

CHAPTER 21

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Part 1  
Street Excavations

A. Definitions

§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:

APPLICANT - any person who makes application for a permit.

BOROUGH - the Borough of Hollidaysburg, County of Blair, Commonwealth of Pennsylvania.

EMERGENCY - any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

MANAGER - the person in charge of the Department of Highways or the highway operations in the Borough, or his authorized deputy, representative, or inspector.

PERMITTEE - any person who has been issued a permit and has agreed to fulfill all the terms of this Part.

PERSON - any natural person, partnership, firm, association, utility, corporation, or authority created pursuant to an act of the General Assembly. Whenever used in any section prescribing and imposing a penalty, the term "person" as applied to associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

STREET - a public street, public easement, public right-of-way, public highway, public alley, public way, or public road accepted or maintained by the Borough.

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

(Ord. 337, 12/9/1959, §1.1)



## B. Street Openings and Pavement Cuts

§111. Permit Required. It shall be unlawful for any person to make any tunnel, opening, or excavation of any kind in or under the surface of any street without first securing a permit from the Borough for each separate undertaking; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided the permit could not reasonably and practically have been obtained before-hand. The person shall thereafter apply for a permit on the first regular business day on which the office of the Manager is open for business and said permit shall be retroactive to the date when the work was begun. (Ord. 337, 12/9/1959, §2.1)

§112. Street Openings Limited. No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount or quantity greater than that specified in the permit, except that upon the approval by the Manager additional work may be done under the provisions of the permit in any amount not greater than ten percent (10%) of the amount specified in the permit. Any deposit and bond posted in connection with the original permit shall be deemed to cover any such additional work as may be approved pursuant to this section within the limit mentioned herein. (Ord. 337, 12/9/1959, §2.2)

§113. Commencement of Work. Work for which a permit has been issued shall commence within ten (10) days after the issuance of the permit therefor. If not so commenced, the permit shall be automatically terminated. Permits thus terminated may be renewed upon the payment of an additional permit fee as originally required. (Ord. 337, 12/9/1959, §2.3)

§114. Permits Nontransferable. Permits are not transferable from one person to another and the work shall not be made in any place other than the location specifically designated in the permit. (Ord. 337, 12/9/1959, §2.4)

§115. Expiration of Permits. Every permit shall expire at the end of the period of time which shall be set out in the permit. If the permittee shall be unable to complete the work within the specified time, he shall - prior to expiration of the permit - present in writing to the Manager a request for an extension of time, setting forth therein the reasons for the requested extension. If in the opinion of the Manager such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work. (Ord. 337, 12/9/1959, §2.5)

§116. Municipal Utility Cuts. All street openings required by utilities owned and/or operated by the Borough shall be made and restored under the direction and supervision of the Manager or Borough Foreman. The permit, fee, deposit, insurance, and bond requirements of this Part shall not be applicable to any openings made by such municipally-owned and/or operated utilities. (Ord. 337, 12/9/1959, §2.6)

§117. State and County Highways. The provisions of this Part shall not be applicable in those instances where the highway is maintained by the Commonwealth of Pennsylvania or by the County of Blair. (Ord. 337, 12/9/1959, §2.7)

§118. Rights of Borough. Every permit shall be granted subject to the right of the Borough or of any other person entitled thereto to use the street for any purpose for which such street may lawfully be used, not inconsistent with the permit. (Ord. 337, 12/9/1959, §2.8)

§119. Revocation of Permits. Any permit may be revoked by the Manager, after notice to the permittee, for:

1. Violation of any condition of the permit or of any provision of this Part 1;
2. Violation of any provision of any other applicable ordinance or law relating to the work;
3. Existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or properties of others. A permittee may be granted a period not to exceed three (3) days from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked.

Written notice of any such violation or condition shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the permit. Notice may be given either by personal delivery thereof to the person to be notified or by certified or registered United States Mail addressed to the person to be notified.

When any permit has been revoked and the work authorized by the permit has not been completed, the Manager, or his authorized representative, shall do such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses incurred by the Borough shall be recovered from the deposit or bond the permittee has made or filed with the Borough. (Ord. 337, 12/9/1959, §2.9)

C. Applications, Permits and Deposits

§131. Duties and Responsibilities of Applicants. It shall be the duty and responsibility of any applicant to:

1. Make a written application for such permit with the Manager on such form as he shall prescribe. No work shall commence until the Manager has approved the application and plan and issued a permit and until the permittee has paid and provided all fees, deposits, certificates, and bonds required by this Part.

2. Furnish in duplicate a plan showing the work to be performed under said permit. If approved by the Manager, one copy of such plan shall be returned to the applicant at the time the permit is granted.

