

CHAPTER 21
STREETS AND SIDEWALKS

PART 1

STREET EXCAVATIONS

- §101. Definitions
- §102. Purpose and Application
- §103. Issuance of Permits
- §104. General Conditions
- §105. Special Conditions; Subsurface Operations
- §106. Record Examination
- §107. Penalties and Enforcement

PART 2

SIDEWALKS

A. Sidewalk and Curb Construction, Reconstruction and Repair

- §201. Definitions
- §202. Sidewalks Required
- §203. Sidewalk Specifications
- §204. Sidewalk Defects
- §205. Notice to Construct, Repair or Reconstruct
- §206. Borough Authorized to do Work
- §207. Inspection of Construction, Reconstruction or Repairs
- §208. Prior Approval
- §209. Inspection of Sidewalks
- §210. Penalties

B. Sidewalk Obstructions and Uses

- §211. Definition and Interpretation
- §212. Restrictions on Sidewalk Display of Merchandise
- §213. Penalty for Violation

C. Snow Removal from Sidewalks

- §221. Responsibility for Removal of Snow and Ice; Time Limit
- §222. Authority for Borough to Remove Snow and Ice and Collect Cost Plus 10%
- §223. Penalty for Violation

PART 3

REMOVAL OF MATERIAL FROM STREETS

- §301. Removal of Material from Streets, Alleys and Public Grounds Prohibited
- §302. Certain Actions not Unlawful Acts
- §303. Penalty for Tampering with Certain Property

PART 4

PLACEMENT OF SNOW ON STREETS

- §401. Definitions
- §402. Unlawful to Deposit Snow Onto Streets
- §403. Penalty for Violation

PART 5

BEFOULING OF STREETS

- §501. Proper Operation of Vehicles
- §502. Befouling of Streets Unlawful
- §503. Penalty for Violation

PART 1
STREET EXCAVATIONS

§101. DEFINITIONS.

The following words and terms, when used in this Part, shall have, unless the context indicates otherwise, the following meanings:

ADJACENT AREA - the area surrounding the immediate area of the permitted work which can reasonably be assumed to have been affected by the permitted work.

BACKFILL - material used to replace or the act of replacing material removed during construction.

BASE COURSE - the layer or layers of specified or selected material or designed thickness placed on a subgrade to support a surface course.

BOROUGH - the Borough of Bedford.

BRIDGE - a structure including supports, erected over a depression or an obstruction, as water, highway or railway, and having a track or passageway for carrying traffic or other moving loads and having an opening measured along the center of the roadway of more than 20 feet between supports.

EMERGENCY - an unforeseen occurrence or combination of circumstances which calls for immediate action or remedy.

EQUIPMENT - all machinery and equipment, together with the necessary supplies for upkeep and maintenance, and also tools and apparatus necessary for the proper construction and completion of the work.

FLEXIBLE BASE PAVEMENT - a pavement structure which maintains intimate contact with and distributes loads to the subgrade and depends on aggregate interlock, particle friction and cohesion for stability.

HIGHWAY - a highway or bridge on the system of Borough highways and bridges, including the entire width between right-of-way lines.

IMPROVED AREA - the area within the right-of-way which has been constructed for highway purposes, including roadbed, pavement, shoulders, slope, sidewalks, drainage facilities and any other appurtenances.

INSPECTOR - the Borough's authorized representative assigned to inspect permit operations.

PAVEMENT - the combination of subbase, base course and surface course placed on a subgrade to support the traffic load and distribute it to the roadbed.

STREETS AND SIDEWALKS

PERMIT - a highway occupancy permit issued by the Borough office pursuant to these regulations.

PERSON - any natural person, firm, copartnership, association, corporation or political subdivision.

PLANS - drawings which show the location, character and dimensions of the proposed occupancy and related highway features, including layouts, profiles, cross sections and other details.

PRIVATE STATUS - the status of a utility's facilities, which are situated within public right-of-way by agreement with the Borough, after the Borough condemned the utility's easement and did not provide a substitute right-of-way.

RIGHT-OF-WAY - the area which has been acquired by the Borough for highway purposes.

ROADWAY - that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

SHOULDER - the portion of the roadway, contiguous to the traffic lanes, for accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses and pavements.

SUBBASE - the layers of specified or selected material of designed thickness placed on a subgrade to support a base course.

SUBGRADE - the top surface of a roadbed upon which the pavement structure and shoulders including curbs are constructed.

SURFACE COURSE - one or more layers of a pavement structure designed to accommodate the traffic load, the top layer of which resists skidding, traffic abrasion and the disintegrating effects of climate. The top layer is sometimes called "wearing course."

