

Chapter 21

Streets and Sidewalks

Part 1

Street Excavations

- §21-101. Definitions
- §21-102. Permit Required to Make Opening or Excavation in Street; Emergency Openings and Excavations
- §21-103. Warning and Protective Devices; Liability of Permit Holder
- §21-104. Backfilling of Opening
- §21-105. Tunneling or Undermining
- §21-106. Violation If Work Not Completed Before Expiration Date
- §21-107. Rectification of Unskillful, Improper or Incomplete Work
- §21-108. Borough Not in Charge of Work
- §21-109. Penalty for Violation
- §21-110. Return of Bond

Part 2

Width and Construction of Sidewalks and Curbs

- §21-201. Notice to Construct Sidewalks and Curbs
- §21-202. Notice to Repair Sidewalks and Curbs
- §21-203. Borough Specifications
- §21-204. Construction and Repair at Expense of Property Owner
- §21-205. Construction Costs of Curbs if Required by Borough
- §21-206. Construction Costs of Curb Portion of Combined Sidewalk Curb Installation if Required by Borough
- §21-207. Permit Required for Sidewalk/Curb Installation Not Required by Borough

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

In this Part, the following words shall have the meanings hereby ascribed thereto:

Person—any natural person, partnership, association, firm corporation, or municipal corporation, other than the Borough of Hunker.

Street—the cartway, berm or right-of-way of any public street, road, drive, avenue or alley of the Borough of Hunker.

(*Ord. 40, 3/6/1980, §I*)

§21-102. Permit Required to Make Opening or Excavation in Street; Emergency Openings and Excavations.

It shall be unlawful for any person to make any openings or excavations in any street in the Borough of Hunker without first having obtained a permit therefor from the Secretary for each separate undertaking. Upon payment of a fee to the Secretary of the Borough in an amount as established, from time to time, by resolution of Borough Council, together with a bond in an amount determined by the Borough sufficient to guarantee the proper repair of said street, the Secretary shall issue a permit for such opening or excavation. Provided, emergency leaks and breaks may be repaired by the person responsible therefor and a permit secured with 48 hours.

(*Ord. 40, 3/6/1980, §II; as amended by Ord. 2014-01, 10/2/2014*)

§21-103. Warning and Protective Devices; Liability of Permit Holder.

It shall be the duty of every person to whom a permit shall have been issued and of every person making emergency repairs in advance of issuance of a permit to provide and maintain adequate guards, barriers, and lights to prevent accidents, and such person shall assume all risks and liability for all damages by reason of the opening or excavation made by authority of such permit or in connection with such work, and by reason of any failure to fill the opening, hole, trench or excavation properly.

(*Ord. 40, 3/6/1980, §III*)

§21-104. Backfilling of Opening.

Restoration of Surface. All persons opening or digging any of the public streets for the Borough for any purpose whatsoever shall backfill the same in the manner following. All backfilling shall be with No. 2-B modified aggregate. Said aggregate shall comply with the requirements of §703 of Form 408 of the Pennsylvania Department of Transportation. All openings beyond the paved portion of any street but within 3 feet of the edge of the existing pavement shall be restored with material equal to or exceeding the surface of the original street. The street adjoining such opening shall be without ridges or depressions so that the street will be in as good a condition as it was prior to such opening. Upon completion of filling such opening, such person shall notify the Supervisor of the Department of Public Works who shall thereupon inspect the area

backfilled in order to ascertain if such work was done in a proper manner.

(*Ord. 40, 3/6/1980, §IV*)

§21-105. Tunneling or Undermining.

No part of a trench or excavation shall be tunneled or undermined so as to leave the surface undisturbed but all material shall be removed to the full length, width and depth of the excavation, excepting in such cases as may be approved by the Borough. The charges, however, shall be the same as if the surface had been removed. Any new openings in streets paved with reinforced concrete shall have the sides of said openings saw cut in a straight line for a minimum depth of 2 inches. All pavements, such as concrete, brick and asphalt surfaces overlaying a crushed stone base, shall be removed 8 inches wider on each side of the proposed trench. The concrete between said sawed lines is to be broken loose with a pavement breaker.

