

Chapter 21

Streets and Sidewalks

Part 1

Street Excavations

- §21-101. Definitions
- §21-102. Excavation Prohibited in Street; Except Areas Established
- §21-103. Permit Required for Excavation
- §21-104. Application
- §21-105. Permit Fee
- §21-106. Bond Required
- §21-107. Certificate of Insurance Required
- §21-108. Refilling of Excavation
- §21-109. Repair Work at Applicant's Expense
- §21-110. Restrictions on Excavations
- §21-111. Fixing of Leak, Explosion or Other Accident Required
- §21-112. Notice Given to Residents Near Excavations
- §21-113. New Lines Need Approval
- §21-114. Reimbursement of Work Required to Borough
- §21-115. Inspections
- §21-116. Violation and Penalty

Part 2

Obstruction of Streets and Sidewalks

- §21-201. Illegal to Obstruct
- §21-202. Placement of Material Illegal
- §21-203. Obstruction Prohibited
- §21-204. Violation and Penalty

Part 3

Curb Cuts and Driveway Construction

- §21-301. Permit Required
- §21-302. Application
- §21-303. Curbs and Driveways
- §21-304. Replacement of Curb
- §21-305. Violation and Penalty

Part 4

Sidewalks and Curbs

A. Sidewalk and Curb Construction, Reconstruction and Repair

- §21-401. Property Owners to Construct or Reconstruct Sidewalks and Curbs on Notice

- §21-402. Property Owners to Repair Sidewalks and Curbs on Notice
- §21-403. Material for Sidewalks and Curbs
- §21-404. Width of Sidewalk and Curb Area
- §21-405. Pavement of Sidewalk and Curb
- §21-406. Conformity to Line and Grade; Determination of Extent and Nature of Required Work; Safety Measures
- §21-407. Authority for Borough to do Work or Rectify Mistakes at Expense of Defaulting Property Owner
- §21-408. Restrictions on Placement and Display of Goods, Wares, Merchandise or Material on Sidewalk and Curb
- §21-409. Penalty for Violation

B. Opening of Sidewalks and Curbs

- §21-411. Permit Required
- §21-412. Application and Fee
- §21-413. Refundable Deposits
- §21-414. Supervision and Control of Street Department
- §21-415. Time Limitations
- §21-416. Supervision by Street Department
- §21-417. Suitable Barricades and Warnings
- §21-418. Contractor Exempted from Deposit
- §21-419. Fee and Deposit Subject to Change
- §21-420. Penalties

C. Snow and Ice Removal

- §21-421. Responsibility for Removal of Snow and Ice; Time Limit
- §21-422. Authority for Borough to Remove Snow and Ice and Collect Cost Plus 10%
- §21-423. Penalty for Violation

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

1. The following words used this Part shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

Street - any public street, avenue, road, drive, circle, square, alley, way, highway, sidewalk or other public place located in the Borough of Swissvale (hereinafter "the Borough") as established within the ordained right-of-way.

Person - any natural person, partnership, firm, association, corporation or public utility.

2. In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 82-7, 7/21/1982, §1)

§21-102. Excavation Prohibited in Street; Except Areas Established.

It shall be unlawful for any person to open or to make any excavation of any kind in any street in the Borough except in and upon those portions thereof established for the use of vehicles and pedestrians.

(Ord. 82-7, 7/21/1982, §2)

§21-103. Permit Required for Excavation.

It shall be unlawful for any reason to open or to make any excavation of any kind in any of the streets in the Borough without first securing a permit therefor, as hereinafter provided.

(Ord. 82-7, 7/21/1982, §3)

§21-104. Application.

Any person who shall desire to make any opening or excavation in any of the streets in the Borough shall make application to the Street Commissioner of the Borough (hereinafter "the Street Commissioner") in writing, for the purpose. Such application shall be made upon blanks to be furnished by the Borough and shall set forth the name of the applicant, the date of the application, the exact location of the proposed opening or excavation, the approximate size and depth thereof, and the dates on which said opening is to be made and refilled, and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the Borough and the laws of the Commonwealth in relation thereto, and that the applicant shall well and truly save, defend and keep harmless the Borough and its officers, agents and employees from and indemnify them against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed openings or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

(*Ord. 82-7, 7/21/1982, §4*)

§21-105. Permit Fee.

