

Chapter 21

Street and Sidewalks

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Part 1

Sidewalk Construction and Repair

§21-101. Property Owners to Construct or Reconstruct Sidewalks and Curbs on Notice.

Every owner of property in the Borough shall, on 60 days notice from Council, construct or reconstruct a sidewalk and/or curb, which shall conform to all applicable requirements of this Part, in front of and/or alongside that property.

(Ord. 775, 7/11/1978, §12-2001)

§21-102. Property Owners to Repair Sidewalks and Curbs on Notice.

Every owner of property in the Borough shall, on 30 days notice from Council, repair the sidewalk and/or curb, in conformity with the requirements of the notice, in front of and/or alongside that property.

(Ord. 775, 7/11/1978, §12-2002)

§21-103. Sidewalk and Curb Specifications.

1. All new sidewalks and curbs shall be constructed or reconstructed of concrete, according to specifications adopted by Council from time to time. The sidewalk shall be paved to the width prescribed by Council.

2. All sidewalks previously lawfully constructed of material other than concrete may be repaired of the same material, if Council determines that the sidewalk in question is repairable, and is not in a condition requiring complete reconstruction. If complete reconstruction is ordered by Council, the reconstructed sidewalk shall conform to all requirements for new sidewalks as set out in subsections .1, .3 and .4 of this Section.

3. All sidewalks and curbs hereafter constructed, reconstructed or repaired shall conform to the grade and line established for them by Council, and the Borough Engineer shall furnish the property owner with the proper grade and line, without charge.

4. It shall be unlawful in the future for any person to plant any tree, shrub or other plant anywhere in the Borough between sidewalk and curb, and all sidewalks constructed or reconstructed in the future shall be paved to the inner face of the curb.

(Ord. 775, 7/11/1978, §12-2003)

§21-104. Conditions for Construction, Reconstruction and Repair of Sidewalks and Curbs by Property Owners on Own Initiative.

1. Any property owner may, on his own initiative and without prior notice from Council, construct, reconstruct or repair a sidewalk and/or curb in front of or alongside his property; provided, that:

A. He shall first make application to Council for a permit for the work, which shall be issued without charge.

B. He shall conform to all the requirements of the law and of the permit and

of this Part that would have applied had he been required by Council to construct, reconstruct or repair the sidewalk or curb. Provided: in issuing the permit, Council shall specify the width, grade and lines of the paved sidewalk and/or curb, so as to conform with those of other sidewalks and curbs along the same block, or so as to establish those to which curbs and walks subsequently constructed along that block shall adhere.

(Ord. 775, 7/11/1978, §12-2004)

§21-105. Sidewalks and Curbs along Corner Lots.

Whenever a sidewalk or curb shall be constructed or reconstructed along the front or side of a corner lot, either on notice from Council or on the initiative of the property owner, the property owner shall be required to continue the walk or curb beyond the corner of the lot for a distance of the width of the intersecting walk on the intersecting street, so that a continuous walk and/or curb shall be provided.

(Ord. 775, 7/11/1978, §12-2005)

§21-106. Authority for Borough to Do Certain Work and Collect Cost, plus 10%, from Defaulting Property Owner.

Whenever any property owner shall fail, neglect or refuse to construct, reconstruct or repair any sidewalk or curb, following notice as referred to in §21-101 or §21-202, within the time limit prescribed, the Borough shall have authority to cause that work of construction, reconstruction or repair, as the case may be, to be done, and shall collect the cost and expenses of the work, with an additional amount of 10%, from the property owner in default. Similarly, when a sidewalk or curb shall be constructed, reconstructed or repaired otherwise than in strict conformity to the requirements of this Part and/or any notice or permit issued under the provisions of this Part, and the property owner fails, neglects, or refuses to remedy, complete or rectify the defective or incomplete work, following 10 days notice from Council to do so, the Borough shall have authority to have any work done that shall be necessary for completion, remedy or rectification, and shall collect the costs and expenses of the work, with an additional amount of 10% from the property owner in default.

