

Chapter 21

Streets and Sidewalks

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Part 1**Street Excavations and Openings****§21-101. Definitions and Interpretation.**

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

Borough - the Borough of Christiana, Lancaster County, Pennsylvania.

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 of Christiana and established for the use of vehicles, but shall not include State highways.

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

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

(Ord. 191, 4/6/2004, §1)

§21-102. 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 therefore, as hereinafter provided.

(Ord. 191, 4/6/2004, §2)

§21-103. 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 forms to be furnished by the Borough and shall set forth the name of the applicant, the exact location of the proposed opening or excavation, and the approximate size and depth thereof, the time within which the work for which the permit is granted to be completed and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with this Part of the Borough and the laws of the Commonwealth of Pennsylvania 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 opening, excavation, work done, refilling and restoration thereof, and 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. 191, 4/6/2004, §3)

§21-104. Permit Fees.

Before any permit shall be issued to open or excavate any street in the Borough, the permittee shall pay a permit fee in the amount fixed according to a schedule established pursuant to a resolution.

(Ord. 191, 4/6/2004, §4)

§21-105. Issuance of Permits Restricted.

Permits shall be issued only to a person 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. 191, 4/6/2004, §5)

§21-106. Permit Approval/Disapproval.

A permit may be issued to the permittee after all the requirements thereof have been satisfied. If the application is disapproved, written notice of disapproval together with reasons therefore shall be given to the permittee.

(Ord. 191, 4/6/2004, §6)

§21-107. Responsibility to Contact Utilities.

The work authorized by the permit is subject to all the provisions of the Act of December 10, 1976, P.L. 852, No. 287, §1 *et seq.*, 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 Lancaster County Recorder of Deeds.

(Ord. 191, 4/6/2004, §7)

§21-108. Refilling or Opening or Excavation of Surfaces; Responsibility for Defects Occurring within 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 Borough for the 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 2 years after the restoration of the surface as herein provided, defects shall appear therein, the permittee shall reimburse the Borough for the cost of all necessary repairs related to the defects.

(Ord. 191, 4/6/2004, §8)

§21-109. Responsibility of Permit Holder for Certain Work; Right of Borough to Do Certain Work; Charges Therefor.

All 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

the permit has been issued at his or her or its expense, and all such work shall be subject to the provisions of this Part and to the supervision and approval of the Borough Manager, provided that the Borough Manager may, if the Borough Manager 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 performed by the Borough with the actual cost of the work paid by the permittee.

(*Ord. 191, 4/6/2004, §9*)

§21-110. 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 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 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, sewer 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 Manager and permission therefore endorsed upon the permit.

5. All openings or excavations shall be backfilled promptly with modified 2A stones and thoroughly in layers, each of which layers shall not exceed 8 inches in depth. Backfilling shall be placed to within 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 90 days.

7. During the making of any excavation in the street, every necessary and reasonable precaution shall be taken by the permittee 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, or otherwise keep harmless the Borough as previously provided.

8. The permittee shall notify the Borough Manager and receive his approval when the opening or excavation is ready for backfill 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.

9. 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 the Borough Manager's instructions within the time fixed by the Borough Manager, 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 with the cost thereof, plus 10 percent, charged to the

applicant.

10. Monuments of concrete, iron, or other lasting material set for the purpose of locating or preserving the lines of any street or property, subdivision, or a precise survey reference point or a permanent survey bench mark within the Borough shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the Borough Manager. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of the monument.

11. When the work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the satisfaction of the Borough Manager.

12. When any earth, gravel or other excavated material is caused to roll, flow, or wash upon any street, the permittee shall cause the same to be removed from the street within 24 hours after deposit. In the event the earth, gravel or other excavated material so deposited is not removed, the Borough shall cause such removal and the cost incurred shall be paid by the permittee.

13. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants.

(Ord. 191, 4/6/2004, §10)

§21-111. Emergency Openings.

In the case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be unlawful 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 such person comply with all other provisions of this Part. 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 the Borough Manager shall deem necessary under the circumstance of the particular case, shall proceed to cause to be done the work necessary and required by such emergency, and charge the same on the basis of cost plus 10 percent to such owner or person.

(Ord. 191, 4/6/2004, §11)

§21-112. 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, regulation and conditions as the Borough may prescribe.

(Ord. 191, 4/6/2004, §12)

§21-113. Work Necessitating Opening or Excavation to Be Done Prior to Street Improvement and Not Until 6 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 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 6 years after the completion thereof, except in case of 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 6 years after the completion of the paving, applicant shall make written application to the Borough Manager, and a permit for such opening shall be issued only after express approval of the Borough Council.

(*Ord. 191, 4/6/2004, §13*)

§21-114. 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 therefore shall have been first filed with the Borough Manager and such plan, and the exact location of such main or line, approved by the Borough Manager. The Borough Manager shall not approve the locating of any such main or line at a depth of less than 36 inches from the surface of the street unless the Borough Manager shall be convinced that locating the same at a depth of more than 36 inches from the surface is impossible or impractical.

(*Ord. 191, 4/6/2004, §14*)

§21-115. Payment for Work Done by Borough.

Payment for all work done by the Borough under the provision of this Part shall be made by the permittee for such work by the terms of this Part. The Borough shall send a bill for any such work to the person liable for such work by certified mail to the last known address of such person. The person liable for payment of such bill shall make payment to the Borough within 45 days of mailing of the bill. In the event that the person fails to make full payment of the bill within such time, the Borough may proceed to collect the amount due in the manner provided by the terms of this Part or other applicable law.

(*Ord. 191, 4/6/2004, §15*)

§21-116. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall 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. 191, 4/6/2004, §16; as amended by Ord. 205, 6/5/2007*)

§21-117. Applicability.

The provisions of this Part shall not apply to laying sidewalks or curbs.

(*Ord. 191, 4/6/2004, §17*)

Part 2**Snow and Ice Removal****§21-201. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this Part:

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

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.

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

(Ord. 180, 4/4/2000, §1)

§21-202. Responsibility for Removal of Snow and Ice from Sidewalks.

1. The owner, tenant or occupant of every property located upon or alongside any part of a street or highway having a sidewalk, shall remove and clear away, or cause to be removed or cleared away, all snow and/or ice for a path of at least 30 inches in width from said sidewalks in front of or alongside that property. The owner of the 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 multi unit property having more than one unit. The tenant or occupant shall be responsible where the property is a single unit property occupied by such tenant or occupant.

2. Snow and ice shall be removed from all sidewalks within the Borough within 24 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 the 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 placed on the sidewalk to make travel thereof reasonably safe; and shall then, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least 30 inches in width.

(Ord. 180, 4/4/2000, §2)

§21-203. Depositing of Snow and Ice Restricted.

No person shall deposit or cause to be deposited any snow or ice on or against a fire hydrant or on any sidewalk, roadway, or loading and unloading areas of a public transportation system, except that snow or 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. 180, 4/4/2000, §3)

§21-204. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall 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. 180, 4/4/2000, §4; as amended by Ord. 205, 6/5/2007)