

Chapter 21

Streets and Sidewalks

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Part 1**Street Openings and Excavations****§21-101. 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 - any activity within the right-of-way of any street which involves cutting, breaking and/or disturbing the surface thereof. In this Part, the term opening shall have essentially the same meaning as excavation.

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

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

(Ord. 2006-2, 4/3/2006, §1)

§21-102. Permit Fee.

Before any permit shall be issued to open or excavate any street in the Borough, the applicant shall pay, to the Borough, a permit fee in the amount fixed according to a schedule established pursuant to resolution. The applicant is also required to follow the requirements of the Specifications for excavation, backfill and pavement restoration in North York Borough Streets, established by resolution of the Borough Council.

(Ord. 2006-2, 4/3/2006, §2)

§21-103. Reimbursement.

If within 2 years after the restoration of the surface has herein provided, defects shall appear therein resulting from defective backfilling and/or surface restoration by the applicant, the applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving.

(Ord. 2006-2, 4/3/2006, §3)

§21-104. Performance of Work.

In the event that any work performed by or for a permit holder shall, in the opinion of the Borough, be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by the Borough, or in the event that the work for which the permit was granted is not completed within the time fixed by the Borough, 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. 2006-2, 4/3/2006, §4)

§21-105. Emergency Procedures.

In the case of any leak, explosion, or other accident in any sub-surface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction, apparatus to commence an excavation to remedy such condition before securing a permit, provided that application for a permit 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 by the owner or person responsible for such pipe, line, construction, apparatus, the Borough after such notice as it shall deem necessary under the circumstances of the particular case, proceed to 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. 2006-2, 4/3/2006, §5)

§21-106. Notice.

The Borough 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 30 days from the giving of such notice, unless such time is extended in writing for cause shown by the Borough.

(Ord. 2006-2, 4/3/2006, §6)

§21-107. Plan Approval.

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 thereto and the plan therefore shall have been the first approved by the Borough Council.

(Ord. 2006-2, 4/3/2006, §7)

§21-108. Completion.

Payment for all work done by the Borough under the provisions hereof shall be made by the person made liable therefore under the provisions hereof within 30 days after a bill 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 a manner provided by law for the collection of municipal claims.

(Ord. 2006-2, 4/3/2006, §8)

§21-109. Penalties.

Any person, whether as principal, agent, or employee, violating or assisting in the violation of any of the provisions of this Part, shall, upon conviction thereof before the district justice, be sentenced to a fine of not less than \$50 nor 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. 2006-2, 4/3/2006, §9; as amended by Ord. 2006-3, 7/10/2006)

§21-110. Fines.

Fines may be established from time to time by resolution of the North York Borough Council.

(Ord. 2006-2, 4/3/2006, §11)

Part 2**Sidewalks and Curbs****A. Requirement to Construct****§21-201. Borough May Require Improvements.**

North York Borough Council upon notice may require the owner of property abutting on any street or state highway within the Borough (as to the State highway prior permission having been obtained by the Borough from the Department of Transportation of Pennsylvania) to grade, construct, drain, pave, repave the sidewalk, curb, gutter, drains and keep the same in repair in a safe and usable condition along such property at grades, regulations and specifications established by the Borough Engineer.

(*Ord. 85-2, 8/5/1985, §1*)

§21-202. Notice to Make Improvements.

Upon 30 days written notice from the Borough Code Enforcement Officer to do so, the property owner shall grade, construct, drain, pave, repave the sidewalk, curb, gutter, drains and keep the same in repair and in safe and usable condition along such property at grades and specifications established by the Borough Engineer.

(*Ord. 85-2, 8/5/1985, §2; as amended by Ord. 95-02, 12/28/1995, Art. I*)

§21-203. Failure to Comply; Action by Borough.

Should the owner fail to comply with the notice set forth in the preceding Section hereof within 30 days from receipt of said notice, the Borough may cause the grading, constructing, draining, paving, repairing of sidewalks, curbs, gutters, drains to be done at the cost of such owner and may collect the cost thereof and 10 percent additional together with all charges and expenses from the owner and may file a municipal claim therefor or collect the same by action in assumpsit.

(*Ord. 85-2, 8/5/1985, §3*)

§21-204. Work to Be Done According to Borough Specifications.

