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PART 1**CONSTRUCTION AND REPAIR OF CURBS AND SIDEWALKS****§ 101. Responsibility of Property Owners. [Ord. 693, 1/19/1989, § 1]**

The owner or owners of all lots fronting or abutting upon any public street or alley shall construct, lay, set and maintain in good repair and condition, satisfactory to Borough Council, the respective sidewalks and curbs in front of or alongside their respective lots, according to the elevations, grade, width, height and slope which are now or hereafter established by the Borough, and of the materials and specifications hereinafter prescribed.

§ 102. General Provisions. [Ord. 693, 1/19/1989, § 3]

1. Notification and Permits. A permit must be obtained prior to any curb or sidewalk construction. The owner or contractor should notify the Borough: after the string line has been set to proper line and grade; after setting the forms and before placing of concrete and after forms have been removed prior to backfilling. The owner/contractor is responsible for notifying all utility companies prior to the start of work.
2. Line and Grade. Line and grade will be given by the Borough where applicable upon request. Curbs and sidewalks shall be constructed in accordance with approved development and/or Borough plans and specifications and to lines and grades established by the Borough.
3. Safety. The contractor shall leave the work area clean and neat at the end of each day. Suitable barricades shall be placed around the work area in such a manner as to protect both pedestrian and vehicular traffic. Such barricades shall be properly lighted during night hours.
4. Obstructions. Where existing structures such as light standards, utility poles, fire hydrants and the like are within the limits of curbs or sidewalk construction, a premolded expansion joint, not less than 1/4 inch in width, shall be placed completely around said obstruction for the full depth of the concrete and brick. Furthermore, expansion joint material shall be placed to form a square, 12 inches from each side of the obstruction. No obstruction other than those listed above shall be permitted to be placed within a sidewalk or curb without approval from the Borough.
5. Downspouts. Downspouts shall be placed within the sidewalks and curb in polyvinylchloride (PVC) pipe or other such material approved by the Borough. A two inch reveal shall be maintained between the paved street surface and the invert of the downspout pipe.
6. Street Signs. Where existing street signs are within the limits of the curb or sidewalk construction, a four inch polyvinylchloride (PVC) pipe shall be installed by the owner or owners of the lot to allow for the placement of said

street sign. In the event a stop sign is involved, temporary provisions to keep the stop sign erect and visible to motorists shall be taken.

7. Handicapped Ramps. One ramp shall be provided at each corner. Curb ramps shall have a minimum width of four feet at the street surface unless otherwise approved by the Borough. The ramp shall have a maximum slope of one vertical inch per eight horizontal inches. Each ramp shall be broom-finished.
8. Monuments. No monuments or property corners shall be covered or disturbed by the construction of a sidewalk or curb. Where existing monuments are either above or below the projected finished grade, the Borough shall be notified to approve the resetting of said monuments prior to construction.

§ 103. Construction Methods. [Ord. 693, 1/19/1989, § 4; as amended by Ord. 722, 4/16/1992, § 1]

1. Sidewalks.
 - A. Where existing sidewalks extend from the building line to the curb or are of a greater width than provided below, any repair or construction shall be completed in accordance with the existing width of the sidewalk.
 - B. The whole width of any paved portion of the sidewalk area from the building line to the curb shall be graded according to the established grade.
 - C. All concrete sidewalks shall have a minimum thickness of four inches of concrete.
 - D. Excavations for sidewalks shall be made to the required depth, and a layer of crushed stone not less than four inches thick shall be placed and thoroughly compacted prior to the laying of the sidewalk.
 - E. Where a sidewalk is placed adjacent to the curb, there shall be an expansion joint placed between them for the entire length.
 - F. On a sixty-foot wide street, where sidewalks are being built for the first time, 10 feet shall be set apart on either side for a forty-foot wide cartway, of which 10 feet, four feet shall be sidewalks, 5 1/2 feet shall be lawn strip between the sidewalk and curb, and 1/2 foot shall be curb.
 - G. On a fifty-six-foot side street, where sidewalks are being built for the first time, eight feet shall be set apart on either side of a forty-foot-wide cartway, of which eight feet, four feet shall be

sidewalk, 3 1/2 feet shall be lawn strip between the sidewalk and the curb, and 1/2 foot shall be curb.

- H. Where planting of a grass strip is provided, it shall be planted with grass and shall at all times be kept closely trimmed. No planting of trees or shrubs within the grass strip shall be permitted.
 - I. Wherever possible, property owners shall maintain a uniform design for curb and sidewalk replacement within the block. If a grass strip exists between the curb and sidewalk, the grass strip should be preserved when the sidewalk is replaced, particularly when the majority of sidewalks within a block contain grass strips.
 - J. Sidewalks shall have a uniform fall of 1/4 inch to the foot from the building line toward the curb. The grass strip between the sidewalk and the curb, if any, shall conform to the same slope.
 - K. Expansion joint material must be placed no more than 20 lineal feet, the beginning and end of the radius, a change in horizontal alignment or property lines. Construction joints must be placed at a maximum distance of five lineal feet. Construction joints may be hand-tooled or saw-cut to a depth of 1/2 inch.
 - L. Sidewalks across private driveways shall be constructed without any step or break in grade from the abutting sidewalks. The sidewalk across the private driveway may be constructed of concrete or asphalt as approved by the Borough.
2. Curbs.
- A. Curbs to be installed shall be constructed of concrete with a six inch dressed surface on top, an eight inch exposed surface or reveal along the street side, which shall likewise be dressed and extend a minimum of 14 below the street surface and have an eight inch base. The exposed surface or reveal on the street side shall include a one inch batter from the street surface to the top of the curb. Portions of curb which are replaced between two good sections shall have the same exposed surface or reveal as the existing curb.
 - B. Construction joints shall be placed at a maximum of 15 lineal feet. The construction joints may be hand-tooled or saw-cut to a minimum depth of 1 1/2 inches. The construction joint shall traverse the top of the curb and continue down the face of the curb a minimum of 10 inches on the street side. Expansion joint material may be substituted for construction joints.
 - C. Expansion joint material shall be placed in curbs at the end of each workday, at the beginning and end of a radius, at a change in horizontal alignment or property line.

