

## CHAPTER 21

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**Part 1**

**Street Openings and Excavations**

**§101. Definitions.**

As used in this Part, the following words shall have the meaning specified:

EMERGENCY — any situation which poses an imminent and serious danger to public safety or health.

EXCAVATION — any activity which involves the breaking, cutting, removal or other disturbance of the surface of a street.

PERSON — any natural person, partnership, corporation, association, estate, trust, municipality, municipal authority or other entity.

STREET — the improved portion of the right-of-way of any public street or alley in the Borough of Beaver, including any curbs or sidewalks, except for any State highway.

(Ord. 709, 9/18/2001, §1)

**§102. Permit Requirements.**

1. Except as provided below, a permit must be obtained before any person may make an excavation in a street.
2. In case of an emergency resulting from an explosion, rupture or leak of an underground pipe, line or apparatus, the owner thereof or person responsible therefor may commence an excavation to remedy the condition before obtaining a permit. However, immediate notice shall be given to the Borough Manager or Borough Police Department, and a permit for such excavation shall be applied for on the next business day.
3. It is unlawful for a person to make an excavation except in accordance with this Section.

(Ord. 709, 9/18/2001, §1)

**§103. Application for Permit.**

A person who desires to obtain an excavation permit shall submit an application therefor to the Borough Manager. Such application shall be made on a form prescribed by the Borough, and shall include:

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- A. The name, address and telephone number of the applicant.
- B. A description of the proposed work, including the purpose and the exact location of the proposed excavation, and the approximate size and depth thereof.
- C. The dates on which the work is to commence and to finish.
- D. The identity of the record owner of the property intended to benefit from the proposed excavation, or the actual owner, if different.
- E. A security deposit in the specified amount.
- F. Proof of adequate liability insurance.
- G. A signed performance bond and indemnity agreement in the form prescribed by the Borough.
- H. Payment of the required fee.

(Ord. 709, 9/18/2001, §1)

### **§104. Permit Fee.**

Before a permit may be issued, the applicant must pay the fee therefor, as prescribed in a schedule established by resolution of the Borough Council. Such a fee shall cover the administrative expenses of the Borough and the costs of interim and final inspections by the Borough Engineer. (Ord. 709, 9/18/2001, §1)

### **§105. Security Deposit.**

1. Before a permit may be issued, the applicant must deposit with Borough a sum of money in an amount equal to the estimated cost, in the opinion of the Borough Engineer, of performing any refilling and restoration work required by §110 of this Part.
2. Such deposit may be made in the form of cash, money order, certified check, or bank cashier's or treasurer's check.
3. The determination of the Borough Engineer as to the amount of the required security deposit shall be conclusive.
4. Upon inspection of completed work to the satisfaction of the Borough Manager or Borough Engineer, the security deposit shall be returned to the person who made it, less deductions for any corrective work done by or for the Borough.

(Ord. 709, 9/18/2001, §1)

**§106. Performance Bond.**

Before a permit may be issued, the applicant must sign a performance bond and indemnity agreement in the form prescribed by the Borough. (Ord. 709, 9/18/2001, §1)

**§107. Liability Insurance.**

Before a permit may be issued, the applicant must furnish proof that liability insurance is in effect for the proposed work. Such insurance shall provide coverage for damage to property of up to \$300,000 and coverage for injury or death of persons of up to \$1,000,000 per person and up to \$3,000,000 per accident. (Ord. 709, 9/18/2001, §1)

**§108. Work Restrictions.**

1. All excavations shall be subject to the following regulations:
  - A. Any person who undertakes an excavation shall comply with all applicable requirements of State law regarding a “One Call System” relating to excavation work.
  - B. Except in an emergency, work shall be performed only between the hours of 7:00 a.m. and 7:00 p.m. No work shall be performed on Sunday.
  - C. In all cases, appropriate safety precautions shall be taken. The person making the excavation shall provide and maintain such barricades, lights, warning signs, flagging, etc., as are necessary under the circumstances. (Refer to the rules and regulations of the Pennsylvania Department of Transportation relating to work zone traffic control).
  - D. Work shall be performed in such manner as not to interfere with the drainage of surface waters to storm sewers.
  - E. Work shall be performed in such manner as not to obstruct access to private driveways.
  - F. Free access to fire hydrants shall be provided at all times.
  - G. Work shall be performed in such manner as not to create excessive dust or siltation of adjacent property or sewers.
2. The above restrictions shall be part of every excavation permit.

