

**PART 2**

**SIDEWALK CONSTRUCTION AND MAINTENANCE**

**§21-201. Sidewalks to be Constructed and Maintained; Safety Measures.**

1. All data necessary to construct or repair shall be furnished without charge by the Borough. All existing sidewalks shall be at all times reasonably maintained in a safe condition and shall for the purposes of this Part be deemed to include all the space between the property line and the roadway. This area is considered a pedestrian walkway, even though the entire space is not paved as a walkway for pedestrians.
2. This area is the pedestrian right-of-way. No parking of any vehicles or machinery is permitted in or on the pedestrian right-of-way (walkway). Parking next to the curb must be pointing with traffic, must be the proper distance from any intersection and must not be blocking or otherwise interfering with the access to a driveway. This safety requirement shall apply to all structures and materials placed or permitted to exist under, on or in the space between the property line and the vehicular driveway.

(Ord. 280, 2/5/1951, §1; as amended by Ord. 960, 11/13/1995, Arts. I, II; by Ord. 999, 8/13/2001; and by Ord. 1022, 11/10/2003, §1)

**§21-202. Material and Specifications for Sidewalks.**

1. New sidewalks whether laid by abutter or the Borough, shall be of concrete, cement, flagstone, brick, slate or any other material approved by the Borough Code Enforcement Officer and Borough Council's Street Committee. Property on corner lots must adhere to any Americans with Disabilities Act regulations that might apply. Amiesite may be used but must be flush with all other adjacent sidewalks. Amiesite also must be treated with one of the following:
  - A. Sprinkled with cement, sprayed with water and brushed in; or
  - B. Topped with sealer to increase the life of the amiesite.
2. Amiesite must be kept up without spalling. Replacement of sidewalks must be replaced with sidewalks of the same width.
3. When using more than one material for a sidewalk, a variance must be approved by Borough Council.
4. No patching will be acceptable for broken sidewalks.

## STREETS AND SIDEWALKS

5. Any sidewalk laid in the historic/commercial area must be of brick or concrete. For purposes of this Section, the historic/commercial area shall be considered to be the area on Front Street between Locust Street and Presqueisle Street and the area from Moshannon Creek to the east side of the Borough building on Prequeisle Street.

(Ord. 280, 2/5/1951, §2; as amended by Ord. 960, 11/13/1995, Art. II; by Ord. 972, 5/12/1997, Art. I; by Ord. 999, 8/13/2001; and by Ord. 1022, 11/10/2003, §2)

### **§21-203. Grassplots, Trees and Shrubbery Between Sidewalk and Roadway.**

Upon approval of the Borough Council, grassplots, trees and shrubbery may be permitted between the sidewalk and the vehicular highway. Plots must be so maintained that they will not present an unreasonable risk or harm to pedestrians using the sidewalk. Permission granted by the Borough Council shall not relieve the owner of the property or those holding under him from the duty of maintaining such grassplots, trees or shrubbery in a safe condition at all times.

(Ord. 280, 2/5/1951, §4; as amended by Ord. 888, 3/2/1981, §1; and by Ord. 999, 8/13/2001)

### **§21-204. Application and Permit for Sidewalk Construction and Repairs.**

Any person, firm or corporation desiring to construct, relay or make substantial repairs to any sidewalk shall first make application on forms to be provided by the Borough Code Enforcement Officer. Upon approval of such application, a permit for a period of 30 days will be issued the applicant. The fee for said permit, which shall be paid before issuance of said permit, shall be as set by resolution, from time to time, by Borough Council.

(Ord. 280, 2/5/1951, §5; as amended by Ord. 888, 3/2/1981, §1; by Ord. 999, 8/13/2001; by Ord. 1022, 11/10/2003, §3; and by A.O.

### **§21-205. Safety Precautions to be Taken by Permit Holder.**

It shall be the duty of any person, firm or corporation to whom a permit is issued or by whom any construction, relaying or repair of any sidewalk is to be made, to provide and maintain proper and adequate guards, barriers and lights to prevent accidents and they shall assume all risk and be liable for all damages by reason thereof.