3. Agree to save the Borough, its officers, employees, and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit. The acceptance of any permit under this Part shall constitute such an agreement by the applicant whether the same is expressed or not.

(Ord. 337, 12/9/1959, §3.1)

§132. Duties and Responsibilities of Permittees. It shall be the duty and responsibility of any person receiving a permit to:

1. Pay a permit fee of ten dollars (\$10.00); provided, however, that public utilities or authorities may elect to be billed monthly for such fees as they accrue.

2. Make a deposit to cover the cost of inspecting the work authorized by the permit and the cost of restoring the street damaged by such work. The amount of deposit shall be computed by the Manager as provided by subpart 1E hereof.

3. Furnish a maintenance bond as required by subpart 1F of this Part.

4. Furnish a certificate of insurance as required by subpart G of Part 1.

5. Submit, when required by the Manager, a list of owners and tenants of all properties abutting the area where the work authorized by the permit is to be performed.

6. Present evidence that all materials, labor and equipment which are needed to complete such work as authorized by the permit are available.

7. Keep the original copy of the permit and an approved copy of the plan at all times while such work is in progress at the location for which said permit was granted and show such permit and/or plan upon demand by the Borough.

(Ord. 337, 12/9/1959, §3.2; as amended by Ord. 626, 4/13/1987)



D. Street Opening Regulations

§141. Adoption of Regulations. The Manager is hereby authorized and directed to adopt such written regulations as may be necessary for the implementation and enforcement of the provisions of this Part. Such regulations shall include but shall not be limited to: (1) limitations on the size of an opening; (2) restrictions for the protection of existing subsurface installations, monuments, and drainage system; (3) requirements for the storage and removal of excavated materials; (4) designation of safety precautions to be taken by the permittee; (5) restrictions as to the periods of day when the work may be performed; and (6) requirements for backfilling, inspecting and restoring of openings. (Ord. 337, 12/9/1959, §4.1)

§142. Approval of Regulations. Any regulations adopted by the Manager shall become effective within thirty (30) days after submission to the Council unless the regulations are disapproved by the Council within the thirty (30) day period. Copies of the regulations shall be available in the office of the Manager. (Ord. 337, 12/9/1959, §4.2)

§143. Opening and Excavation Restrictions.

1. All trenching within the pavement lines shall be precut as follows:
  - A. Reinforced cement concrete pavements shall be precut with an approved concrete saw to a minimum depth of two inches (2"). The balance of the paving shall be removed and trimmed by pneumatic equipment.
  - B. Asphalt pavement shall be precut with either an approved concrete saw or pneumatic equipment prior to the use of a backhoe or trenching machine.
2. No more than two hundred fifty feet (250'), measured longitudinally, shall be opened in any street at any one time.
3. No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored.
4. All utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to these facilities and to permit their relocation, if necessary.
5. Pipe drains, pipe culverts, or other facilities encountered shall be protected by the permittee.
6. All facilities damaged by the permittee shall be repaid at no expense to the Hollidaysburg Borough.
7. Sewers, either public or private, as well as all pipes, mains, and conduits already laid in the Borough of Hollidaysburg, shall not in any manner be interfered with. No pipes, conduits, or appliances shall be laid over or under any sewer or sewers, or over or under any Borough water mains now laid, excepting when necessary to cross the same.

8. 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 Manager. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of any and all monuments so affected.

9. When 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 Superintendent.

10. 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 eight (8) hours after deposit. In the event the earth, gravel or other excavated material so deposited is not removed, the Superintendent shall cause such removal and the cost incurred shall be paid by the permittee or deducted from his deposit.

11. Every permittee shall place around excavations such barriers, barricades, lights, warning flags, and danger signs so as to prevent persons, animals, or vehicles from falling into such excavation, and shall cause red warning lights or torches to be lighted and maintained from sunset to sunrise, or during other periods of impaired vision due to climatic conditions.

12. 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.

13. Excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee shall keep a passageway at least one-half the sidewalk width open along such sidewalk line.

14. Work authorized by a permit shall be performed between the hours of 7 a.m. and 7 p.m., Monday through Saturday, unless the permittee obtains written consent from the Manager to do the work at an earlier or later hour. Such permission shall be granted only in case of an emergency.

15. In granting any permit, the Manager may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall not be limited to: (1) limitations on period of the year in which the work may be performed; (2) restrictions as to the size and type of equipment; (3) designation of routes upon which materials may be transported; (4) the place and manner of disposal of excavated materials; (5) requirements as to the laying of dust, the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof; and (6) regulations as to the use of streets in the course of the work. (Street Opening Regulations, 8/1/1960, §1)

§144. Backfilling and Restoring Opening.

