

Chapter 178

STREETS AND SIDEWALKS

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

GENERAL REFERENCES

Subdivision and land development — See Ch. 183.
 Transient retail merchants — See Ch. 198.
 Trees — See Ch. 202.

Vehicles and traffic — See Ch. 212.
 Zoning — See Ch. 224.

ARTICLE I
Sidewalks, Curbs and Gutters
 [Adopted 8-12-1974 by Ord. No. 291]

§ 178-1. Sidewalks required.

The respective owners of all lots abutting on all highways regularly used by pedestrians within the borough shall build and maintain a sidewalk to grade along the whole frontage of their respective properties.

§ 178-2. Construction standards. [Amended 6-14-2004 by Ord. No. 515]

The pavements on all sidewalks hereafter built shall be a minimum of four feet wide and shall be supported by a curb between the outer edge of the sidewalk and the cartway, which curb shall be 22 inches deep, six inches wide at the top, eight inches wide at the bottom, with the batter on the outside; and the concrete of the sidewalk shall be at least four inches in thickness except at driveways where the concrete shall have a minimum of six inches in thickness. Where unique topographic or site circumstances exist that warrant the reduction of the width of a particular sidewalk from the foregoing four-foot minimum width, the Dallastown Borough Council may approve such reduction to a reasonable width, but the same shall be no less than three feet wide.

§ 178-3. Construction materials. [Amended 3-12-2001 by Ord. No. 463]

- A. All curbs and sidewalks hereafter built shall be constructed of premix certified concrete having a twenty-day compressive strength of 3,000 pounds per square inch (psi), and shall be finished by one of the following methods:
- (1) Troweling off the same with a wood float finish; or
 - (2) Stamping a pattern therein with a design creating the appearance of being a brick sidewalk.
- B. If the finish of the sidewalk is pattern-stamped, the same shall meet the following additional criteria:
- (1) The color of the same shall be red and the coloring shall be mixed into the concrete so that it shall be permanent, and any materials to create such coloring shall be environmentally compatible; and
 - (2) The design of the resulting brick appearance shall be either herringbone or shall make an appearance of bricks running in line with each other.

§ 178-4. Permit required.

It shall be unlawful for any person whether as owner or contractor to lay or repair or begin the laying or repairing of any curb or sidewalk, whether said curb or sidewalk is constructed or to be constructed on the highway or back from said highway, unless a permit therefor shall first be secured as hereinafter provided. The fee for a curbing and sidewalk permit shall be paid at the time application is made therefor. A separate permit shall be required for the laying of a curb and sidewalk unless laid simultaneously.

§ 178-5. Definitions.

As used in this article, the following terms shall have the meanings indicated:

REPAIRING — The tearing up of a portion of the old curb or sidewalk and relaying the same with new material.

§ 178-6. Term of permit; renewal.

Permits are to be granted for a definite period, which is to be as short as the circumstances of the case will permit, but in no case shall a permit be granted to cover a period longer than 60 consecutive days. If at the end of the period any further use of the highway is required, another permit must be secured in the same manner and under the same circumstances as to fees, periods, etc., as in the case of an original permit.

§ 178-7. Permit application.

No permit shall be issued unless an application therefor to the Mayor and/or Borough Secretary is made in writing on forms to be provided for that purpose and signed by the person desiring the same or by a duly authorized agent or contractor. Said application must contain all the information needed to enable the Mayor and/or Borough Secretary to ascertain the exact location, extent and character of the work. The Mayor and/or Borough Secretary shall investigate said application and, unless the work would be done in violation of law or ordinance, shall issue a permit. If, in the opinion of the Mayor and/or Borough Secretary, said work would be in violation of law or ordinance, he shall at once refer said application to the Borough Council, which shall pass upon said application subject to all conditions herein specified.

§ 178-8. Borough to perform work; collection of costs.

Upon the neglect or refusal of any property owner to comply with any of the requirements provided in the preceding sections of this article, within 60 days after notice, the borough may, after notice, cause the grading, installation, paving, repairing, curbing, regrading, recurbing or repaving in the manner as above set forth and required by this article to be done at the cost of such owner and the borough may collect the costs thereof and 10% additional, together with all charges and expenses from such owner, and may file a municipal claim therefor and collect the same in an action of assumpsit.

§ 178-9. Declaration of nuisance.