Before any permit shall be issued to open, excavate or tunnel any street in the Borough, the applicant shall pay to the Borough Secretary a permit fee in an amount as established from time to time by resolution of Borough Council. The fees set forth in this Section shall not include placement and replacement of existing utility poles within the right-of-way.

(*Ord. 82-7, 7/21/1982, §5; as amended by Ord. 86-15, 11/12/1986, §1; by Ord. 97-2, 2/12/1997, §1; and by Ord. 05-02, 6/1/2005*)

§21-106. Bond Required.

The applicant at the time of submission of his application to the Street Commissioner shall execute and deliver to the Borough a bond in the amount hereinafter fixed with corporate surety approved by the Street Commissioner. Where the bond required is intended to cover an indefinite number of street openings, such bond shall be in the amount of \$5,000; where the bond is intended to cover one street opening only which will not exceed 50 square feet, such bond shall be in the sum of \$1,000. The bond required for openings greater than 50 square feet shall be \$1,000 for each additional 50 feet up to an amount not to exceed \$5,000. Such bond shall apply only to the location of the opening specified in such permit except that public utilities, public authorities or government agencies, and any registered plumber may post an annual bond in the amount of \$5,000, and shall be able to receive permits without filing any additional bonds. It shall be understood that a permit must be issued for each street opening regardless of the amount of the bond posted. Such bond shall be given on the condition that the principal will perform all work authorized by the permit under and in accordance with the provisions and conditions of this Part, and will indemnify and save harmless the Borough from any loss, damage or expense in any manner occasioned by, or arising from, the opening of such street, or the work done in consequence thereof, or the manner of doing such work, and will pay to the Borough and all sums whatsoever which the said Borough may be compelled to expend for or by reason of the opening of such street by the principal, and that such bond shall remain in for a period of 2 years from the date of submission of an application to the Street Commissioner provided, however, that if any applicant shall not desire to furnish the aforesaid bond, he shall deposit with the Borough a sum of money in the form of cash or certified, treasurer's or cashier's check made payable to the Borough, equal to \$50 for each square yard or part thereof, of the opening covered by the permit, which said deposit shall be made under the same conditions as set forth above for the surety bond. Whenever the Street Commissioner shall find that a default has occurred in the performance of any permit, written notice thereof shall be given to the permittee and to the surety of the bond. Such notice shall state the work to be done and the period of time allowed by the Borough for the completion of such work.

(*Ord. 82-7, 7/21/1982, §6; as amended by Ord. 97-4, 6/11/1997, §1*)

§21-107. Certificate of Insurance Required.

The Street Commissioner shall require the applicant to remit a certificate of

insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damages which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall provide complete third-party coverage for the Borough, its employees, agents and other such personnel. The amount of such liability insurance for bodily injury shall be not less than \$150,000 for each person and \$500,000 for each accident and for property damages an amount not less than \$100,000. Failure of applicant to file such certificate shall be grounds for denying a permit.

(Ord. 82-7, 7/21/1982, §7)

§21-108. Refilling of Excavation.

Any person who shall open or excavate any improved street in the Borough shall thoroughly and completely refill the opening or excavation, compact the same so as to prevent any settling thereafter; and shall restore the surface and subbase in accordance with the specifications of the Department of Transportation of the Commonwealth of Pennsylvania which are hereby adopted as specifications of the Borough for restoration of surface and subbase of streets in the Borough. As restored, the surface and subbase material shall conform to the proper grade and be of the same covering as the material removed. If within 2 years after the restoration of the surface as herein provided defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving or make the necessary repairs to same as directed by and to the satisfaction of the Borough.

(Ord. 82-7, 7/21/1982, §8)

§21-109. Repair Work at Applicant's Expense.

All other work in connection with openings 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 Part and to the supervision and approval of the Street Commissioner.

(Ord. 82-7, 7/21/1982, §9)

§21-110. Restrictions on Excavations.

1. No opening or excavation in any street shall extend from the curb line into the highway distance greater than 1 foot beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.

