

CHAPTER 21

STREETS AND SIDEWALKS

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Part 1

Sidewalk and Curb Construction

§101. Responsibility of Property Owners. Owners of land abutting on streets in the Borough of New Holland shall be responsible for the construction of sidewalks and the construction of curbs, along all streets abutting the premises, or the placing of existing curbs and sidewalks in good condition, upon the completion of any new structure, unless a delay is granted by Council upon its own motion. Owners of land abutting on streets in the Borough of New Holland shall be responsible for the construction of sidewalks and construction of curbs along properties with existing structures, at such time as such construction shall be required by Council. Owners of land within the Borough on which sidewalks and/or curbs are constructed, and persons in possession of any such premises, shall properly maintain such curbs and sidewalks, and shall be responsible for the repair thereof in a manner satisfactory to Council in accordance with specifications as set forth in this Part. All sidewalks and curbs or sections thereof hereafter constructed, reconstructed or repaired shall conform to the requirements of this Part. All owners or occupiers of land within the Borough of New Holland on which any sidewalk is constructed shall prevent any obstruction of the sidewalk by trees, shrubs, lights, or any other obstruction, to a height of seven (7) feet, except as provided in §112 of this Part. (Ord. 356, 11/4/1986, §1)

§102. Sidewalk Construction.

1. Dimensions and Base. Every sidewalk hereafter constructed or reconstructed shall be of such width as Council shall determine, but in no event of less width than four and one-half (4 1/2) feet, except that a width of four (4) feet is acceptable where there is a minimum two (2) foot wide grass strip between the sidewalk and curb approved as part of a subdivision and land development plan or unless an exception for cause is granted by Council. All sidewalks must be located against the inside edge of the curb abutting the street. Replacement of existing sidewalks shall be of the same width as previously existed, unless an exception is granted by Council. A width greater than four and one-half (4 1/2) feet may be required in commercial and manufacturing areas by Council. All sidewalks hereafter constructed or reconstructed shall have a pitch of one-quarter (1/4) inch per foot upward from the edge nearest the cartway. The top surface of all such sidewalks shall represent a true plane within one-quarter (1/4) inch in ten (10) feet. Upon request by a property owner, Council may allow, by exception, a grass area between the curb and sidewalk. All sidewalks shall be at least four (4) inches thick and shall be constructed or reconstructed upon a firmly compacted base of Pennsylvania Department of Transportation (PennDOT) 057 crushed stone, not less than four (4) inches in depth, as shown on the drawing "Curb and Sidewalk Standard," which is hereto attached and made a part of this Part. The compacted stone base must be inspected and approved by the Borough prior to the pouring of the concrete. [Ord. 427]

A. Stamped Concrete Sidewalks. Stamped concrete sidewalk surfaces only (not curbing) shall be allowed when utilizing the following requirements in addition to the foregoing sidewalk installation specifications:

(1) The stamped concrete shall be a minimum of four thousand (4,000) psi and a minimum of four (4) inches deep; provided, however, that across a driveway, the stamped concrete shall be a minimum of six (6) inches deep with #10 wire mesh installed throughout the area across said driveway, with 2B stone.

(2) A one-half (1/2) inch thick expansion joint material (consisting of either a PennDOT approved material or other material approved by the Borough Manager) shall be installed between all new sidewalk and any existing or new curb, as well as within the sidewalk not less than every fifty (50) feet as noted herein.

(3) The width of the stamped concrete pattern shall not be more than one-half (1/2) inch wide and shall not be more than one-quarter (1/4) inch deep.

(4) The top surface of stamped concrete sidewalk shall not be smooth, but must be and maintained as a broomed or a similar rough-type surface.

(5) These hereinabove-described stamped concrete specifications in subparagraphs (1) through (4) shall supercede any and all other inconsistent or contradictory specifications in this Part only with respect to stamped concrete sidewalks, but any such inconsistent or contrary specifications shall otherwise remain valid and in full force and effect with respect to and as otherwise applicable to all non-stamped concrete sidewalks.

