

Chapter 21

Streets and Sidewalks

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

The following word when used in this Part shall have the meaning ascribed to it in this Section, unless the context clearly indicates otherwise:

Street—the entire legal right-of-way of any public street, avenue, road, lane, alley, or highway or other public place located within and maintained by the Borough of Ivyland and established for the use of vehicles.

(*Ord. 1996-5, 11/6/1996, §1*)

§21-102. Restrictions, Permits.

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

2. Any person who shall desire to make any opening or excavation in any of the streets in the Borough of Ivyland shall make application to the Building Inspector in writing for the purpose. Such application shall be made on forms and blanks to be furnished by the Borough and shall set forth the name of the applicant, the exact location of the proposed opening or excavation, and the approximate size and depth thereof, 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 from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening 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, clause or thing relating thereto.

3. Before any permit shall be issued to open or excavate any street in the Borough, the applicant shall pay to the Borough, through the Building Inspector, the sum hereinafter designated to cover the cost of inspection and other incidental expense. The Borough Council may, from time to time, establish fees by resolution.

4. Any person who shall open or excavate any improved or unimproved street in the Borough shall be responsible to the Borough for any defects which shall appear within a period of 1 year after the surface is replaced. The applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving caused or resulting from defective backfilling operations.

5. *Restrictions.*

A. No opening or excavation in any street shall extend from the curb line into the highway a 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 and approved by the Borough Engineer or Building Inspector.

B. No more than 250 feet longitudinally shall be open in any street at any one

time.

C. The work of excavation shall be so conducted as to not interfere with water and gas mains, sewers or any other subsurface lines or construction until permission of the proper authorities in connection with such subsurface lines or constructions shall have been obtained.

D. No tunneling shall be allowed without the express approval of the Borough Engineer and permission therefore endorsed upon the permit. The backfilling of a tunnel excavation shall be done in a manner approved by the Borough Engineer.

E. 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.

F. On improved streets, a temporary paving of suitable stone materials of modified stone, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving. The Borough Engineer may require the surface patching to be made with asphaltic materials.

G. During the making of any excavation in any street, every necessary and reasonable precaution shall be taken by the applicant and the parties both day and night by guards, barriers, lanterns and other devices and all excavating permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify and save and keep harmless the Borough of Ivyland from 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, conduit, apparatus or any other matter placed in the said excavation or around the same.

H. The applicant shall notify the Building Inspector when the opening or excavation is ready for backfilling 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.

I. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Engineer, 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 their permit was granted is not completed within the time fixed by the Borough Engineer, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 20 percent to the applicant.

J. 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 or her expense, and all such work shall be subject to the provisions of this Part and to the supervision and approval of the Borough Engineer or Building Inspector.

6. 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 application for a permit shall be made immediately and 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 Building Inspector, 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 percent to such owner or person.

7. No new water, sewer line or gas main shall hereafter be laid or constructed and no existing water, sewer or gas main shall be extended in any of the streets of the Borough until the exact location thereof and the plan therefor shall have been first approved by the Borough Council of Ivyland Borough or the Warminster Township Municipal Authority, as the case may be.

8. 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. 1996-5, 11/6/1996, §2)

§21-103. Penalties.

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

(Ord. 1996-5, 11/6/1996, §3; as amended by Ord. 2011-3, 11/9/2011)

§21-104. Exceptions.

Public utilities which are required to obtain a permit from the State Department of Transportation shall be exempt from the provisions of this Part, provided the permit issued by the Department of Transportation is exhibited to the Borough Building Inspector prior to the commencement of any work or construction upon or in any portion of a Borough road with the Borough of Ivyland. The provisions of this Part shall not apply to laying sidewalks or curbs or to the planting of poles.

(Ord. 1996-5, 11/6/1996, §4; as amended by Ord. 2011-3, 11/9/2011)

§21-105. Authority or Right to Use.