- D. Excavation shall be made to the required depth, and the material upon which the curb is to be constructed shall be compacted to a firm, even surface. Where the subgrade is soft or spongy, a layer of crushed stone not less than four inches thick shall be placed under the curb.
 - E. Street excavation for curb installation shall be parallel to the finished curb no more than two feet from the face of the curb and shall be jack-hammered or saw-cut in a straight line. All material excavated from the street shall be replaced with 2A modified stone or its equivalent and compacted to within three inches of the finished road surface.
 - F. A depressed curb shall be constructed across every private driveway by the owner or owners. The curb shall remain at least one inch above the finished street surface.
3. Brick Sidewalks.
- A. Property owners may install brick paving in place of concrete sidewalk as provided for in this § 103.
 - B. Construction of brick sidewalk shall consist of a three inch layer of crushed 1B or 2A stone (compacted), a 3 1/2 inch layer of concrete base, a one inch mortar pad and a layer of brick. Empty or sand-filled joints may be used following the brick layer. A construction detail is appended to Ordinance 693 as Appendix F, the original of which is on file in the Borough office.
 - C. Where the brick paving abuts a curb, expansion joints should be provided and [installed in accordance with § 104].
 - D. Replacement of a portion or all of an existing sidewalk must be done using the construction methods and material specifications contained throughout this Part.
 - E. Handicap ramps which are adjacent to or an extension of brick sidewalk must be constructed of concrete as required by this Part.
 - F. Where a property owner desires to replace only a portion of an existing brick sidewalk, the replacement portion shall be installed in accordance with the construction methods contained herein.
 - G. A design that combines both brick and concrete must be approved by the Borough Council.
 - H. The transition between brick paving and concrete sidewalk shall be smooth.
4. Standard Rolled Curb.

- A. Prior to a street resurfacing project, owners of properties with existing rolled curb that is in good condition will not be required to replace their curbs. Properties that have deteriorated rolled curb will be required to replace the deteriorated sections with rolled curb.
- B. The following are recognized by the Borough as streets with existing rolled curb:
 - (1) Conoy Avenue. From Lime to 175 feet east of Iris Circle.
 - (2) Hillside Avenue. From Watercress to Lime.
 - (3) Iris Circle.
 - (4) Lime Street. From Hillside Avenue to Conoy Avenue.
 - (5) Oak Street. From 134 feet west of Watercress Lane to Lime Street.
 - (6) Overlook Circle.
 - (7) Spring Garden Street. From 136 feet west of Watercress to 80 feet east of Sunrise Boulevard.
 - (8) Sunrise Boulevard. From 80 feet north of Spring Garden Street to Conoy Avenue.
 - (9) Watercress Lane. From Hillside Avenue to Summit Street.
- C. Prior to repaving, the Borough will "mill" off approximately one inch of road surface on the street side of the curb. Once the street is milled, the new paving will be placed level with the existing curb grade as part of the resurfacing project.
- D. Standard rolled curb to be installed according to the dimensions shown on Exhibit A.
- E. Construction joints shall be placed at a minimum of 10 lineal feet. The construction joints may be hand tooled or saw cut to a minimum depth of 1 1/2 inches. The construction joint shall traverse the top of the curb and continue down the face of the curb a minimum of 1 1/2 inches on the street side. Expansion joint material may be substituted for construction joints.
- F. Expansion joint material shall be placed in curbs at the end of each workday, at the beginning and end of a radius, at a change in horizontal alignment or property line.
- G. Excavation shall be made to the required depth and the material upon which the curb is to be constructed shall be compacted to a firm, even

surface. Where the subgrade is soft or spongy, a layer of crushed stone not less than four inches thick shall be placed under the curb.

- H. Street excavation for curb installation shall be parallel to the finished curb no more than two feet from the face of the curb and shall be jack-hammered or saw cut in a straight line. All material excavated from the street shall be replaced with 2A modified stone or its equivalent and compacted to within three inches of the finished road surface.
- I. A depressed curb shall be constructed across every private driveway by the owner or owners. The curb shall remain at least one inch above the finished street surface.

§ 104. Supplemental Regulations. [Ord. 693, 1/19/1989, § 5]

1. **Material Specifications.** All materials shall conform to PennDOT Form 408, latest edition. All sidewalks and curbs shall be constructed of 3,000 pound concrete with a 4% to 6% air entrainment ingredient and a maximum slump of three inches, constructed level on stone backfill with a minimum thickness of four inches. The use of calcium chloride is prohibited from the concrete used for repair or construction. Where slip forms are used a maximum slump of 1 1/2 inches shall be permitted. High early concrete must be used when slip forming. No concrete shall be placed when the air temperature is below 40° F. Curing compound may be applied to retain moisture to allow for the complete hydration of the concrete. No material such as asphalt, macadam or blacktop shall be substituted for these specifications.
2. **Forms.** Forms shall be of wood or metal, straight, free from warp, and of sufficient strength to resist the pressure of the concrete without springing. If of wood, they shall be two inch planks, surfaced on the inside and the top. Forms shall be of a depth equal to the depth of the concrete. A front and back form shall be used for curb except where a good concrete sidewalk, which is not removed, abuts the new curb. Forms shall be accurately set to line and grade in such a manner as to prevent settlement or displacement.
3. **Finishing.** All forms must be removed within 24 hours after the concrete has been placed, and minor defects shall be filled with mortar composed of one part Portland cement and two parts fine aggregate. The top and face of the curb from the top of 10 inches below or to the top of the street surface, when in place, shall be finished while the concrete is still green by rubbing the surface with a carborundum stone, soft brick or wood blocks and water until smooth, even surface is produced. All joints in the curb shall be promptly opened from top to bottom and edges adjacent to the joints shall be sharp and clean cut. Sidewalks shall be finished after pouring before the concrete sets.
4. **Curbing.** Concrete curbs and sidewalks shall be protected from rainstorms with paper, burlap, canvas, or similar materials. Curing compound may be

