. An applicant applying for a street access permit for a property containing one single-family residential dwelling (as defined by the Borough Zoning Ordinance [Chapter 27]) is only responsible for submitting an application form and one set of driveway access plans (professional drawings not required) showing:
 - A. Driveway width, radii and other points of curvature.
 - B. Distance from proposed driveway to: nearest intersecting streets, roads or highways; nearest driveway on adjacent properties (both sides of the street); streets, driveways opposite site; adjacent land uses.
 - C. Sight distance in each direction from proposed driveway.
 - D. Number of vehicles per day expected to use driveway.

[*Ord. 1025*]

(*Ord. 974, 3/14/2001, §11723; as amended by Ord. 1025, 12/19/2007, §2*)

§21-305. Specific Driveway and Road Design Requirements.

No driveway or road entering upon a Borough street or way 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 Borough streets and not create a hazard.
- B. **Location.** The following standards shall apply:
 - (1) Driveway should access onto streets of type and character to handle the type and amount of vehicular traffic using the driveway. Driveways from nonresidential uses normally used by more than 60 vehicles per day shall not be permitted access onto local residential streets. The Borough Council may approve an exception to this standard based on special site conditions and traffic studies showing no negative impact on the existing residential street. For purposes of this Section, a residential street is one on which 50% or more of the abutting properties are single or multifamily residences.
 - (2) Driveway shall not be located at highway interchanges or ramp areas so as to interfere with proper functioning. Any driveway or street carrying more than 60 vehicles per day shall not be located within 100 yards of any interchange or ramp access area of a State highway or County road.
 - (3) If the driveway is near a signalized intersection, the permittee shall be required to pay costs of any modifications to the signals which are necessary to control traffic movements from the driveway.
 - (4) If the property is a corner lot, the Borough may restrict access to only one street.
 - (5) The Borough may require permittee to locate the driveway directly across from street or driveway in order to avoid any safety hazard.
- C. **Number.** Normally Borough Council will approve only one access for a property.
- D. **Approach.** The location and angle of access of driveway in relation to street intersection shall be such that a vehicle entering or leaving driveway can do so in orderly and safe manner and with minimum interference to street traffic.
- E. **Design Guidelines.** The applicable requirements for “minimum” and “low

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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 Borough streets.

- F. **New or Modified Streets.** New or modified streets and intersections, including, but not limited to, those requiring a traffic study pursuant to §21-306, 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 intersection 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 C or better for each traffic movement.
 - (4) Existing intersections impacted by development traffic shall maintain a minimum LOS C for each traffic movement.
 - (5) Sight distance at driveways and new intersections shall meet standards specified by PennDOT regulations.

(Ord. 974, 3/14/2001, §11724)

§21-306. Applicant Responsible for Traffic Study.

1. In the event the proposed driveway or road connecting with any Borough street or way will produce a traffic flow in excess of 60 vehicles per day, the Borough may order a traffic study to be prepared by its engineers, the expense of which is to be borne by the applicant and paid before review of the submitted plans.
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 an 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 (ADT), 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 and ADT (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 increased in ADT 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 plan showing parking locations and dimension, loading access, circulation roadway and traffic control.

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- (2) Driveway access plan showing location of driveways and new intersections including geometric conditions and traffic control.

(Ord. 974, 3/14/2001, §11725)

§21-307. Specific Driveway Access Prohibited.

No driveway or street carrying a traffic flow of 60 vehicles per day or more shall enter a street within 300 feet of the intersection of any other street or driveway which carries the same or greater traffic flow.

(Ord. 974, 3/14/2001, §11726)

§21-308. 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 \$300 nor more than \$1000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
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. 974, 3/14/2001 §11727; as added by Ord. 995, 12/10/2003)

PART 4

SIDEWALK INSTALLATION AND MAINTENANCE

§21-401. Definitions.