[Ord. 534]

2. Expansion Joints. All sidewalks hereafter constructed or reconstructed, regardless of width, shall be scored one-half (1/2) inch in width and depth across the width dimension of such sidewalk every five (5) feet. Such sidewalks shall be completely cut through where sidewalk joins driveway and at a distance not to exceed fifty (50) feet to provide an expansion joint which shall be filled with material suitable for that purpose. Wherever such sidewalk abuts curbing, a one-quarter (1/4) inch expansion joint shall also be provided to run between the sidewalk and curbing and shall be filled with material suitable for that purpose. Acceptable expansion material shall be one-quarter (1/4) inch bituminous impregnated, premolded style or equal, as approved by the Borough.

3. Driveways. All sidewalks hereafter constructed or reconstructed in driveways shall be at least six (6) inches thick, reinforced with six-inch by six-inch (6 x 6) No. 10 wire mesh in residential areas and six-inch by six-inch (6 x 6) No. 6 wire mesh in commercial and manufacturing areas.

[Ord. 488]

4. Nonconforming Sidewalks. All sidewalks hereafter constructed or reconstructed shall be built with concrete in accordance with Borough standards as contained herein. The owner of land containing any sidewalk heretofore lawfully constructed of a material other than concrete, may repair same with a matching material, if in the opinion of the Borough Manager, at least two-thirds (2/3) of such sidewalk remains in good repair. Otherwise, such sidewalks shall be entirely reconstructed according to standards set forth in this Part. If the curb is also nonconforming, it shall also be entirely reconstructed at that time, regardless of its condition unless a delay is granted by Council upon request by the property owner.

(Ord. 356, 11/4/198E, §2; as amended by Ord. 427, 12/28/1993; by Ord. 488, 9/3/2002, §1; and by Ord. 534, 4/9/2009, §1)

§103. Curb Construction. Curbing shall be constructed of concrete and in the following manner:

A. Standard Straight Curb.

(1) Dimensions. The overall depth of the curbing shall be at least twenty-two (22) inches, the lower fourteen (14) inches of said depth being eight (8) inches wide and the remaining eight (8) inches at the top shall be beveled from a width of eight (8) inches to a width of seven (7) inches on top of the curb as shown in the drawing "Curb and Sidewalk Standards" which is attached to and made a part of this Part.

(2) Base. All standard straight curb shall be constructed on a firmly compacted layer of Pennsylvania Department of Transportation approved #57 crushed stone, four (4) inches in depth. The crushed stone base must be inspected and approved by the Borough prior to the pouring of concrete.

(3) Expansion Joints. Curbing shall be constructed in ten (10) foot lengths. A premolded expansion material having a minimum thickness of one-fourth (1/4) inch shall be placed between sections of curved curb and at intervals of not more than one hundred (100) feet. Intermediate joints between ten (10) foot sections shall be formed of two (2) layers of one (1) ply bituminous paper.

(4) Driveways. The standard straight curb at driveways shall be depressed at the location of said driveway so as to

[Text continued on p. 213]

provide a sloping section at each side with a slope of five (5) inches per foot depressing the curb five (5) inches. [Ord. 427]

B. Standard Roll Curb.

(1) Where Permitted. Standard rolled curb shall be permitted by permission of the Council in lieu of standard straight curb; provided, however, that no such installation shall be permitted unless all curb on both sides of the complete block will be of rolled curb construction.

(2) Dimensions. The standard rolled curb shall be twenty-four (24) inches wide at the base. The face away from the cartway shall be vertical and extend upward to a height of twelve (12) inches. The face adjacent to the cartway shall be vertical and extend upward to a height of eight and one-half (8-1/2) inches. The curb line shall be seven (7) inches from the vertical back face of the curb, and the top of these seven (7) inches shall be level for a distance of three (3) inches. There shall then be a sloping drop to a flow line four (4) inches below the highest portion of the curb, thereafter reversing again, curving upward to the leading face at a height of eight and one-half (8-1/2) inches, as shown in the drawing "Curb and Sidewalk Standards" which is attached hereto and made a part of this Part. [Ord. 427]

(3) Uniformity and Base. The standard rolled curb sections shall be constructed in such a manner as to insure uniformity and continuity of the invert curb flow line and shall be constructed on a compacted layer of three-quarter (3/4) inch Pennsylvania Department of Transportation approved #57 crushed stone, four (4) inches in depth. The crushed stone base must be inspected and approved by the Borough prior to the pouring of concrete.

(4) Cuts and Expansion Joints. All standard rolled curb shall be cut completely through or scored to a depth of at least two (2) inches every ten (10) feet of length, and one-quarter (1/4) inch minimum expansion joint, filled with material suitable for that purpose shall be provided for every sixty (60) feet of straight line curbing.