2. No more than 200 feet longitudinally shall be opened in any street at any one time.

3. The work of excavation shall be so conducted as not to interfere with the water mains, sewers or their connections with the houses, or any other sub-surface lines or constructions, until permission of the proper authorities in connection with such subsurface lines or constructions shall have been obtained in accordance with the provisions of Act 287 of the Commonwealth of Pennsylvania.

4. No tunneling shall be allowed without the express approval of the Street Commissioner or Borough Engineer and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Street Commissioner or Borough engineer or an inspector designated by him, and shall be done only by a method approved by him.

5. All openings or excavations shall be backfilled promptly with suitable materials and thoroughly compacted in layers, each of which shall not exceed 6 inches in depth. On improved streets, the backfilling shall be placed to within 10 inches of the surface.

6. On improved streets, a temporary paving of compacted 2-A modified slag thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving and shall be continually maintained until the permanent surface is placed.

7. During the making of any excavation in any street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street continually in a safe and passable condition both day and night by guards, barriers, lanterns and other devices and shall be subject to the inspection and approval of the Street Commissioner. All excavating permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Borough and its officers, employees or agents any loss in damages, or otherwise whatsoever which may or shall be occasioned at any time by the said excavation, or by any leak, explosion or other injury from any pipe, apparatus, conduit, or any other matter placed in the said excavation. The applicant shall notify the Police and Fire Departments and obtain approval from said Department to temporarily close the streets.

8. The applicant shall notify the Street Commissioner when the opening or excavation is ready for backfilling and before any backfilling is done, and when the work is completed by proper backfilling in the case of unimproved streets and by temporary paving in the case of improved streets.

9. In the event that any work performed by or for a permit holder shall, in the opinion of the Street Commissioner, be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him, or in the event that the work for which the permit was granted is not completed within the time fixed by the Street Commissioner, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 20% to the applicant.

10. Applicant shall extend width of trench 1 foot on each side beyond original width and depth to the original subgrade when ready to repave. Repaving shall be completed as specified in §21-108 of this Part.

11. Any person conducting blasting work shall place all said blasting in the hands of a registered shot-firer, who must produce his license to the Street Commissioner prior to commencing any blasting operations. Blasting shall be limited to single shots, with loads not to exceed one-half stick of dynamite (40% ammonia). Blasting insurance shall be covered by adequate insurance coverage in minimum amount of \$1,000,000, subject to the approval of the Borough Solicitor.

A. The Borough reserves the right under this Part to impose such further

conditions on the applicants as it deems necessary for the protection of the Borough, the public, and any private or public property.

(Ord. 82-7, 7/21/1982, §100)

§21-111. Fixing of Leak, Explosion or Other Accident Required.

In the case of any leak, explosion or other accident in any subsurface pipe line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line construction or apparatus to commence an excavation to remedy such condition before securing a permit, provided that verbal notification be made immediately to the Borough and application for a permit be made not later than the next business day thereafter, and that all other provisions of this Part are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person, responsible for such pipe, line, construction or apparatus, the Street Commissioner after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus 20% to such owner or person.

(Ord. 82-7, 7/21/1982, §11)

§21-112. Notice Given to Residents Near Excavations.

The applicant shall give timely notice to all persons owning property abutting on any street within the Borough about to be paved or improved and to all public utility companies operating in the Borough and all such persons and utility companies shall make all water, gas or sewer connections, as well as any repairs thereto which would necessitate excavation of the said street within 30 days from the giving of such notice, unless such time is extended in writing for cause shown by the Street Commissioner. No permit will be required for any line adjustments prior to new construction. New paving shall not be opened for a period of 5 years after the completion thereof, except in cases of emergency, the existence of which emergency and the necessity for the opening of such paving to be determined by the Street Commissioner or Borough Engineer. If it is sought to excavate upon or open a street within 5 years after the completion of the paving thereof for any other reason than an emergency as above stated, the applicant shall make written application to the Borough Council, and a permit for such opening shall only be issued after express approval of Borough Council.

(Ord. 82-7, 7/21/1982, §12)

§21-113. New Lines Need Approval.

