

ORDINANCE NO. 06-01

AN ORDINANCE OF THE BOROUGH OF BEECH CREEK PROVIDING FOR THE  
OPENING OF A STREET  
WITHIN THE BOROUGH TO BE KNOWN AS PARK STREET

WHEREAS, under Section 46731 of the Pennsylvania Borough Code, 53 P. S. Section 46731, the Borough is authorized to lay out and open streets within the Borough; and

WHEREAS, Borough Council has determined that a street to be known as Park Street connecting Locust Street and Fairview Street shall be laid out and opened on lands owned by the Borough of Beech Creek.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Borough of Beech Creek, and it is hereby enacted and ordained by authority of same:

SECTION 1:

There shall be laid out and opened a street to be known as Park Street, as shown on the accompanying draft/survey, incorporated herein, upon lands owned by the Borough of Beech Creek.

SECTION 2:

From and after the effective date of this Ordinance, Park Street, described as follows, is declared to be laid out as a public street of the Borough of Beech Creek and open to the public upon completion of construction of the street:

Approximately fifty (50) feet in width (with a cartway of thirty (30) feet) and approximately eight hundred forty (840) feet in length, running between Fairview Street and Locust Street within the Borough of Beech Creek.

Said description is depicted upon a draft/survey by Kerry A. Uhler & Associates, Inc., dated May 20, 2005, which is attached hereto and incorporated herein by reference.

SECTION 3:

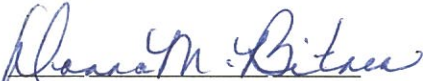
The Borough of Beech Creek further creates a storm water easement adjacent to Park Street on the North as depicted on aforesaid draft/survey which shall inure to the Borough's benefit and/or its successors and assigns.

SECTION 4:

This Ordinance shall take effect thirty (30) days after its enactment.

ENACTED AND ORDAINED as an Ordinance of the Borough of Beech Creek, at a meeting of Borough Council held on the \_\_\_\_ day of February, 2006.

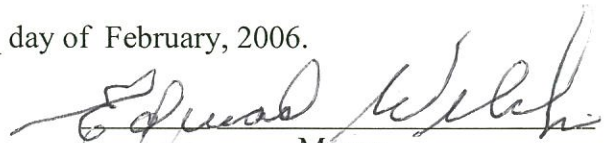
Attest:

  
Secretary

BOROUGH OF BEECH CREEK

By:   
President

APPROVED this \_\_\_\_ day of February, 2006.

  
Mayor



ORDINANCE NO. 03-1

AN ORDINANCE AMENDING ORDINANCE NO. 67 PROVIDING FOR PARKING PROHIBITION ON CERTAIN STREETS.

The Council of the Borough of Beech Creek, Clinton County, Pennsylvania, hereby ordains as follows:

SECTION 1: Chapter XV, Section 42 of the Beech Creek Borough Code, Ordinance Number 67, is hereby amended to read as follows:

Section 42. Parking Prohibited at All Times in Certain Locations.

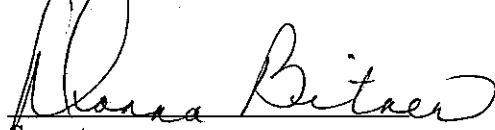
Parking shall be prohibited at all times in the following locations:

<u>STREET</u>	<u>SIDE</u>	<u>BETWEEN</u>
Fairview Street	Northwest	Intersection with former Penn Central Railroad and Locust Street
Main Street	North	Church Street and Grant Street
Main Street	South	Maple Avenue and Alley East of Maple Avenue

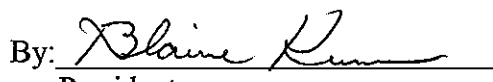
SECTION 2: This Amendment shall become effective on the earliest date provided by Borough Law.

ENACTED AND ORDAINED by Beech Creek Borough Council, Clinton County, Pennsylvania, this \_\_\_\_ day of January, 2004.


