

Chapter 21

Streets and Sidewalks

Part 1

Street Cuts and Excavations

- §21-101. Permits Required
- §21-102. Application to Building Inspector; Deposit Fee
- §21-103. Temporary Repairs
- §21-104. Time Limit; Extension
- §21-105. Failure to Comply; Borough to Complete
- §21-106. Violations and Penalties

Part 2

Sidewalks

- §21-201. Borough to Establish Standards
- §21-202. Written Notice
- §21-203. Repair of Existing Sidewalks
- §21-204. Determination of Sidewalks Needing Repair
- §21-205. Determination by Ordinance Officer and Borough Engineer
- §21-206. Inspections
- §21-207. Type and Extent of Repairs
- §21-208. Service of Notice
- §21-209. Contents of Notice
- §21-210. Appeals
- §21-211. Collection of Costs; Additional Penalties
- §21-212. Municipal Claim and Lien
- §21-213. Proposals; Sealed Bids
- §21-214. Tampering Without Permit Prohibited
- §21-215. Repairs to Be in Accordance with Specifications
- §21-216. Grading
- §21-217. Dangerous Conditions; Emergency Repairs
- §21-218. Violations and Penalties

Part 1**Street Cuts and Excavations****§21-101. Permits Required.**

Permits for the opening of or tearing up of streets in front of premises in said Borough for the purpose of making connections for sewer, gas, water or other lines shall be granted only upon application of the contractor or plumber, owner or any other person making such connection approved by the owner of the property for whom such connection is to be made.

(Ord. 91, 3/8/1937)

§21-102. Application to Building Inspector; Deposit Fee.

Said application shall be made to the Building Inspector, who shall grant the same, provided that he is satisfied that it is for the best interest of the property owner to be served, and provided also that a deposit is made with him by either the contractor, plumber, owner or other person in an amount as established from time to time by resolution of Borough Council.

(Ord. 91, 3/8/1937; as amended by Ord. 387, 12/14/2009)

§21-103. Temporary Repairs.

The person, partnership or corporation making such connection, tearing up the street as aforesaid, shall be required as soon as may be to make temporary repairs to the street so that there shall be as little interference with traffic thereon as may be necessary.

(Ord. 91, 3/8/1937)

§21-104. Time Limit; Extension.

The owner of the property or the contractor, plumber or other person performing the work shall within 30 days after the completion of the work restore the street to its former condition, subject to the approval of the Street Committee, unless an extension of time shall be given to him by the Borough by reason of weather conditions or other conditions beyond his control.

(Ord. 91, 3/8/1937)

§21-105. Failure to Comply; Borough to Complete.

In case of failure to restore said street to its former condition within the time hereinbefore provided, as determined by the street committee, the Borough shall have the right and privilege to perform said work and deduct the cost of said work from the amount previously deposited by the owner, contractor, plumber or other persons, and if the sum so deposited is not sufficient to cover the cost to perform said work, said Borough is hereby authorized to take such steps as are necessary to collect the balance due from either the owner, contractor, plumber or other person, or all of them, by appropriate action.

(*Ord. 91, 3/8/1937*)

§21-106. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 91, 3/8/1937; as amended by Ord. 357, 12/13/1996, §96-6; and by Ord. 387, 12/14/2009*)

Part 2**Sidewalks****§21-201. Borough to Establish Standards.**

Whenever it shall be determined proper and necessary by the Council of the Borough of Thornburg that sidewalks shall be constructed and paved along the public highway of the Borough, the Council shall by ordinance lay out and fix the grade of said sidewalks.

(Ord. 332, 6/10/1991)

§21-202. Written Notice.

Upon the enactment of such ordinance, the Ordinance Officer of the Borough shall serve written notice upon the owners of property abutting on said public highways, requiring them to construct and pave such sidewalks within 90 days from the date of such notice. The sidewalk shall be constructed in the manner and under the specifications as hereinafter set forth.

(Ord. 332, 6/10/1991)

§21-203. Repair of Existing Sidewalks.

From and after the passage of this Part, all existing sidewalks within the Borough found to be defective or in need of repaving or repairs shall be repaved and/or repaired by the owners of the lots fronting or abutting thereon, after receipt of and in accordance with the terms of a notice to be issued and served as hereinafter set forth.

(Ord. 332, 6/10/1991)

§21-204. Determination of Sidewalks Needing Repair.

An existing sidewalk shall be deemed defective and/or in need of replacement, repaving or repair whenever, by reason of being uneven, cracked, broken or otherwise defective, such sidewalk becomes hazardous or presents a danger or risk in use by a pedestrian while walking or jogging and/or in the normal use of sidewalks with tricycles, baby strollers and the like.

(Ord. 332, 6/10/1991)

§21-205. Determination by Ordinance Officer and Borough Engineer.

The need for and the type of repairs or repaving to be made to existing sidewalks under the provisions of this Part shall be determined by the Ordinance Officer and the Borough Engineer appointed from time to time by the Borough of Thornburg.

(Ord. 332, 6/10/1991)

§21-206. Inspections.

The Ordinance Officer of the Borough of Thornburg shall make periodic, but at least annual, inspections of all existing sidewalks in the Borough of Thornburg.