No new water or gas main shall hereafter be laid or constructed and no existing water or gas main shall be extended in any of the streets of the Borough until the exact location thereto, and the plan therefor shall have been first approved by the Borough Council.

(Ord. 82-7, 7/21/1982, §13)

§21-114. Reimbursement of Work Required to Borough.

Payment for all work done by the Borough under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within 30 days

after a bill therefor is sent to such person by the Borough. Upon failure to pay such charges within such time, the same shall be collectible by the Borough in the manner provided by law for the collection of municipal claims.

(*Ord. 82-7, 7/21/1982, §14*)

§21-115. Inspections.

This Section shall not be construed as imposing upon the Borough or any official or employee any liability or responsibility for damages to any person injured by the performance of any work for which a permit is issued hereunder; nor shall the Borough or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any work.

(*Ord. 82-7, 7/21/1982, §15*)

§21-116. Violation and Penalty.

Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions 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. 82-7, 7/21/1982, §16; as amended by Ord. 05-02, 6/1/2005*)

Part 2**Obstruction of Streets and Sidewalks****§21-201. Illegal to Obstruct.**

It shall be unlawful and illegal for any person, with singly or with others, to stand, sit or lie on any public street, way, alley, steps or sidewalk in the Borough of Swissvale in such a manner as to obstruct vehicular or pedestrian traffic along such public street, way, alley, steps or sidewalk or access or egress from any public, institutional or business establishment.

(*Ord. 70-11, 8/19/1970, §1*)

§21-202. Placement of Material Illegal.

That it is unlawful and illegal for any person either singly or with others to use or place any material object of any nature or kind including motor vehicles in such a manner as to obstruct vehicular or pedestrian traffic along the public streets, ways alleys steps or sidewalks or access or egress from any public, institutional or business establishment.

(*Ord. 70-11, 8/19/1970, §2*)

§21-203. Obstruction Prohibited.

That it shall be unlawful and illegal for any person who has been instructed by a Swissvale Borough police officer, auxiliary police officer or any other person acting lawfully and on behalf of Swissvale Borough to fail to stop obstructing vehicular or pedestrian traffic promptly.

(*Ord. 70-11, 8/19/1970, §3*)

§21-204. Violation and Penalty.

That any person or group of persons and/or their agents acting on behalf who violate 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. 70-11, 8/19/1970, §4; as amended by Ord. 05-02, 6/1/2005*)

Part 3**Curb Cuts and Driveway Construction****§21-301. Permit Required.**

From and after the passage of this Part it shall be unlawful to cut or cause to be cut or to change or alter in any way any curb on the highways of the Borough, or to construct or reconstruct any driveway across the sidewalks, except in accordance with the regulations and after issuance of a permit as hereinafter stated.

(*Ord. 1099, 4/11/1939, §1*)

§21-302. Application.

1. Whenever the owner of any property is desirous of cutting the curb or constructing a driveway across the sidewalks, or of altering or changing either of them, he shall make written application to the Borough Secretary for a permit to do so. Said application must state location of lot, frontage on street, location and extent of curb to be cut or changed, layout of driveway, and method and materials to be used in the work.

2. The Borough Secretary shall issue a permit for such work upon the approval of the application by the Building Inspector, and upon the payment by the applicant of a fee in an amount as established from time to time by resolution of the Borough Council. [*Ord. 05-02*]

3. The Building Inspector shall approve or refuse to approve the application within 48 hours of its receipt; provided that any person whose application has been refused, shall have the right to appeal from the decision of the Building Inspector to the Borough Council, who shall act as a Board of Appeal and grant a hearing on the question raised in said application, and after hearing decide as to the issue or refusal of said permit.

(*Ord. 1099, 4/11/1939, §2; as amended by Ord. 05-02, 6/1/2005*)

§21-303. Curbs and Driveways.

1. Curbs may be cut or lowered and driveways constructed to properties so that driveways shall not be more than 20 feet in width and not more than one driveway to a lot of less than 50 feet frontage. Lots having more than 50 feet frontage may have two driveways; provided that for gasoline service stations, public garages or other commercial or manufacturing properties, more than one driveway may be permitted provided that not less than 20 feet space is left between driveways.