ATTEST:

  
Secretary

BOROUGH OF BEECH CREEK:

By:   
President

APPROVED this \_\_\_\_ day of January, 2004.

  
Mayor

**NOTICE**

Notice is hereby given that the Beech Creek Borough Council will consider, at a meeting of Council to be held on the 6th day of January, 2004, at 7:00 P.M. at the Beech Creek Borough Building, Beech Creek, Pennsylvania, adoption of:

**AN ORDINANCE AMENDING CHAPTER XV, SECTION 42  
OF THE BECH CREEK BOROUGH CODE**

SECTION 1: Chapter XV, Section 42 of the Beech Creek Borough Code, Ordinance Number 67, is hereby amended to read as follows:

Section 42. Parking Prohibited at All Times in Certain Locations.

Parking shall be prohibited at all times in the following locations:

<u>STREET</u>	<u>SIDE</u>	<u>BETWEEN</u>
Fairview Street	Northwest	Intersection with former Penn Central Railroad and Locust Street
Main Street	North	Church Street and Grant Street
Main Street	South	Maple Avenue and Alley East of Maple Avenue

SECTION 2: This Amendment shall become effective on the earliest date provided by Borough Law.

Larry E. Coploff  
COPLOFF, RYAN & WELCH  
Solicitors

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TO THE EXPRESS: PLEASE PUBLISH ONE (1) TIME NO LATER THAN DECEMBER 24, 2003. PLEASE SEND BILL AND PROOF OF PUBLICATION TO: DONNA BITTNER, SECRETARY, P.O. BOX 216, BEECH CREEK, PA 16822.

CHAPTER XXI

STREETS AND SIDEWALKS

Part 1

Excavations in Streets

- Section 1. Definitions
- Section 2. Permit Required
- Section 3. Fee
- Section 4. Restoration of Opening; Bond Required
- Section 5. Responsibility for Expenses; Supervision over Work
- Section 6. Liability for Damages
- Section 7. Time Limit for Work
- Section 8. Penalty for Violation
- Sections 9 to 50. (Reserved for future use)

Part 2

Sidewalk Construction and Maintenance

- Section 51. Definitions
- Section 52. Notification of Property Owners to Grade, Construct, Drain, Pave or Repave Sidewalk
- Section 53. Responsibility for Maintenance
- Section 54. Sidewalk and Curb Dimensions
- Section 55. Warning and Protective Devices; Liability of Property Owner
- Section 56. Authority for Borough to Do Work; Collection of Cost Plus 10%
- Section 57. Penalty for Violation
- Sections 58 to 100. (Reserved for future use)

Part 3

Snow and Ice Removal

- Section 101. Snow and Ice to be Removed from Sidewalks
- Section 102. Unlawful to Throw Snow onto Streets
- Section 103. Borough May Do Work in Case of Noncompliance
- Section 104. Penalty for Violation

Part 1

Excavations in Streets

Section 1. Definitions.<sup>1</sup> The following words, when used in this ordinance,<sup>2</sup> shall have the meanings ascribed to them in this section, except in those instances when the context clearly indicates otherwise:

(a) "Street" shall mean 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.

(b) "Person" shall mean and include any actual person, partnership, firm, association and corporation. Provided: this shall not include the Beech Creek Borough Authority.

(Ordinance 76, September 6, 1977, Section 1)

Section 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. (Ordinance 76, September 6, 1977, Section 2)

Section 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 ten dollars (\$10.00) to cover the costs of inspection and other incidental services in connection therewith. (Ordinance 76, September 6, 1977, Section 3)

Section 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. (Ordinance 76, September 6, 1977, Section 4)

Section 5. Responsibility for Expenses; Supervision over Work. All work in connection with the opening in any street, including excavation,

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1. This heading is part of Ordinance 76 as enacted.
  2. Sections 1 to 8 of this chapter.