Pavements or curbs not laid in conformity with the provisions of this article and the established grade of the street on which they are constructed are hereby declared to be nuisances and must be taken up and regraded according to the provisions of this article within 60 days after notice by the borough to the owner so to do. Upon the failure or refusal of the owner to regrade, recurb and repave the sidewalk within the time stipulated, the borough shall cause said sidewalk to be regraded, recurbed and repaved in the manner hereby required and the borough may collect the costs thereof and 10% additional, together with all charges and expenses from such owner, and may file a municipal claim therefor and collect the same by an action in assumpsit.

§ 178-10. Violations and penalties. ¹

Any person violating any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$600, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days. Each day a violation exists shall constitute a separate offense.

ARTICLE II**Street Excavations**

[Adopted 7-14-1975 by Ord. No. 300]

§ 178-11. Permit required.

- A. It shall be unlawful for any person, firm or corporation to make any opening or excavation in or under any street, alley or other thoroughfare within the limits of the Borough of Dallastown unless and until a permit therefor is secured from the Borough Secretary or, in his absence, from the Mayor for each separate undertaking; said permit and the application therefor to be in the form prepared by said Borough Secretary.
- B. The police officers of the borough or person duly appointed shall promptly prohibit any work being done without a permit.

§ 178-12. Permit fee. ²

The charge for said permit shall be, for each separate undertaking, for each square yard or fraction thereof a particular fee as imposed and established and set by resolution of the Borough Council.

§ 178-13. Safety procedures required; liability.

It shall be the duty of any person or persons, firms or corporations to whom a permit is issued or by whom any opening or excavation is made as aforesaid to provide and maintain proper

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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 surface disturbed in a safe condition.

§ 178-14. Pavement cuts, excavation and backfill.

It shall be the duty of any persons or person, firms or corporations to whom a permit is issued to open or excavate in or under any street, alley or other thoroughfare of the borough to completely fill such opening.

- A. Cuts through bituminous wearing surfaces shall be scored on a neat straight line to the full trench width, using either a pneumatic spade or a concrete saw. Cuts through Portland cement concrete shall be sawed to a sufficient depth to enable removal of concrete with a clean, straight break.
- B. Excavated material shall be laid compactly alongside the trench and kept trimmed up to cause as little inconvenience as possible to public travel. Pedestrian crosswalks shall be kept clean and free of obstructions and, where necessary, temporary bridging or plank walkways shall be provided. Excavated material not suitable for backfill shall be immediately loaded into trucks and removed as excavation is in progress. Construction materials shall not be stored in the public street except immediately in advance of installation. Loose earth and stone shall be promptly cleaned from the streets and sidewalks, and dust shall be regularly swept up and removed. Side walls or trenches shall be kept as nearly vertical as possible, and shall be properly shored and braced.
- C. Through rock, utility lines and facilities shall be cushioned by not less than six inches of clean sand completely around and beneath the work, so that a cushion completely surrounds the work to afford protection in the event of future excavation in close proximity thereto.
- D. Backfilling shall follow immediately after installation of the facilities, and only clean, dry earth or stone screenings shall be used. Backfill shall be compacted by vibrating or mechanical tampers only and in layers of proper depth to ensure 95% compaction. No rolling or puddling will be acceptable as a means of compaction. Excess material shall be promptly removed, and the street surface hand swept prior to paving repairs.

§ 178-15. Restoration of bituminous macadam pavement. [Amended 11-9-1981 by Ord. No. 337]

The restoration of bituminous macadam pavement shall be done in accord with the Pennsylvania Department of Transportation Regulation captioned "Occupancy of Highways by Utilities," effective August 13, 1979, together with all amendments and supplements thereto.

§ 178-16. Restoration of other surfaces.

Requirements for permanent repairs to surfaces other than bituminous macadam will be determined by the borough in each specific case. In general, final restoration shall be equal to the original surface.

§ 178-17. Special restoration requirements.

Wherever unusual conditions exist or arise during construction, the borough may change the permanent restoration requirements from those given herein. In all cases, marks of construction beyond the area of actual trench shall be satisfactorily restored. In cases where a substantial portion of the original street paving is removed or damaged, the borough may require the permittee to resurface the entire street area, in addition to constructing the final paving repairs over trench areas. The borough may also elect to accept payment from the permittee to the borough for final paving repairs, in a sum to be determined by the borough based upon then current costs for such work plus 15%, and to apply the sum so paid toward the cost of reconstruction of the entire street.

