

CHAPTER 21

STREETS AND SIDEWALKS

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Part 1

Street Openings and Excavations

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

EXCAVATION or EXCAVATIONS - the digging of any trench or excavating through or under the roadway or sidewalk or the cutting into or opening and removal of any of the pavement surfaces of any street, thoroughfare or alley within the Borough limits.

PERSON - any natural person, partnership, firm, association or corporation.

STREET - any public street, avenue, road, square, alley, highway or other public place located in the Borough of Elizabethville and established for the use of vehicles.

(Ord. 267, 5/12/1986, §1)

§102. Permit Required. It shall be unlawful for any person to make or cause to be made any excavation of any nature whatsoever in any street, thoroughfare, or alley within the Borough limits without first securing a permit granting authority as hereinafter provided. (Ord. 267, 5/12/1986, §2)

§103. Application for Opening or Excavation. Any person who shall desire to make any opening or excavation in any of the streets in the Borough of Elizabethville shall make application to the Borough Secretary 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 exact location of the proposed opening or excavation and the approximate size or depth thereof and shall also have accompanying therewith a sketch showing the location of said excavation and pertinent details and specifications of the excavation. Said application 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, cause or thing relating thereto. The applicant shall also agree to pay the entire cost of the excavation and the replacement and upon its failure to do so the Borough shall have the right to finish the work and recover the costs of excavation or the replacement plus twenty (20) percent administrative fees in action of assumpsit or the filing of a municipal lien. (Ord. 267, 5/12/1986, §3)

§104. Refilling and Restoration. 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, and such restoration shall be 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 surfaces of streets in the Borough as restored. The surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If within two (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. (Ord. 267, 5/12/1986, §4)

§105. Regulations.

1. No opening or excavation in any street shall extend from the curb line into the highway a distance greater than one (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 five hundred (500) feet longitudinally shall be opened in any street at any one (1) 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 subsurface lines or constructions, until permission of the proper authorities in connection with such sub-surface lines or constructions shall have been obtained.
4. No tunneling shall be allowed without the express approval of the Borough Secretary and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough Secretary or an inspector designated by him, and shall be done only in 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 six (6) inches in depth. On improved streets, the backfilling shall be placed to within ten (10) inches of the surface.
6. On improved streets, a temporary paving of suitable stony materials, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving.
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 in a safe and passable condition 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, save and keep harmless the Borough 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, apparatus, conduit, or any other matter placed in the said excavation.

8. The applicant shall notify the Borough Secretary 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.

9. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Secretary, 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 Borough Secretary, 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.

(Ord. 267, 5/12/1986, §5)

§106. Permit Required to Repair Accidental Damage. 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 owing 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 Borough Secretary, 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. (Ord. 267, 5/12/1986, §6)

§107. Water and Gas Mains. 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 thereof and the plan therefor shall have been first approved by the Borough Council. (Ord. 267, 5/12/1986, §7)

§108. Payments for Work Done. Payments 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 thirty (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. 267, 5/12/1986, §8)

§109. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand (\$1,000.00) dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 267, 5/12/1986, §9; as amended by Ord. 288, 8/8/1994)

§110. Exceptions. The provisions of this Part shall not apply to laying sidewalks or curbs or to the planting of poles. (Ord. 267, 5/12/1986, §10)

§111. Permit Fee. Before any permit shall be issued to open or excavate any street in the Borough, the applicant shall pay to the Borough Secretary a permit fee in a minimum amount as established, from time to time, by resolution of the Borough Council to cover the cost of inspection and other incidental services in connection therewith. When application shall be made to open or excavate any longitudinal opening or excavation in excess of ten (10) feet before any permit shall be issued so to open or excavate, the applicant shall pay, in addition to such minimum fee, an additional fee at a rate as established, from time to time, by resolution of the Borough Council for each one hundred (100) feet or fraction thereof to be opened or excavated upon such street. (Ord. 267, 5/12/1986, §12; as amended by Ord. 288, 8/8/1994)

Part 2

Construction of Driveways, Ditches and Drains

§201. General Provisions. It shall be unlawful for any person, firm or corporation to construct a driveway or make an opening into a Borough street, road or highway, or to install a ditch or drain in or along the Borough street, road or highway without first securing a permit as hereinafter provided, and in accordance with the standards adopted by the Borough Council. (Ord. 260, 6/11/1984, §1)