(Ord. 775, 7/11/1978, §12-2006)

Part 2

Removal of Snow, Ice and Other Material from Sidewalk

§21-201. Responsibility for Keeping Sidewalks Clear.

The owner of a property shall be responsible for conforming to the requirements of this Part where the property is occupied by the owner or is unoccupied, or where the property is a multiple-business or multiple-dwelling property, comprising more than one tenantable unit, but not having a first-floor or ground-floor mercantile establishment; the tenant or occupier shall be responsible where the property comprises a single unit, occupied by that tenant or occupier only, or where the ground floor or first floor is a mercantile establishment, in which case the ground floor or first-floor tenant shall be responsible.

(Ord. 775, 7/11/1978, §12-2031)

§21-202. Sidewalks to Be Kept Clear of Obstructions; Removal of Goods, Wares, Merchandise, Material or Articles.

1. It shall be unlawful for any person to place or keep any goods, wares, merchandise or material of any kind, or any bench or seat, upon any sidewalk, except that:

A. Goods, wares, merchandise and material may be placed temporarily upon a sidewalk while being loaded or unloaded.

B. Any merchant operating a place of business along any street except Monongahela Avenue may display goods or merchandise on the sidewalk in front of his place of business if the merchandise, and any counter, table, support or container for it, does not extend a greater distance than 2V2 feet from the wall of his business building toward the center of the sidewalk.

C. The Borough shall have authority to place sidewalk trash containers, intended for use by pedestrians, at those locations upon the sidewalks that Council shall designate. The owner, occupant or tenant of a property, as prescribed by §21-301, shall be required to keep the sidewalk in front of or alongside his property free and clear of all obstructions and of all goods, wares, merchandise, material or articles not specifically authorized by this Section. (Ord. 775, 7/11/1978, §12-2032)

§21-203. Responsibility for Snow and Ice Removal.

The owner, occupant or tenant, as prescribed by §21-301, of every property fronting upon or alongside any street in the Borough, shall remove or cause to be removed from all sidewalks fronting upon or alongside that property, all snow and ice, within 24 hours after the snow or ice has ceased to fall or to be formed upon the sidewalk.

(Ord. 775, 7/11/1978, §12-2033)

§21-204. Authority for Borough to Clear Sidewalk at Expense of Owner, Occupant or Tenant.

In any case where the owner, occupant or tenant, as specified in §21-301, shall fail, neglect or refuse to comply with any provision of §§21-302 or 21-303, the Borough authorities may provide immediately to clear the sidewalk, by removing goods, wares, merchandise, material, articles, snow or ice, as the case may be, and to collect the expenses of the removal, with any additional amount allowed by law, from the owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under section §21-305.

(Ord. 775, 7/11/1978, §12-2034)

§21-205. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. Provided, the fine and costs of prosecution may be in addition to any expenses and any additional amounts authorized by §21-304.

(Ord. 775, 7/11/1978, §12-2035; as amended by Ord. 1077, 5/23/2006)

Part 3**Openings and Excavations in Streets and Sidewalks****§21-301. Permits Required.**

It shall hereafter be unlawful for any person, firm, or corporation to open any street, alley or sidewalk in the Borough of Glassport for any purpose whatsoever, without first obtaining a permit from the Office of the Borough Secretary. The charge for said permit shall be as follows:

- A. Concrete streets-\$350 per opening.
- B. Bituminous streets-\$350 per opening.
- C. Unimproved streets (alleys)-\$300 per opening.
- D. Sidewalks-\$200 per opening.

(*Ord. 1084, 1/15/2008, §1*)

§21-302. Furnishing of Security to Ensure Proper Restoration.