2. Curbs shall be cut not less than 4 inches below the level of the street or gutter surface, and driveways shall be constructed with the equal of concrete mixed in the proportion of one part cement, two parts sand and four parts of gravel, not less than 6 inches of thickness and reinforced with wire mesh.

3. Driveway must slope to the elevation of the sidewalk in not to exceed 18 inches from the outer face of the curb, except where the sidewalk is at a greater distance than 18 inches from the curb, the driveway may slope to the outer edge of the sidewalk.

Driveways shall be so constructed that water running down the driveways from the lot will flow to the gutter and not along the sidewalk.

4. The Building Inspector shall be notified when forms are ready for concrete and he shall approve the same before concrete is poured.

(Ord. 1099, 4/11/1939, §3)

§21-304. Replacement of Curb.

Upon the abandonment of any driveway, the Building Inspector shall notify the owner to replace the curb in similar condition to other curb on the same block; and in case of failure of the property owner to do the work within 10 days from such notice, the Borough may do the work and collect the cost, plus 10% thereon, from the property owner, in the manner provided by law for the collection thereof.

(Ord. 1099, 4/11/1939, §4)

§21-305. Violation and Penalty.

Any person or persons or corporations who shall violate any of the provisions of this Part, except §21-304 shall, 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. 1099, 4/11/1939, §5; as amended by Ord. 05-02, 6/1/2005)

Part 4**Sidewalks and Curbs****A. Sidewalk and Curb Construction, Reconstruction and Repair****§21-401. Property Owners to Construct or Reconstruct Sidewalks and Curbs on Notice.**

Every owner of property in the Borough of Swissvale shall, upon 30 days notice from the Borough Council, construct or reconstruct a sidewalk and/or curb which shall conform to applicable requirements of this Part in front of or alongside such property. (*Ord. 81-5, 7/8/1981, §101; as amended by Ord. 05-02, 6/1/2005*)

§21-402. Property Owners to Repair Sidewalks and Curbs on Notice.

Every owner of property in the Borough of Swissvale shall, upon 30 days notice from the Borough Council, repair the sidewalk and/or curb, in the manner stipulated in such notice, in front of or alongside such property. (*Ord. 81-5, 7/8/1981, §102; as amended by Ord. 05-02, 6/1/2005*)

§21-403. Material for Sidewalks and Curbs.

All sidewalks and curbs shall be constructed, reconstructed and repaired of concrete only, according to specifications adopted from time to time by the Borough Council. Provided, where an existing sidewalk and curb was lawfully constructed of a material other than concrete, the same material may be used in repairing such sidewalk and curb if at least two-thirds of such sidewalk and curb was in good repair at the time of undertaking such work of repairing the sidewalk and curb. (*Ord. 81-5, 7/8/1981, §103; as amended by Ord. 05-02, 6/1/2005*)

§21-404. Width of Sidewalk Area.

1. The widths of the sidewalk area, which shall extend from the property line to the outer edge of the curbing, on all streets in the Borough, except in such cases where Council may otherwise specially direct, shall be as follows:

- A. On streets 60 feet or more wide, the sidewalk area shall be 12 feet wide.
- B. On streets at least 50 feet but less than 60 feet wide, the sidewalk area shall be 10 feet wide.
- C. On streets at least 40 feet wide but less than 50 feet wide, the sidewalk area shall be 8 feet wide.
- D. On streets at least 30 feet wide but less than 40 feet wide, the sidewalk area shall be 6 feet wide.
- E. On all other streets the sidewalk area shall be of the same proportionate width as hereinabove provided.

(*Ord. 81-5, 7/8/1981, §104*)

§21-405. Pavement of Sidewalk.

The entire sidewalk area is required to be paved. The paved portion of the sidewalk shall be at least 5 feet in width, and shall be placed 2½ feet from the outer edge of the curb, unless Council shall otherwise especially direct some other arrangement.

(*Ord. 81-5, 7/8/1981, §105*)

§21-406. Conformity to Line and Grade; Determination of Extent and Nature of Required Work; Safety Measures.

