

CHAPTER 21

STREETS AND SIDEWALKS

Part 1

Street Excavations

- \$101. Permit Required to Make Opening in Street or Alley
- \$102. Application for Permit
- \$103. Permit Fee
- \$104. Time Limit for Completion of Work; Barriers, Lights and Warning Signs
- \$105. Interference With and Modification of Existing Structures
- \$106. Refilling of Opening; Restoration of Surface
- \$107. Penalty for Violation; No New Permit Issued if Previous Work Not Satisfactory

Part 2

Sidewalks

A. Construction, Maintenance and Repair of Sidewalks, Curbs and Gutters

- \$201. Property Owners to Keep Sidewalks, Curbs and Gutters in Good Repair
- \$202. Property Owners to Construct New Sidewalks, Curbs and Gutters and Thereafter Keep the Same in Good Repair
- \$203. Time Limit for Property Owners to Construct or Repair Sidewalks, Curbs and Gutters; Authority for Borough to Do Work at Expense of Property Owner
- \$204. Construction and Reconstruction of Sidewalks
- \$205. Construction and Location of Curbs
- \$206. Construction and Width of Gutters
- \$207. Special Permission Required to Construct Covered Gutter
- \$208. Construction of Driveways
- \$209. Radius Curbs at Intersections
- \$210. Resetting and Replacing of Curbs
- \$211. Supervision Over Work
- \$212. Penalty for Violation of or Failure to Comply With Requirements on Construction and Repair of Sidewalks, Curbs and Gutters
- \$213. Removal and Reconstruction of Sidewalks, Curbs and Gutters Not in Conformity with Requirements

B. Obstructions and Encroachments on Sidewalks

- \$251. Snow and Ice to be Removed From Sidewalks
- \$252. Authority for Borough to Remove Snow and Ice From Sidewalks and Collect Cost and Additional Amount
- \$253. Penalty for Violation of Snow and Ice Removal Regulations
- \$254. Merchandise Display on Sidewalks - Definitions and Interpretation
- \$255. Merchandise Display on Sidewalks Prohibited Except Under Specified Conditions
- \$256. Penalty for Violation of Sidewalk Display Regulations

Part 1

Street Excavations

§101. Permit Required to Make Opening in Street or Alley. From and after the passage of this Part 1 no person, firm or corporation shall at any time open the pavement of any street or alley within the Borough of Doylestown without first obtaining a permit from the Borough Manager. (Ord. 7/27/1926, §1; as amended by Ord. 1959-12, 5/25/1959, §1)

§102. Application for Permit. All applications for permits to open the pavement of any street or alley in the Borough shall be made to the Borough Manager, and shall include such information as may be necessary to properly determine the location and kind of underground construction contemplated by the applicant. (Ord. 7/27/1926, §2; as amended by Ord. 1959-12, 5/25/1959, §2)

§103. Permit Fee. No permit shall be issued under this Part 1 until the applicant therefor shall have paid to the Borough Manager, for the use of the Borough, the amount established by resolution of Council as the fee for such permit. (Ord. 7/27/1976, §3; as amended by Ord. 1959-12, 5/25/1959, §3; and by A.O.)

§104. Time Limit for Completion of Work; Barriers, Lights and Warning Signs. All excavations in streets and alleys shall be made in such manner as to impede traffic as little as possible. No excavation in any street or alley may remain open for a longer period than two (2) weeks, except under unusual conditions or in case of emergency, but then only with specific approval of the Borough Manager. Every holder of a permit under this Part 1 shall maintain and keep lighted red warning lights upon all unfinished work every night from sunset to sunrise of the following morning, and at all times shall place and maintain adequate barricades and warning signs. (Ord. 7/27/1926, §4; as amended by Ord. 1959-12, 5/25/1959, §4)

§105. Interference With and Modification of Existing Structures. New work and new structures shall not interfere with existing pipes, conduits and other structures, except when absolutely necessary, and then only with the previous consent in writing of the Street Committee. Any modification of existing structures found to be necessary shall be made by and at the expense of the holder of the permit. All necessary supports and protection to existing structures shall be promptly supplied by and at the expense of the holder of the permit, and to the satisfaction of the Borough Manager. (Ord. 7/27/1976, §5; as amended by Ord. 1959-12, 5/25/1959, §5)