1. No permit shall be issued until the applicant shall have first shall be determined by the Municipal Engineer, but in no case shall be less than \$200. Public utilities and franchised organizations may, in lieu of providing security with each application, post with the municipality a surety or cash bond, or other acceptable security, in the amount of \$10,000. The validity of such security shall be demonstrated annually at the beginning of each calendar year. In cases of anticipated projects of unusual magnitude, the Municipal Engineer may require security in excess of \$10,000 as a condition of permit issuance.

2. Any unusual surplus of excavated material shall be removed by the permit holder within 24 hours. Disposal of this material at another site located in Glassport must be approved by the Municipal Engineer.

(*Ord. 1084, 1/15/2008, §2*)

§21-303. Work and Restoration Standards.

1. Any person who shall make an opening or excavation in any street in the Borough of Glassport shall perform all such opening or excavation work and the restoration work required hereunder in accordance with the standards and provisions set forth in 67 Pa.Code §459.8, as amended. Likewise, any aboveground construction shall be in performed accordance with 67 Pa.Code §459.9. All references in foregoing Code Sections to the District Office, the Department of Transportation or similar references shall be deemed to be references to the Borough of Glassport. All surfaces which are opened shall be restored in accordance with the "Paved Surface Restoration Specifications" drawing No. One, which is attached hereto and made part hereof.¹ Any conflict in interpretation between any of the sources above described, the one setting

¹A copy of the "Paved surface Restoration Specifications" drawing No. One is on file in the Borough office.

the most stringent obligations shall govern.

2. In addition to the foregoing work standards, the Borough Engineer shall be entitled to promulgate rules and regulations governing the opening, excavation, refilling, resurfacing and repaving of streets in the Borough of Glassport, and after the same have been approved by the Council of the Borough of Glassport and entered upon the minutes of Council, any work to be done or performed by any applicant or permittee governed by the terms of this Part shall be done in compliance with such rules and regulations. Copies of said rules and regulations shall be furnished to any person making application hereunder.

3. If and to the extent that any person shall open or excavate any portion of a street in a manner which results in any length of such street being opened or excavated, then such person shall be required to repave the street the full length of the opening or excavation, plus an additional twenty feet in both directions, from curb to curb. If any person opens or excavates a trench of any length which spans the entire length of one block between two cross-streets, then such person shall be required to repave the street the full length of the opening or excavation from curb to curb. When four or more lateral openings have been made within 100 lineal feet of pavement, the permittee shall overlay the traffic lanes in which the openings were made for the entire length of highway between the ends of the furthest openings. Where a newly repaved opening connects with the existing paved surface, the permittee shall ensure that the connecting portions are sealed to create a sealed even surface.

4. All work commenced in pursuance of said permit shall be continued uninterruptedly to the completion thereof, and said openings or excavations shall be backfilled and repaved in accordance with the following: If the work is completed between March 1 and October 31, the opening or excavation must be backfilled and repaved within 30 days of completion of the work. If the work is completed between November 1 and the last day of February, the opening or excavation must be backfilled and repaved no later than the following April 30. Excavated material shall not be used for backfill.

5. Immediately upon completion of backfilling, two inches of cold-patch asphalt or approved equal material shall be placed over the stone backfill and flush with the existing roadway surface. The permittee must maintain the trench against settlement until permanent paving is installed.

6. Permanent paving shall be constructed by the permittee within 60 days after the installation of the temporary paving in accordance with specification of the Borough Engineer. If within 1 year after the construction of the permanent paving, defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the Borough for the cost of necessary repairs, or may much such repairs themselves if approved by the Borough Engineer.

(*Ord. 1084, 1/15/2008, §3; as amended by Ord. 1139, 9/23/2014, §1; by Ord. 1172, 12/19/2017, § 1; and by Ord. 1195, 3/17/2020, §§1 and 2*)

§21-304. Specific Conditions and Requirements.

1. The cut, opening or excavation shall at all times be protected by barricades and appropriate dusk-to-dawn flashing lighting whose number, design and location shall be as directed by the Mayor and shall be maintained until the restoration work has rendered the site safe to vehicular and pedestrian traffic. Flagmen shall be provided by the permit holder, as shall be determined by the Glassport Police Department.