(*Ord. 40, 3/6/1980, §V*)

§21-106. Violation If Work Not Completed Before Expiration Date.

If the work of opening or of filling any opening or excavation, and of the replacing of the surface in a street shall not be completed on or before the date of expiration of the permit, therefor, the holder of such permit shall be guilty of a violation of this Part.

(*Ord. 40, 3/6/1980, §VI*)

§21-107. Rectification of Unskillful, Improper or Incomplete Work.

If any work of filling any excavation or replacing the street surface shall not be done on or before the date of expiration of the permit, or if any part of such work shall be unskillfully or improperly done, the Borough may cause the work to be done in such manner as it shall deem proper, and the expense therefor, including any overhead expense, and an additional amount of 10 percent shall be charged against and collected by the Borough from such permit holder in the manner prescribed by law.

(*Ord. 40, 3/6/1980, §VII*)

§21-108. Borough Not in Charge of Work.

In no case shall any opening or excavation made by any person be considered in the charge or care of the Borough or any officer or employee of the Borough, and no officer or employee of the Borough shall be authorized in any way to take or assume any jurisdiction over any such opening or excavation. Provided, however, if any person causing any opening to be made shall deem it to his advantage to employ the same workmen as do similar work for the Borough, he may do so.

(*Ord. 40, 3/6/1980, §VIII*)

§21-109. Penalty for Violation.

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

(*Ord. 40, 3/6/1980, §IX; as amended by Ord. 2014-01, 10/2/2014*)

§21-110. Return of Bond.

At the time that the street opening has been refilled, backtamped and replaced in accordance with the provisions of this Part, and to the satisfaction of the Borough, the bond filed with the Borough of Hunker as provided in §21-102 shall be returned.

(*Ord. 40, 3/6/1980, §X*)

Part 2**Width and Construction of Sidewalks and Curbs****§21-201. Notice to Construct Sidewalks and Curbs.**

Every owner of property in the Borough of Hunker shall on 20 days notice from the Borough Council, or on application of said property owner, construct or reconstruct a sidewalk or curb which shall conform to all applicable requirements of this Part in front of or alongside of such property.

(*Ord. 31, 6/5/1967, §1*)

§21-202. Notice to Repair Sidewalks and Curbs.

Every owner of property in the Borough of Hunker shall on 5 days notice from the Borough Council, repair the sidewalk or curb, in the manner stipulated in such notice, in the front or alongside such property.

(*Ord. 31, 6/5/1967, §2*)

§21-203. Borough Specifications.

All sidewalks and curbs shall be constructed, reconstructed and repaired according to the specifications determined from time to time by the Borough Council or Borough Engineer and by either or both, in front of or alongside such property.

(*Ord. 31, 6/5/1967, §3*)

§21-204. Construction and Repair at Expense of Property Owner.

All sidewalks shall be at the expense of the property owner, in the repair and installation thereof.

(*Ord. 31, 6/5/1967, §4*)

§21-205. Construction Costs of Curbs if Required by Borough.

All curbs if installed, instigated or initiated by the Borough of Hunker, one-half of the cost shall be paid by the Borough and the remaining one-half shall be paid by the adjacent property owner, in front of or alongside such property.

(*Ord. 31, 6/5/1967, §5*)

§21-206. Construction Costs of Curb Portion of Combined Sidewalk Curb Installation if Required by Borough.

All curbs or the curb portion of a combined sidewalk curb installation if installed at the instigation or initiation of the Borough, one-half of the expense of the curb shall be said by the Borough and one-half shall be paid by the adjacent property owner, in front of or alongside such property.

(*Ord. 31, 6/5/1967, §6*)

§21-207. Permit Required for Sidewalk/Curb Installation Not Required by

Borough.

All sidewalks and curbs installed by an adjacent property owner when at his instigation or initiation and not a part of any Borough project, he must first obtain permission of the Borough and carry on such installation under the provisions of §21-203 of this Part in accordance with Borough specifications and bear the costs of the entire installation.

(Ord. 31, 6/5/1967, §7)