1. All pavement cuts, openings, and excavations shall be properly backfilled with acceptable material in layers of not more than four inches (4") in depth. Each layer shall be placed and thoroughly compacted mechanically until the backfilling is level with the existing pavement.

Where material used in backfilling is too dry to be compacted satisfactorily, sufficient water may be added to the fill material so that this material may be compacted as required. Flushing or puddling of the fill material will not be permitted.

2. If any settlement in a restored area occurs within a period of one (1) year from date of completion of the permanent restoration, any expense incurred by the Borough in correcting settlement shall be paid by the permittee or recovered from his bond, unless the permittee submits proof satisfactory to the Manager that the settlement was not due to defective backfilling.

3. The work of restoration, including both paving surface and paving base, shall be performed directly by the Borough under the supervision of the Superintendent.

(Street Opening Regulations, 8/1/1960, §2)

§145. Sidewalk Area Openings. All openings in the areas that are back of the curb but within the street right-of-way shall be backfilled with suitable material and compacted in six-inch (6") layers with a pneumatic tamper. (Street Opening Regulations, 8/1/1960, §3)



E. Deposits; Bond Requirements; Liability Insurance

§151. Computation of Deposit. The Manager, upon receipt of a properly completed application, shall determine the amount of the deposit to be made by the permittee; provided, however, that the deposit shall not be less than fifty dollars (\$50.00). The deposit shall be paid at the time the permit is received, and the deposit shall be used to reimburse the Borough for the cost of any work and materials furnished by it in connection with the work authorized by the permit, to cover all necessary inspections of said work, and for any other purpose set forth in this Part. (Ord. 337, 12/9/1959, §5.1)

§152. Form of Deposit. The deposit may be either in the form of a certified, treasurer's or cashier's check or in lawful money of the United States. (Ord. 337, 12/9/1959, §5.2)

§153. Insufficient Deposit. If any deposit is less than sufficient to pay all costs, the permittee shall, upon demand, pay to the Borough an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the Borough may institute an action to recover the same in any court of competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee. (Ord. 337, 12/9/1959, §5.3)

§154. Yearly Deposit. Whenever any public utility or authority shall anticipate more than one street opening or excavation per calendar year, such utility or authority may post one deposit in an amount and form as provided above for the calendar year or part thereof to cover the cost of any and all work. (Ord. 337, 12/9/1959, §5.4)

§155. Deposit and Cost Schedules. The Manager is authorized to establish a schedule of charges for inspections, labor, materials and such other expenses as may be incurred by the Borough in meeting the requirements of this Part. The schedule shall be open to public inspection in the office of the Manager upon demand. (Ord. 337, 12/9/1959, §5.5)

§156. Decision on Costs. The decision of the Manager as to the cost of any work done or repairs made by him or under his direction, pursuant to the provisions of this Part, shall be final and conclusive as to such cost. (Ord. 337, 12/9/1959, §5.6)

§157. Refund of Deposit. Upon notification by the permittee that all work authorized by the permit has been completed and after restoration of the opening, the Manager shall refund to the permittee his deposit less all costs incurred by the Borough in connection with said permit. In no event shall the permit fee be refunded. (Ord. 337, 12/9/1959, §5.7)

§158. Maintenance Bond Requirements. Each applicant upon the receipt of a permit shall provide the Borough with an acceptable corporate surety bond conditioned for compliance with the street opening specifications of the Borough and the provisions of this Part 1. The Manager shall determine the amount of the bond and it shall be in relation to the cost of restoring

the pavement cut to be made by the permittee; provided, however, the minimum amount of the bond shall not be less than one thousand dollars (\$1,000.00). The term of each such bond shall begin from the completion date of the permanent restoration of the opening by the Borough and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Manager. If the permittee anticipates requesting more than one permit a year, he may file a continuing corporate surety bond conditioned for compliance with the specifications of the Borough and the provisions of this Part in such amount as the Manager deems necessary. The amount of such bond shall be in relation to the cost of restoring pavement cuts to be made by the permittee throughout the year. (Ord. 337, 12/9/1959, §6.1)

§159. Default in Performance. Whenever the Manager shall find that a default has occurred in the performance of any term of condition of the permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Manager to be reasonably necessary for the completion of such work. (Ord. 337, 12/9/1959, §6.2)

§160. Completion of Work. After receipt of such notice the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, indemnify the Borough for the cost of doing the work as set forth in the notice. (Ord. 337, 12/9/1959, §6.3)