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 ordinance<sup>3</sup> and to the supervision and approval of the Borough. (Ordinance 76, September 6, 1977, Section 5)

Section 6. Liability for Damages. Liability for any work done under the authority of this ordinance<sup>4</sup> 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. (Ordinance 76, September 6, 1977, Section 6)

Section 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 fifteen (15) days. (Ordinance 76, September 6, 1977, Section 7)

Section 8. Penalty for Violation. Any person who shall violate any provision of this ordinance<sup>5</sup> shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days. Provided: each day that a violation shall be permitted to continue shall constitute a separate offense. (Ordinance 76, September 6, 1977, Section 8)

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3. Sections 1 to 8 of this chapter.
  4. Sections 1 to 8 of this chapter.
  5. Sections 1 to 8 of this chapter.

ORDINANCE NO. 680

An Ordinance regulating the construction, draining, paving and repaving of sidewalks in the Borough of Beech Creek, imposing duties upon the owners of abutting property, and repealing a prior ordinance.

The Borough of Beech Creek hereby ordains:

Section 1. Definitions. In this ordinance, the following words shall have the meanings hereby ascribed thereto, unless the context clearly indicates otherwise:

(a) Sidewalk - the portion of a street located outside the cartway and shall include paved footway, unpaved grassplot, curb and gutter;

(b) Street - any public street, lane, alley or way in the Borough of Beech Creek.

Section 2. Notification of Property Owners 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 ordinance, and within the time specified in such notice.

Section 3. 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.

Section 4. 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.



Section 5. 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.

Section 6. Authority of Borough to Do Work; Collection of Cost Plus

10%. If any property owner shall neglect to comply with any of the provisions of Sections one to four of this ordinance, 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 ten percent (10%) additional together with all charges and expenses, from such owner, in the manner provided by law.

Section 7. Penalty for Violation. Any property owner who shall

violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than ten (10) days.

Section 8. Repeal of Prior Ordinance. Ordinance 11A, To require

and direct the grading, curbing, paving and guttering of the side or foot walks by the owner or owners, of lots of ground, respectively fronting thereon, enacted October 15, 1883, is hereby repealed.

ENACTED into an ordinance this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

ATTEST:

BOROUGH OF BEECH CREEK

\_\_\_\_\_  
Secretary

By \_\_\_\_\_  
President of Council

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Mayor

Part 2

Sidewalk Construction and Maintenance

Section 51. Definitions.<sup>6</sup> In this ordinance,<sup>7</sup> the following words shall have the meanings hereby ascribed thereto, unless the context clearly indicates otherwise:

(a) Sidewalk - the portion of a street located outside the cartway and shall include paved footway, unpaved grassplot, curb and gutter;

(b) Street - any public street, lane, alley or way in the Borough of Beech Creek.<sup>8</sup>

(Ordinance 68, September 6, 1977, Section 1)

Section 52. Notification of Property Owners 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 ordinance,<sup>9</sup> and within the time specified in such notice. (Ordinance 68, September 6, 1977, Section 2)

Section 53. 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. (Ordinance 68, September 6, 1977, Section 3)

Section 54. 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. (Ordinance 68, September 6, 1977, Section 4)

Section 55. 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. (Ordinance 68, September 6, 1977, Section 5)

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6. This heading, and those of Sections 52 to 57 of this chapter, are part of Ordinance 68 as enacted.

7. Sections 51 to 57 of this chapter.

8. Section 8 of Ordinance 68 repealed Ordinance 11A.

9. Sections 51 to 57 of this chapter.

Section 56. Authority for Borough to Do Work; Collection of Cost Plus 10%. If any property owner shall neglect to comply with any of the provisions of Sections one to four of this ordinance,<sup>10</sup> 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 ten percent (10%) additional together with all charges and expenses, from such owner, in the manner provided by law. (Ordinance 68, September 6, 1977, Section 6)

Section 57. Penalty for Violation. Any property owner who shall violate any provision of this ordinance<sup>11</sup> shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than ten (10) days. (Ordinance 68, September 6, 1977, Section 7)

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10. Sections 51 to 54 of this chapter.