(5) Driveways. The standard rolled curb shall continue unchanged across the entrance to any driveway. Commercial and industrial driveways of either rolled or straight curb shall at a minimum include three (3) lengths of one-half inch by twelve inch (1/2 x 12) of rebar evenly spaced and inserted between all sections of curbing within the drive entrance area, as well as the sections of curbing, immediately adjacent to the drive entrance curbing, as shown in the drawing "Curb and Sidewalk Standards" which is attached hereto and made a part of this Part.

(6) Alternative Rolled Curb Driveway Entrance. A property owner shall have the right to request permission from Council for the initial construction of an alternative rolled curb drive entrance, in lieu of the continuation of the standard rolled curb across the entrance of a driveway, as set forth in §103(B)(5). The dimensions for such alternative curb shall be the same as set

forth in §103(B)(2) regarding the width of the base of the curb, the depth of the curb at the face of adjacent to the cartway, and the depth of the curb at the center of the flow line. At a point twelve (12) inches away from the vertical face adjacent to the cartway, the level of the rolled curb shall be the same as the level of the cartway. From such point, extending for a distance as hereinafter set forth, the rolled curbing, and the driveway, shall be sloped upward to a total depth of twelve (12) inches from the base of the curb, being the total depth of the standard rolled curb. If the sidewalk abuts the curbing, the increase in elevation to the twelve (12) inch depth shall be over a distance of two (2) feet six (6) inches. If there is a grass strip planted between the sidewalk and curbing, the increase in elevation to a twelve (12) inch depth shall be over a distance of three (3) feet. Such slopes shall be uniform. At each side edge of the driveway, the alternative rolled curb driveway entrance shall be blended with the standard rolled curb. All sidewalks abutting the alternative rolled curb driveway entrance shall be sloped and blended over such distance as shall be specified by the Superintendent of Public Works, so that the slope shall be sufficiently gradual so as to permit pedestrian traffic without unreasonable risk. The blending of the curb to the standard rolled curb shall be over a distance of not more than six (6) inches. Any alternative rolled curb driveway entrance giving access to any commercial or industrial property shall include three (3) lengths of one-half (1/2) inch rebar as set forth in §103(B)(5). [Ord. 385]

(7) Driveway Entrance Replacement. An owner of property may request permission from Council for the Borough of New Holland to replace an existing standard rolled curb entrance to a driveway, with the alternative rolled curb driveway entrance. Such replacement shall comply with specifications as set forth in subsection (6). Upon removal of the existing standard rolled curb, a one-eighth (1/8) inch steel plate, running the entire length of the section of standard rolled curb which has been removed, to the same depth as the standard rolled curb which was removed, shall be placed immediately adjacent to the cartway to insure the integrity of street surface and base. The plate shall be pinned in place at each end, and every eighteen (18) inches, with steel pins one-quarter (1/4) inch in diameter, and fifteen (15) inches in length, extending into the existing street base. Three (3) one-half (1/2) inch rebars shall be placed so as to extend six (6) inches into the existing standard rolled curb at each side of the driveway entrance, and shall extend six (6) inches into the alternative rolled curb driveway entrance. The rebar shall be placed four and one-half (4 1/2) inches from the base of the curb, and four and one-half (4 1/2) inches from each end of the curb. The three (3) rebars shall be placed six (6) inches apart of the centers of such rebar. The replacement alternative rolled curb driveway entrance shall be blended with the existing standard rolled curb, and with the existing sidewalk, in the same manner as set forth in subsection (6). [Ord. 385]

C. Radii Curbing. Curbing within radii shall be constructed or reconstructed in the same manner as specified herein for standard straight curb or standard rolled curb, regardless of radii length. Standard straight curb radii shall not have a beveled face. Either curb type radii shall be constructed in ten (10) foot lengths with joints formed of two (2) ply layers of bituminous paper. There shall also be a one-quarter (1/4) inch expansion joint placed at each end of a radii where it meets straight line curbing of either the standard straight curve or standard rolled curb type. Depressed ramps for the handicapped shall be installed according to the applicable State and Federal requirements at the location or locations as directed by the Borough; provided, however, that when necessary the Borough shall make corrective modifications from the specifications.