§161. Liability Insurance Requirements. Each applicant, upon the receipt of a permit, shall provide the Borough with an acceptable certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the Manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall not be in an amount less than one hundred thousand dollars (\$100,000) for each person and three hundred thousand dollars (\$300,000) for each accident and for property damages an amount not less than fifty thousand dollars (\$50,000) with an aggregate of one hundred thousand dollars (\$100,000) for all accidents. Public utilities and authorities may be relieved of the obligation of submitting such a certificate if they are insured in accordance with the requirements of this Part. (Ord. 337, 12/9/1959, §7.1)

F. Openings in New Streets

§171. Notices of Improvements. When the Borough shall improve or pave any street, the Secretary shall first give notice to all persons owning property abutting on the street about to be paved or improved, and to all public utilities and authorities operating in the Borough, and all such persons, utilities, and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street, within thirty (30) days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Borough Secretary after consultation with the Manager and Engineer. (Ord. 337, 12/9/1959, §8.1)

§172. Restrictions upon Opening New Streets. No permit shall be issued by the Manager which would allow an excavation or opening in a paved and improved street surface less than five (5) years old unless the applicant can clearly demonstrate that public health or safety require that the proposed work be permitted or unless an emergency condition exists. (Ord. 337, 12/9/1959, §8.2)

§173. Penalty for Opening New Streets. If by special action of the Manager, a permit is issued to open any paved and improved street surface less than five (5) years old, a penalty charge shall be made for the opening, except that the penalty shall be waived in the event the work is of an emergency nature. The penalty charge shall be on a sliding scale and shall be equal to two percent (2%) of the cost of restoring the opening for each unelapsed month or fraction thereof of the five (5) year restricted period. (Ord. 337, 12/9/1959, §8.3)



## G. General Provisions

### §181. Map Requirements.

1. Every person owning, using, controlling, or having an interest in pipes, conduits, ducts, or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, communication impulses, water or steam to or from the Borough, or to or from its inhabitants, or for any other purposes shall file with the Manager, within one hundred twenty (120) days after the adoption of this Chapter, a map or set of maps, each drawn to a scale of not less than one inch (1") to two hundred feet (200'), showing the location, size and description of all such installations.

2. Within thirty (30) days after the first day of January of each and every year, such person shall file with the Manager a corrected map or set of maps, each drawn to scale as above, showing such installations, including all those made during the previous year; provided, however, if no additions have been made to its installation during the previous year, a utility or authority may file with the Manager a written statement to that effect, within the period of time specified above. A utility or authority may at its own option elect to provide corrected atlas sheets throughout the year as they are available rather than proceed as above noted.

3. Each map herein required shall be accompanied by an affidavit, endorsed thereon, to the effect that the same correctly exhibits the details required to be shown by this section.

(Ord. 337, 12/9/1959, §9.1)

### §182. Abandoned Facilities.

1. Whenever any pipe, conduit, duct, tunnel, or other structure located under the surface of any street, or the use thereof, is abandoned, the person owning, using, controlling or having an interest therein shall, within thirty (30) days after such abandonment, file with the Manager a statement in writing giving in detail the location of the structure so abandoned.

2. Each map, or set of maps, filed pursuant to the provisions of this Chapter, shall show in detail the location of all such structures abandoned subsequent to the filing of the last preceding map or set of maps.

3. When the Borough plans to pave or improve streets in which there are abandoned facilities, the owner of such facilities shall be notified to remove them if, in the opinion of the Council, their removal is in the best interest of the Borough. If the owner shall refuse to remove such facilities, the Borough shall remove the abandoned facilities and the owner shall reimburse the Borough for such removal.

(Ord. 337, 12/9/1959, §9.2)

§183. Notices to Property Owners and Tenants. If the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, the Manager shall require the permittee to submit a list of the names and addresses of the owners and/or

tenants of such properties. Upon receipt of such list, the Manager shall notify the affected property owners and/or tenants of the proposed work to be done.

If the work to be undertaken by a permittee will affect other subsurface installations in the vicinity of the proposed opening, the Manager shall notify the owners of such facilities of the proposed work.

(Ord. 337, 12/9/1959, §9.3)

§184. Notices to Police and Fire Authorities. The Manager shall notify in writing the Borough police and fire authorities of all street opening permits he grants. Such notification shall state the nature of the work to be done, proposed beginning and completion dates, and the location of such project. (Ord. 337, 12/9/1959, §9.4)

§185. Penalty for Violation. Any person violating any of the provisions of this Part or any regulations and specifications adopted thereunder shall, upon conviction thereof before the district magistrate, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00), nor more than six hundred dollars (\$600.00) for each offense, and/or to be imprisoned in the Blair County Jail for a period not exceeding thirty (30) days. Each day that a violation is permitted to exist after notice in writing shall have been served by the Manager shall constitute a separate offense. (Ord. 337, 12/9/1959, §9.5; as amended by Ord. 640, 4/10/1989, §28)

Part 2

Sidewalks and Driveways

A. Sidewalk and Driveway Construction

§201. Sidewalk Construction; Material, Width, Grade and Lines.