11. Sections 51 to 57 of this chapter.

Part 3

Snow and Ice Removal

Section 101. 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 twenty-four (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.<sup>12</sup> (Ordinance 69, September 6, 1977, Section 1)

Section 102. 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. (Ordinance 69, September 6, 1977, Section 2)

Section 103. Borough May Do Work in Case of Noncompliance. In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of the first section of this ordinance<sup>13</sup> 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 ten percent (10%), from such owner, occupant or tenant. (Ordinance 69, September 6, 1977, Section 3)

Section 104. Penalty for Violation. Any owner, occupant or tenant who shall violate any provision of this ordinance<sup>14</sup> shall, upon conviction thereof, be sentenced to pay a fine of not more than fifty dollars (\$50.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than five (5) days. (Ordinance 69, September 6, 1977, Section 4)

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12. Section 5 of Ordinance 69 repealed Ordinance 7.

13. Section 101 of this chapter.

14. Sections 101 to 104 of this chapter.

ORDINANCE NO. 06-01

AN ORDINANCE OF THE BOROUGH OF BEECH CREEK PROVIDING FOR THE  
OPENING OF A STREET  
WITHIN THE BOROUGH TO BE KNOWN AS PARK STREET

WHEREAS, under Section 46731 of the Pennsylvania Borough Code, 53 P. S. Section 46731, the Borough is authorized to lay out and open streets within the Borough; and

WHEREAS, Borough Council has determined that a street to be known as Park Street connecting Locust Street and Fairview Street shall be laid out and opened on lands owned by the Borough of Beech Creek.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Borough of Beech Creek, and it is hereby enacted and ordained by authority of same:

SECTION 1:

There shall be laid out and opened a street to be known as Park Street, as shown on the accompanying draft/survey, incorporated herein, upon lands owned by the Borough of Beech Creek.

SECTION 2:

From and after the effective date of this Ordinance, Park Street, described as follows, is declared to be laid out as a public street of the Borough of Beech Creek and open to the public upon completion of construction of the street:

Approximately fifty (50) feet in width (with a cartway of thirty (30) feet) and approximately eight hundred forty (840) feet in length, running between Fairview Street and Locust Street within the Borough of Beech Creek.

Said description is depicted upon a draft/survey by Kerry A. Uhler & Associates, Inc., dated May 20, 2005, which is attached hereto and incorporated herein by reference.

SECTION 3:

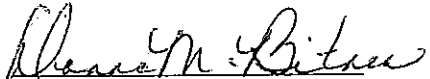
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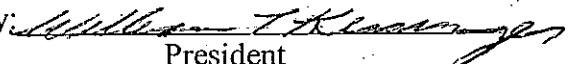
This Ordinance shall take effect thirty (30) days after its enactment.

ENACTED AND ORDAINED as an Ordinance of the Borough of Beech Creek, at a meeting of Borough Council held on the 7th day of February, 2006.