- applied to retain moisture in concrete to allow complete hydration of the cement. Plastic, burlap, straw, or other types of moisture bearer must be used to maintain concrete wet during the drying process for at least seven days after pouring, if curing compound is not used. No concrete shall be placed when the temperature is below 40° F. To help prevent spalling and deterioration of concrete surface from winter damage, a concrete hardener may be applied 28 days after concrete is poured.
5. **Backfilling and Sealing.** After the concrete has cured sufficiently, spaces adjacent to the curb and sidewalk will be refilled with acceptable material in layers of not more than four inches in depth. Each layer shall be thoroughly compacted to the required elevation. Final layer of backfill shall consist of topsoil previously stripped, or new topsoil, and shall be properly seeded. On the roadway side of all curbs, backfill shall be made with 2A crushed stone and compacted as approved by the Borough, and surfaced with three inches of bituminous material as called for on the plans, or as specified. Both edges of the bituminous surfacing material shall be sealed with a thin coating of AC20 Sealant or its equivalent.
 6. **Expansion Joints.** Where a sidewalk abuts the curb, a building, wall or other permanent structure, a premolded expansion joint 1/4 inch in thickness shall be placed between the curb and sidewalk for the full length of such permanent structure. The slabs shall be constructed in twenty-foot maximum lengths with premolded expansion material having a minimum thickness of 1/4 inch separating slabs transversely.
 7. **Scoring.** For sidewalks, scoring shall be done transversely at evenly spaced intervals of not more than five feet. The depth shall be 1/5 the thickness of concrete and in no case less than 1/2 inch deep. For curbs, scoring shall be done at no greater than fifteen foot intervals. The scoring shall be done transversely and extend continuously down the face of the curb 10 inches. The score shall be 1 1/2 inches deep. Expansion joints may be substituted for scoring.

§ 105. Authorization for Construction of Curbs and Sidewalks other than Specified Herein. [Ord. 693, 1/19/1989, § 6]

Borough Council may, by resolution, authorize the construction of curbs and sidewalks other than as specified herein upon written request from the property owner.

§ 106. Mandatory Installation of Curb and Sidewalk. [Ord. 693, 1/19/1989, § 7; as amended by Ord. 829, 11/15/2001]

1. **Curb and Sidewalk Replacement.** Prior to the bituminous concrete overlay on any State highway route, within the Borough, the Borough shall require, upon 120 days written notification to the property owner, that a curb be replaced that does not have a normal life expectancy of more than five years. Prior to the bituminous concrete overlay on any State highway route, the

- Borough may require, upon 120 days written notification to the property owner, that a sidewalk be replaced that does not have a normal life expectancy of more than five years.
2. Curb and Sidewalk Replacement-Nonstate Highway Route. Prior to a bituminous concrete overlay, the Borough shall require, upon 120 days written notification to the property owner, that a curb and sidewalk be replaced that does not have a normal life expectancy of more than five years or does not have sufficient curb reveal in the opinion of the Borough Engineer to provide pedestrian protection or adequately control stormwater within the street.
 3. The Borough Manager shall determine which curb and sidewalk meet the specifications required above and notify the respective owner of necessary action.
 4. General Powers. Borough Council at any time may require installation of curb and/or sidewalk in any area of the Borough where curb and/or sidewalk is missing, deteriorated or does not have a life expectancy of more than five years, or does not have sufficient curb reveal in the opinion of the Borough Engineer to provide pedestrian protection or adequately control stormwater within the street.

§ 107. Exemptions. [Ord. 693, 1/19/1989, § 8; as amended by Ord. 937, 2/16/2012; by Ord. 941, 9/20/2012]

The following streets and alleys shall be exempt from the regulations detailed in § 106, "Mandatory Installation of Curbs and Sidewalks":

- A. Entire length of Groff Avenue is exempt from installation of sidewalk.
- B. Entire length of Ridge Road is exempt from installation of sidewalk.
- C. Hampden Road from Ridge Road east to a point 824 feet is exempt from installation of sidewalk.
- D. East Washington Street from Spruce Street to Mount Joy Street is exempt from installation of curb and sidewalk.
- E. Entire length of Woodland Avenue is exempt from installation of curb and sidewalk.
- F. West Summit Street from Poplar Street to Peace Alley is exempt from installation of sidewalk.
- G. Entire length of Hess Avenue is exempt from installation of curb and sidewalk.
- H. Entire length of North Wilson Avenue is exempt from installation of curb and sidewalk.

- I. Entire length of Kiwanis Boulevard is exempt from installation of curb and sidewalk.
- J. All alleys existing prior to the effective date of this Part are exempt from installation of curb and sidewalk.
- K. All cul-de-sacs existing prior to the effective date of this Part or detailed on an approved subdivision plan, are exempt from installation of sidewalk.
- L. Locust Street from Snyder Avenue to Park Street is exempt from installation of curb and sidewalk.
- M. South Chestnut Street from Ridge Road to Groff Avenue is exempt from installation of sidewalk.

§ 108. Central Business District. [Ord. 693, 1/19/1989, § 9; as amended by Ord. 829, 11/15/2001]

- 1. Borough Council may, from time to time, adopt by resolution a master plan for physical improvements in the Central Business District. The master plan shall supersede the regulations contained herein for the Central Business District as outlined in Chapter 27.
- 2. Property owners are responsible for the curb and sidewalk for the width of their property. If brick paving section exists, Borough Council will maintain and replace, when necessary, the brick portion of the sidewalk. The Borough Council will also maintain, repair or replace the street trees and grates within the Central Business District.

§ 109. Permits Required. [Ord. 693, 1/19/1989, § 10]

Prior to the laying of either curbs or sidewalks by property owners (except in conformity with notices to property owners by the Borough), a property owner shall apply for a permit to the Borough Manager to do so according to the guidelines mentioned herein. The Borough Manager shall issue the permit without charge if the application conforms to the ordinances of the Borough. The laying of curb and sidewalk without obtaining a permit is prohibited.