§202. Application for Permit. Any person, firm or corporation desiring to construct a driveway or make an opening into, or install a ditch or a drain in or along a Borough street, road or highway, shall make application to the Road Committee Chairman in writing for that purpose. Such application shall be upon blanks furnished by the Borough and shall set forth the name of the applicant, the exact location of the proposed driveway, opening, ditch or drain, the approximate size, width, depth, grade or relative measurements thereof and the type of material proposed to be used. The Road Committee Chairman shall issue such permit if the application conforms with the standards adopted by the Borough Council. (Ord. 260, 6/11/1984, §2)

§203. Driveway Standards.

1. Access drives shall not be located within ten (10) feet of a fire hydrant, catch basin or drain inlet.

2. Driveways shall not exceed a slope of ten (10) percent and shall have a leveling area with a slope not exceeding two (2) percent within fifteen (15) feet of the public street cartway line. Where drives enter a bank through a cut, retaining walls shall be provided, or in lieu thereof, the side slopes of the cut shall be graded to not more than one-half ($\frac{1}{2}$) foot vertical to one (1) foot horizontal within ten (10) feet of the point where the drive intersects with the right-of-way line of the public street.

3. The centerline elevation of the driveway shall be on grade with the curb cut, or in lieu of a curbing, not more than two (2) inches above the cartway surface of the public street.

4. No driveway shall exceed twelve (12) feet in width within fifteen (15) feet of the public street cartway, excepting as increased by a curb radii not greater than five (5) feet.

(Ord. 260, 6/11/1984, §3)

§204. Precautions. During such installation, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the drains open and to maintain the street in a safe and passable condition; and such permit shall be issued on the express condition that the person to whom the same is issued shall indemnify, save and hold harmless the Borough from any loss or damage of any kind occasioned by the construction of such driveway or installation of such ditch or drain. (Ord. 260, 6/11/1984, §4)

§205. Performance of Work. In the event that any work performed pursuant to such permit shall, in the opinion of the Road Committee Chairman, be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him, such time not to be less than three (3) days, or in the event the work for which the permit was granted is not completed within the time fixed by such permit, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed and charge the cost thereof, plus any penalties allowable by law, to the applicant. In default of payment of such charges and penalties within thirty (30) days after written notice thereof, the same shall be collected by the Borough in the same manner provided by law for the collection of municipal claims. (Ord. 260, 6/11/1984, §5)

§206. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand (\$1,000.00) dollars plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 260, 6/11/1984, §6; as amended by Ord. 288, 8/8/1994)

Part 3

Sidewalks, Curbs and Rights-of-Way

§301. Construction, Maintenance and Repair of Curbs, Sidewalks, and Gutters.

1. Every owner of property within the Borough of Elizabethville shall at all times keep in good repair all curbs, sidewalks, and gutters abutting such property.

2. The Borough of Elizabethville may require owners of property abutting on any street, including State highways, to construct, pave, repave, and repair the sidewalk, curb and gutter along such property, at such grades and under such regulations as may be prescribed by the Borough Engineer and approved by Borough Council.

3. Whenever the Borough Council shall provide for the construction of new streets, resurfacing, replacement or widening of existing streets, curbing, sidewalks, and gutters shall be constructed at the expense of the owners of the property abutting same and thereafter kept in good repair by same owners.

4. All sidewalks, curbs, and gutters shall be constructed, paved, repaved, or repaired, upon the line and grade obtained by the property owner from the Borough Engineer.

5. Notice to construct, pave, repave, and repair sidewalks, curbs or gutters shall be given by registered mail to abutting property owners, and such owners shall have ninety (90) days to comply with said notice in conformity with any construction specifications prescribed by the Borough Engineer and approved by Borough Council. Upon failure of any such property owner to have such work completed within such time limit, the Borough, 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.

6. Any property owner not required by notice to construct, pave, repave or keep in repair sidewalks, curbs or gutters may construct, pave, repave, or repair the sidewalk, curb or gutter abutting his property; provided, such owner shall make application to the Borough Engineer before commencing work, shall conform to the provisions of this Part and other regulations as to specifications for construction and repair work and shall notify the Engineer within two (2) days after completion of his work. The street, sidewalk, and right-of-way opening and excavation permit is attached to this Part as Appendix A and made a part hereof.