§106. Refilling of Opening; Restoration of Surface. The holder of every permit shall, in a careful and workmanlike manner, promptly refill the opening with suitable material free from rubbish or perishable material, and the same shall be thoroughly and evenly compacted throughout by ramming in thin layers, or by puddling, so as to replace as nearly as possible all excavated material and to prepare a suitable base for the surface. Surplus material shall be removed without delay. Following the

refilling of the opening, the holder of the permit shall resurface the portion of the street or alley disturbed under such permit, in order to restore such street or alley, as nearly as possible, to the condition in which it was prior to the work done under such permit. The work of refilling, preparation for resurfacing, and resurfacing shall be subject to inspection at any and all times by the Borough Manager, and shall be done so that, in the judgment of the Borough Manager, the street or alley shall be restored to a condition comparable to that in which it was prior to the work done under such permit. The permit holder shall rectify any work done under his permit which shall be found unsatisfactory at any time within one (1) year after completion of resurfacing, in default of which the Borough may cause such work to be done satisfactorily, and may collect from the permit holder the cost of the work done or caused to be done by it. (Ord. 7/27/1976, §6; as amended by Ord. 1959-12, 5/25/1959, §6)

§107. Penalties. Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days. (Ord. 7/27/1926, §7; as amended by Ord. 1959-12, 5/25/1959, §7; and by A.O.

Part 2
Sidewalks

A. Construction, Maintenance and Repair of Sidewalks, Curbs and Gutters

§201. Property Owners to Keep Sidewalks, Curbs and Gutters in Good Repair. Every owner of property within the Borough of Doylestown shall at all times keep in good repair all sidewalks, curbs and gutters abutting such property. (Ord. 11/1/1922, §1; as amended by Ord. 1959-11, 5/25/1959, §1)

§202. Property Owners to Construct New Sidewalks, Curbs and Gutters and Thereafter Keep the Same in Good Repair. Whenever the Borough Council shall provide for the laying of a new sidewalk, curb and/or gutter along any public street within the Borough, such sidewalk, curb and/or gutter shall be constructed and thereafter kept in good repair by the owners of the property abutting the same. (Ord. 11/1/1922, §2; as amended by Ord. 1959-11, 5/25/1959, §2)

§203. Time Limit for Property Owners to Construct or Repair Sidewalks, Curbs and Gutters; Authority for Borough to Do Work at Expense of Property Owner. Whenever any property owner shall fail to construct or repair a sidewalk, curb or gutter, as required by §201 or §202 of this Part 2, the Borough shall give written notice to such property owner to have such work of construction or repair done within thirty (30) days from the date of such notice, and, upon failure of any such property owner to have such work completed within such time limit, the Borough may cause the same to be done, under the direction of the Borough Manager, in which case the Borough shall collect the cost thereof, with any additional amount allowed by law, from such defaulting property owner, by the filing of a municipal claim or by action in assumpsit. (Ord. 11/1/1922, §3; as amended by Ord. 1959-11, 5/25/1959, §3)

§204. Construction and Reconstruction of Sidewalks. All new sidewalks must be constructed of concrete, or such other permanent material as shall be designated by Borough Council. Where concrete is used, it shall not be less than four inches (4") in thickness and not less than four feet (4') in width, with a falling grade toward the curb of three-eighths of an inch (3/8") to the foot, saving the right, however, to the Borough Council, to make provisions for the kind of materials to be used and the width of said sidewalks and gutter, and height of curb, whenever said Borough Council may by Part 2 provide for the grading, paving or repaving of any entire block or street within said Borough; saving also the right to the Borough Council, in the event an established sidewalk is being reconstructed, to require the same to be made of such width as to make the whole sidewalk uniform in width and to be constructed in the manner and of the kind of material as shall be designated by Borough Council. (Ord. 11/1/1922, §4)

§205. Construction and Location of Curbs. All new curbs shall be constructed of concrete, must be not less than six inches (6") in thickness, and shall be set on a line to be indicated by the Borough Council. (Ord. 11/1/1922, §5)

§206. Construction and Width of Gutters. All gutters shall be constructed of concrete, or of a good quality paving brick. If concrete is used, the gutter must be six inches (6") in thickness. The width of the gutter shall be determined by Borough Council. (Ord. 11/1/1922, §6)

§207. Special Permission Required to Construct Covered Gutter. No covered gutter shall hereafter be constructed within the Borough limits, unless permission is given by Borough Council. (Ord. 11/1/1922, §7)