1. Construction and Repair Required. The Borough may require owners of property abutting on any streets, including State highways, to construct, pave, repave and keep in good repair the sidewalk, curb and gutter along such property, at such grades and under such regulations as may be prescribed by ordinance.

2. Notice to do Work. Notice to construct, pave, repave and repair sidewalks, curbs or gutters shall be given by registered or certified mail to abutting property owners, and such owners shall be given sixty (60) days to comply with said notice in conformity with any construction specifications prescribed by ordinance.

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

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

5. Emergency Repairs. Where, in the opinion of the Borough Manager, a dangerous condition exists that can be repaired by an expenditure of one hundred dollars (\$100), the Borough shall send such property owner notice by registered or certified mail stating emergency repairs are required. Upon failure of such owner to comply with the notice within forty-eight (48) hours after receiving it, the Borough may make emergency repairs and levy cost of its work on such owner as a property lien to be collected in the manner provided by law.

6. Construction and Repair Done on Owner's Initiative Without Notice. Any property owner not required by notice to construct, pave, repave or keep in repair sidewalks, curbs or gutters, may construct, pave, repave or repair the sidewalk, curb and gutter abutting his property; provided, such owner shall make application to the Borough Engineer before commencing work, shall conform to the provisions of this Part and other regulations as to specifications for construction and repair work and shall notify the Engineer within two (2) days after completion of his work.

7. All sidewalks constructed or reconstructed within the Borough shall be constructed of concrete or brick paving stones and not less than four (4) feet in width, and in areas zoned commercial or business, five (5) feet in width, unless, in the opinion of Borough Council, unnecessary and undue hardship will result to the abutting property owner by reason of such requirement. In such instance, Borough Council may authorize, by resolution, the approval of construction of concrete sidewalks of a lesser width,

but not less than three (3) feet. Provided, that where there are existing sidewalks, a sidewalk may be constructed or reconstructed to a width that is consistent with the existing sidewalks in the immediate area.

8. Before commencing any construction, reconstruction or repair of any sidewalk within the Borough, the owner(s) of the property involved or their agent(s) shall make application for and get a permit from the Borough Manager for such work. The application shall include a brief statement of the nature and method of construction or repair to be used. The Borough Manager is hereby empowered and authorized to make such reasonable regulations and prescribe such forms as shall be necessary for the application for said permit. Upon approval of the application, the Borough Manager shall issue a permit allowing the construction, reconstruction or repair. The cost of the permit shall be as established from time to time by resolution of Borough Council.

9. The specifications for the construction of concrete sidewalks within the Borough are set out in Exhibit A, attached hereto. The specification set forth in Exhibit A shall apply to the construction or reconstruction of a sidewalk whether the construction of the sidewalk is made by the property owner or his contractor, or by the Borough or its contractor is hereby adopted. It shall be unlawful for any person to fail or refuse to comply with the requirements of such specifications as set out in this Part 2A. Said specifications found in Exhibit A hereto may be amended from time to time by resolution of Council.

10. Whenever a sidewalk is constructed or reconstructed, the owner shall be responsible for making curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway. The owners shall be responsible for the construction or reconstruction of said curb ramp according to the specification attached hereto and labeled Exhibit A. The owner shall be required to construct or reconstruct such curb ramp whenever any portion of the sidewalk or curb is being constructed, whether or not the part of the sidewalk or curb is being constructed or reconstructed includes the intersection radius, or other barrier to entry from a street level pedestrian walkway.

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

(Ord. 303, 7/15/1957, §20; as amended by Ord. 360, 12/8/1960, §4; by Ord. 460, 11/6/1967, §§20-22; by Ord. 579, 10/9/1979; and by Ord. 712, 7/7/1994, §1)

§202. Owner's Responsibility to Maintain Sidewalks. It shall be the owner's responsibility to keep the sidewalks on his property in good repair, and if the sidewalks become damaged and need replacement, the owner shall be responsible for securing the necessary permits and complying with other requirements of this Part. (Added by Ord. 626, 4/13/1987; as amended by Ord. 712, 7/7/1994, §2)

§203. Authority to Remedy; Collect Costs. Upon neglect, failure or refusal of any property owner to comply with the requirements of this Part

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\* Editor's Note: Exhibit A is on file in the Borough Office.