7. All new curbs shall be constructed in accordance with the standard curb detail of the Borough of Elizabethville. The standard curb detail is attached to this Part as Appendix B and made a part hereof.

8. 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 repaired, 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

set is changed to a curved curb, the cost thereof shall be paid for by the Borough. After the said curbed has been set, the owner of the abutting property shall keep the same in repair.

9. All new sidewalks shall be constructed in accordance with the standard sidewalk detail of the Borough of Elizabethville. The standard sidewalk detail is attached to this Part as Appendix C and made a part hereof.

10. All sidewalks in the Borough shall comply with the American Disability Act requirements for width, slope, and curb ramp.

11. Where sidewalks or curbs are to be constructed, paved, repaved or repaired over excavations (including active coal cellars), such sidewalks shall be supported by iron or steel beams, girders, stone or concrete arches. Any support of wood or perishable material shall be prohibited. The design of all proposed support structures must be approved by the Borough Engineer.

12. The Borough may require construction of new curb and sidewalk as justified for public safety.

13. Inspection. At any time during the performance of the required work, the Borough Engineer may inspect the work to determine whether construction specifications are being observed.

14. Whenever any curb, sidewalk, and gutter shall be set or reset contrary to the provisions of this Part, the Borough Council may tear up and remove said curb, sidewalk, and gutter and construct such curb, sidewalk, and gutter in accordance with the provisions of this Part and recover the cost thereof in such manner now or hereafter to be provided by law.

(Ord. 332, 6/8/2009, §1)

§302. Rights-of-Way. All streets and avenues within the Borough of Elizabethville, Dauphin County, as shown on the Borough Plot Plan and Map of 1961 and previous plans of the Borough shall have a width for right-of-way purposes of not less than thirty-three (33) feet. (Ord. 332, 6/8/2009, §2)

§303. Enforcement and Penalties.

1. Upon failure of any property owner to construct, pave, repave or maintain any sidewalk, curb or gutter in compliance with notice to do so, the Borough of Elizabethville may do the same or cause the same to be done, and may levy the cost of its work on such owner as a property lien to be collected in the manner provided by law.

2. Where in the opinion of the Borough Council a dangerous condition exists that can be repaired by an expenditure of five hundred (\$500.00) dollars or less, the Borough of Elizabethville shall send such property owner notice by registered or certified mail stating emergency repairs are required. Upon failure of such owner to comply with the notice within forty-eight (48) hours after receiving it, the Borough of Elizabethville may make emergency repairs, and levy the cost of its work on such owner as a property lien to be collected in the manner provided by law.

3. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof in a proceeding before the district

justice, be sentenced to pay a fine of not more than six hundred (\$600.00) dollars together with costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Every day that a violation of this Part continues shall constitute a separate offense.

(Ord. 332, 6/8/2009, §3)

Appendix A

Street, Sidewalk, and Right-Of-Way Opening and Excavation Permit Borough of Elizabethville

P.O. Box 578
14 S. Market Street
Elizabethville, PA 17023
Ph. (717) 362-7945
Fax (717) 362-4196

Applicant: _____

Applicant's Address: _____

Phone Number: _____

Company (Contractor) to perform work: _____

Location of Work: _____

Anticipated Date of Work: _____

Description of Work (attach sketch or additional sheets if necessary to describe work):

Elizabethville Borough Permit requirements:

1. Any activity that involves excavation within a Borough Street or Right-of-Way requires a Road Permit from Elizabethville Borough and all work shall be done in accordance with Chapter 21, Part I Street Openings and Excavations.
2. The Applicant shall hold harmless and indemnify the Borough of Elizabethville 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, cause or thing relating thereto.
3. Any activity that involves cutting or removing of paving of a Borough street and/or sidewalk requires a Permit from Elizabethville Borough.
4. Applicant must comply with all utility notification requirements as per PA Act 38/167 (800.242.1776).
5. Borough office must be contacted at least 2-working days prior to anticipated road work.
6. Concrete sidewalks must be repaired in accordance with the Borough of Elizabethville Standard Sidewalk Detail. Thicknesses shall be as follows: 4" 3500 psi concrete with 4" compacted sub-base.
7. Bituminous paving must be repaired in accordance with Pennsylvania Department of Transportation criteria. Thicknesses shall be as follows: 2"- 9.5 mm Superpave surface course; 4"- 25 mm Superpave base course; minimum of 8" stone base (2B Mod or 2RC Stone).
8. Paving and sidewalk repairs must be warranted for two years. Any cracking or failed conditions must be repaired by the Applicant during the warranty period or reimburse the Borough for the repairs. The applicant has the option of requesting that the Borough perform (at cost to the applicant) the paving and/or sidewalk repair. If the applicant selects this option, then the two year warranty period requirement is waived.