§ 110. Failure to Comply. [Ord. 693, 1/19/1989, § 11]

Whenever the owner or owners of any property in the Borough shall fail to comply with any of the above requirements, the Borough Council may cause notice to be served upon such owner or owners, their agent or tenant, in the manner prescribed by law, setting forth specifically in what respect such owner or owners have failed to comply with any of the above requirements and what work such owner or owners are required to do in order to effect such compliance. In the event of the failure or neglect of any such owner or owners to comply with the terms and conditions of such notice within 20 days from the date of service of such notice in the case of new work or within 10 days from the date of service thereon in the case of repair work, the Council shall cause such work to be done at the cost of the owner or owners of

such property, and the cost thereof and 10% additional, together with all charges and expenses, shall be collected from such owner or owners by the Borough, which may file a municipal claim therefor or collect the same by action in assumpsit, as Council may direct.¹

¹Editor's Note: Former § 111, Violations and Penalties (Ord. 693, 1/19/1989, § 12, as amended by Ord. 829, 11/15/2001, which immediately followed this Section, was repealed by Ord. 957, 5/15/2014.

PART 2
TUNNELING AND EXCAVATIONS

§ 201. Definitions. [Ord. 612, 8/15/1978]

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this § 201, except in those instances where the context clearly indicates otherwise:

APPLICANT — Any person who makes application for a permit.

BOROUGH — Borough of Elizabethtown, Lancaster County, Pennsylvania.

EMERGENCY — Any unforeseen circumstance which calls for immediate action to protect or safeguard life and/or property.

PERSON — Any natural person, partnership, firm, association, utility or corporation.

PUBLIC UTILITY — Any utility company licensed by the Pennsylvania Public Utility Commission.

STREET — The entire right-of-way of a public street, highway, alley, road or easement within the Borough limits.

§ 202. Permit Required. [Ord. 612, 8/15/1978]

1. Applications for such permits shall be made to the Borough Manager, at least three working days prior to the start of work, on the form prescribed by the Borough and shall describe the person, partnership, firm or corporation doing the actual excavating work and the name of the person, partnership, firm or corporation to tunnel under or to make any opening or excavation in any street, alley or sidewalk or to construct or install sewer, water, gas or any other utility lines or any structure in the streets of or within any public right-of-way of the Borough of Elizabethtown, unless and until a permit therefor has been secured from the Borough Manager for each separate undertaking, such permit and the application therefor to be in the form prescribed by the Borough and for the purposes enumerated therein.
2. Any person working in the vicinity of a Borough street who in any manner disturbs such street or who in any manner causes damage to a street shall be required to obtain a permit and correct the damage in accordance with Borough standards. Street opening permits shall not be required for persons excavating adjacent to the curb for the express purpose of installing or replacing curbs and/or sidewalks, provided that a curb or sidewalk permit has been obtained prior to such work.

§ 203. Application for Permit. [Ord. 612, 8/5/1978; as amended by Ord. 647, 7/21/1983, § I]

1. Applications for such permits shall be made to the Borough Manager at least three days prior to the start of work on the form prescribed by the Borough and shall describe the person, partnership, firm or corporation doing the actual excavating work and the name of the person, partnership, firm or corporation for whom or which the work is being done and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done and to permit inspection during the restoration and repair so as to determine conformance with Borough standards.
2. The application for the permit shall indicate the location of said opening or excavation, include a plan of said opening or excavation, define the probable length, width and depth thereof, specify a time when said opening or excavation shall begin and end, or the time when the same is to remain open, and such further information as the Borough may require.
3. Emergency breaks or leaks may be repaired and a permit therefor secured within the next working day, and such permit shall be retroactive to the date when the work was begun. A person performing street openings for an emergency must verify the emergency nature of the circumstances in writing to the Borough within five days after such emergency.
4. Applicants shall file a letter, prepared on a form furnished by the Borough, properly executed by the applicant's designated officials verifying that the applicant is insured against claims for personal injury as well as against claims for property damage which may arise from or out of the performance of the excavation work, whether such performance is by the applicant or anyone directly employed by him. Such insurance shall include protection against liability arising from completed operations, underground utility damage and collapse of any property. Liability insurance for bodily injury shall be in an amount not less than \$300,000 for each person and 300,000 for each accident and for property damage in an amount not less than \$100,000. Failure of any applicant to file this letter certifying insurance coverage shall be sufficient reason for denying a permit. The applicant shall save and hold the Borough harmless from any and all damages and liability by reason of personal injury or property damage arising either directly or indirectly from the work to be performed under the provisions of this Part, irrespective of the cause of such injury or damage.

§ 204. Fees. [Ord. 612, 8/15/1978; as amended by Ord. 829, 11/15/2001]

1. The charge for said permit, shall be in accordance with certain amounts as established from time to time by resolution; provided, however, that a minimum fee shall also be established from time to time by resolution.

2. Said fee shall cover the costs of issuing the permit and of inspecting the work.

§ 205. Notification and Required Action Prior to Street Reconstruction or Resurfacing. [Ord. 612, 8/15/1978]

1. When the Borough or the Pennsylvania Department of Transportation proposes to reconstruct or resurface any street, the Borough shall first serve notice of such improvements to all persons owning property abutting the street about to be improved and to all public utility companies operating in the Borough. Within 90 calendar days from receipt of such notice, all notified persons shall complete or cause to be completed all necessary repairs and replacements of utility mains, service connections and/or laterals existing under the street and designated curb and sidewalk areas. Notified persons shall also complete or cause to be completed all new installations under the street and designated curb and sidewalk areas required for use within a five-year period thereafter. All repairs, replacements and new installations shall be in first-class condition so that the same cannot be reasonably expected to require repairs or replacement within a period of at least five years thereafter.
2. Upon failure of any of the notified persons to comply with the notice from the Borough to place the same in first-class condition as hereinbefore provided, the Borough may cause existing utility mains, service connections and/or laterals to be placed in first-class condition or to be entirely removed if not used or necessary for public convenience, whereupon the Borough shall be entitled to collect the cost of such renewals, repairs, caulking, removal or other work from the responsible person or persons, either by invoicing the person or persons or, in the case of water or sewer house connections, by filing municipal liens therefor against the abutting properties benefited by such conditions.
3. Nothing herein contained shall forbid the installation of new pipes, conduits or other services or structures or the repair, replacement or removal of those already existing in or under the portions of such highways improved as aforesaid, by tunneling beneath paving in accordance with this Part and under the supervision of the Borough or the Pennsylvania Department of Transportation, upon obtaining a permit therefor from the Borough and upon payment to the Borough of the fees prescribed by the provisions of this Part for making a surface opening in the highway of the same dimensions.