§ 178-18. Settling of streets.

Any utility or private individual who performs any excavation behind the curbline which causes the street to settle will be held responsible to repair the street at their own expense following provisions specified in this article regulating street openings paying particular attention to §§ 178-14, 178-15, 178-16 and 178-17 or as specified by Borough Engineer.

§ 178-19. Quality of work.

If the work in opening or excavating or in the filling or maintaining of surface shall be unskillfully or improperly or incompletely done, the Borough Engineer may cause the same to be done in the manner he deems proper and the expense of doing the same shall be charged to the person or persons, firms or corporation by whom the holes or excavations were made, together with 25% additional as a penalty. No permit shall be issued to any person or persons, corporations or firms in default under this section until the cost and penalty herein provided are paid, and no further permits shall be granted to any person or persons, firms or corporations unless and until the holes or trenches opened by them have been properly filled and the surface permanently maintained as aforesaid in a safe condition at the proper grade of the street, alley or other thoroughfare, as may be required, and of which said Engineer shall be the judge.

§ 178-20. Openings in driveways.

- A. In case where the surface disturbed is in the driveway of a paved street or thoroughfare, the person, firm or corporation making an opening or excavation shall, at its own proper cost and charge, resurface the excavation when properly filled as hereinbefore set forth, with new material of the kind and composition approved by Borough Engineer as suitable and sufficient, and the Borough Engineer may, in his discretion, if he deems it advisable, allow an additional 12 inches on each side of said opening or excavation in

estimating the surface disturbed to assure a neat and complete job. The person, firm or corporation making any excavation or opening in any paved street or thoroughfare of said borough shall keep the same in proper repairs so that there shall be no hollows nor ridges where said excavation or opening was made for a period of one year from the date of said resurfacing or repairing of said excavation or opening in said street or thoroughfare.

- B. Any person, firm or corporation who fails to properly close and resurface and repair any excavation and keep the same in a proper and fit manner as above set forth shall be liable to all of the penalties set forth in this article.

§ 178-21. Violations and penalties. [Amended 4-13-1998 by Ord. No. 432]

Any person or persons, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$600, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days.

§ 178-22. Chairman of Street Committee.

If for any reason the duties prescribed cannot be performed by the Mayor, they may be performed by or under the direction of the Chairman of the Street Committee.

ARTICLE III

Snow and Ice Removal

[Adopted 4-11-1983 by Ord. No. 357]

§ 178-23. Duty of owner and occupier to remove snow and ice.

It shall be the duty of every owner or occupier of real estate within the Borough of Dallastown to remove or have removed from the sidewalks in front of such real estate all snow and ice within 12 hours after any fall of snow or ice storm or freezing rain ceases or notice so to do is given by borough authorities.

§ 178-24. Violations and penalties. [Amended 4-13-1998 by Ord. No. 432]

If any snow or ice shall not be removed from any sidewalk within twelve hours after the fall of the same shall cease or notice so to do be given or any sidewalk is not kept open as aforesaid, the owner or occupier of such real estate failing to comply with the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$600, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days.

ARTICLE IV
Discarded Matter
[Adopted 5-13-1985 by Ord. No. 371]

§ 178-25. Prohibited acts.

Throwing of snow, ice, slush, leaves, twigs, grass clippings and other materials into the public streets, highways and gutters of the borough is hereby prohibited. When clearing or cleaning sidewalks, driveways, parking spaces or gutters of snow, leaves or other materials, the property owner shall pile or cause to have it piled upon his own property to melt or to be disposed of in suitable bags or containers and shall refrain from throwing anything into the public street, highways and gutters.

§ 178-26. Violations and penalties. [Amended 4-13-1998 by Ord. No. 432]

Any person who, in violation of this article, casts any of the above materials into the streets shall, upon conviction thereof, be punishable by a fine of not more than \$600, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days.

ARTICLE V
Skateboards, Sleds, Etc.
[Adopted 1-4-1988 by Ord. No. 385]

§ 178-27. (Reserved) ³

§ 178-28. Violations and penalties. [Amended 4-13-1998 by Ord. No. 432]

Any person violating any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$600, plus costs of prosecution, and in default of payment of such fine and costs by imprisonment for not more than 30 days.

3. Editor's Note: Former § 178-27, Prohibited activities, was repealed 11-14-2005 by Ord. No. 535.