D. Repair of Nonconforming Curbs. Curbs heretofore lawfully constructed with materials or in dimensions different from those set forth herein may be repaired or reconstructed with matching materials or in matching dimensions by the owner of such property if, in the opinion of the Borough Manager, at least two-thirds (2/3) of such curb is still in good repair. Otherwise, such curb shall be entirely reconstructed as required above in accordance with the standards set forth in this Part.

(Ord. 356, 11/4/1986, §3; as amended by Ord. 385, 6/6/1989, §1; and by Ord. 427, 12/28/1993)

§104. Concrete Mix. All materials shall have a minimum compressive strength of three thousand five hundred (3,500) pounds per square inch after twenty-eight (28) days. An air entrained admixture shall be included. (Ord. 356, 11/4/1986, §4)

§105. Conformity to Established Grades and Lines. All sidewalks and curbs shall conform to grades and lines provided by the Borough where streets now exist, except in cases where a subdivision for development is proposed. The developer must assume the responsibility of grades and lines, but is subject to Borough approval prior to subdivision approval. (Ord. 356, 11/4/1986, §5)

§106. Permits Required. No sidewalk or curb shall be constructed, reconstructed or repaired in the Borough unless the owner, contractor or other person responsible for said construction or repair shall first obtain a Borough permit from the Borough Manager, and if upon a State roadway must obtain the required State permit, upon such form of application as the Council, and the State if applicable, shall determine. Such Borough permit may also authorize the use of a portion of the street or adjoining sidewalk for materials and equipment. Such permit shall be issued only when the Manager shall be reasonably satisfied that the proposed construction will conform to all requirements of this and any other applicable ordinance. (Ord. 356, 11/4/1986, §6)

§107. Safety Precautions Required During Construction and Reconstruction. The contractor, if any, and, if not, the owner, shall be responsible to see that all excavations for sidewalks and curbs, and all construction placed on streets or sidewalks in connection with any construction, reconstruction or repair thereof shall be adequately guarded

by day and lighted at night so as to fully guard against accident. Night lighting shall be by flashing amber or steady burn lights placed at the ends of such excavations and obstructions, and at intervals of not over fifty (50) feet between ends, and if on a State roadway, must also comply with all applicable Pennsylvania Department of Transportation requirements. (Ord. 356, 11/4/1986, §7)

§108. 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 dollars (\$1,000.00) 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. 356, 11/4/1986, §8; as amended by Ord. 427, 12/28/1993)

§109. Removal and Replacement of Faulty Construction. If any curb or sidewalk shall be constructed, reconstructed or repaired without conforming to the requirements of this Part, or of any other ordinance or law, the Borough Manager may require the owner of the premises and other persons responsible for such construction to remove the faulty curb or paving as a nuisance, and replace it with conforming construction, and on failure of such person to do so within such time as the Manger or Council shall fix, the Borough may proceed to do so and collect the cost thereof by entry of lien or otherwise. (Ord. 356, 11/4/1986, §9)

§110. Time Limit to Do Work; Authority for Borough to Perform Work and Collect Cost Thereof From Defaulting Property Owners. Six (6) months notice in writing to construct or repair sidewalks or curbs shall be given by the Borough Manager except where repairs are required which in the opinion of the Borough Manager are of an emergency nature, in which event forty-eight (48) hours written notice shall be given. Upon the neglect of any owner or owners of property to construct, reconstruct, or repair any sidewalks or curbs, or upon the neglect of any owner or owners to keep sidewalks and curbs in a safe and useable condition, the Borough shall, after notice as herein provided, cause the construction or repair of the sidewalk and/or curbs to be done at the cost of such property owner or owners and shall collect the cost thereof, together with all charges and expenses from such owner or owners, and may file a municipal lien therefor in the Court of Common Pleas of Lancaster County, Pennsylvania, or collect the same by action in assumpsit according to the Acts of Assembly of the Commonwealth of Pennsylvania pertaining thereto. (Ord. 356, 11/4/1986, §10)

§111. Notice to Property Owners. All notices referred to in this Part shall be served upon the owner of the property to which the notice refers if such owner is a resident of the Borough of New Holland. If the owner is not a resident, then the notice may be served upon the agent or tenant of the owner, or upon the occupant of such property. If the owner has no agent or tenant or there is no occupant of the property, then service shall be given by notice posted upon the property. Any notice, other than notice required to be posted pursuant to this Section, shall be deemed to have been served by mailing to the appropriate person pursuant to this Section, by first class mail, postage prepaid. Such notice shall be effective upon mailing. (Ord. 356, 11/4/1986, §11; as amended by Ord. 427,

12/28/1993)

§112. Miscellaneous.

