

## Chapter 241

### STREETS AND SIDEWALKS

#### ARTICLE I Openings and Excavations

- § 241-1. Definitions.
- § 241-2. Permit required.
- § 241-3. Fee.
- § 241-4. Restoration of opening; bond required.
- § 241-5. Responsibility for expenses; supervision over work.
- § 241-6. Liability for damages.
- § 241-7. Time limit for work.
- § 241-8. Violations and penalties.

#### ARTICLE II Sidewalk Construction and Maintenance

- § 241-9. Definitions.
- § 241-10. Notice to grade, construct, drain, pave, or repave sidewalk.
- § 241-11. Responsibility for maintenance.
- § 241-12. Sidewalk and curb dimensions.
- § 241-13. Warning and protective devices; liability of property owner.
- § 241-14. Failure to comply; work done by Borough; collection of costs.
- § 241-15. Violations and penalties.

#### ARTICLE III Snow and Ice Removal

- § 241-16. Snow and ice to be removed from sidewalks.
- § 241-17. Unlawful to throw snow onto streets.
- § 241-18. Failure to comply; work done by Borough; collection of costs.
- § 241-19. Violations and penalties.

#### ARTICLE IV Tampering with Public Property

- § 241-20. Tampering with public property prohibited.
- § 241-21. Tampering with stakes, posts and monuments prohibited.
- § 241-22. Tampering with warning lamps, signs or barricades prohibited.
- § 241-23. Removal of material from streets, alleys or public grounds prohibited.
- § 241-24. Exceptions.
- § 241-25. Violations and penalties.
- § 241-26. Severability.

#### ARTICLE V Obstructions

- § 241-27. Dumpsters.
- § 241-28. Vehicle repair.
- § 241-29. Violations and penalties.

[HISTORY: Adopted by the Borough Council of the Borough of Beech Creek as indicated in article histories. Amendments noted where applicable.]

## ARTICLE I

**Openings and Excavations****[Adopted 9-6-1977 by Ord. No. 76 (Ch. XXI, Part 1, of the 1978 Code of Ordinances)]****§ 241-1. Definitions.**

The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances when the context clearly indicates otherwise:

PERSON — Shall mean and include any actual person, partnership, firm, association and corporation. Provided: this shall not include the Beech Creek Borough Authority.

STREET — Any public street, avenue, road, square, alley, highway or other public place located in the Borough of Beech Creek and established for the use of vehicles.

**§ 241-2. Permit required.**

Any person who shall desire to make any opening or excavation in any of the streets in the Borough of Beech Creek shall first make application in writing to the Borough official as designated by Council from time to time.

**§ 241-3. Fee.**

Before any permit shall be issued to open or excavate in any street in the Borough, the applicant shall pay to the Borough a permit fee in the amount of \$10 to cover the costs of inspection and other incidental services in connection therewith.

**§ 241-4. Restoration of opening; bond required.**

Any person who shall open or excavate any improved street in the Borough shall thoroughly and completely refill the opening or excavation, puddling and ramming so as to prevent any settling thereafter; and shall restore the surface to the same condition as it was before the opening or excavation. Such restoration shall be in accordance with the specifications of the Pennsylvania Department of Transportation. As restored, the surface of the street shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. Any contractor, company or individual who shall make or shall cause to be made any opening or excavation shall post a proper bond as required by the Council of the Borough of Beech Creek sufficient to provide for the proper restoration of the damage caused to the street in which such excavation is made.

**§ 241-5. Responsibility for expenses; supervision over work.**

All work in connection with the opening in any street, including excavation, protection, refilling and temporary paving, shall be done by the applicant at his expense, and all such work shall be subject to the provisions of this article and to the supervision and approval of the Borough.

**§ 241-6. Liability for damages.**

Liability for any work done under the authority of this article shall lie with the person making the excavation or opening, and such person shall hold the Borough of Beech Creek free from any responsibility for the same, including the lighting or barricading at the site at such opening or excavation.

**§ 241-7. Time limit for work.**

All openings and street restoration, including the placing of the top surface on a street excavation, shall be completed within 15 days.

**§ 241-8. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Clinton County.

**ARTICLE II****Sidewalk Construction and Maintenance**

[Adopted 9-6-1977 by Ord. No. 68 (Ch. XXI, Part 2, of the 1978 Code of Ordinances)]

**§ 241-9. Definitions.**

In this article, the following words shall have the meanings hereby ascribed thereto, unless the context clearly indicates otherwise:

**SIDEWALK** — The portion of a street located outside the cartway and shall include paved footway, unpaved grassplot, curb and gutter;

**STREET** — Any public street, lane, alley or way in the Borough of Beech Creek.

**§ 241-10. Notice to grade, construct, drain, pave, or repave sidewalk.**

Every owner of property which abuts any street in the Borough of Beech Creek shall, upon notice from the Borough Council, grade, construct, drain, pave or repave the sidewalk in the manner stipulated in such notice, in compliance with the provisions of this article, and within the time specified in such notice.

**§ 241-11. Responsibility for maintenance.**

It shall be the full responsibility of every owner of property which abuts any street to keep the sidewalk in a safe condition at all times.

**§ 241-12. Sidewalk and curb dimensions.**

All sidewalks shall be of the dimensions and grade in accordance with the specifications contained on file in the Borough Building and adopted by Council, and shall be of a Council-approved mixture of concrete.