§ 206. Excavation and Restoration Procedures. [Ord. 612, 8/15/1978]

1. Safety Devices Required. It shall be the duty of any person, partnership, firm or corporation to whom a permit is issued or by whom any opening or excavation is made, as aforesaid, to provide and maintain proper and adequate guards, barriers and lights to prevent accidents, and they shall assume all risks and be liable for all damages by reason of the openings and

excavations and by reason of any failure to properly fill the hole or trench and maintain the disturbed surface in a safe condition.

2. Excavation and Backfill Regulations.

- A. It shall be unlawful to make any excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground or structures.
- B. No injury shall be done to any pipes, cables, conduits or structures in the making of such excavations or tunnels, and notice shall be given to the persons maintaining any such pipes, cables, conduits or structures which are or may be endangered or affected by the making of any such excavation or tunnel, before such pipes, cables, conduits or structures shall be disturbed and before any work shall commence.
- C. No unnecessary damage or injury shall be done to any trees or shrubs or the roots thereof.
- D. All work shall be confined to the public right-of-way, and in no case shall excavated material be cast beyond the curb or on sidewalks or lawns. Where working space is limited, the Borough may require material excavated from the trench to be hauled from the area and then brought back after the pipe or structure has been installed.
- E. The Borough may limit the amount of open trench if, in its judgment, it is necessary for safety, movement of traffic, proper drainage or any other cause whatsoever.

3. Excavation. Before trenching begins, the existing paving shall be cut to neat lines equidistant from the center line of the trench by means of equipment suitable for such work, and the edges of the pavement shall be protected and maintained throughout the course of construction until the permanent paving is completed. If the pavement edges are not maintained to the satisfaction of the Borough Manager, the pavement shall be recut just prior to the permanent pavement replacement. Pavement cutting may be done with either a saw or an air compressor. However, the Borough reserves the right to require a saw if cutting with an air compressor is unsatisfactory. All openings shall be square or rectangular in shape.

4. Backfill.

- A. All excavation in trenches shall be backfilled to the original ground surface or to the subgrades specified for paving restoration. The backfill shall begin as soon as is practical after the pipe or other construction has been placed and shall be carried on as rapidly as the protection of the balance of the work will permit. Depositing backfill

shall be done so that the shock of falling material will not injure the pipe, structure or adjacent structures.

- B. Backfill material to a height not to exceed 12 inches above the top of the pipe may be suitable, trench-excavated clean earth backfill material, free from stones. This backfill material shall be deposited in the trench simultaneously on both sides of the pipe for the full width of the trench, in increments not exceeding six inches, and shall be hand tamped to fill completely all spaces under and adjacent to the pipe. The remaining trench-excavated material shall be removed from the job site. The trench shall then be back-filled with No. 2RC aggregate, meeting the requirements of § 703.3(D) of the Pennsylvania Department of Transportation Form 408. Compaction of the 2RC backfill shall be done with a mechanical tamper up to the bottom elevation of the pavement structure in lifts of uniform layers not to exceed six inches after compaction, and each lift shall be compacted over the full width of the excavated area. Backfill shall be compacted to at least 90% of Standard Proctor Density at optimum moisture content. All compaction shall be accomplished at a moisture content within, plus or minus, 2% of the optimum.
 - C. Special compaction shall be done around all valves, hydrants and other structures and utilities by the use of pneumatic tampers, plate tampers or plate vibrators with lifts not to exceed that previously stated.
 - D. If unsatisfactory backfilling is suspected, the Borough may cause samples to be taken at any location and depth of trench and tests to be performed to determine whether compaction operations are sufficient to meet the density and optimum moisture requirements specified above. All costs of samples and tests shall be at the expense of the applicant.
5. Pavement Restoration.
- A. After the trench has been properly backfilled as hereinbefore required, permanent-type paving restoration shall be installed as follows:
 - (1) Prior to the placement of the base course, the existing base and surface shall be sawed or cut back six inches on either side of the trench to neat straight lines parallel to the curb or to the edge of the pavement. Generally, the pavement restoration shall be of consistent width. Where the width of paving must be widened or decreased, it shall be done by boxing to give neat perpendicular lines. A tack coat of Type E-1 bituminous material meeting the requirements of § 460 of the Pennsylvania Department of Transportation Form 408 shall be applied to the cut surfaces. The base course, consisting of either a crushed

aggregate base course or a bituminous concrete base course shall then be placed.

- (a) If the crushed aggregate base course is used, said base course shall have a thickness at least as thick as the existing base course, but in no case shall the base course be less than eight inches compacted thickness of No. 4 aggregate tied in with No. 1 aggregate screenings, meeting the requirements of § 310 of the Pennsylvania Department of Transportation Form 408. Following the placement of the base course, a prime coat of bituminous material meeting the requirements of § 461 of the Pennsylvania Department of Transportation Form 408 shall be required. After the prime coat has cured, a bituminous binder course shall be placed, such binder course to have a thickness at least as thick as the existing binder course, but in no case shall the binder course be less than 1 1/2 inches compacted thickness. The completed surface of the binder course shall not be less than the required compacted thickness of the wearing course below the surface of the adjacent pavement. A bituminous wearing course as hereinafter described shall then be placed.
 - (b) If a bituminous concrete base course is used, said base course shall consist of a minimum of five inches compacted thickness of bituminous concrete base course meeting the requirements of § 305 of the Pennsylvania Department of Transportation Form 408. The completed surface of the base course shall not be less than the required compacted thickness of the wearing course below the surface of the adjacent pavement. A bituminous wearing course as hereinafter described shall then be placed.
- (2) A bituminous concrete wearing course of ID-2A material shall then be placed. The thickness of said wearing course shall be at least as thick as the existing bituminous wearing course, but in no case shall the wearing course be less than 1 1/2 inches compacted thickness. A seal coat of bituminous material meeting the requirements of § 470 of the Pennsylvania Department of Transportation Form 408 shall then be applied at the edges of the wearing surface.
 - (3) Permanent paving restoration shall be performed immediately after trenches have been acceptably backfilled. Where permanent-type paving restoration is not permitted because of weather limitations on placement of bituminous concrete, as defined in § 401.3(a) of the Pennsylvania Department of

Transportation Form 408, temporary paving shall be required. Temporary paving shall consist of a layer of Type 2P-B bituminous stockpile patching material having a minimum thickness after compaction of two inches, and the top surface shall be flush with the surface of the adjacent paving. All temporary paving shall be continuously maintained by the applicant until it is replaced by the permanent paving. When the conditions permit the placement of the permanent paving, the temporary paving shall be removed, and the permanent paving shall be placed as required herein.