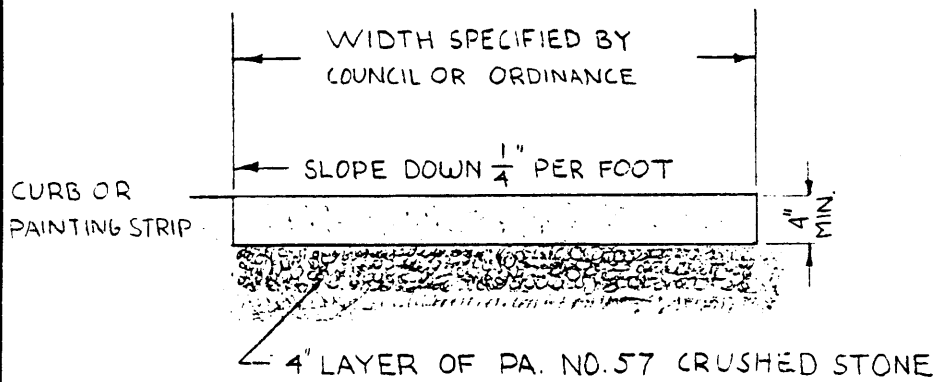
1. All individual home services shall be raised and/or lowered to proper curb elevation at the owner's expense. All such raising and/or lowering of Borough water and sewer lines shall be performed only by authorized Borough personnel at the owner's expense. Sewer vents and clean-outs shall be the responsibility of the owner to have raised or lowered to proper sidewalk grade.

2. All traffic signs, other signs and signals, utility poles, fire hydrants, mailboxes, and so on, removed during installation, replacement or repair of such curb, driveway, and/or sidewalk shall be replaced in the same location, unless otherwise directed by the Borough, and in a manner designated by the Borough Manager, by the person, firm, or corporation performing such installation, replacement, or repair; provided, however, that all mailboxes shall be located beginning at the outside face of the curb, and the mailbox and all supports and appurtenances shall not be placed so as to extend over the sidewalk by more than forty-one (41) inches. Utility poles shall also not extend more than forty-one (41) inches into the sidewalk, unless pole service, capacity requires a larger pole than can maintain such clearance. In such event, the Borough Manager shall have the power to permit a lesser clearance. [Ord. 427]

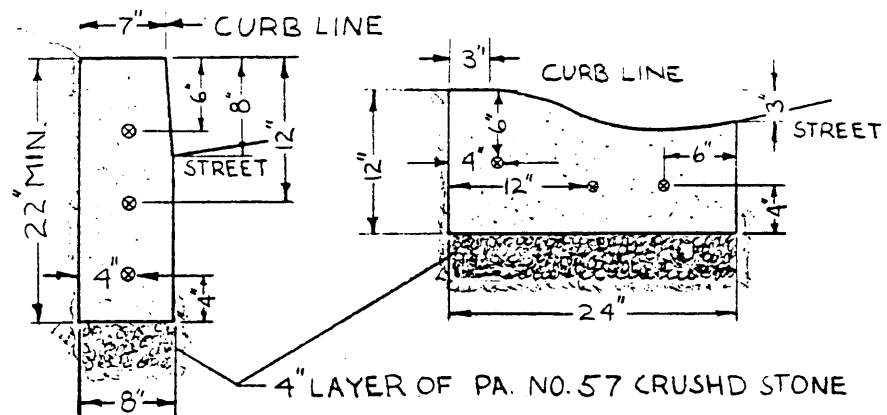
3. All sidewalks shall be completely cut through and one-quarter (1/4) inch expansion joint provided forming a square, with the sides twelve (12) inches from the center line of all utility poles and fire hydrants.

4. All traffic signs removed during repair or installation shall have four (4) inch metal or poly vinyl chloride (PVC) sleeve provided in the same location from which the sign was removed for their replacement.