Nothing in this Part, or the permit provided for herein, shall be construed as granting any authority or right to use or occupy Borough streets, public rights of way, or any Borough property for any purpose. Any present and/or continued use or occupancy of Borough streets, public rights of way, or any Borough property is and shall continue to be subject to applicable law, ordinances and regulations now in effect and which may hereafter be enacted.

(Ord. 1996-5, 11/6/1996, as amended by Ord. 2006-2, 3/8/2006, §1)

Part 2**Sidewalks****A. Repair and Clearance of Sidewalks****§21-201. Notice to Reconstruct or Repair.**

Every owner of property in the Borough of Ivyland shall on 90 days notice from the Borough Council, reconstruct or repair the sidewalk, in the manner stipulated in such written notice, along such property.

(*Ord. 72-03, 9/6/1972, §1*)

§21-202. Specifications for Repair.

All sidewalks shall be repaired with concrete only, according to specifications determined from time to time by the Borough Council.

(*Ord. 72-03, 9/6/1972, §2*)

§21-203. Borough Council Duties and Responsibilities.

It shall be the duty and responsibility of the Borough Council to determine, in the case of any individual property, whether or not the sidewalk shall be reconstructed or repaired, and, if so, the specific part thereof to be reconstructed or repaired.

(*Ord. 72-03, 9/6/1972, §3*)

§21-204. Owner to Keep Sidewalk Clear.

The owner, occupant, or tenant of every property abutting on any of the streets in the Borough of Ivyland is hereby required to remove or cause to be removed from all of the sidewalks along such property, also from area between sidewalk and street, all brush, weeds and foreign substances.

(*Ord. 72-03, 9/6/1972, §4*)

§21-205. Tree and Shrubbery Clearance.

All obstructions, such as tree limbs or shrubbery shall be kept no less than 1 foot inside sidewalks, and shall have overhead clearance of at least 8 feet over sidewalk and street.

(*Ord. 72-03, 9/6/1972, §5*)

§21-206. Height of Grass.

All grass is to be mowed and kept mowed within 3 inches of soil.

(*Ord. 72-03, 9/6/1972, §6*)

§21-207. Snow and Ice to Be Cleared.

The owner, occupant or tenant of every property abutting on any of the streets in the Borough of Ivyland is hereby required to remove or caused to be removed from all

of the sidewalks of such property all snow or ice thereon fallen or formed, within 8 hours after the same shall have ceased to fall or to form. Provided, that snow or ice that has ceased to fall or to be formed after 6 p.m. may be removed at any time before 12 p.m. of the next day. 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; the tenant or occupier thereof, where such property is occupied by such tenant or occupier only; and the owner, tenant, or occupier, thereof where the property is a multiple-business or multiple-dwelling property, occupied by more than one tenant or occupier.

(Ord. 72-03, 9/6/1972, §7)

§21-208. Borough May Do Work and Collect Costs.

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of §§21-204, 21-205 and 21-207 of this Part within the time limit prescribed therein, the Borough authorities may proceed immediately and take the necessary action to clear, repair or reconstruct the sidewalk(s) of such delinquents, 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 §21-209 of this Part.

(Ord. 72-03, 9/6/1972, §8)

§21-209. Penalties.

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

(Ord. 72-03, 9/6/1972, §9; as amended by Ord. 2011-3, 11/9/2011)

B. Standard Sidewalk Specifications**§21-211. Specifications.**

1. The minimum width of combination sidewalk and curb shall be 6 feet. Where the sidewalk and curb are separated by an unpaved section, the minimum width of the sidewalk alone shall be 4 feet, along all streets.

2. The grades and paving of the sidewalk shall be continuous across driveways, except in nonresidential and high-density residential developments and in certain other cases where heavy traffic volume dictates special treatment.

3. Sidewalks shall be laterally pitched at a slope not less than 1/8 inch per foot, to provide for adequate surface drainage.

4. At corners and pedestrian street crossing points, sidewalks shall be extended to the curbing with an adequate apron area for anticipated pedestrian traffic.