- B. Construction and compaction of all bituminous pavement shall be in accordance with the requirements of § 401.3 of the Pennsylvania Department of Transportation Form 408.
 - C. The pavement restoration shall be maintained by the applicant for a period of two years from the date of acceptance by the Borough.
6. Curb and Sidewalk Cuts. Where curb and sidewalks must be removed, they shall only be removed in sections extending from expansion joint to expansion joint. Replacement shall be according to Borough ordinances and specifications.

§ 207. Remedy for Substandard Work; Borough Acceptance. [Ord. 612, 8/15/1978; as amended by Ord. 647. 7/21/1983]

- 1. Improper Completion of Work: Assessment of Costs; Payment.
 - A. If the work in opening or in filling or maintaining the surface shall not be promptly done or shall be unskillfully, improperly or incompletely done, the Borough may cause the same to be done in the manner it deems proper, and the expense thereof, including any overhead expenses, shall be charged to the person, partnership, firm or corporation by whom the opening or excavation was made, together with 25% additional to cover administrative expenses.
 - B. No permit shall be issued to any person, partnership, firm or corporation in default under this § 207 until the costs and penalty herein provided are paid, and no further permit shall be granted to any person, partnership, firm or corporation unless and until the openings or excavations already caused by him have been properly filled and the surface maintained, as aforesaid, in a safe condition and at the proper grade, of which the Borough Engineer or other person designated by the Borough shall be the judge.
 - C. The Borough shall invoice the permittee for all costs incurred by the Borough in the performance of remedial work.

2. Acceptance by Borough. Upon completion and restoration of the area of work, the applicant shall notify the Borough in writing of said completion. The Borough shall then inspect the area of work for final acceptance. If accepted, the Borough shall promptly invoice the applicant for said work. If rejected, the Borough shall notify the applicant immediately, stating the reasons for rejection and detailing the remedy for substandard work.

§ 208. Degradation Fee. [Ord. 612, 8/15/1978; as amended by Ord. 647, 7/21/1983; by Ord. 829, 11/15/2001]

1. Any applicant who wishes to open a street within five years from the time a street has been either resurfaced or reconstructed may obtain a street-opening permit to excavate a street for nonemergency purposes, provided that a street degradation fee is applied and paid in full prior to the acquisition of the street-opening permit.
2. The "degradation fee" is defined as a fee paid by the permittee to the Borough to defray a percentage of the costs for repairs to streets resulting from the depreciation of streets associated with street openings.
3. A degradation fee schedule shall be established from time to time by resolution.²

²Editor's Note: Former § 209, Violations and Penalties (Ord. 612, 8/15/1978, as amended by Ord. 829, 11/15/2001, which immediately followed this Section, was repealed by Ord. 957, 5/15/2014.

PART 3
REMOVAL OF SNOW AND ICE

§ 301. Definitions. [Ord. 371, 8/19/1958; as amended by Ord. 829, 11/15/2001]

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BUSINESS DAY — Any day not a Sunday or a national holiday.

BUSINESS HOURS — Hours between 9:00 a.m. and 5:00 p.m. on any business day.

CARTWAY — Portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

CORPORATION — Natural person, partnership, corporation, association, or any other legal entity.

SIDEWALK — Portion of a street between the curb lines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.

STREET or HIGHWAY — The entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

§ 302. Responsibility for Removal of Snow and Ice from Sidewalks. [Ord. 371, 8/19/1958; as amended by Ord. 829, 11/15/2001; by Ord. 957, 5/15/2014]

Every property owner of a building or lot of land shall be responsible for the removal of snow and/or ice from a public sidewalk (as defined in § 401), clearing a path of at least 30 inches in width, including the access to a public street or alley.

- A. Except as provided in Subsection B hereof, snow and ice shall be removed from sidewalks within 12 hours after the cessation of any fall of snow, sleet or freezing rain.
- B. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in Subsection A hereof, cause enough sand, cat litter or other abrasive material to be put on the sidewalk to make travel reasonably safe and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least 30 inches in width.

§ 303. Responsibility for Removal from Roofs. [Ord. 371, 8/19/1958; as amended by Ord. 829, 11/15/2001]

Every person in charge or control of any building or other structure, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on said building or other structure which is liable to fall on any sidewalk, roadway, or other public way. Such work shall be completed within a reasonable time, but not later than 12 hours after the cessation of any fall of snow, sleet or freezing rain.

§ 304. Depositing of Snow and Ice Restricted. [Ord. 371, 8/19/1958; as amended by Ord. 829, 11/15/2001]

No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk, roadway or loading and unloading areas of a public transportation system, except that snow and ice may be mounded by the Borough on public cartways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks in business districts.³

³Editor's Note: Former § 305, Penalties (Ord. 371, 8/19/1958, as amended by Ord. 829, 11/15/2001, which immediately followed this Section, was repealed by Ord. 957, 5/15/2014.

PART 4**OBSTRUCTION OF SIDEWALKS BY VENDORS****§ 401. Applicability. [Ord. 350, 8/19/1958; as amended by Ord. 829, 11/15/2001]**

The provisions of this Part shall not apply to the sale, storage or display of newspapers or periodicals.

§ 402. Restrictions on Sidewalk Sales. [Ord. 350, 8/19/1958; as amended by Ord. 829, 11/15/2001]

It shall be unlawful for any vendor of groceries, fruits or produce or any kind of food-stuffs or merchandise, except peddlers duly licensed or authorized and farmers, to store, display, exhibit or sell his said wares on public highways, including the sidewalk or cartway, or any portion thereof, or to make use of the sidewalk or cartway or any portion thereof, as a place for salesmen, clerks or customers to stand while transacting business or in any way to obstruct the sidewalk or cartway or any portion thereof, and prevent the free use of the same by the general public.