§208. Construction of Driveways. All driveways crossing any sidewalk and/or gutter shall be paved with the kind of material used in the sidewalk and/or gutter crossed thereby, or with concrete, or bituminous concrete, in such manner as shall not cause any obstruction to pedestrian travel. (Ord. 11/1/1922, §8; as amended by Ord. 1959-11, 5/25/1959, §4)

§209. Radius Curbs at Intersections. Whenever a curb is to be set at a corner of a street, a curved curb shall be placed, cut to such a radii as may be determined by Borough Council. Existing square or pointed corner curbs shall be replaced by curved curbs whenever a street is being paved or repaved, or whenever public convenience requires it. The cost of such curb where curb has not been heretofore set, shall be paid by the owner of the property adjacent thereto; but where a curb now set is changed to a curved curb, the cost thereof shall be paid for by the abutting property shall keep the same in repair. (Ord. 11/1/1922, §9)

§210. Resetting and Replacing of Curbs. Whenever any street is being paved, repaved and resurfaced, any curb adjoining said improvement not entirely worn out shall be reset at the expense of the Borough, in order to secure uniformity in height of said curb for the entire block or square, but any curb which is worn out, which is to be determined by Borough Council, and needs replacing, shall be replaced at the expense of the owner of the property in the same manner as hereinbefore directed. (Ord. 11/1/1922, §10)

§211. Supervision Over Work. All construction or reconstruction of curbs, gutters, setting or resetting of curb, and paving or repairing of footwalks, shall be done under the supervision of the Borough Council. (Ord. 11/1/1922, §11)

§212. Penalties. Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 11/1/1922, §12; as amended by A.O.)

§213. Removal and Reconstruction of Sidewalks, Curbs and Gutters Not in Conformity With Requirements. Whenever any curb shall be set or reset, or gutter constructed or reconstructed, or footwalks paved or repaved, contrary to the provisions of this Part 2A, the Borough Council may tear up and remove said gutter, curb or footway, and construct such gutter, curb or footway, in accordance with the provisions of this Part 2A, and recover the cost thereof in such manner now or hereafter to be provided by law. (Ord. 11/1/1922, §13)

B. Obstructions and Encroachments on Sidewalks

§251. Snow and Ice to be Removed From Sidewalks. The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Borough of Doylestown is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside of such property all snow or ice thereon fallen or formed, within ten (10) hours after the same shall have ceased to fall or to be formed. Provided: snow or ice that has ceased to fall or to be formed after six o'clock (6:00) of any evening may be removed at any time before ten o'clock (10:00) of the next morning. Provided further: 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 is unoccupied or vacant or is a multiple-business or multiple-dwelling property, designed to be occupied by more than one tenant; and the tenant or occupier shall be responsible therefor where such property is occupied by such tenant or occupier only. (Ord. 1959-32, 5/25/1959, §1)

§252. Authority for Borough to Remove Snow and Ice From Sidewalks and Collect Cost and Additional Amount. 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 Part 2B within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent, and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under the third section of this Part 2B. (Ord. 1959-32, 5/25/1959, §2)

§253. Penalty for Violation of Snow and Ice Removal Regulations. Any owner, occupant or tenant who shall fail to remove any snow or ice from any sidewalk as required by the first section of this Part 2B shall, upon conviction thereof, be sentenced to pay a fine of not more than ten dollars (\$10.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment in the County Jail for not more than ten (10) days. Provided: such fine and costs of prosecution may be in addition to any expenses and additional amounts authorized by law, imposed as provided in the second section of this Part 2B. (Ord. 1959-32, 5/25/1959, §3)

§254. Merchandise Display on Sidewalks - Definitions and Interpretation. The word "person", as used in this Part 2B shall mean any natural person, association, firm or corporation. In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter. (Ord. 1959-33, 5/25/1959, §1)

§255. Merchandise Display on Sidewalks Prohibited Except Under Specified Conditions. No person shall place, set up, exhibit or display, upon any of the sidewalks in the Borough of Doylestown, any goods, wares or merchandise, or any fixture, table, machine or other device for the display and/or sale of merchandise, except upon the portion of a sidewalk, directly

adjacent to the inside line thereof, extending not more than twenty-four inches (24") toward the curb line, where the sidewalk is sufficiently wide so that a free and unencumbered walkway at least six feet (6') in width remains available for the use of pedestrians. (Ord. 1959-33, 5/25/1959, §2)

§256. Penalties. Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00); and/or to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 1959-33, 5/25/1959, §3; as amended by A.O.)