(Ord. 332, 6/10/1991)

§21-207. Type and Extent of Repairs.

Upon determination of the need for repaving or repairs to existing sidewalks, the Ordinance Officer shall give notice of the type and extent of the sidewalks repairs and/or repaving required under the provisions of this Part. Such notice shall be served upon the owner of the property abutting the defective sidewalk. All repaving or repairs required shall be completed within 60 days of the date of the notice.

(Ord. 332, 6/10/1991)

§21-208. Service of Notice.

In the event that the owner of the property is a resident at the property, service of the notice shall be made to the owner at the property. In the event that the owner is not a resident, then notice shall be served upon the tenant or occupant of the property.

(Ord. 332, 6/10/1991)

§21-209. Contents of Notice.

Notice to be served under the provisions of this Part by the Ordinance Officer shall set forth the defects found, the type and extent of the repairs required and that such repairs must be completed within 60 days of the date of the notice.

(Ord. 332, 6/10/1991)

§21-210. Appeals.

In the event that the owner of the premises for which a defective sidewalk notice has been given desires to contest the determination of the Ordinance Officer that the sidewalk is defective, such owner shall have a right within 5 days to appeal such determination to the Borough Engineer. The Borough Engineer, after personal inspection, shall within 7 days of the date of any such appeal make a determination of approval or disapproval of the finding of the Ordinance Officer and shall note his/her determination by endorsement on a copy of the initial notice with notification thereof to the owner by mail.

(Ord. 332, 6/10/1991)

§21-211. Collection of Costs; Additional Penalties.

The failure of the owner of the property to comply with the provisions of any notice served under the provisions of this Part within a period of 60 days shall be considered a violation of this Part, and the Borough shall have the right to have the repairs and repaving required under the notice to be done at the cost of such owner and shall thereafter collect the cost thereof, together with 10 percent. The provisions of this Section shall not be considered exclusive, and the Borough, in addition, may proceed for the violation of this Part as hereinafter provided.

(Ord. 332, 6/10/1991)

§21-212. Municipal Claim and Lien.

The cost and charges together with penalties shall be collected from the owner either by the filing of a municipal claim and lien therefor in accordance with law or by civil action for the collection of the same. A certificate as to cost, expenses and penalties

of the Borough Secretary shall be conclusive as to the costs of such repairs and repaving.

(Ord. 332, 6/10/1991)

§21-213. Proposals; Sealed Bids.

In lieu of the procedure set forth above, the Borough may prepare specifications for and obtain quotations by way of competitive proposals or sealed bids, as required by law, for the installation, repaving, repair or replacement of sidewalks required under the provisions of this Part. Such proposals and/or bids may be received and contracts let for work thereunder by the Borough Council after notice to all affected owners of property that the Borough intends to undertake such work and shall, in lieu of assessment for failure to perform such work by owner or owners of property, apportion the cost of such contract or contracts to each property owner in the proportion that the cost of such work on each owner's property bears to the entire cost of such contract or contracts. If any property owner fails to respond to such notice or refuses to participate in the owner's proportionate cost of such contract or contracts, the sidewalks situated on such owner's property shall be installed, repaved, repaired or replaced and costs assessed in accordance with other sections of this Part.

(Ord. 332, 6/10/1991)

§21-214. Tampering Without Permit Prohibited.

It shall be unlawful for any person to tear up, destroy, remove, deface, excavate, install, repair or repave any sidewalk along the public highway of the Borough, whether after notice by the Borough to make repairs or repaving or otherwise, except in accordance with a sidewalk permit duly issued by the Ordinance Officer after written application to him.

(Ord. 332, 6/10/1991)

§21-215. Repairs to Be in Accordance with Specifications.

The installation, repaving, repair or replacement of sidewalks required under the provisions of this Part shall be installed, completed and done in accordance with specifications prepared by the Borough Engineer and accepted by Borough Council.

(Ord. 332, 6/10/1991)

§21-216. Grading.

Whenever any sidewalk is to be installed or repaved under the provisions of this Part at an intersection, and it is determined necessary and in the best interest of the Borough of Thornburg for the benefit of commerce or the use by the handicapped, then, in that event, the repaving or installation required under this Part shall include the gradual grading of concrete from the established grade of the sidewalk to street level upon plans and specifications prepared by the Borough Engineer.

(Ord. 332, 6/10/1991)

§21-217. Dangerous Conditions; Emergency Repairs.

Notwithstanding the foregoing, when, in the opinion of the Borough Engineer, a

dangerous condition exists on any sidewalk within the Borough of Thornburg which has an immediate effect upon the safety or public welfare of the Borough and such dangerous condition can be repaired by an expenditure of not more than \$500, a notice to make such repairs within 48 hours shall be served upon the owner of the property abutting or fronting upon the defective sidewalk in the manner hereinabove set forth. In the event that such emergency repairs are not made within 48 hours, the Borough shall have the right to make such repairs and charge the costs thereof against the owner of the property, which charge shall be collected in the manner herein set forth. (*Ord. 332, 6/10/1991*)

§21-218. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 332, 6/10/1991; as amended by Ord. 357, 12/13/1996, §96-24; and by Ord. 387, 12/14/2009*)