§ 403. Illegal to Obstruct Sidewalks. [Ord. 350, 8/19/1958; as amended by Ord. 829, 11/15/2001]

It shall be unlawful to put or place any box, boxes, barrels, merchandise, overnight delivery receptacles, trash receptacles (except for Borough facilities) or other articles that obstruct the free use of any sidewalk upon any of the sidewalks, except articles temporarily placed thereon for the purpose of loading or unloading, removing or storing away.

§ 404. Center Square and the Central Business District. [Ord. 350, 8/19/1958; as amended by Ord. 829, 11/15/2001]

1. All public service organizations, nonprofit groups, fraternal and community organizations, school related clubs, church affiliated groups and other similar organizations are encouraged to use the public areas of the square and downtown.
2. Any groups wishing to use the electrical service available must contact the Borough office, Monday through Friday, 7:30 a.m. to 4:00 p.m., at least 48 hours in advance of the scheduled activity.
3. All merchants are requested to keep all displayed merchandise within the sidewalk area adjacent to the building unless an organized activity sponsored by the Chamber of Commerce and Merchants Committee is scheduled.
4. Private advertisements in the form of yard sales, garage sales, real estate notices and open houses and other private advertisement are not permitted in the Central Business District or Center Square. At the request of public

utilities, and for safety concerns, no banners may be erected across any street in these areas.

5. All damage resulting from use of the square by approved groups must be reported to the Borough Office on the next working day.
6. All entertainment activities must provide a designated path, sufficient for use by pedestrians.⁴

⁴Editor's Note: Former § 405, Penalties (Ord. 350, 8/19/1958, as amended by Ord. 829, 11/15/2001, which immediately followed this Section, was repealed by Ord. 957, 5/15/2014.

PART 5
STANDARDS FOR STREET DESIGN, IMPROVEMENT AND
MAINTENANCE

§ 501. General. [Ord. 667, 2/11/1988, § 1]

The standards and requirements contained in this Part shall apply as minimum design standards for subdivision and/or land developments.

§ 502. Street System. [Ord. 667, 2/11/1988, § 2]

1. Proposed streets shall be properly related to the road and highway plans of the State, County and Borough. Streets shall be designed to provide adequate vehicular access to all lots or parcels and with regard for topographic conditions, projected volumes of traffic and further subdivision possibilities in the area.
2. The street system of the proposed subdivision or land development shall be designed to create a hierarchy of street functions which includes collector and local streets.
3. The street system of a proposed subdivision or land developments shall be designed so as to minimize street intersections and pedestrian-vehicular conflict points.
4. Proposed local streets shall be designed so as to discourage through traffic and excessive speeds. However, the subdivider or land developer shall give adequate consideration to provisions for the extension and continuation of arterial and collector streets into and from adjoining properties.
5. Streets shall be designed in accordance with the Comprehensive Plan, Zoning Ordinance [Chapter 27], Subdivision and Land Development Ordinance [Chapter 22] and other related ordinances and regulations in effect in the Borough.

§ 503. Design Standards. [Ord. 667, 2/11/1988, § 3; as amended by Ord. 829, 11/15/2001; by Ord. 858, 5/19/2005]

1. Private Streets. Private streets are prohibited unless they meet the design standards of these regulations. Plans which propose a private street shall be accompanied by an agreement which shall be recorded with the final plan. This agreement shall establish the conditions under which the street will be constructed and maintained, as well as conditions controlling an offer of dedication and shall stipulate:
 - A. That the street shall be constructed and maintained to conform to the specifications of this Part.

- B. That the owners of the abutting lots will include with any future offer for dedication sufficient monies, as estimated by the Borough, to restore the street to conformance with the prevailing standards.
 - C. That an offer for dedication of the street shall be made only for the street as a whole.
 - D. The method of assessing maintenance and repair cost.
 - E. That an agreement by the owners of 51% of the front footage thereon shall be binding on the owners of the remaining lots.
2. Arrangement. Streets shall be designed with consideration to both existing and planned streets. All streets shall be arranged to conform as closely as possible to the original topography. Streets which serve as connector routes to population centers shall be connected with streets of similar function, to form continuation thereof. Streets shall be laid out to provide convenient and safe access to the property. The rigid rectangular street pattern need not be adhered to, the use of curvilinear streets and cul-de-sacs may be provided when their use will result in a more desirable layout. Where a development abuts an existing or proposed major street, the Borough may require the use of reverse frontage lots or such other treatment that will provide protection for abutting properties, reduce the number of intersections with the major street and separate the local and through traffic. Any new street proposing a connection between two existing state roads shall be designed as a collector street and shall be designated as a limited-access collector street. Access to a limited-access collector street shall be only by means of a local street or a service street due to the anticipated increased traffic using such a street; no individual driveway access shall be permitted.
3. Street Provisions for Future Development. Where appropriate, areas shall be reserved for future street usage in conjunction with the development of adjacent tracts. Areas reserved for future street usage will not be required to be improved. However, these areas shall be reserved for street improvements to be provided by the developer of the adjacent tract. Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project provided this use is not adverse to the manmade or natural features of the site.
4. Half Streets. Half or partial streets (less than the required right-of-way or cartway width) will not be permitted. All plans shall be designed to provide for the entire required right-of-way and cartway.
5. Vertical Alignments. Vertical street alignments shall be measured along the centerline. The minimum grade of all streets shall be 0.75% and the maximum grade shall be 10%.