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

SIDEWALK - a pedestrian walkway including, for the purposes of this Part, supporting walls, retaining walls, railings, grass area between sidewalk and curb and any other structures or appurtenances necessary, desirable or incidental to the installation and safe use of a sidewalk.

(Ord. 806, 6/11/1986, §11727)

§21-402. Authority of Council to Require Installations.

1. The Borough Council may require the installation of sidewalks along any Borough or other public right-of-way in the Borough when Council, in its discretion, determines that sidewalks are necessary to assure the safe movement of pedestrians in the Borough.
2. In considering all future site plan applications, the Planning Commission may require the applicant or developer to provide sidewalks when the Commission, in its discretion, determines that sidewalks are necessary to assure the safety of the property owners in the proposed plan and the residents of the Borough.

(Ord. 806, 6/11/1986, §11728)

§21-403. Allocation of Cost; Assessment of Costs.

1. **Cost Allocation.** The cost of the initial installation of sidewalks shall be allocated as follows:
 - A. When required as part of a subdivision, land development or site plan, the cost of installation shall be the responsibility of the developer.
 - B. When authorized by the Borough Council in areas where no subdivision or site plan approval is involved, the cost shall be borne by the abutting property owner or owners.
2. **Cost Assessment.** Where any cost of the sidewalk is to be paid by abutting property owners, the assessment shall be made on a front-foot basis; however, Borough Council may make equitable adjustments for corner lots and irregularly shaped lots where an assessment for full frontage might be unjust.

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3. **Notice of Assessment and Collection.** The Borough Manager shall send by certified mail a notice of assessment which shall be paid within 45 days from receipt of notice. If any assessment shall remain unpaid at the expiration of the notice period, the Borough Solicitor shall take action to collect the unpaid amount, with interest from the time of completion of the improvement, by civil action of assumpsit or by a lien to be filed and collected in the same manner as municipal claims.

(Ord. 806, 6/11/1986, §11729)

§21-404. Construction Specifications.

Sidewalks shall be installed, replaced or repaired in accordance with Borough Specifications. The location, size of sidewalks, as well as the material utilized for construction, shall be subject to the approval of the Borough Engineer.

(Ord. 806, 6/11/1986, §11730)

§21-405. Responsibility for Repairs and/or Replacement.

After the initial installation of any sidewalk, all repairs and replacement are the responsibility of the abutting property owner. The Borough Manager may issue a notice to the property owner to replace and/or repair a sidewalk within 20 days after the receipt of the notice. If the property owner fails to comply, the Borough may perform the work and recover the cost plus 10% penalty from the property owner as allowed by law.

(Ord. 806, 6/11/1986, §11731)

§21-406. Responsibility for Maintenance and Unobstructed Use.

1. It shall be the responsibility of the owner and/or legal resident of the property abutting the sidewalk to keep it clear of obstructions.
2. It shall be unlawful to allow ice, snow or other debris to remain on the sidewalk longer than 12 hours after its accumulation.
3. Sidewalks are intended for the use of pedestrians only. It shall be unlawful to drive or park any motor vehicle on any sidewalk except as required to enter or exit from a driveway.
4. It shall be the responsibility of the owner or legal resident of the property to remove from the sidewalk, prior to darkness, any object or other materials which might endanger a pedestrian.
5. It shall be unlawful for the owner and/or legal resident of the property abutting the sidewalk to operate an air conditioner or other cooling device in a manner whereby

water or other fluids emitted from such cooling are permitted to drip upon or flow onto the sidewalk. [*Ord. 826*]

(*Ord. 806*, 6/11/1986, §11732; as amended by *Ord. 826*, 9/9/1997, §11732)

§21-407. Prohibited Uses of Sidewalk.

