

Chapter 21

Streets and Sidewalks

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Part 1**Street Excavations****§21-101. Definitions and Interpretation.**

1. The following words, when used in this Part, shall have the meanings hereby respectively ascribed thereto, except in those instances where the context clearly indicates otherwise:

Person—any natural person, partnership, association, municipal authority, firm or corporation.

Street—any public street, avenue, boulevard, road, alley or highway, except State highways, located in the Borough and established for the use of vehicles.

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

(*Ord. 120, 12/27/1979, §XXI-1*)

§21-102. Permit Required.

It shall be unlawful for any person to make any opening or excavation of any kind in any street in the Borough without first having obtained from the Borough Secretary a permit therefor, as hereinafter provided.

(*Ord. 120, 12/27/1979, §XXI-2*)

§21-103. Permit Application and Fee.

No permit shall be granted under this Part until the person desiring the same shall have made application therefor, and shall have paid in an amount as established from time to time by resolution of Borough Council. Such application shall comprise an agreement by the applicant that he shall adhere to all the terms of this Part, and that any failure to do so shall constitute a violation of this Part.

(*Ord. 120, 12/27/1979, §XXI-3; as amended by Ord. 178, 9/15/2009*)

§21-104. Bond to Be Filed.

No permit shall be granted until the applicant therefor shall have filed a surety bond in the amount prescribed by the Borough, based upon the extent of the work and the character of the street and street surface disturbed by such opening or excavation, and the restored surface thereof for a period of 12 months after the completion of the resurfacing thereof.

(*Ord. 120, 12/27/1979, §XXI-4*)

§21-105. Liability Insurance of Applicant.

No permit shall be granted until the applicant therefor shall have shown that he carries public liability insurance in an amount and with a company deemed satisfactory to the Borough.

(*Ord. 120, 12/27/1979, §XXI-5*)

§21-106. Duties of Permit Holder.

It shall be the duty of the permit holder:

A. To confine such opening or excavation to the portion of the street and to the dimensions generally indicated on the permit.

B. To commence such work of opening or excavation on the date indicated on such permit, or as soon as practicable thereafter, and to complete such work, along with the refilling of the excavation, and the restoration of the street surface on or before the date of expiration of such permit.

C. To notify the Borough before such opening or excavation is to be refilled, and thereupon to complete such work of refilling and resurfacing in strict conformity with the requirements of this Part.

D. While such work is underway, and at all times prior to the completion of the resurfacing of the street, to keep in place sufficient barricades, warning signs and warning lights or flares to guard the opening or excavation and to warn the traveling public of its location; such warning lights or flares to be lighted and in operation at all times between sunset and sunrise and at all other times when visibility is such as to make their use necessary.

E. To refill the opening or excavation and to resurface the portion of the street disturbed thereby in the manner set forth in the agreement forming part of the application, such requirements being based upon the material of the disturbed surface, the character of the subsoil and subsurface and the type and kinds of subsurface installations in and in the vicinity of the opening or excavation.

(Ord. 120, 12/27/1979, §XXI-6)

§21-107. Penalty for Violation.

Any person who shall violate any provisions of this Part or who shall fail, neglect or, refuse to perform any duty imposed upon him thereby shall be guilty of an offense, and, for each and every such offense, upon conviction thereof, shall be sentenced to 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 120, 12/27/1979, §XXI-7; as amended by Ord. 178, 9/15/2009)

Part 2**Sidewalk Maintenance****§21-201. Definition and Interpretation.**

As used in this Part, the term “person” shall include any individual, corporation, firm, partnership, association, or other legal entity. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

(*Ord. 120, 12/27/1979, §XXI-51*)

§21-202. Repair Required.

It shall be the responsibility of every owner of property upon which a sidewalk has been constructed to keep the sidewalk in a safe condition at all times. Every owner of property upon which a sidewalk has been constructed shall, upon notice from the Borough Council, repave or repair the sidewalk in the manner stipulated in such notice, and within the time specified in such notice.

(*Ord. 120, 12/27/1979, §XXI-53*)

§21-203. Borough May Do Work and Collect Cost and Additional Amount from Defaulting Property Owner.