(Ord. 356, 11/4/1986, §12; as amended by Ord. 427, 12/28/1993)



TYPICAL SIDEWALK



STANDARD STRAIGHT
CURB

STANDARD ROLLED
CURB

NOTE: $\otimes \frac{1}{2} \times 12$ " REBARS

**BOROUGH OF NEW HOLLAND
NEW HOLLAND, PA.**

SIDEWALK AND CURB STANDARDS

SCALE: FULL

DATE: 12/22/86

TRENT STROUP

Part 2
Street Excavations

§201. Definitions and Interpretation. 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 - any activity within the right-of-way of any street, alley, or cartway which involves cutting, breaking, or disturbing the surface thereof. In this Part, the term "opening" shall have essentially the same meaning as excavation.

STREET - any public street, avenue, road, square, alley, highway, or other public place located in the Borough and established for the use of vehicles, but shall not include State highways.

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

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

(Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§202. Permit Required to Make Opening or Excavation. It shall be unlawful for any person 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. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§203. Application for Permit. Any person who shall desire to make any opening or excavation in any of the streets in the Borough shall make application to the Borough Manager in writing for that 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 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. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§204. Permit Fee. Before any permit shall be issued to open or excavate any street in the Borough the applicant shall pay a permit fee in the amount fixed according to a schedule established pursuant to resolution. 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 the rate, for each one hundred (100) feet or fraction thereof to be opened or excavated upon such

street, pursuant to the fee schedule. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§205. Issuance of Permits Restricted. Permits shall be issued only to persons furnishing public utility services or the owner or owners of the real property adjoining the location where such opening or excavation is to be made. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§206. Information Contained on Permit. Any permit issued hereunder shall specify the exact location where the opening or excavation is to be made, the approximate permitted size or depth thereof and the time within which the work for which the permit is granted to be completed. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§207. Permit Approval. A permit may be issued to the applicant after all the requirements therefor have been filled. If the application is disapproved, written notice of disapproval together with reasons therefor shall be given to the applicant. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§208. Responsibility to Contact Utilities. The work authorized by the permit is subject to all the provisions of the Act of December 10, 1974, P.L. 852, No. 287, 73 P.S. §176 et seq., as amended or supplemented from time to time. It shall be the permittee's responsibility to contact the utilities that have recorded their facilities in compliance with said Act. A partial list of utilities providing services in the Borough and their office addresses may be obtained from the County Recorder of Deeds. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§209. Refilling of Opening or Excavation; Restoration of Surface; Responsibility for Defects Occurring Within Two (2) Years. Any person who shall open or excavate any street in the Borough shall thoroughly and completely refill the opening or excavation in such a manner 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. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§210. Responsibility of Permit Holder for Certain Work; Right of Borough to Do Certain Work; Charges Therefor. All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by or for the person to whom or which the permit has been issued at his or its expense, and all such work shall be subject to the provisions of this Part and to the supervision and approval of the designated official, provided that the Borough Manager may, if he deems it necessary to the proper performance of the work, require

that cutting of the surface of streets and the backfilling of all excavations therein shall be done by the Borough, in which event the applicant shall pay the actual cost of the work performed by the Borough. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§211. Requirements for Work; Correction of Unsatisfactory Work; Completion of Incomplete Work.

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 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 subsurface lines or constructions shall have been obtained.

4. No tunneling shall be allowed without the express approval of the Borough and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough Manager 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 modified 2A stones and thoroughly compacted in layers, each of which layers shall not exceed eight (8) inches in depth. Backfilling shall be placed to within ten (10) inches of the surface.

6. A temporary paving of coldpatch premix, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving and maintained for a period of ninety (90) days

7. On concrete base streets, such base shall be replaced with concrete and the minimum size of the opening or excavation shall be sixteen (16) square feet.

8. During the making of any excavation in the 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 granted hereunder 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.

9. The applicant shall notify the Borough Manager when the opening or excavation is ready for backfilling before any backfilling is done, when backfilling work is completed, when the temporary paving has been installed and when the street has been permanently restored so that inspections may be made.