The grading, constructing, draining or repairing of sidewalks, curbs, gutters, drains shall be done in accordance with grades and specifications established by the Borough Engineer, copies of which may be obtained from the Borough Engineer.

(*Ord. 85-2, 8/5/1985, §4*)

B. Construction Requirements**§21-221. Permit Required.**

It shall be unlawful for any person, firm, association or corporation, whether as owner or contractor to lay or repair, or begin the laying or repairing of any curb or sidewalk, whether said curb or sidewalk is constructed or to be constructed on the highway or back from said highway unless a permit therefor shall first be secured as hereinafter provided.

(*Ord. 76-4, 11/1/1976, §1*)

§21-222. Permit Fee.

The fee for a curbing and sidewalk permit shall be in an amount as established from time to time by resolution of Borough Council and must be paid at the time when application is made therefor. A separate permit shall be required for the laying of a curb and sidewalk unless laid simultaneously. [*Ord. 2006-3*]

(*Ord. 76-4, 11/1/1976, §2; as amended by Ord. 12/21/2000, §21; and by Ord. 2006-3, 7/10/2006*)

§21-223. “Repairing” Defined.

By “repairing” is meant the tearing up a portion of the old curb or sidewalk and relaying same with new material.

(*Ord. 76-4, 11/1/1976, §3*)

§21-224. Time Limitations.

Permits are to be granted for a definite period, which is to be as short as the circumstances of the case will permit, but in no case shall a permit be granted to cover a period longer than 60 consecutive days. If at the end of the period, any further use of the highway is required, another permit must be secured in the same manner, and under the same conditions as to fees, periods, etc., as in the case of an original permit.

(*Ord. 76-4, 11/1/1976, §4*)

§21-225. Application Requirements.

No permit shall be issued unless an application therefor to the Borough Code Enforcement Officer be made in writing in a book to be provided for the purpose and signed by the person, firm, association or corporation desiring the same, or by a duly authorized agent or contractor. Said application must contain all the information needed to enable the Borough Code Enforcement Officer to ascertain the exact location, extent and character of the work. The Borough Code Enforcement Officer shall investigate said application and unless the said work would be in violation of the law or ordinance, shall approve the issuance of a permit. Before a contractor does any concrete sidewalk or curb work, he shall obtain and file with the Borough Code Enforcement Officer a bond to the value of the work, but not less than \$1,000, conditioned for proper performance of work.

(*Ord. 76-4, 11/1/1976, §5; as amended by Ord. 95-02, 12/28/1995, Art. II*)

§21-226. Grade and Line to Be Provided.

It shall be unlawful to proceed with the laying or repairing of any curb or sidewalk or both, without first securing from the Borough Engineer the proper grade and line, which shall be promptly given by said Borough Engineer, without any other charge than that of the permit.

(Ord. 76-4, 11/1/1976, §6)

§21-227. Penalty for Disturbing Markers.

Any person who shall change or remove any stake, stone, mark, or other designation by which any grade or line so given is indicated, shall, upon conviction thereof, 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. 76-4, 11/1/1976, §7; as amended by Ord. 88-1, 2/1/1988; by Ord. 91-6, 6/10/1991; and by Ord. 2006-3, 7/10/2006)

§21-228. Material Storage on Streets.

It shall be unlawful without a curbing and sidewalk permit to store any materials used in construction of curbs and sidewalks on any highway. With a permit, materials used in construction may be stored immediately in front of the premises in question, and if the owners thereof shall give their consent, in front of one adjoining property on each side thereof. Such construction material shall in no case extend toward the center of the highway more than ten feet from the curb line unless said highway is 100 feet wide, when it may extend 15 feet from said curb. No construction materials or any temporary structure shall be placed on any highway until the same in each instance becomes necessary, nor shall the same or any rubbish be permitted to remain on any highway longer than shall be absolutely necessary. It is hereby made the duty of the Mayor to see that these provisions are strictly complied with and to remove, at the cost of the owner or contractor, (if there be a contractor), all unnecessary obstructions in the highway after 48 hours notice. After the use of the highway under any permit, the said highway must be restored to its original condition.

(Ord. 76-4, 11/1/1976, §8)

§21-229. Concrete Mixing.