In any case where any property owner shall fail to repave or repair any sidewalk following notice from the Borough to do so, the Borough may proceed to clear all snow and/or ice from the sidewalks of such delinquent, or may cause such repaving or repair to be done, at the cost of such owner, occupant or tenant, and may collect the cost thereof and 10 percent additional, together with all charges and expenses, from such owner, occupant or tenant, and file municipal claim therefor or collect the same by action in assumpsit.

(*Ord. 120, 12/27/1979, §XXI-54; as amended by Ord. 178, 9/15/2009*)

§21-204. Penalty for Violation.

Any person who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 120, 12/27/1979, §XXI-55; as amended by Ord. 178, 9/15/2009*)

Part 3

Snow and Ice Removal

§21-301. Removal of Snow, Ice, Hail and Sleet Mandatory.

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough of Port Matilda to fail to remove from the sidewalk abutting said property all snow, ice, hail or sleet within 24 hours after the same shall have ceased to fall thereon and to keep said sidewalks free and clear of all snow, ice, hail or sleet thereafter.

(Ord. 161, 11/14/2000, §I)

§21-302. Depositing on Street or Alleyway Unlawfully.

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough of Port Matilda, in removing said snow, ice, hail or sleet to deposit same on the traveled cartway of any dedicated or undedicated public street or alleyway within the Borough of Port Matilda.

(Ord. 161, 11/14/2000, §II)

§21-303. Fire Hydrants to Remain Visible and Accessible.

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough of Port Matilda, in removing said snow, ice, hail or sleet to deposit same in such a manner as to do any of the following:

- A. Obscure visibility of any fire hydrant.
- B. Obstruct or impede access to any fire hydrant.

(Ord. 161, 11/14/2000, §III)

§21-304. Removal of Vehicles from Streets.

1. It shall be unlawful for any person, association, firm, partnership, corporation or any other entity to permit a vehicle, recreational vehicle, boat, trailer or vehicle that in or on which a person or thing is or may be carried from one place to another, to permit same to stand unattended upon any of the following described streets dedicated to public use, once an accumulation of 2 inches or more has been received:

Name of Street	Location
North High Street	From West Plank Road to the Borough boundary
South High Street	From West Plank Road to the end of South High Street
NO PARKING AT ALL FROM	
Brick Street	From Cherry Street to East Mountain Street

Name of Street	Location
Centre Street	From North Street to Church Street
Cherry Street	From Beckwith Road to Brick Street
Church Street	From South High Street to South Smith Street
East Mountain Street	From Beckwith Road to Brick Street
Front Street	From Water Street to the American Legion
Locust Street	From Church Street to East Plank Road
North Main Street	From East Plank Road to East North Street
North Street	From Hill Street to Laurel Run
Oak Street	From South High Street to Brick Street
Prospect Street	From Laurel Run to Church Street
Smith Street	From Spruce Street to Church Street
South Main Street	From East Plank Road to Church Street
South Park Street	From West Front Street to the Community Park entrance
Spruce Street	From West Street to South Smith Street
Water Street	From South High Street to West Front Street
West Maple Street	From Hill Street to State Route 322
West Plank Road	From Main Street to the Borough boundary
West Street	From West Plank Road to West Spruce Street
Wood Street	From East Plank Road to East Spruce Street
East Plank Road	From Main Street to the Borough boundary

2. Any vehicle described above remaining on said streets after an accumulation of 2 inches or more shall be towed at the owners expense and in addition shall be subject to the penalties of §21-305 of this Part.

(*Ord. 161, 11/14/2000, §IV*)

§21-305. Fines and Penalties for Violations.

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough of Port Matilda to violate any provision of this Part, and any such person, association, firm, partnership, cooperation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough of Port Matilda, so violating any provision herein, upon conviction thereof, shall be sentenced to 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 161*, 11/14/2000, §V; as amended by *Ord. 178*, 9/15/2009)

§21-306. Municipal Liens.

Any matters referred to herein as being unlawful shall be declared to be nuisances and removable as such. If the cost of such removal is not promptly paid, a municipal lien shall be filed therefor or such cost otherwise collected as authorized by law.

(*Ord. 161*, 11/14/2000, §VI)

§21-307. Sidewalks.

Sidewalk for purposes of this Part shall mean any public walkway with paved or improved pervious surface intended for public use located adjacent to a public street or right-of-way.

(*Ord. 161*, 11/14/2000, §VIII)