10. In the event that any work performed by or for a permit holder

shall, in the opinion of the Borough Manager 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 Manager, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus twenty (20%) percent to the applicant. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§212. Emergency Openings. 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 Borough Manager, 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 twenty (20%) percent to such owner or person. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§213. Restrictions Regarding Trees and Shrubbery. The permission herein granted does not confer upon the permittee or its contractors the right to cut, remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations and conditions as the Borough may prescribe. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§214. Work Necessitating Opening or Excavation to be Done Prior to Street Improvement and Not Until Five (5) Years Thereafter; Exception. The Borough Manager 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 thirty (30) days from the giving of such notice, unless such time is extended in writing for cause shown by the Borough Manager. New paving shall not be opened or excavated for a period of five (5) years after the completion thereof, except in case of emergency, the existence of which emergency and the necessity for the opening or excavating of such paving to be determined by the Borough Manager. If it is sought to excavate upon or open a sewer within five (5) years after the completion of the paving, the applicant shall make written application to the Borough Council, and a permit for such opening shall be issued only after express approval of the Borough Council. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§215. Permittee Responsibilities for Future Relocation of Work. If at any time in the future the roadway is widened, reconstructed or the alignment or grades are changed, the permittee further agrees to change or relocate all or any part of the structures covered by this permit which

interfere with the improvement of the roadway at its own cost and expense. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§216. Conditions for Laying and Extending Utility Lines. No new water, sewer, steam or gas main or electric, telephone or other utility line shall hereafter be laid or constructed, and no such existing main or line shall be extended, in any of the streets of the Borough until the plan therefor shall have been first filed with the Borough Manager and such plan, and the exact location of such main or line, approved by him. The Borough Manager shall not approve the locating of any such main or line at a depth of less than thirty (30) inches from the surface of the street unless he shall be convinced that locating the same at a depth of more than thirty (30) inches from the surface is impossible or impractical. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§217. Bond Required. Unless waived by the Borough Secretary, no company, corporation or association shall dig up any street or alley without first giving to the Borough a bond with some acceptable trust or surety company as surety, or the providing of an irrevocable letter of credit from a commercial lending institution, or upon depositing with the Borough a certified check, payable to the Borough of New Holland, in the sum determined by the schedule of fees, conditioned for the faithful performance of these provisions and also for any and all damages, claims, demands, suits, costs and counsel fees occasioned or arising from the digging up, opening or closing of said streets and alleys. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§218. Payment for Work Done by 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 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 by an action in assumpsit or in the manner provided by law for the collection of municipal claims. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§219. 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 dollars (\$1,000.00) plus costs, and in default of payment 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. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

§220. Applicability. The provisions of this Part shall not apply to laying sidewalks or curbs. (Ord. 168, 12/6/1960; as revised by Ord. 427, 12/28/1993)

Part 3

Snow and Ice Removal

§301. 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 New Holland is hereby required to remove or cause to be removed from all the sidewalks in front of or alongside of such property all snow and ice thereon fallen or formed, within twelve (12) 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 6:00 P.M. of any evening may be removed at any time before 10:00 A.M. of the following 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 the owner, is vacant or unoccupied, or is a multiple-business or multiple-dwelling property, having more than one (1) rental unit; the tenant or occupant of a property shall be responsible where such property consists of a single unit, occupied by such tenant or occupier only. (Ord. 200, 8/7/1962, §1)

§302. Authority for Borough to Remove Snow and Ice and Collect Costs 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 §301 of this Part 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 of such removal, with an additional amount of ten (10%) percent from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under §305. (Ord. 200, 8/7/1962, §2)

§303. 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. 200, 8/7/1962; as added by Ord. 427, 12/28/1993)

§304. Deposit 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. 200, 8/7/1962; as added by Ord. 427, 12/28/1993)

§305. 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 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. 200, 8/7/1962, §3; as

(21, §305, cont'd)

(21, §305, cont'd)

amended by Ord. 427, 12/28/1993)

Part 4

Obstruction of Streets and Roadways

§401. Findings and Purpose. The Borough Council finds that:

1. Cartways areas of the streets, alleys and ways of the Borough are subjected to constant obstruction by objects other than motor vehicles including, but not limited, to snowplows, sailboats, trailers, equipment, cement mixers, and a myriad of other like objects.

2. That the prohibition of placement of objects other than motor vehicles on the cartways of the Borough streets, alleys and ways will permit the proper utilization of those streets, alleys and ways and advance the public safety of the citizens of the Borough.

(Ord. 15, 12/18/1896; as revised by Ord. 427, 12/28/1993)

§402. Definitions.

CARTWAY - the paved, macadamized or otherwise improved portion of a street, alley or way.

MOTOR VEHICLE - a vehicle which is self-propelled on land, except one which is propelled solely by human power or wind.