2. The permit holder must coordinate his activities with the Glassport Police Department, and the Police Department shall be authorized to regulate the time and sequence of the opening of public streets to minimize hazards and inconvenience to the public.

3. Any planted or landscaped area which is disturbed by work shrub, grass, tree or plant injured or destroyed shall be replaced with ones of the same size, color, species, condition, caliper and quality.

4. Any sidewalk, driveway or other privately owned or maintained facility or object damaged, destroyed or removed shall be restored to the satisfaction of the Mayor or Street Foreman.

5. Any municipal sign damaged or lost or destroyed by the permit holder shall be replaced by the municipality as otherwise allowed by law.

(Ord. 1084, 1/15/2008, §4)

Part 4

Obstructions and Encroachments on Streets and Sidewalks

§21-401. Requirements for Trees, Hedges, Bushes and Shrubs along Street or Sidewalk.

1. No person owning real estate in the Borough shall permit any tree, hedge, bush or shrub to grow or remain upon his property, or upon any sidewalk area abutting upon his property so as:

- A. To encroach upon the street or sidewalk.
 - B. To interfere with vehicular or pedestrian traffic lawfully using the street or sidewalk.
 - C. To obstruct the free passage of water in the gutter.
 - D. By its roots to injure water, gas, sewer or drainage pipes or raise or break the sidewalk.
- Any tree, hedge, bush or shrub growing upon any premises in the Borough in violation of this Section shall be removed or trimmed by the owner of the property as necessary to eliminate all unlawful conditions described in this subsection.
2. Every owner of real estate in the Borough shall trim and keep trimmed all trees growing on his property so that all limbs, branches and foliage shall have a clearance of at least 14 feet above the surface of the street or alley, or at least 8 feet above the surface of the sidewalk directly below.
3. Every owner of real estate in the Borough shall remove all dead trees growing upon his property and overhanging or encroaching upon any street, alley or sidewalk.
(Ord. 775, 7/11/1978, §12-3031)

§21-402. Notice to Property Owner to Remove, Trim or Cut Tree or Other Vegetation; Work by Borough.

The Borough may give notice, by personal service or United States Mail, to the owner of any premises where any tree, hedge, bush or shrub is growing or remaining in violation of any provision of §21-401, directing and requiring that owner to remove, trim or cut all those trees, hedges, bushes or shrubs so as to conform to the requirements of this Part, within 10 days after the issuance of the notice. In case any person neglects, fails or refuses to comply with the notice, within the time limit stated in it, the Borough authorities may remove, trim or cut the trees, hedges, bushes or shrubs as required by the notice, and the cost of the work, with an additional amount of 10%, may be collected by the Borough from that person, in the manner provided by law.

(Ord. 775, 7/11/1978, §12-3032)

§21-403. Penalty for Violation.

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

separate offense.

(Ord. 775, 7/11/1978, §12-3033; as amended by Ord. 1077, 5/23/2006)

Part 5

Repair and Maintenance of Motor Vehicles on Public Streets

§21-501. Definitions.

The following words shall have the meaning set forth herein, unless the context clearly indicates a different meaning:

Abandoned vehicles - a vehicle (other than a pedacycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by the preponderance of the evidence:

(1) If the vehicle is physically inoperable and is left unattended on a highway or other public property for more than 48 hours.

(2) The vehicle has remained illegally on a highway or other public property for a period of more than 48 hours.

(3) When the vehicle is left unattended or along the highway or other public property for more than 48 hours and does not bear all of the following:

(a) A valid registration plate.

(b) A current certificate of inspection.

(c) An ascertainable vehicle identification number.

(4) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 24 hours.

(5) Vehicles or equipment used or to be used in construction or in the operation or maintenance of highways or public utility facilities which are left in a manner which does not interfere with the normal movement of traffic, shall not be considered to be abandoned.