- A. Vertical curves shall be used in changes in grade exceeding 1%. The minimum lengths (in feet) of vertical curves shall be 15 times the algebraic difference in grade. For example, if a 3% upgrade is followed by 4% downgrade, the algebraic difference in grade is seven (+3 — (-4) = 7); the minimum length of the vertical curve would then be 105 feet ($15 \times 7 = 105$).
 - B. Where the approaching grade exceeds 7% on any or all streets at a four way street intersection or the terminating street at a three way intersection, a leveling area shall be provided on the street(s) with such excessive grade. Such leveling area(s) shall have a maximum grade of 4% for a minimum length of 75 feet measured from the intersection of the centerlines.
6. Horizontal Alignments. Horizontal street alignments shall be measured along the centerline. Horizontal curves shall be used at all angles in excess of 2°. Single, long-radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments. The minimum horizontal curve radius for streets shall be 150 feet, except as provided below.
- A. Perimeter Streets. Plans with street locations along the perimeter of a property shall be required to show building setback lines and clear sight triangles within the adjacent properties. The applicant shall obtain permission from the adjacent landowner for the establishment of the clear sight triangle and setback lines.
 - B. Cartway Alignment. The centerline of the street cartway shall correspond with the centerline of the street right-of-way.
 - C. Collector streets designated as limited-access collector streets shall be designed with a minimum horizontal radius of 1,000 feet. Any street which provides a connection between two state roads shall be designated as limited-access collector streets.
7. Extension of Existing Streets. The extension of existing streets which are presently constructed with a cartway different from the standards of this Part shall be provided with a transition area, the design of which is subject to Borough approval.
8. Street Intersections.
- A. Multiple intersections involving the junction of more than two streets are prohibited.
 - B. The distance between the centerline of streets opening onto the opposite sides of existing or proposed streets shall be no less than 150 feet between centerlines, measured along the centerline of the street being intersected.

- C. Intersections with major streets shall be located not closer than 1,000 feet, measured from centerline to centerline, along the centerline of the major street being intersected.
 - D. Right angle intersections shall be used whenever possible. No street shall intersect another at an angle of less than 75°.
 - E. The cartway edge at street intersections shall be rounded by a tangential arc with a minimum radius of 20 feet for local streets and 30 feet for intersections involving major streets. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway.
9. Sight Distance at Street Intersections.
- A. There shall be provided and maintained at all intersections a clear sight triangle with a line of sight between points 100 feet from the intersection of the street centerlines. Clear sight triangles shall be indicated on all plans. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.
 - B. Proper sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections. The sight distance measured from the centerline of the intersecting street with the right-of-way of the intersected street, four feet above grade, shall be a minimum of 300 feet.
 - C. All streets intersecting a State Route shall be subject to the approval of the Pennsylvania Department of Transportation and the Borough.
10. Cul-de-sac Streets. Cul-de-sacs are prohibited.
11. Service Streets (Alleys). Service streets are permitted only where required to provide direct driveway access to arterial streets. Additional use of service streets may be permitted by waiver provided that the applicant produces evidence satisfactory for the need and provided these are not the primary means of access.
- A. Where permitted, service streets shall have a minimum of 20 feet. However, where service streets serve parcels on only one side, the Borough may permit a paved surface of not less than 12 feet.
 - B. No part of any dwelling, garage or other structure shall be located within 16 feet of the centerline of a service street.
 - C. Dead end service streets should be avoided, but where this proves impossible, dead end service streets shall be terminated with a paved, circular turnaround with a minimum radius to the outer pavement edge of 40 feet.

12. Driveways. Driveways shall be so located as to provide reasonable sight distances at intersections with streets. Driveway locations shall be delineated on all land development plans. Subdivision plans may delineate locations or include a notice of conformity to this specification.
13. Dead End Streets. Dead end streets, other than approved cul-de-sacs, shall be prohibited except as stubs to permit future street extension into adjoining tracts.
14. New Street Right-of-way and Cartway Widths. The minimum street rights-of-way and cartway widths for new streets shall be as follows:
 - A. Arterial Street. Provides for intercommunity travel, carrying large volumes of traffic and connecting the Borough with major population or commercial centers. Right-of-way width shall be the greater of 100 feet or as specified by the Pennsylvania Department of Transportation based upon the projected average daily traffic and speed limit. Cartway width shall be the greater of 44 feet or as specified by the Pennsylvania Department of Transportation.
 - B. Collector Street. Provides for intracommunity travel carrying significant volumes of traffic. Right-of-way width shall be 60 feet. Cartway width shall be 36 feet.
 - C. Local Street. Provides access to residential land. Right-of-way width shall be 50 feet. Cartway width shall be 34 feet.
 - D. Service Street (Alley). A service street shall have a cartway width of 20 feet. There is no right-of-way width for a service street.
 - E. Provisions for additional cartway width may be required by the Borough in specific cases for public safety and convenience.

§ 504. Improvement Standards.

1. All street paving must conform to the following specifications and as delineated in the typical street cross-section included in this Part.
2. All curb and sidewalk shall be installed in accordance with Ord. 693, [Part 1], as may be amended from time to time.
3. Stone Base Course. A minimum of six inch crushed stone aggregate base course shall be applied. Stone shall be 3A modified or preapproved equal.
4. Bituminous Concrete Overlay. A minimum of six inch bituminous concrete base course (BCBC). In addition, a minimum of 1 1/2 inch bituminous concrete wearing course shall be applied. Wearing course shall be of ID-2A material. All materials shall be in conformance with the latest edition of the

Pennsylvania Department of Transportation Manual Form 408 (PennDOT — Form 408).

5. Underdrain. Underdrain pipe, in conformance with PennDOT — Form 408, shall be installed one foot from the curb line in a trench at least 12 inches wide by 18 inches deep. The trench shall be filled with 1B stone aggregate.
6. Crown. Minimum crown shall be 1/4 inches per foot.
7. All work procedures shall conform to the requirements stated in PennDOT Form 408.

§ 505. Street Maintenance. [Ord. 667, 2/11/1988, § 5]

The Borough may, at its discretion, require the subdivider or land developer to provide a maintenance guarantee or other approved performance guarantee to guarantee maintenance and repair of any improvement for a period of one year after construction thereof, or until acceptance of improvements has been promulgated by the Borough.

PART 6
PENALTIES

§ 601. Violations and Penalties. [Ord. 957, 5/15/2014]

Any person, firm, corporation or any legal entity who shall violate any provisions of this Chapter shall, upon conviction thereof, be subject to a fine of not less than \$200 nor more than \$1,000 plus costs of prosecution and, in default of payment of said fine and costs, to a term of imprisonment for a term not to exceed 30 days. The costs of prosecution shall include without limitation any court filing fees and the expenses incurred by the Borough for its employees to collect any such sums as well as attorney fees incurred by the Borough. After 12 hours have elapsed following the cessation of any fall of snow, sleet or freezing rain and a violation has been committed hereunder, each ensuing twenty-four-hour time period during which a violation of the provisions of this Chapter continues shall be deemed a separate offense and shall be prosecutable as such.