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(Ord. 709, 9/18/2001, §1)

### **§109. Other Conditions.**

In granting any permit under this Part, the Borough Manager may attach such other conditions thereto as he deems reasonably necessary to prevent danger 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: (i) limitations on the period of the year in which the work may be performed; (ii) restrictions as to the size and type of equipment to be used; (iii) designation of routes upon which equipment or material may be transported to or from the work site; (iv) the place and manner of disposal of excavated materials; (v) requirements as to the suppression of dust, cleaning of streets, prevention of noises and other results offensive or injurious to the neighborhood, the general public or any portion thereof, and (vi) regulations as to the use of streets in the course of the work. (Ord. 709, 9/18/2001, §1)

### **§110. Refilling and Restoration.**

1. Any person who makes or causes an excavation shall thoroughly refill the opening and shall compact the fill in such manner as to prevent any subsidence or settling thereafter.
2. Any person who makes or causes an excavation shall restore the surface of the street in accordance with the standards and specifications established by the Borough.
3. If within two years after restoration of the surface a defect appears therein due to inadequate backfilling, repaving or rebricking, the Borough may make any necessary repairs and the person who made or caused the original excavation shall reimburse the Borough for the full cost thereof. This responsibility for reimbursement shall not be excused or affected by an inspection of the work on behalf of the Borough upon its completion.
4. The duties imposed by this Section shall apply, jointly and severally, to the permit holder, the person making the excavation and the owner of the property intended to benefit from the excavation.

(Ord. 709, 9/18/2001, §1)

### **§111. Notice of Completion.**

Upon completion of the work, the permit holder shall so notify the Borough Manager in writing. (Ord. 709, 9/18/2001, §1)

**§112. Inspections.**

1. While the work is in progress, the Borough Manager and the Borough Engineer shall have the right to inspect it.
2. Upon receiving notice that the work has been completed, the Borough Manager or the Borough Engineer shall inspect it.
3. If upon inspection the Borough Manager or Borough Engineer is not satisfied with the work, he may issue a “stop work” order, or may issue instructions for correction of unsatisfactory work.
4. Upon receipt of a “stop work” order, the permit holder shall immediately cease all activity and correct the nonconforming work.

(Ord. 709, 9/18/2001, §1)

**§113. Vandalism.**

It is unlawful for any person to remove, destroy, damage, render inoperable or tamper with any safety device placed or posted in accordance with §108(1)(C).

**§114. Exemption.**

The Borough of Beaver and the Beaver Borough Municipal Authority shall be exempt from the requirements of §§104, 105, 106 and 107. (Ord. 709, 9/18/2001, §1)

**§115. Criminal Penalties.**

1. Offense Defined.
  - A. Any person who violates §102 or §113 of this Part is guilty of a summary offense.
  - B. Each day a violation is continued shall be deemed a separate offense.
2. Penalties. A person convicted of an offense under this Section shall be sentenced to pay a fine of not less than \$300 nor more than \$600, plus all costs of prosecution or, in default of payment, to undergo imprisonment for not less than 10 nor more than 30 days.

(Ord. 709, 9/18/2001, §1)



**Part 2**

**Sidewalk and Curb Construction and Repair**

**§201. Responsibility of Property Owner.**

All curbs and sidewalks within the Borough shall be the full responsibility of the abutting property owners. The owners shall construct, maintain, repair and/or replace any and all curbs and sidewalks abutting their premises and keep them in safe condition at all times. (Ord. 517, 3/12/1968, §1)

**§202. Time Limit for Constructing or Reconstructing Sidewalk or Curb.**

Every owner of property in the Borough shall on 30 days written notice from Council, construct or reconstruct a sidewalk or curb in front of or alongside of his property. (Ord. 517, 3/12/1968, §2)

**§203. Time Limit for Repairing Sidewalk or Curb.**

Every owner of property in the Borough shall, on 30 days written notice from Council, repair the sidewalk or curb, in the manner stipulated in the notice, in front of or alongside of his property. (Ord. 517, 3/12/1968, §3)