(Ord. 15, 12/18/1896; as revised by Ord. 427, 12/28/1993)

§403. Obstructing of Cartways Prohibited. It shall be unlawful for any persons to park, place, or in the case of a person who is the owner, lessee or otherwise has an interest in the object, allow to remain, any object other than a motor vehicle in the cartway of any street, alley or way of the Borough. (Ord. 15, 12/18/1896; as revised by Ord. 427, 12/28/1993)

§404. Authority to Remove and Impound. The Borough shall have the authority to remove and impound, or to order the removal and impounding, of any non-motorized object or vehicle found in the cartway of the streets or alleys of the Borough. (Ord. 15, 12/18/1896; as revised by Ord. 427, 12/28/1993)

§405. Designation of Approved Storage Areas; Bonding; Storage. Removal and impounding of objects under this Part shall be done only either by Borough personnel or "approved agents" that shall be designated from time to time by the Borough Council. Every such approved agent shall submit evidence to the Borough that it is bonded or has acquired liability insurance in an amount satisfactory to the Borough Council as sufficient to indemnify owners of impounded objects against loss or damage to those objects in the custody of the approved agent. The approved agent shall have an approved storage area and shall submit to the Borough a schedule of charges for removal and storage of objects under this Part, and, when the schedule is approved by the Borough Council, those charges shall be adhered to by the approved storage agent; no different schedule of charges shall be demanded of or collected from any person whose object is removed or impounded under this Part by any approved storage agent. The Borough Council shall delete from its list of approved storage agents and areas any

such agent that makes any unapproved charge in connection with any objects removed or impounded under this Part. (Ord. 15, 12/18/1896; as revised by Ord. 427, 12/28/1993)

§406. Payment of Removal and Storage Charges. The payment of removal and storage charges shall not relieve the owner, lessee or other person having any interest in such an object from liability for any fine or penalty for the violation of the provisions of this Part for which the object was removed or impounded. (Ord. 15, 12/18/1896; as revised by Ord. 427, 12/28/1993)

§407. Reclamation Costs. In order to reclaim an object removed pursuant to the provisions hereof, the owner, lessee or other person having an interest therein, shall pay removal and storage costs according to the schedule set forth in §405, above. (Ord. 15, 12/18/1896; as revised by Ord. 427, 12/28/1993)

§408. Records of Objects Removed and Impounded. The Borough shall cause a record to be kept of all objects impounded under this Part and shall be able at all reasonable times to furnish the owner, lessee or other person having an interest in said object with information as to the place of storage of the object. (Ord. 15, 12/18/1896; as revised by Ord. 427, 12/28/1993)

§409. Restriction Upon Removal of Objects. No object shall be removed under the authority of this Part if, at the time of the intended removal, the owner or the person in charge of such object is present and expresses a willingness and intention to remove the object immediately. (Ord. 15, 12/18/1896; as revised by Ord. 427, 12/28/1993)

§410. Penalties. Any person 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 a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. The aforesaid penalty or penalties shall be in addition to the obligation of the person to pay any removal and storage charges as set forth in other provisions of this Part. (Ord. 15, 12/18/1896; as revised by Ord. 427, 12/28/1993)

Part 5

Placement of Structures on Sidewalks and Streets

§501. Restrictions on Construction Around Sidewalks and Streets. It shall be unlawful for any person, persons, firm or corporation to place, erect or build any porch, portico, door steps, railing, bulk, bay or jut window, areaway, cellar door and cellar window, sign and sign post, board, pole or frame, awning, awning post or other device or thing, projecting over, under, into, or otherwise occupying the sidewalk or other portion of any street or alley, including the surface of the sidewalk, except any traffic or other sign placed, erected or maintained by the proper state or municipal authorities and any sign attached to a building erected ordinance of the Borough. (Ord. 427, 12/28/1993)

§502. Authority to Remove Illegal Construction and Collect Cost. In addition to the penalties imposed by this Part for the violation of any provision thereof, the person, firm or corporation, upon notice of the violation, shall immediately remove the offending structure or obstruction, and on failure to so remove the offending obstruction, the Borough shall remove the same at the cost of the property owner, and collect the costs therefor in any manner provided by law. (Ord. 427, 12/28/1993)

§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 dollars (\$600.00) plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed thirty (30) days. (Ord. 427, 12/28/1993)