2, and in addition to the penalties of §210, the Borough may after notice and in accordance with the provisions of the Borough Code, cause the grading, paving and repairing to be done at the cost of the owner and may collect the cost thereof and ten percent (10%) additional, together with all charges and expenses, from such owner, and may file a municipal claim therefor or collect the same by Action in Assumpsit. Any new sidewalk constructed other than as provided herein may be removed at the expense of the property owner. In addition to the remedies now vested in the Borough to make repairs to sidewalks, emergency repairs may be made where in the opinion of the officer or the head of the department or committee lawfully having charge of sidewalk repairs, a dangerous condition exists that can be repaired by an expenditure of not more than one hundred dollars (\$100.00). Such repairs to be made in accordance with the provisions of the Borough Code. (Added by Ord. 460, 11/6/1967, §22A)

§204. Setting of Public Service Devices. The contractor shall attend carefully to all public service devices such as stop boxes for water or gas supply, or any other objects of such a character, that may be found within the area of the sidewalk under construction, by setting them at such a height as to bring the top of such device in each case flush with the top of the finished walk, so that they may be accessible and usable after the completion of the walk. (Ord. 303, 7/15/1957, §26)

§205. Contractor to Obey Applicable Laws and Ordinances. The contractor shall be required to observe all the provisions of this Part and other Borough ordinances relative to obstructing streets, maintaining signals, keeping open passageways and generally to obey all laws and ordinances controlling and limiting those engaged in the work. (Ord. 303, 7/15/1957, §27)

§206. Construction of Driveways. Any owner, lessee or other person constructing a driveway approach shall, before starting the construction of such driveway approach, make application for a permit for the doing of such work to the Borough Manager. Such application shall state briefly the nature and method of construction to be used in making the necessary driveway approach. The Borough Manager is hereby empowered and authorized to make such reasonable regulations and prescribe such forms as shall be necessary for the application of said permit herein authorized. (Ord. 303, 7/15/1957, §29)

§207. Issuance of Permit for Driveway Construction. The Borough Manager shall, upon application being filed by the proper parties, and upon approval of the plans for the driveway, issue a permit allowing the construction of such driveway approach. (Ord. 303, 7/15/1957, §30)

§208. Remedy of Defects in Driveway Drainage. Any owner or lessee of property which has an existing driveway approach which is defective, and does not provide for adequate drainage of surface water shall, upon notice from the Borough Manager, remedy such defect within fifteen (15) days thereafter. (Ord. 303, 7/15/1957, §31)

§209. Permit Fees. Except where otherwise provided in this Part, all fees for permits herein authorized shall be as established by resolution of Borough Council. (Ord. 303, 7/15/1957, §35)

§210. Penalties. Any person, firm or corporation who shall violate any provision of this Part 2A shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00); and/or to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part 2A continues shall constitute a separate offense. (Ord. 303, 7/15/1957; as amended by Ord. 626, 4/13/1987; and by Ord. 640, 4/10/1989, §29)

B. Obstructions and Encroachments on Sidewalks

§221. Display of Merchandise and Placement of Containers on Sidewalks.

It shall be unlawful for any person or persons, firm or corporation, to display any goods, wares or merchandise, or to place any containers or receptacles for the same, upon any sidewalk within the Borough. (Ord. 303, 7/15/1957, §4; as amended by Ord. 360, 12/8/1960, §2)

§222. Sidewalks to be Kept Clean of Mud, Filth, Dirt and Snow.

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

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

BUSINESS HOURS - hours between 9:00 a.m. and 5:00 p.m. on any business day.

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

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

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

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

2. It shall be unlawful for any person within the Borough to fail, neglect or refuse to keep the sidewalk in front of or abutting upon the buildings, tenements, rooms or real property owned, occupied or possessed by him, or under this management or control, swept clean of mud, filth, dirt or snow.

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

A. Except as provided in subsection (3) hereof, snow and ice shall be removed from sidewalks within twenty-four (24) hours after the cessation of any fall or snow, sleet or freezing rain.

B. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection (A) hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe; and shall, as soon as thereafter weather permits, cause to be cleared a path in said sidewalk of at least thirty (30) inches in width or the width of the existing sidewalk, whichever is less. [Ord. 773]

4. 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 area of a public transportation system, except that snow and ice which 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 the C-2 Business District. [Ord. 773]

5. In order to maintain access to parking meters, snow may be shoveled from the sidewalk into the street only in C-2 Community Business District, as established in Chapter 27, Part 2, §202 of the Hollidaysburg Code of Ordinances.

In all C-2 Zoning Districts, it shall be the responsibility of the property owner to clear the entire width of the walk from the building to the curb.

Residents are required to shovel walks the full width of the sidewalk or thirty (30) inches, whichever is less. Snow may not be shoveled into the street except in the C-2 Zoning Districts.

Following notice from the Borough of Hollidaysburg in the event that snow and ice is not removed from sidewalks after ninety-six (96) hours, the Borough may cause the walk to be cleared of snow and ice and shall bill the property owner for the cost plus ten (10) percent. This shall be in addition to any fines or penalties that may be assessed under this Code.