Maintenance - those activities which are required to keep a motor vehicle in operating condition under the State inspection laws or to maintain a clean cosmetic appearance including, but not limited to, washing and waxing; the replacement of minor exterior parts including wiper blades, lighting fixtures and the changing of tires; the replacement of other minor exterior components, so long as there is no hazard or nuisance to the general public.

Non-repairable vehicle - an abandoned vehicle under subparagraph (3) of the definitions of "abandoned vehicle" which is incapable of safe operation for use on roadways or highways and which has no resale value except as a source of parts or scrap only; a salvage vehicle issued a nonrepairable or nonrebuildable vehicle documented by another state or a vehicle which a salvage or vehicle salvage dealer designates as a source for parts or scrap or which the owner irreversibly designates as a source for parts or scrap. Such vehicle may not be issued a certificate of title or certificate of salvage.

Person - an individual person, firm or corporation.

Repairs - any mechanical work on a motor vehicle which is not herein defined as "maintenance."

Status - with respect to an abandoned vehicle, a determination by police and a as to the condition or value of the abandoned vehicle. The determination shall be one of the following:

(1) Vehicles with value.

(2) Salvage vehicle.

(3) Nonrepairable vehicle.

Street, public. All of the roads, streets, alleys, sidewalks or grass plots within the legal rights-of-way of the Borough of Glassport.

(Ord. 1037, -/-/---, §1)

§21-502. Motor Vehicle Repairs Prohibited.

It shall be unlawful for any person to make repairs to any motor vehicle in the public streets and/or rights of way of the Borough of Glassport.

(Ord. 1037, -/-/ , §2)

§21-503. Maintenance of Motor Vehicles Permitted.

Unless it poses a nuisance or safety hazard to passersby, the routine maintenance of motor

vehicles in the public streets and/or rights of ways as defined herein is hereby permitted.
(Ord. 1037, -/-/ , §3)

§21-504. Storage of Motor Vehicle Parts Prohibited.

It shall be unlawful for any person to store new or used motor vehicle parts on the public streets and/or rights of ways.

(Ord. 1037, -/-/----, §4)

§21-505. Abandoned Vehicles.

A vehicle shall be considered abandoned once it fits the definition of §21-501 of this Part and is left on public property for at time period in excess of 48 hours or on private property without property permission in excess of 24 hours.

(Ord. 1037, -/-/ , §5)

§21-506. Penalties.

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

(Ord. 1037, -/-/----, §6; as amended by Ord. 1077, 5/23/2006)

Part 6

Street Names and Building Address Numbers

§21-601. Definitions.

The terms "principal building" and "dwelling" are defined as the main structure upon an individual property. This shall not include any outbuildings or garage structures.

(Ord. 1057, -/-/2004, §1)

§21-602. Posting of Street Names.

1. The Borough of Glassport will be responsible for the installation of all road signs upon public roads within the Borough of Glassport.

2. Any change in the name of any private road, driveway, or lane must be accepted by the Council of the Borough of Glassport prior to , 2004. All name changes shall be submitted to Borough Council on a form supplied by the Borough Secretary which shall include the signatures of all property owners which adjoin the private road, driveway, or lane. This form must be notarized before submission to the Council of the Borough of Glassport for acceptance.

3. All private roads, driveways, and/or lanes that are named and intersect a public road or street shall require a road sign. All requests for road signs shall be submitted to the Borough Secretary by the property owner on a form supplied by the Borough. The cost of the road sign, pole, and placement of the road sign will be the responsibility of the property owner. Any signs requested by property owner prior to

, 2004 will be provided for by the Borough and installed free of charge. Signs will be placed at the intersection of the private road, driveway, and/or land with the public road. The Borough will not install any street signs in an area that does not intersect with a public road.

4. All public and private road names must be adopted at a public meeting of the Council of the Borough of Glassport to be officially accepted.