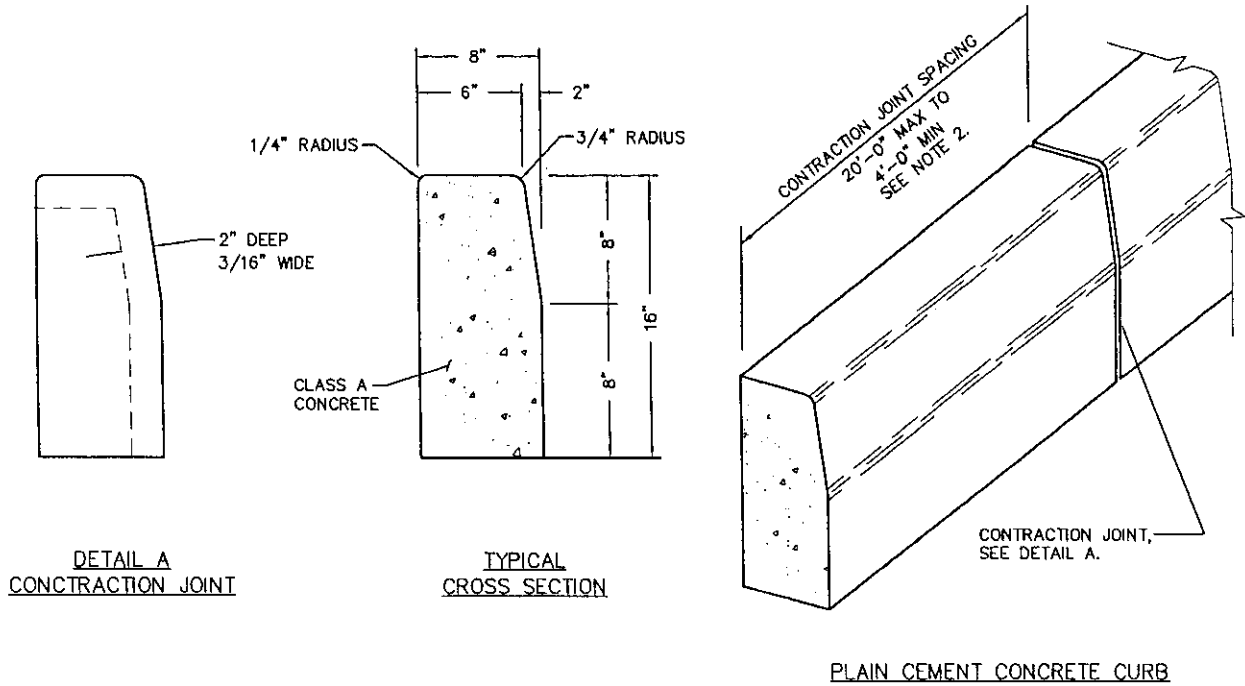
Borough Use Only

Notification Date _____

Inspection Date _____

Inspected by _____

Appendix B



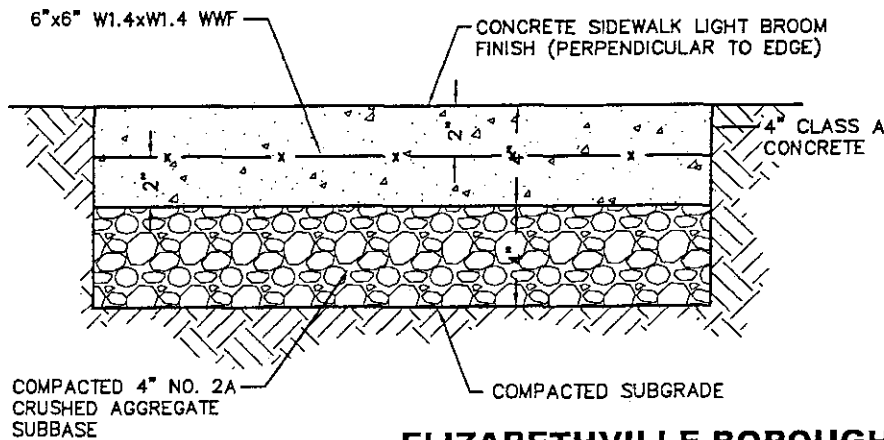
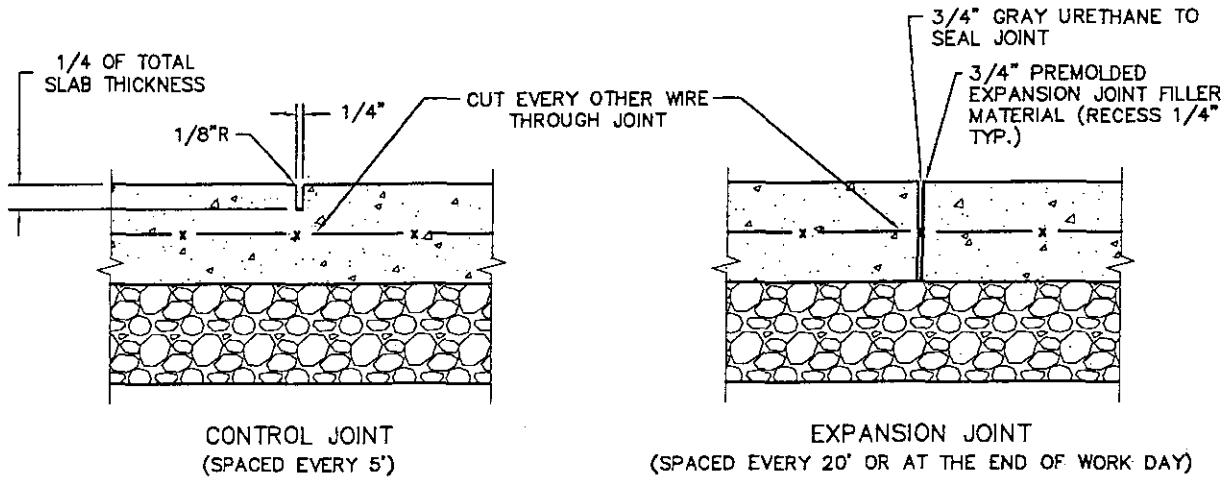
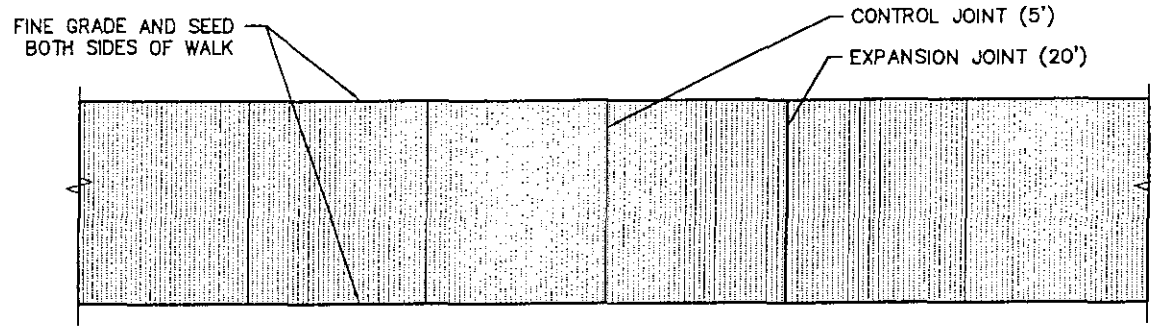
NOTES