[Ord. 773]

(Ord. 303, 7/15/1957, §7; as amended by Ord. 308, 9/9/1957, §1; by Ord. 360, 12/8/1960, §3; by Ord. 712, 7/7/1994, §3; and by Ord. 773, 12/7/2000, §§1-3)

§223. Penalties. Any person, firm or corporation who shall violate any provision of this Part 2B shall, upon conviction thereof, be sentenced to pay a fine of not less than five dollars (\$25.00) and not more than six hundred dollars (\$600.00); and/or to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part 2B continues shall constitute a separate offense. (Ord. 303, 7/15/1957; as amended by Ord. 626, 4/13/1987; by Ord. 640, 4/10/1989, §30; and by Ord. 773, 12/7/2000, §4)

Part 3  
General Regulations

A. Street/Sidewalk Widths

§301. Proper Operation of Vehicles. Any vehicle transporting or carrying soil, sand, stone, dirt, debris, refuse, litter or other substance of any kind, including liquids and chemicals, over streets, alleys and thoroughfares shall be so operated as to prevent said materials from being scattered, spilled, dropped or blown from the vehicle or from the wheels, tires or undercarriage thereof. (Ord. 712, 7/7/1994, §4)

§302. Befouling of Streets Unlawful. It shall be unlawful to scatter, spill, dump or drop, or permit to be scattered, spilled, dumped or dropped, any soil, sand, stone, dirt, debris, refuse, litter or other substance of any kind, including liquids and chemicals, from any vehicle or from the wheels, tires or undercarriage thereof, upon streets, alleys and thoroughfares. (Ord. 712, 7/7/1994, §4)



B. Dangerous or Damaging Conditions

§321. Unlawful to Injure Streets or Sidewalks or Facilities Therein. It shall be unlawful for any person to remove, tear up, deface, or otherwise destroy or injure any bridge, sidewalk, pavement, crosswalk or curb, in or upon any street, alley or cartway of the Borough, without lawful authority to do so. (Ord. 303, 7/15/1957, §1)

§322. Unlawful to Erect or Maintain Barbed-Wire Fences Along Streets and Sidewalks. It shall be unlawful for any person to erect, construct, maintain or use any fence, composed in whole or in part of barbed wire, upon any street, sidewalk, cartway or alley within the limits of the Borough. (Ord. 303, 7/15/1957, §2)

§323. Fires Prohibited on Improved Streets, Alleys and Sidewalks. It shall be unlawful for any person to kindle or maintain any fire on any improved street, alley or sidewalk within the Borough. (Ord. 303, 7/15/1957, §3; as amended by Ord. 360, 12/8/1960, §1)

§324. Interference with Stakes and Markers Prohibited. It shall be unlawful for any person to remove or otherwise interfere with the stakes, or other markers, set by the Borough, or Borough employees, to designate the grade or line of any sidewalk, curb, gutter, cartway or alley, or other street improvement, or cause to be constructed within the Borough any sidewalk, curb or gutter, on a grade and line other than the grade and line designated by the Borough, after the same shall have been properly designated by the Borough or its proper officials. (Ord. 303, 7/15/1957, §5)



C. Obstructions on Streets and Sidewalks

§331. Conditions for Deposit of Building Material or Other Material on Street or Sidewalk. No person shall, at any time, deposit building material, soil or any other object on any public street, sidewalk, alley or cartway within the Borough without having first obtained a street-use permit from the Borough Manager for which a deposit may be required as provided in other sections of this Part 3C. The Borough Manager is hereby empowered and authorized to make reasonable regulations and prescribe forms for the application for the street-use permits herein authorized; provided, however, if the period of obstruction is to be less than twenty-four (24) hours, no permit deposit shall be required and verbal permission from the Borough Manager shall suffice. (Ord. 303, 7/15/1957, §8; as amended by Ord. 308, 9/9/1957, §3)

§332. Limited Portion of Street or Sidewalk May Be Obstructed. No person shall, at any time, obstruct or occupy with building materials, soil or any other object calculated to prevent free passage of the public more than one-half of any sidewalk or grass strip, or more than one-third of any public roadway, highway, cartway or alley; provided, however, that if the period of obstruction is to be less than twenty-four (24) hours, such obstruction shall be permitted upon receipt of verbal approval from the Borough Manager for which there shall be required no fee nor deposit. (Ord. 303, 7/15/1957, §9; as amended by Ord. 308, 9/9/1957, §4)

§333. Obstruction of Free Passage of Water Unlawful. No person shall in any manner obstruct free passage of water in any gutter or alley with building materials, soil, blacktop or other objects. (Ord. 303, 7/15/1957, §10)