1. It shall be unlawful for any person to occupy or to use any sidewalk, or any portion thereof, or to place signs, signboards or other devices upon the sidewalk, for the purpose of exhibiting or vending any merchandise, except with permission of the Mayor as set forth below and subject to the prohibition set forth in subsection (6), below. [*Ord. 940*]
 - A. Sidewalk sales shall only occur in the manner specified below after a written permit has been issued by the Mayor:
 - (1) Sidewalk sales conducted by merchants in front of their own commercial property.
 - (2) Sidewalk sales conducted by civic or charitable organizations for a civic or charitable purpose.

[*Ord. 995*]

2. It shall be unlawful to put or place upon any sidewalk any boxes, barrels or other articles that would tend to obstruct the free use of any sidewalk, except when articles are so placed during loading or unloading, removing or storing away the same and such articles do not remain on any sidewalk for more than 1 hour; when any sidewalk is so used, a free passageway of at least 3 feet shall be left at all times.
3. It shall be unlawful to use any sidewalk as a transfer or assembling point for the purpose of assembling packages for delivery or reassembling the contents of delivery vehicles.
4. It shall be unlawful for any owner or contractor to obstruct any sidewalk in front of any building in process of erection or being repaired, but such sidewalk shall always be kept open for public traffic and such sidewalk kept in a safe and passable condition.
5. It shall be unlawful to permit any rubbish, debris or any other matter to remain upon or interfere with the free use of any sidewalks.
6. Sandwich board signs and mechanical vending devices shall not be permitted on any public right-of-way. This prohibition shall be interpreted to prohibit the display or placement of sandwich board signs and mechanical vending devices on a permanent or temporary basis. [*Ord. 975*]

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7. For purposes of this Section, “mechanical vending devices” shall be defined as those coin, currency or debit card operated devices that are used to market, sell and dispense merchandise, beverages, food, or other similar items. This definition shall not include those machines used solely to sell and dispense newspapers. [*Ord. 975*]

(*Ord. 806*, 6/11/1986, §11733; as amended by *Ord. 940*, 10/14/1998, §§3,4; and by *Ord. 975*, 3/9/2001, §11733)

§21-408. Care of Trees and Other Plants Along Sidewalks.

1. No owner or legal resident of a property abutting a sidewalk shall permit trees to interfere with the free use of said sidewalks. Branches of trees shall be trimmed so that the lowest part of said trees or branches are at least 8 feet above the sidewalk.
2. It shall be unlawful to permit weeds, grasses, plants, bushes or shrubbery to grow upon or lean over or obstruct the sidewalk in any manner whatsoever.
3. The owner or legal resident of a property shall be responsible for the proper maintenance of any grassed, landscaped, or planted area between the sidewalk and curblin e or pavement of the street.

(*Ord. 806*, 6/11/1986, §11734)

§21-409. 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 \$1000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
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. 806*, 6/11/1986, §11735; as added by *Ord. 995*, 12/10/2003)

PART 5

DEPOSIT OF DEBRIS ON STREETS AND SIDEWALKS

§21-501. Deposit of Debris Prohibited.

It shall be unlawful for any person, firm or corporation to cause dirt, earth, rock, brush or debris of any kind to be deposited on any street, road, sidewalk or curb in the Borough.

(Ord. 806, 6/11/1986, §11717)

§21-502. Debris Falling from Vehicles; Removal.

If transporting dirt, earth, rock, brush or debris of any kind over streets located in Aspinwall Borough and the debris falls onto the surface of any street, then it shall be the responsibility of the person operating the vehicle to remove the debris immediately.

(Ord. 806, 6/11/1986, §11718)

§21-503. Transport of Excavated Material.

If engaged in excavating or other earthmoving activities in the Borough and earth, dirt, rock or other debris carried onto Borough streets by vehicle wheels, the person operating the vehicle shall be responsible for cleaning streets and preventing such reoccurrence.

(Ord. 806, 6/11/1986, §11719)

§21-504. 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 \$1000 for each violation, plus costs, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.
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. 806, 6/11/1986, §11720; as added by Ord. 995, 12/10/2003)