**§204. Condition of Sidewalk and Curb Before Street Improvement Undertaken.**

All curbs and sidewalks on a street to be improved must be constructed and in good condition, prior to the improvement of any street within the Borough, all as determined by Council. (Ord. 517, 3/12/1968, §4)

**§205. Sidewalk Construction Where Satisfactory Curb in Place.**

Where there is a satisfactory curb in existence, as determined by Council, the sidewalks shall be installed by the owner, and shall comply with this Part 2. (Ord. 517, 3/12/1968, §5)

**§206. Sidewalk Construction May be Required at Time of Curb Construction.**

Where there is a curb to be constructed, as determined by Council, the sidewalks shall be installed by the owner, at the time of construction of the curb. (Ord. 517, 3/12/1968, §6)

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### **§207. Replacement of Certain Existing Curbs With Concrete Curbs.**

Where there is a brick curbing, or any curbing, other than a specified concrete curb, or approved stone curb, the property owner shall replace the existing curb with the specified concrete curb or an approved stone curb, when so ordered by Council. (Ord. 517, 3/12/1968, §7)

### **§208. Sidewalks Along Publicly Owned Land.**

Where the Borough, or any agency of the Borough, or any other public body, owns land within the Borough, and the said land abuts on a street, the sidewalks shall be placed as directed by Council. (Ord. 517, 3/12/1968, §8)

### **§209. No Sidewalk Placed or Replaced Unless Satisfactory Curb in Existence.**

No sidewalk shall be placed or replaced by the property owner unless the specified concrete curb, or an approved stone curb, is in existence and is in good condition as determined by Council. (Ord. 517, 3/12/1968, §9)

### **§210. Existing Brick Sidewalks.**

1. Existing brick sidewalks (i) along both sides of Third Street, between Beaver Street on the east and Insurance Street on the west, (ii) along both sides of College Avenue near its intersection with Third Street, and (iii) along the western side of Beaver Street near its intersection with Third Street, shall be preserved and maintained in good condition. Whenever repair is necessary, it shall be made by the replacement of damaged or missing bricks with bricks of size, shape and color matching the adjoining intact brick sidewalk.
2. Elsewhere, existing brick sidewalks may be repaired and maintained. Whenever a brick sidewalk is replaced, in whole or in part, with concrete, the provisions of this Part 2 relating to concrete sidewalks will apply.

(Ord. 517, 3/12/1968, §10; as amended by Ord. 724, 12/10/2002, §1)

### **§211. Curb Required Where Sidewalk Exists.**

Where there is an existing sidewalk and no curb, the specified concrete curb shall be placed. (Ord. 517, 3/12/1968, §12)

**§212. Requirements for Drainage Across Sidewalk.**

Where the property owner desires to discharge storm or surface water directly onto the street, the drain crossing the sidewalk will be of a metal box type channel and a metal cover as approved by the Borough. No circular pipe sections will be permitted. (Ord. 517, 3/12/1968, §13)

**§213. Proximity of Trees to Sidewalk and Proposed Sidewalk.**

1. No trees are to be planted in any parking area between the curb and the sidewalk of any street, nor shall any trees be planted within the area occupied by or set aside for an existing or proposed sidewalk, nor within an area lying five feet back of any existing or proposed sidewalk.
2. Notwithstanding the foregoing provisions, upon presentation of and approval of plans and with the consent of the Council of the Borough of Beaver and under its supervision, an adjoining landowner or a civic or service organization may plant trees within the sidewalk areas on either side of Third Street from the west line of Beaver Street to the east line of Insurance Street.

(Ord. 517, 3/12/1968, §14; as amended by Ord. 575, 12/9/1975, §2)

**§214. Permit and Other Requirements.**

The provisions of Part 1 of this Chapter 21 are applicable to the construction, replacement or repair of a curb or a sidewalk. (Ord. 517, 3/12/1968, §15; as revised by Ord. 621, 12/14/1983; as amended by Ord. 724, 12/10/2002, §1)

**§215. Correction of Violations.**

When a curb or sidewalk is placed in violation of these standards and regulations as determined by Council, the owner shall remove or replace the sidewalk or curb in violation, when so ordered by the Borough. If the owner does not comply with this order within 30 days from the date of notice, the Borough will correct the violation and file a lien against the property for whatever amount it cost the Borough. (Ord. 517, 3/12/1968, §16)