(Ord. 280, 2/5/1951, §6; as amended by Ord. 999, 8/13/2001)

**§21-206. Extension of Permit Time.**

Any extension of permit time is up to the discretion of the Borough Codes and Zoning Officer.

(Ord. 280, 2/5/1951, §7; as amended by Ord. 960, 11/13/1995, Art. II; by Ord. 999, 8/13/2001; and by Ord. 1022, 11/10/2003, §4)

**§21-207. Notice to Repair Sidewalk; Time Limit; When Borough May do Work at Expense of Property Owner.**

Notice to repair sidewalks shall be given to the owner of the premises, according to legal requirements, by the Code Enforcement Officer. Said notice shall specify therein that the owner of said premises shall have 30 days from the date thereof to repair said sidewalk and upon failure of the said owner to comply with the provisions hereof within the said period, the Borough may cause the repairs to be made and the costs thereof, together with such penalties, charges and expenses as are authorized by law, may be collected. Any extension of time is up to the discretion of the Borough Codes and Zoning Officer.

(Ord. 280, 2/5/1951, §8; as amended by Ord. 960, 11/13/1995, Art. II; by Ord. 999, 8/13/2001; and by Ord. 1022, 11/10/2003, §5)

**§21-208. Emergency Repairs to Sidewalks.**

In addition to the foregoing, the Borough shall have the right to make such emergency repairs to the sidewalks within the corporate limits as authorized by law.

(Ord. 280, 2/5/1951, §9; as amended by Ord. 888, 3/2/1981, §1; and by Ord. 999, 8/13/2001)

**§21-209. Collection of Charges for Work Done by Borough.**

Upon the failure of any person to make payment for any work done by the Borough under the provisions hereof, it shall be the duty of the Borough Solicitor to effect collection thereof in the manner provided by law for the enforcement of the payment of the same.

(Ord. 280, 2/5/1951, §10; as amended by Ord. 999, 8/13/2001)

**§21-210. Specifications.**

The Code Enforcement Officer shall furnish such specifications as to width, grade, material, slope and location as is deemed necessary and appropriate by local needs and conditions. Sidewalks shall be a minimum of 36 inches in width.

## STREETS AND SIDEWALKS

(Ord. 280, 2/5/1951, §11; as amended by Ord. 999, 8/13/2001; by Ord. 1022, 11/10/2003, §6; and by A.O.

### **§21-211. Removal of Snow, Ice, Leaves and Other Obstructions.**

1. It shall be the duty of every owner or occupant of property within the Borough of Philipsburg to keep the sidewalks in front of or alongside of said property free and clear of snow, leaves and other structures or substances which might cause inconvenience or injury to pedestrians to a minimum width of 24 inches; provided, however, that the owner of a property shall be liable to conform to the requirements of this Section where such property is occupied by such owner or is unoccupied, the tenant or occupier, where such property is occupied by such tenant or occupier only and the owner where the property is a multiple dwelling property, occupied by more than one tenant or occupier. Provided, further, that a period of 24 hours shall be granted to allow the removal of snow as required in this Section, and the Borough shall have the right, upon noncompliance with this Section, to do whatever work is necessary to abate any nuisance or hazard created by such noncompliance and to charge any costs involved in such work plus 10% of any costs involved to the property owner responsible for such noncompliance.
2. No person shall place, throw or deposit any snow, ice, leaves or grass into the street.

(Ord. 280, 2/5/1951, §12; as amended by Ord. 334, 12/7/1953, §1; by Ord. 594, 9/12/1966, §1, by Ord. 888, 3/2/1981, §1; by Ord. 999, 8/13/2001; and by A.O.

### **§21-212. 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 \$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. 280, 2/5/1951, §13; as added by Ord. 888, 3/2/1981, §1; as amended by Ord. 999, 8/13/2001)