The mixing of concrete shall not take place upon the surface of the street, but a proper platform or covering sufficiently tight to keep mixture from surface of street shall be provided by owner or contractor.

(Ord. 76-4, 11/1/1976, §9)

§21-230. Use of Warning Lights.

When any portion of any highway is used under any permit a sufficient number of red lanterns, conspicuously placed, must be used from dark until sunrise every night to render said highway perfectly safe. All excavations must be protected by a sufficient guard rail or fence.

(*Ord. 76-4, 11/1/1976, §10*)

§21-231. Slope of Sidewalk.

The slope of all sidewalks from curb to house line shall be at the rate of $\frac{1}{4}$ inch to the foot except at street corners, where a mitre of both street grades shall be made.

(*Ord. 76-4, 11/1/1976, §11*)

§21-232. Cross Drains.

Cross drains or gutters, running from house to curb or gutter shall be 18 inches in width and have a depression in the center not to exceed $1\frac{1}{2}$ inches. Said gutter shall have a gradual slope from sides to center.

(*Ord. 76-4, 11/1/1976, §12*)

§21-233. New Curb/Sidewalk Construction.

All new sidewalks shall be constructed with a 4-inch stone base and have a 4-inch concrete surface. The surface of such walks shall be roughened either by scoring, rolling or other rough finish; but in no case shall a smooth troweled surface be laid. Curbs shall be a minimum of 18 inches deep, and constructed of concrete. The use of any materials other than those hereby specified are forbidden. Handicap ramps shall be installed at all intersections. All dimensions, types of materials and methods of construction shall be in accordance with the Engineer's specifications which are available at the Borough office.

(*Ord. 76-4, 11/1/1976, §13; as amended by Ord. 93-02, 4/5/1993, Art. I*)

§21-234. Permit Forfeiture.

Every permit issued hereunder shall be conditioned on faithful compliance with all the provisions of this Part. Any failure to so comply with said provisions shall work a forfeiture of said permit.

(*Ord. 76-4, 11/1/1976, §14*)

§21-235. 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. 76-4, 11/1/1976, §15; as amended by Ord. 88-1, 2/1/1988; by Ord. 91-6, 6/10/1991; by Ord. 12/21/2000, §21; and by Ord. 2006-3, 7/10/2006*)

Part 3**Sidewalk Hazards/Obstructions****A. Snow and Ice Removal****§21-301. Owner Required to Remove Snow and Ice from Sidewalk.**

The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Borough is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside of such property all snow or ice thereon fallen or formed creating a path at least 24 inches wide, within 12 hours after the same shall have ceased to fall or to form. Provided; 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 thereof where the property is a multiple-business or multiple-dwelling property, occupied by more than one tenant occupier.

(*Ord. 7/7/1975, §12-2021; as amended by Ord. 96-01, 12/2/1996, Art. I*)

§21-302. Failure of Owner to Remove Snow and Ice.

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of §21-301 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 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 §21-303 hereof.

(*Ord. 7/7/1975, §12-2022*)

§21-303. Illegal to Throw Snow in Streets.

It shall be illegal to throw, shovel or push any snow out into the lane of traffic on any street or alley in the Borough. Snow from sidewalks, parking places, driveways or parking lots cannot be placed out in the lane of traffic. After the streets have been cleared, it will be illegal to place snow in the cleared streets.

(*Ord. 7/7/1975; as added by Ord. 96-01, 12/2/1996, Art. I*)

§21-304. 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. 7/7/1975, §12-2023; as amended by Ord. 88-1, 2/1/1988; by Ord. 91-6, 6/10/1991; and by Ord. 2006-3, 7/10/2006*)

B. Illegal Obstructions**§21-311. 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 and maintained under permit and meeting the requirements of the Zoning Ordinance of the Borough of North York [Chapter 27].

(*Ord. 43, 12/1/1921; as revised by Ord. 88-1, 2/1/1988*)

§21-312. 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. 43, 12/1/1921; as revised by Ord. 88-1, 2/1/1988; as amended by Ord. 91-6, 6/10/1991; and by Ord. 2006-3, 7/10/2006*)

§21-313. Authority to Remove Illegal Construction and Collect Cost.

In addition to the penalties imposed by this Part 3B 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. 43, 12/1/1921; as revised by Ord. 88-1, 2/1/1988*)