All sidewalks and curbs shall be constructed, reconstructed and repaired and the grading therefor done upon the line and grade obtained by the property owner from the Building Inspector and not otherwise. It shall be the duty and responsibility of the Building Inspector to determine, in the case of any individual property, whether the sidewalk and curb shall be reconstructed or repaired, and, if so, the specific part or parts thereof to be reconstructed or repaired. The owner of every property abutting upon which a sidewalk and curb shall be constructed, reconstructed or repaired shall be responsible for providing safety and warning measures for the protection of the public including a temporary walk where an existing sidewalk and curb is being reconstructed or repaired.

(*Ord. 81-5, 7/8/1981, §106; as amended by Ord. 05-02, 6/1/2005*)

§21-407. Authority for Borough to do Work or Rectify Mistakes at Expense of Defaulting Property Owner.

In case the owner of any property shall fail, neglect or refuse to construct, reconstruct or repair a sidewalk and curb, within the time limit and as required by this Part, and/or any notice given him pursuant to this Part, the Borough shall have authority to cause such work of construction, reconstruction or repair, as the case may be, to be done, or to rectify any work not in conformity with this Part and/or the said notice, and to collect the cost of such work of construction, reconstruction, repair and/or rectification, with any additional amount authorized by law, from such property owner in default.

(*Ord. 81-5, 7/8/1981, §107; as amended by Ord. 05-02, 6/1/2005*)

§21-408. Restrictions on Placement and Display of Goods, Wares, Merchandise or Material on Sidewalk and Curb.

It shall be unlawful for any person to place or display upon any sidewalk and curb in the Borough of Swissvale any goods, wares, merchandise or material. Provided, goods, wares, merchandise and/or material may be placed upon the sidewalk and curb while being delivered to or removed from the premises abutting such sidewalk, but then only for so long as necessary for loading or unloading, as the case may be, and in no case for longer than 1½ hours, and provided that the sidewalk and curb be kept open sufficiently to allow for the free passage of pedestrians upon such sidewalk. Provided further, goods, wares and merchandise may be displayed upon the sidewalk and curb or upon tables, counters and racks placed thereon upon the occasion of special "sidewalk sale days," as declared from time to time by the Borough Council, but then only in accordance with conditions set by the Council as to the portion of the sidewalk and curb to be used for such display and the provision of a passageway of sufficient

width for pedestrians.

(*Ord. 81-5, 7/8/1981, §108; as amended by Ord. 05-02, 6/1/2005*)

§21-409. 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. 81-5, 7/8/1981, §109; as amended by Ord. 05-02, 6/1/2005*)

B. Opening of Sidewalks and Curbs**§21-411. Permit Required.**

No openings shall be made in any sidewalk and curb in the Borough of Swissvale by any person, company or corporation (referred to hereinafter as the "applicant"), without first securing a permit from the Borough Secretary.

(Ord. 93-1, 1/13/1993, §1)

§21-412. Application and Fee.

Whenever any applicant desires to make an opening in any portion of any sidewalk and curb in the Borough of Swissvale, it shall first prepare an application for same, as provided by the Borough, and submit said application with a non-refundable fee, the amount of which shall be established from time to time by resolution of Council, to the Borough Secretary before said opening is made. In the case of an emergency, the application may be filed within 1 working day after the opening, and the fee paid within 5 days. The Borough Secretary shall examine said application, and if said application is found to be satisfactory, shall issue a permit to make said opening.

(Ord. 93-1, 1/13/1993, §2)

§21-413. Refundable Deposits.

1. Whenever any such permit is requested and before such permit is issued by the Borough Secretary, the applicant shall make a refundable deposit with the Borough of \$50 for a 4 foot by 8 foot opening or smaller and \$100 for an opening larger than 4 feet by 8 feet. This refundable deposit shall be refunded at the time the opening has been closed and repaired and all requirements of this section have been complied with, to the satisfaction of the Borough.

2. The utility companies presently making openings in the Borough shall maintain a refundable deposit of \$150 on the first working day of January, of each calendar year. The deposit shall be held by the Borough in a non-interest-bearing account, to assure compliance with the provisions of this section. In the event that the Borough, in its discretion, concludes that any provision of this section has been violated, the company shall forfeit its deposit applicable to that opening and the deposit shall be applied to remedy the violation and another such deposit shall be paid to the Borough Office. Until such deposit has been made to the Borough, no openings will be permitted. If the applicant forfeits his refundable deposit, due to violating provisions of this section, he will be notified in writing by the Borough Office.