5. Sidewalks shall not exceed a 7 percent grade. Steps or a combination of steps and ramps shall be utilized to maintain the maximum grades.

6. Sidewalks adjacent to angle-type parking areas shall have sufficient additional width to permit pedestrian movement beyond the bumper overhang area.

7. Sidewalks shall be constructed in accordance with the following standards:

A. Sidewalks shall consist of one course Portland cement constructed on a prepared subgrade.

B. The concrete for this item shall be certified 3,000 pound test concrete, air entrained, slump 5+ or -1 inch. The use of admixtures such as accelerators or retardants is encouraged, depending on weather conditions and manufacturers' specifications.

C. The prepared subgrade shall consist of a 4-inch insulation course of stone, gravel, slag or cinders of approved quality. The approved aggregates shall be spread on the prepared foundation to form a compacted bed. This material shall be compacted thoroughly. If cinders are used, they shall be wetted as directed. Outlets for draining the bed shall be provided when required. Tree roots cut out of the subgrade shall be painted to prevent further growth.

D. The thickness of concrete placed over the prepared subgrade shall be 4 inches for standard sidewalks. It shall be 6 inches for all sidewalks which cross private driveways in residential areas, and 8 inches in industrial-commercial areas.

E. The forms for the concrete shall be of wood or metal, straight, free from warp, and of sufficient strength when staked to resist the pressure of the concrete without springing. When ready for the concrete placement, the forms shall not vary from the approved line and grade and shall so remain until the concrete has set.

F. Just prior to placing the concrete, the subgrade shall be slightly moistened. The concrete shall be placed in the forms and thoroughly tamped in place so that all honeycomb will be eliminated and sufficient mortar will be brought to the surface to afford good workability in the finish. The surface shall be brought to a smooth, even finish by means of a wooden float. All faces adjacent to the forms shall be spaded as the concrete is placed to prevent honeycomb and to provide smooth and even surfaces when the forms are removed. All edges shall be tool rounded.

G. Premolded transverse expansion joints shall be placed at intervals not to exceed 30 feet and shall be ½ inch in thickness for the full depth of the concrete. Sidewalks shall be scored to a depth of 1 inch, spaced longitudinally every 4 to 6 feet.

H. No concrete shall be placed in the forms when the atmospheric temperature is above 100°F or below 38°F, without special permission from the engineer.

I. Curing concrete immediately after the finishing operation has been completed, the entire surface of the new laid concrete shall be covered and cured by one of the following methods: cotton or jute mats, curing paper, burlap or liquid membrane curing compound.

J. All concrete shall be protected against damage from the elements and defacement of any nature during construction and curing operations. Water shall not be permitted to rise on concrete within 24 hours after it is placed, nor shall running water be allowed to flow over completed unprotected concrete within 96 hours after it has been placed.

K. When other methods of curing are used than curing compound application, the concrete shall be maintained in a continuous moist condition by sprinklers or otherwise completely saturating the mats, paper or burlap covering for a minimum period of 96 hours after the concrete pour has been finished.

L. No forms shall be removed before the expiration of a minimum of 24 hours after the concrete has been placed within the forms. In cold or inclement weather, special precaution shall be taken in allowing the concrete to thoroughly set.

M. All area of honeycomb exposed when the forms have been removed shall immediately be patched with cement mortar.

N. Backfilling shall be of suitable material and shall be placed and tamped until firm and solid. Backfilling shall follow immediately after the concrete forms have been removed.

O. No concrete shall be poured on a frozen or thawing subgrade or during unfavorable weather conditions.

8. *Exceptions.*

A. When sidewalks which have been in existence for a minimum period of 10 years are replaced, the prepared subgrade specified in subsection .7.C above may be omitted, provided that the new sidewalk is laid on undisturbed soil.

B. If the grade of the new sidewalk is to be raised above that of the old one, it shall be done by increasing the thickness of the concrete or by providing a layer of prepared subgrade of the requisite thickness.

C. All other requirements shall apply.

(Res. 1985-3, 4/3/1985, §1)