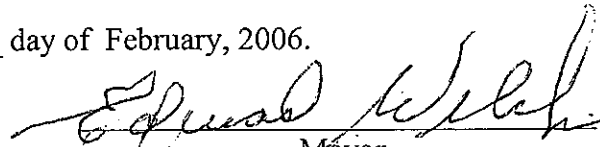
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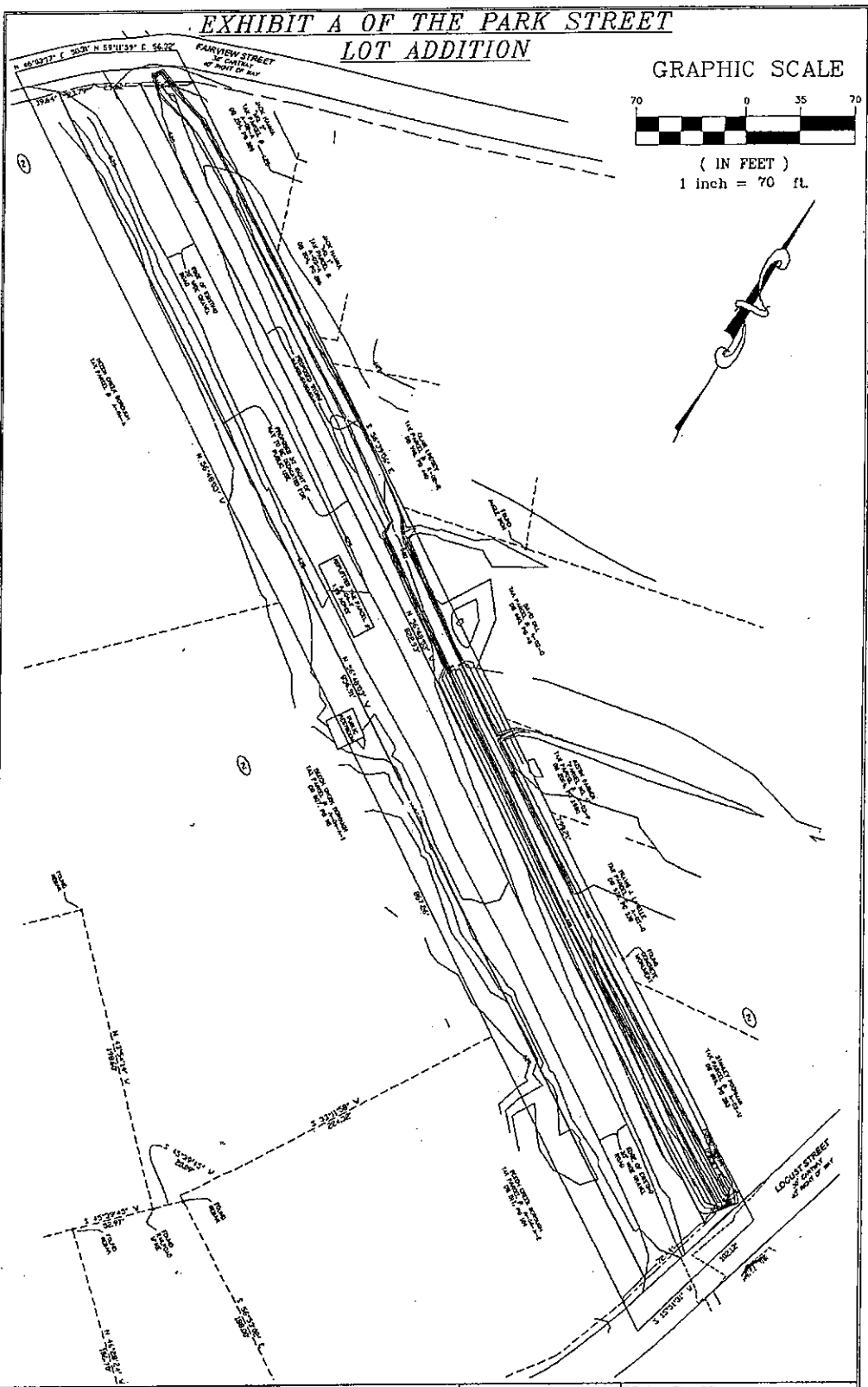
  
Secretary


BOROUGH OF BEECH CREEK

By:   
President

APPROVED this 7th day of February, 2006.

  
Mayor



 <b>KERRY A. UHLER &amp; ASSOCIATES, INC.</b> SURVEYING & ENGINEERING 140 W. HIGH ST. BELLEVILLE, MO 63402 570-748-7510	APPROVED BY:	DRAWN BY: GSW
	PROJ. NO.	DATE: 1/1/06
		DWG. NO.:
		DWG.

Drawings been created by AutoCAD from the original survey data. 1/11/2006 5:04 PM

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