(Ord. 93-1, 1/13/1993, §3)

§21-414. Supervision and Control of Street Department.

Upon receipt of such a permit, the applicant shall have the right to make the opening covered by said permit, which opening shall be repaired to comply with the specifications of the Borough for said restoration, including any State or Federal regulations requiring access for the handicapped. All sidewalk and curb surface repairs shall be of the same or comparable material as that already existing in the sidewalk. Should the applicant fail to restore said opening as to the specifications of the Borough, the Borough shall have the authority to restore said opening according to its

specifications, the deposit from said applicant will be forfeited and shall be applied to restoration according to specifications and said applicant shall be charged for the excess cost of restoration of the opening incurred by the Borough in excess of the deposit.

(Ord. 93-1, 1/13/1993, §4)

§21-415. Time Limitations.

No permit shall be issued for a period in excess of 14 days. All sidewalk and curb openings must be restored to the Borough's specifications within the shorter of 14 days from the date of said permit or 10 days after completion of work. Work shall be approved in writing by an employee of the Borough Street Department. If proper repair is not possible because of weather or the applicant requests a longer period of time than permitted herein, an application for an extension of time must be made to the Borough Secretary. Said application must state the reason for the extension. If said application is not approved, the Street Department shall have authority to restore said opening at the expense of the applicant as outlined in §21-414.

(Ord. 93-1, 1/13/1993, §5)

§21-416. Supervision by Street Department.

The Street Department shall at all times have and maintain supervision of any such openings and if the same is not made in accordance with the permit issued, then the Street Department shall have authority to stop said construction work in connection with said opening.

(Ord. 93-1, 1/13/1993, §6)

§21-417. Suitable Barricades and Warnings.

Whenever an opening is made by any applicant, such opening shall at all times be protected by suitable barricades and warning lights so as to give to the public using such sidewalk and curb due and timely notice of the existence of such openings and the extent thereof.

(Ord. 93-1, 1/13/1993, §7)

§21-418. Contractor Exempted from Deposit.

The provisions of this §21-413, requiring the applicant to make a deposit, shall not apply to any contractor who is performing work for the Borough and is covered by a performance bond for said work, or to the Borough itself.

(Ord. 93-1, 1/13/1993, §8)

§21-419. Fee and Deposit Subject to Change.

The non-refundable fee and refundable deposit shall be subject to change as may be adopted from time to time by resolution by the Swissvale Borough Council.

(Ord. 93-1, 1/13/1993, §9)

§21-420. 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. 93-1*, 1/13/1993, §10; as amended by *Ord. 05-02*, 6/1/2005)

C. Snow and Ice Removal**§21-421. Responsibility for Removal of Snow and Ice; Time Limit.**

The owner, occupant or tenant of every property fronting upon or alongside of any street in the Borough of Swissvale is hereby required to remove or cause to be removed from all the sidewalks and curbs in front of or alongside of 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, is unoccupied or vacant, or is a multiple-unit property, occupied by more than one tenant or occupant; the tenant or occupier of every single-unit property, occupied by such tenant or occupant only, shall be responsible for conforming to the requirements of this Section.

(*Ord. 81-5, 7/8/1981, §110; as amended by Ord. 05-02, 6/1/2005*)

§21-422. Authority for Borough to Remove Snow and Ice and Collect Cost Plus 10%.

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of §21-421, within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk and curb of such delinquent, and to collect the expenses thereof, with an additional amount of 10% from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under §21-423 of this subpart C.

(*Ord. 81-5, 7/8/1981, §111*)

§21-423. Penalty for Violation.

Any owner, occupant or tenant who shall fail to remove any snow or ice from any sidewalk and curb as required by §21-401 shall, upon conviction thereof, 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: such fine and costs of prosecution may be in addition to any expenses and additional amount imposed as provided in the second Section of this Part.

(*Ord. 81-5, 7/8/1981, §112; as amended by Ord. 05-02, 6/1/2005*)