1. PROVIDE MATERIALS AND CONSTRUCTION MEETING THE REQUIREMENTS OF PUBLICATION 408, SECTION 630 FOR PLAIN CEMENT CONCRETE CURB AND DEPRESSED CURB, SECTION 640 FOR PLAIN CEMENT CONCRETE GUTTER AND SECTION 641 FOR PLAIN CEMENT CONCRETE CURB GUTTER.
2. SPACE CONTRACTION JOINTS IN UNIFORM LENGTHS OR SECTIONS.
3. PLACE 3/4" THICK PREMOLDED EXPANSION JOINT FILLER MATERIAL AT STRUCTURES AND AT THE END OF THE WORK DAY. CUT MATERIAL TO CONFORM TO AREA ADJACENT TO CURB OR TO CONFORM TO CROSS SECTIONAL AREA OF CURB.
4. PROVIDE AN ASPHALTIC SEALER AT THE CURB TO PAVEMENT JOINT.

ELIZABETHVILLE BOROUGH
STANDARD CONCRETE CURB

NOT TO SCALE

Appendix C



NOTES:

1. PROVIDE A 3/4" PREFORMED EXPANSION JOINT WITH JOINT FILLER MATERIAL AT ALL INTERFACE JOINTS WITH CONCRETE, BUILDINGS AND ASPHALT.
2. 4" MINIMUM DEPTH OF COMPACTED SUBBASE.
3. 4" MINIMUM DEPTH OF CONCRETE.
4. CONCRETE SHALL HAVE MINIMUM STRENGTH OF 3500 PSI.
5. 4' MINIMUM WIDTH. WIDTH SHALL MATCH EXISTING ADJACENT PROPERTIES.

**ELIZABETHVILLE BOROUGH
STANDARD CONCRETE SIDEWALK**

NOT TO SCALE

Part 4

Snow and Ice Removal

§401. Definitions. As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BUSINESS DAY - any day not a Sunday or a national holiday.

BUSINESS HOURS - hours between 9:00 A.M. and 5:00 P.M. on any business day.

CARTWAY - portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

CORPORATION - natural person, partnership, corporation, association, or any other legal entity.

SIDEWALK - portion of a street between the curb lines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.

STREET or HIGHWAY - the entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Ord. 171, 9/10/1962; as revised by Ord. 288, 8/8/1994)

§402. Responsibility for Removal of Snow and Ice from Sidewalks.

1. Every person in charge or control of any building or lot of land fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away or cause to be removed or cleared away, snow and/or ice from a path of at least thirty (30) inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

2. Except as provided in subsection (3) hereof, snow and ice shall be removed from sidewalks within twelve (12) hours after the cessation of any fall of snow, sleet or freezing rain.

3. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection (2) hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least thirty (30) inches in width.

(Ord. 171, 9/10/1962; as revised by Ord. 288, 8/8/1994)

§403. Responsibility for Removal from Roofs. Every person in charge or control of any building or other structure, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on said building

or other structure which is liable to fall on any sidewalk, roadway or other public way. Such work shall be completed within a reasonable time, but not later than twelve (12) hours after the cessation of any fall of snow, sleet or freezing rain. (Ord. 171, 9/10/1962; as revised by Ord. 288, 8/8/1994)

§404. Depositing of Snow and Ice Restricted. No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk, roadway, or loading and unloading areas of a public transportation system, except that snow and ice may be mounded by the Borough on public cartways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks in business districts. (Ord. 171, 9/10/1962; as revised by Ord. 288, 8/8/1994)

§405. Penalties. Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00) plus costs, and in default of payment of said fine and costs, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation continues shall constitute a separate offense. (Ord. 171, 9/10/1962; as revised by Ord. 288, 8/8/1994)

Part 5

Vehicle Driving Over Curbs and Sidewalks

§501. Procedure for Driving on Curbs or Sidewalks. It shall be unlawful for any person, persons, firm or corporation, to drive or cause to be driven any vehicle on, over and across any curb or sidewalk before first obtaining permission of the abutting property owner, and the placing of a proper platform, covering or other device for the protection of the sidewalk and curb. (Ord. 7, 5/23/1893; as revised by Ord. 288, 8/8/1994)

§502. Report Required of Damage to Curbs or Sidewalks. Any depression, break or damage caused to any curb or sidewalk by any vehicle, or by any other agency shall be reported to the Borough within twenty-four (24) hours after the damage has occurred, and emergency repairs must be made by the property owner, tenant or agent within forty-eight (48) hours after such report. (Ord. 7, 5/23/1893; as revised by Ord. 288, 8/8/1994)