(Ord. 1057, -/-/2004, §2)

§21-603. Requirements of Building Addresses.

It shall be the duty of the owners of all principal buildings and dwellings within the Borough to post proper identification of such structures within 90 days of the enactment of this Part and of all future owners of such structures to post proper identification prior to occupancy. (Ord. 1057, -/-/2004, §2)

§21-604. Style of Building Addresses.

Said identification shall consist of the street number posted in numerals at least 4 inches in height with a minimum of a Vi of an inch in width stroke. Numbers affixed to any structure may be of any color desired by owner. Color must be distinct from background. Numbers upon any mailbox, post, sign, or other structure adjacent to any street, driveway, or land must be of a reflective material and color. (Ord. 1057, -/-/2004, §3)

§21-605. Visibility and Placement of Building Addresses.

1. Visibility is defined by factors including, but not limited to, distinction from the background upon which the street number is posted, distance from the street, porches, trees, and other objects that may prohibit ease of recognition of the posted numbers from the street. Visibility shall also include the ability of emergency personnel (fire, police, ambulance) to use said posted number to identify the building or dwelling unit from the street to which the building is addressed.

2. Said identification must be posted in a place where it is clearly visible from the street to which the building is addressed and must be posted in at least one of the following locations:

A. Street numbers placed on or within 3 feet of either side of the door facing the street to which the building or dwelling is addressed, wherever most visible. If such placement is not possible or visible due to the features of the structure, said address may be posted on an alternate location, as determined by the Code Enforcement Officer of the Borough, in similar proximity to the door such as a porch post.

B. Street number of a reflective material and color must be posted on both sides of the mailbox, or both sides of the mailbox post, on the same side of the street as the structure which it serves.

C. Street number placed on a post, sign, or similar object erected clearly in the front yard or to the side of the driveway and/or land servicing said building or dwelling. Said street number shall be no more than 8 feet above the ground and no less than 3 feet above the ground. Number must be of a reflective material and color visible and readable by vehicles approaching the property from both directions of the street.

3. All structures sharing a common driveway and/or lane must post street numbers in the manner described in §21-605.2.A. In addition, structures sharing a common driveway must also post street numbers in a manner described in either subsection .2.B and/or .2.C. of this Section.

4. All structures which are not clearly visible from the road must post the street numbers in the manner described in subsection .2.B and/or .2.C of this Section.

5. Buildings that contain units that do not face the street to which they are addressed including, but not limited to, apartment buildings and office buildings, must post a building directory near the main entrance facing the street to which the units are addressed. Said directory may consist of a map showing the locations and numbers of said units. Owners must also post street addresses in a manner described in subsection .3 of this Section.

(Ord. 1057, -/-/2004, §5) §21-606. Notice to Conform.

The Borough is hereby authorized and directed to give notice, by personal service or by United States Mail, to the owner or occupant, or both, as the case may be, by

certified mail, of any premises that remain in violation of the provisions of this Part, directing and requiring such owner or occupant to conform with the requirements of this Part within 5 days after issuance of such notice.

(Ord. 1057, -/-/2004, §6)

§21-607. Violations and Penalties.

1. In case any person, firm, or corporation shall neglect, fail, or refuse to comply with such notice within the period of time stated therein, the Borough authorities may post or have posted said identification, as aforesaid, the cost thereof, together with any additional payment authorized by law, may be collected by the Borough from such person, firm, or corporation in the manner provided by law for the collection of municipal claims or by an action of assumpsit.

2. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Provided, each day's violation shall constitute a separate offense and neither notice to the offender of a single day's violation nor repeated notice of a continuing violation shall be necessary in order to constitute an offense. [Ord. 1077]

3. In addition to the other powers herein set forth for violation of this Part, the Borough may institute proceedings in courts of equity.

(Ord. 1057, -/-/2004, §7; as amended by Ord. 1077, 5/23/2006)