**§216. General Specifications for Curb and Sidewalk.**

1. The curb and the sidewalk shall be separate pours and no monolithic installation will be permitted.

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2. All concrete will be class "A" concrete as specified by the Pennsylvania Department of Transportation Form 408, dated 1978, and all construction will be in accordance with those specifications and addendums to them.
3. Expansion joint material shall be 1/2 inch in thickness and shall be nonrigid, and as approved by Council.
4. All newly installed concrete curbs and sidewalks shall be protected from freezing.
5. In areas where a clay and/or water condition exists, Council may require special drainage to be placed by the property owner in order to protect the curb, sidewalk and street.

(Ord. 517, 3/12/1968, §17)

### **§217. Special Specifications for Curbs.**

1. All curbs are to be 24 inches in depth. Where a sidewalk does not abut the curb, the curb shall be six inches in width. Where a sidewalk or a driveway abuts the curb, the curb shall be eight inches in width, and a two-inch by four-inch key will be left in the back of the curb in the sidewalk area and a two-inch by ten-inch key will be placed in the driveway area. Both types of curbs shall have a one-inch batter on the top six inches on the cartway side of the curb.
2. The grades for the curb will be given free of charge to the property owner by Council, at the time of the curb construction. Where more than one set of grades is required, the Borough will bill the owner for all costs over and above the initial set of grades.
3. An approved expansion joint shall be placed at a maximum of thirty-foot intervals with false markings or joints every 10 feet. Particular attention shall be given at intersecting walks, etc. An approved expansion joint shall be placed where new construction abuts existing curb.
4. The curb shall be a continuous pour between expansion joints.
5. At driveway openings, the curb will be depressed a maximum of 4 1/2 inches on the face of the curb. The curb shall be a continuous pour through the driveway area.
6. Where the sidewalk abuts the curb, the driveway may be depressed in the sidewalk area a maximum of two feet from the face of the curb. In areas where the sidewalk exceeds 10 feet in width, the driveway may be depressed in the sidewalk area a maximum of three feet from the face of the curb.

7. On streets where grass plots exist the driveway slope shall take place in the area between the face of the curb and the front of the sidewalk. The sidewalk shall not be depressed in these areas.
8. The maximum opening for a driveway shall be 12 feet including the curb depression or curb return. The opening for all driveways exceeding 12 feet shall require approval by Council.

(Ord. 517, 3/12/1968, §18; as amended by Ord. 545, 6/8/1971)

**§218. Special Specifications for Sidewalks.**

1. All sidewalks shall be placed on a compacted earth subbase. A gravel base may be permitted where proper drainage is provided.
2. All sidewalks are to be a minimum of four inches in depth, except at driveways, where the minimum depth shall be six inches.
3. Sidewalks shall have a slope of 1/4 inch per foot toward the curb.
4. An approved expansion joint shall be placed at a maximum of thirty-foot intervals with false markings, or joints, every five feet. Where utility poles, valve boxes, etc., exist in the walk area, an expansion joint will be placed no closer than six inches to the object. An expansion joint will be placed where a new walk abuts an existing walk, an intersecting walk and at all buildings or other fixed structures, excepting a curb.
5. The sidewalk shall be continuous pour between expansion joints.
6. At driveway openings the walk may be depressed as specified under the curb specifications.

(Ord. 517, 3/12/1968, §19)



### Part 3

#### Sidewalk Uses and Occupancy

##### **§301. Sidewalk Obstructions, Merchandise Display and Sidewalk Sales.**

It shall be unlawful for any person to place, or permit to be placed, or permit to remain any obstruction on any pavement or sidewalk within the Borough (except as required by the necessities of building or repairing of any structure adjacent to that sidewalk), provided, however, that in the business section of the Borough a merchant may at any time occupy the 24 inches of sidewalk nearest to his place of business for the purpose of display and sale of goods and merchandise provided that he has, at least one-week before beginning that action, made application to the Police Department for a permit indicating his intention to display those goods and merchandise and the time or times he intends to do so, and that merchant may, during special sale days conducted under the direction of the Chamber of Commerce, exhibit and sell merchandise upon other portions of the sidewalk beyond the twenty-four-inch line provided that he join with the Chamber of Commerce in making application for a permit to participate in that sale using portions of the sidewalk, and provided further that at no time shall goods, merchandise and equipment be exhibited or placed upon the sidewalk so as to prevent public passage along at least one lateral half of that sidewalk or so as to prevent uninterrupted use of at least one lateral half of that sidewalk. (Ord. 604, 8/14/1979, §2; as revised by Ord. 621, 12/14/1983)