**§ 241-13. Warning and protective devices; liability of property owner.**

It shall be the duty of every property owner grading, constructing, draining, paving or repaving the sidewalk abutting his property, to provide and maintain adequate guards, barriers and light to prevent accidents, and such owners shall assume all risks and liability for all damages by reason of such work, and by reason of any failure to properly fill such area.

**§ 241-14. Failure to comply; work done by Borough; collection of costs.**

If any property owner shall neglect to comply with any of the provisions of §§ 241-9 to 241-12 of this article, the Borough shall have the authority to, after notice, cause the grading, paving, curbing and repairing or guttering to be done, or in the case of improper work, to be redone, at the expense of such owner, and may collect the costs thereof and 10% additional together with all charges and expenses, from such owner, in the manner provided by law.

**§ 241-15. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Clinton County.

## ARTICLE III

**Snow and Ice Removal**

[Adopted 9-6-1977 by Ord. No. 69 (Ch. XXI, Part 3, of the 1978 Code of Ordinances)]

**§ 241-16. Snow and ice to be removed from sidewalks.**

The owner, occupant or tenant of every property fronting upon or alongside any street in the Borough of Beech Creek is hereby required to remove or cause to be removed from all the sidewalks in front of or alongside such property all snow and ice thereon fallen or formed, within 24 hours after the same shall have ceased to fall or to be formed. Provided: the owner of a property shall be responsible for conforming to the requirements of this section where such property is occupied by such owner or unoccupied or is a multiple-unit property, having more than one tenantable unit; the tenants or occupiers shall be responsible where the property is composed of a single unit, occupied by such tenant or occupier only.

**§ 241-17. Unlawful to throw snow onto streets.**

It shall be unlawful for any person to throw or cause snow to be thrown into any street of the Borough.

**§ 241-18. Failure to comply; work done by Borough; collection of costs.**

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of § 241-16 of this article relating to the removal of snow and ice from sidewalks, within the time limit prescribed therein, the Borough may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent. The Borough authorities may collect the expense of such removal, with an additional amount of 10%, from such owner, occupant or tenant.

**§ 241-19. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Clinton County.

## ARTICLE IV

**Tampering with Public Property****[Adopted 9-6-1977 by Ord. No. 74 (Ch. VI, Part 5, of the 1978 Code of Ordinances)]****§ 241-20. Tampering with public property prohibited.**

No person or persons shall destroy or injure in any way whatsoever, or tamper with or deface any public property of the Borough of Beech Creek, within or without the Borough, or any grass, walk, lamp, ornamental work, building, streetlight, or water stop box on or in any of the streets, alleys, sidewalks or public grounds in the Borough.

**§ 241-21. Tampering with stakes, posts and monuments prohibited.**

No person or persons shall in any manner interfere with or meddle with or pull, drive, change, alter, or destroy any stake, post, monument or other evidence of any elevation, grade, line, location, corner or angle in the Borough of Beech Creek, made, placed or set, or hereafter made, placed or set, or caused to be done by the authorities of the Borough in any survey of or in any street, alley or public ground in the Borough, to evidence the location, elevation, line, grade, corner or angle of any public street, alley, sidewalk, curb, gutter, drain or other public work, matter or thing.

**§ 241-22. Tampering with warning lamps, signs or barricades prohibited.**

No person or persons shall wilfully or maliciously destroy or remove or deface or obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the Borough or by any person, firm or corporation doing work by permission of the authorities of the Borough on any of the streets, alleys, sidewalks or bridges in the Borough or on any public grounds of the Borough, within or without the Borough, as a warning of danger.

**§ 241-23. Removal of material from streets, alleys or public grounds prohibited.**

No person or persons shall take any earth, stone or other material from any of the streets, alleys or public grounds in the Borough.

**§ 241-24. Exceptions.**

This article shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds and the structures and fixtures located thereon or therein, or to incidental results of work done thereon or therein upon permit from or by authority of the Borough.

**§ 241-25. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs

and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Clinton County.

**§ 241-26. Severability.**

The provisions of this article shall be severable, and if any section, part of section or provision thereof shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining sections, parts of sections or provisions of this article. It is hereby declared as a legislative intent that this article would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been a part thereof.

ARTICLE V

**Obstructions**

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

**§ 241-27. Dumpsters.**

All persons, associations, firms, partnerships, corporations or other entities seeking to place a dumpster upon any public walk, street, way or thoroughfare in the Borough of Beech Creek must first obtain the written permission to do so from the Borough Secretary or his designee. The time period that said dumpster placement is authorized shall be established by the Borough Secretary in light of the circumstances attendant to the need for said dumpster and must be strictly complied with unless extended, in writing, by the Borough Secretary or his designee. The dumpster authorized for placement must have affixed thereto reflective materials or substances which adequately alert pedestrian and vehicular traffic to the placement of the dumpster. In addition, the Borough Secretary may require, as a condition of the permission to place said dumpster, that the dumpster be covered to avoid spillage or annoyance.

**§ 241-28. Vehicle repair.**

While the Borough recognizes that some residents do not have driveways or other places to affect the routine repair of their motor vehicles, the prolonged presence of motor vehicles upon public streets, ways and thoroughfares, which vehicles are being repaired, is hereby declared to be a public nuisance and a violation of the within article. The Mayor is hereby vested with the authority to issue a written notice to any person, association, firm, partnership, corporation or other entity repairing a vehicle upon a public way, street or thoroughfare to remove said vehicle within 72 hours. The failure to comply with said notice shall constitute a violation of this article.

**§ 241-29. Violations and penalties.**

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this chapter in equity in the Court of Common Pleas of Clinton County.