§503. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred (\$600.00) dollars plus costs and, in default of payment, to imprisonment for a term not to exceed thirty (30) days. (Ord. 7, 8/11/1975; as revised by Ord. 288, 8/8/1994)

Part 6

Sidewalk Obstruction

§601. Applicability. The provisions of this Part shall not apply to the sale, storage or display of newspapers or periodicals. (Ord. 8, 5/23/1893; as revised by Ord. 288, 8/8/1994)

§602. Restrictions on Sidewalk Sales. It shall be unlawful for any vendor of groceries, fruits or produce, or any kind of foodstuffs or merchandise, except peddlers duly licensed or authorized and farmers, to store, display, exhibit or sell his said wares on public highways, including the sidewalk or cartway, or any portion thereof, or to make use of the sidewalk or cartway or any portion thereof, as a place for salesmen, clerks or customers to stand while transacting business, or in any way to obstruct the sidewalk or cartway, or any portion thereof, and prevent the free use of the same by the general public. (Ord. 8, 5/23/1893; as revised by Ord. 288, 8/8/1994)

§603. Illegal to Obstruct Sidewalks. It shall be unlawful to put or place any box, boxes, barrels, merchandise or other articles that obstruct the free use of any sidewalk upon any of the sidewalks, except articles temporarily placed thereon for the purpose of loading or unloading, removing or storing away. (Ord. 8, 5/23/1893; as revised by Ord. 288, 8/8/1994)

§604. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00) plus costs and, in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 8, 5/23/1893; as revised by Ord. 288, 8/8/1994)

Part 7

Befouling of Streets by Motor Vehicle

§701. Proper Operation of Vehicles. Any vehicle transporting or carrying soil, sand, stone, dirt, debris, refuse, litter or other substance of any kind, including liquids and chemicals, over streets, alleys and thoroughfares shall be so operated as to prevent said materials from being scattered, spilled, dropped or blown from the vehicle or from the wheels, tires or undercarriage thereof. (Ord. 288, 8/8/1994)

§702. Befouling of Streets Unlawful. It shall be unlawful to scatter, spill, dump or drop, or permit to be scattered, spilled, dumped or dropped, any soil, sand, stone, dirt, debris, refuse, litter or other substance of any kind, including liquids and chemicals, from any vehicle or from the wheels, tires or undercarriage thereof upon streets, alleys and thoroughfares. (Ord. 288, 8/8/1994)

§703. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00) plus costs, and in default of payment of said fine and costs, to imprisonment for a term not to exceed thirty (30) days. (Ord. 288, 8/8/1994)

Part 8

Vehicle Repair on Public Streets

§801. Definitions. The following words shall have the meaning set forth herein, unless the context clearly indicates a different meaning.

MAINTENANCE - those activities which are required to keep a motor vehicle in operating condition under the State inspection laws or to maintain a clean cosmetic appearance including washing and waxing; the replacement of minor exterior parts including wiper blades, lighting fixtures and changing tires; and, the performance of minor tuneups involving, only, replacement of points, plugs, engine fluids and other minor exterior components, so long as no hazard or nuisance to passersby result.

PERSON- any individual person, firm or corporation.

REPAIRS - any mechanical work on a motor vehicle which is not herein defined as "maintenance."

STREET, PUBLIC - all of the roads, streets, alleys, sidewalks or grass plots within the legal rights-of-way of the Borough.

(Ord. 288, 8/8/1994)

§802. Motor Vehicle Repairs Prohibited. It shall be unlawful for any person to make repairs to any motor vehicle in the public streets of the Borough. (Ord. 288, 8/8/1994)

§803. Maintenance of Motor Vehicles Permitted. Unless it poses a nuisance or safety hazard to passersby, the routine maintenance of motor vehicles in the public streets as defined herein is hereby permitted. (Ord. 288, 8/8/1994)

§804. Storage of Motor Vehicle Parts Prohibited. It shall be unlawful for any person to store new or used motor vehicle parts on the public streets. (Ord. 288, 8/8/1994)

§805. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 288, 8/8/1994)