##### **§302. Sidewalk Encroachments.**

It shall be unlawful for any person to install or maintain any cellar door, grating, covering or similar device opening into or upon any sidewalk, unless the same is made of iron, steel, vitrified brick or concrete. All such openings or encroachments and all parts and fixtures pertaining or attached to them shall be constructed and maintained so as to be flush with the surface of the sidewalk, and so as not to interfere with the free and safe use of the walk. Cellar doors shall at all times be kept closed, except when in actual use for the removal or receipt of goods, wares, merchandise or material, and when opened shall be properly guarded for the protection of persons using the sidewalk. (Ord. 604, 8/14/1979, §2; as revised by Ord. 621, 12/14/1983)

##### **§303. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. (Ord. 604, 8/14/1979, §2; as revised by Ord. 621, 12/14/1983)

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### **§304. Travel by Wheeled Conveyance Prohibited.**

1. No person shall at any time travel upon the sidewalks along Third Street between Insurance Street on the west and Beaver Street on the east, by means of bicycle, unicycle, scooter, skateboard, roller skates or other means of conveyance equipped with wheels. [Ord. 717]
2. Any person who violates this Section shall be guilty of a summary offense.
3. Any person convicted of violating this Section shall be sentenced to pay a fine of not less than \$25 nor more than \$300.

(Ord. 683, 8/13/1996, §1; as amended by Ord. 717, 7/9/2002, §1)

**Part 4**

**Parking on Borough Strip**

**§401. Definitions.**

**BOROUGH STRIP** — a public street lying outside the cartway and its containing curbs whether used by the adjacent property owners as a part of the lawn area or otherwise.

**CURB CUT** — the cutting away, or lowering, or other adaptations of a curb to attain easy passage of a vehicle over the curb line from a street and the adjacent property beside the street.

**PAVED DRIVEWAY** — any driveway or alleyway the surface of which has been improved by the placing thereon of bituminous or concrete surface.

**VEHICLE** — any container, having attached wheels or which is adaptable for the attachment of wheels, and which is used or capable of being used for conveyance of persons and property.

(Ord. 584, 9/13/1977, §1)

**§402. Parking Off the Cartway.**

1. **Parking On Paved Driveway Upon a Private Lot.** Where there is an existing and legally authorized curb cut and a paved driveway leading to a garage or parking area at the rear or at the side of a private lot, it shall be lawful to park anywhere upon said paved driveway, whether in front of any structure upon said lot or otherwise.
2. **Parking in the Rear of Structures.** It shall be lawful to park anywhere upon the area of a private lot lying between the rear line of such lot and the rear line of the structure erected thereon, regardless of the paving or improving of the parking area regardless of whether access thereto is from the rear or front of the said lot. Provided, however, that if any part or all of such area lying between the rear of said lot and the rear line of the structure thereon is within the Borough strip, parking thereon shall be governed only by §§402(3) below and 403(2) hereafter.
3. **Parking on the Borough Strip.** Where there is an existing paved driveway from a curb cut to the front line of any structure or from a curb cut along the side or rear of a lot to a garage or parking area, it shall be lawful to park thereon without regard to whether such paved area is upon the Borough strip either in part or in whole.

(Ord. 584, 9/13/1977, §4)

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### **§403. Prohibitions Against Parking Off the Cartway.**

1. Parking on the Front of Lot. In all cases other than those set forth in §402(1) above, it shall be unlawful to park upon any portion of a lot between the curb line and the front line of the structure of the house erected on said lot.
2. Parking on the Borough Strip. In all cases other than those set forth in §402(3) above, it shall be unlawful to park upon any portion of the Borough strip.

(Ord. 584, 9/13/1977, §5)

### **§404. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 4 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 4 continues shall constitute a separate offense. (Ord. 584, 9/13/1977; as amended by A.O.)