§334. Warning Lights Required. No person shall permit or suffer any building materials, soil or other object, calculated to obstruct free passage of the public to stand on any street, alley or sidewalk after sundown, without placing or causing to be placed on or about such obstruction lights in such a manner as to warn any person coming toward such obstruction from any direction of their existence. Such lanterns or lights shall be maintained lighted from sundown of each day until sunrise of the following day, or during other periods of obstructed vision until such obstruction is removed. (Ord. 303, 7/15/1957, §11)

§335. Deposit May Be Required; Condition Thereof. The Borough Manager may require a deposit of not less than five dollars (\$5.00), and not more than one hundred fifty dollars (\$150.00), to be made by the owner of the property, or his agent taking out the permit to construct, alter or repair a building, to insure the Borough that all building materials or debris deposited on the street, alley, sidewalk, grass strip or cartway, in connection with the work of such building will be removed and the street, alley, sidewalk, grass strip or cartway restored to a condition equal to that existing before the commencement of such work. (Ord. 303, 7/15/1957, §12)

§336. Custody of Deposit; Return Thereof. The Borough Secretary shall keep the deposit required in the preceding section in a special fund, subject to withdraw by check, and shall pay such deposit, after all deductions, if any, have been made, as provided in §338, to the person entitled to receive the same, after the provisions of this and the preceding section have been complied with. (Ord. 303, 7/15/1957, §13)

§337. Removal of Obstructions, Repair of Damage Caused by Obstructions. The Borough Manager is hereby authorized to open or clean out any gutter, drain, street inlet, sewer or manhole that may be obstructed by building material, soil or other objects, or repair any damage caused by such building material, soil or objects to condition equal to that existing prior to the commencement of any work, by any person, under the provisions of this Part 3C, when such person does not remove such obstructions or make such necessary repairs to any damage to any street, alley, sidewalk, gutter, drains, inlets, sewers and manholes, within twenty-four (24) hours after being notified. (Ord. 303, 7/15/1957, §14)

§338. Certain Deductions from Deposit. The Borough Manager is authorized and shall deduct the cost of labor and material necessary to do the cleaning and repairing referred to in the preceding section from the deposit provided for in §335 of this Part 3C. (Ord. 303, 7/15/1957, §15)

§339. Permit Fees. Except where otherwise provided in this Part all fees for permits herein authorized shall be established by resolution of Borough Council. (Ord. 303, 7/15/1957, §35)

§340. Penalties. Any person, firm or corporation who shall violate any provision of this Part 3C shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00); and/or to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part 3C continues shall constitute a separate offense. (Ord. 303, 7/15/1957a as amended by Ord. 626, 4/13/1987; and by Ord. 640, 4/10/1989, §31)

D. Motor Vehicle Maintenance or Repair

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

MAINTENANCE - those activities which are required to keep a motor vehicle in proper running condition or to maintain a good cosmetic appearance. Vehicle washing and waxing, the replacement of exterior parts (including wiper blades, ornaments and changing wheels), and the performance of minor tuneups (involving only replacement of points, plugs, engine liquids and other easily replaced components), which pose no hazard or nuisance to passerbys.

REPAIRS - any work on a motor vehicle which involves disassembly of the body, the engine or drivetrain or which requires lifting the vehicle completely off of the ground to replace large or difficult to remove components.

STREET RIGHT-OF-WAY - all of the street, alley, sidewalk or grass plot within the legal rights-of-way of the Borough of Hollidaysburg.

(Ord. 247, --/--/----; as revised by Ord. 626, 4/13/1987)

§352. Restrictions on Motor Vehicle Repairs and Maintenance in the Street Right-of-Way.

1. It shall be unlawful for any person, firm or corporation to make repairs to any motor vehicle in the street right-of-ways of the Borough of Hollidaysburg.

2. Routine maintenance of motor vehicles is permitted unless it poses a nuisance or safety hazard to passersby.

3. No vehicle, whether operable or not, shall be left unattended if it is open, or if tools, chemicals or any other things are present which could pose a danger or nuisance to passersby. When a motor vehicle is not being worked on, it should pose no greater potential hazard than would a vehicle which meets all the requirements of the PA Motor Vehicle Code for operating on public highways.

4. Vehicles which have been left in an inoperable state for longer than forty-eight (48) hours will be considered abandoned and dealt with as per provisions of the PA Motor Vehicle Code, as amended.

(Ord. 247, --/--/----; as revised by Ord. 626, 4/13/1987)

§353. 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); and/or to imprisonment for a term not to exceed thirty (30) days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 247, --/--/--; as revised by Ord. 626, 4/13/1987; and by Ord. 640, 4/10/1990, §32)