UTILITY - a person owning a utility facility including any wholly owned or controlled subsidiary.

UTILITY FACILITY or FACILITY - all privately, publicly or cooperative owned lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water and other similar commodities, including fire and police signal systems and street lighting systems, which directly or indirectly serve the public or any part thereof.

VEHICLE - every device which is or may be moved or drawn upon a highway.

(Ord. 3-87, 8/3/1987, §100)

§102. PURPOSE AND APPLICATION.

It is in the public interest to regulate the location and construction of utility facilities and other structures within the Borough of Bedford's highway right-of-way for the purpose of security, economy of maintenance, preservation of proper drainage and safe convenient passage of traffic. Nothing contained herein is intended to relax existing safety requirements.

(Ord. 3-87, 8/3/1987, §200)

§103. ISSUANCE OF PERMITS.

1. It shall be unlawful for any person to make any opening or excavation within the limits of any of the Borough's rights-of-way without first having made application to the Borough office located at 244 West Penn Street, Bedford, PA, 15522. Such application shall state the location and approximate area of the proposed opening or excavation, shall stipulate the time when the work of making such opening or excavation shall be done, shall state any other information as may be required by the Borough, and shall contain an agreement on the part of the applicant that the work will be done in full compliance with the ordinances of the Borough and the laws and regulations of the Commonwealth.
2. General Rule. Upon application duly made, in accordance with this Part, a permit will be issued by the Borough, subject to this Part and the conditions contained on the permit and its attachments and supplements. The permit will be the applicant's authority to proceed with the work.
3. Scheduled Work. Permits for scheduled work shall be applied for at least 30 working days prior to the actual date for start of construction.
4. Emergency Work. Emergency repairs involving the placing of facilities or opening of the surface within the right-of-way may be performed prior to obtaining a permit provided the following procedure is adhered to:
 - A. The utility facility owner shall immediately notify the Borough office, by telephone, when the necessity for any emergency repair occurs between the hours of 7:30 a.m. and 4 p.m., Monday thru Friday. Emergency work occurring at other times shall be reported to the Borough office on the following work day.
 - B. A permit shall be applied for, within 3 days of the date repairs began, to confirm and set forth, in detail, any work performed.
5. Permits will be issued only to the utility or entity that will own and operate the facility after its installation. Permits will not be issued to any person to install a facility or structure if the person will not own and operate the facility or structure after its installation. Permits will not be issued to contractors or subcontractors of the utility, nor to persons being serviced by the facility.

STREETS AND SIDEWALKS

6. Requesting Permit Time Extension. A permit is valid for a 6 month period or multiples thereof as specified on the permit. If the permittee has not completed all authorized work by the completion date specified on the permit, an application shall be submitted requesting a time extension on the permit. If approved, a supplement will be issued by the Borough office.
7. Work Completion Notification. The Borough office shall be notified when all permitted work has been completed in order that an inspection can be made.
8. Permit Issuance Fees. Issuance fees are used to defray costs incurred by the Borough in reviewing and processing the application and plan(s), including the preliminary review of the site location identified in the application, and issuing and processing the permit. Fees are to be submitted with the application form in an amount established from time to time by resolution of the Borough Council. [Ord. 2-200 1]

(Ord. 3-87, 8/3/1987, §300; as amended by Ord. 2-2001, 7/2/2001)

§104. GENERAL CONDITIONS.

1. The following conditions shall apply to permits issued under this Part:
 - A. Scope of Permit. The permit shall be binding upon the permittee, its agents, contractors, successors and assigns.
 - B. The permittee shall be responsible for causing compliance with all terms and conditions of the permit by its agents, contractors and successors.
 - C. The permit shall be maintained as a permanent record and remain in effect, subject to the permit conditions and this Part, as long as the permittee's facilities authorized by the permit occupy the right-of-way.
 - D. Responsibility for compliance with the terms of the permit cannot be assigned or transferred by the permittee without first obtaining approval from the Borough. In the event a permit is assigned or transferred without first obtaining approval from the Borough, the assignment or transfer shall be null and void. Any facility installed under the authority of said permit shall be subject to removal at the expense of the applicant to which the permit was issued and/or its assignees.
 - E. The permittee shall be principally liable to the Borough for any failure to comply with the permit and this Part. The principal liability of the permittee to the Borough shall not preclude the permittee from any subsequent action against its contractor, subcontractor, materialmen, engineer, architect or the like arising from the project. This provision shall not be deemed a waiver of any rights the Borough may have against any third party for any damages or liability arising from the project.
 - F. The permittee shall be the only party in interest in any action against the Borough involving disputes arising from the permit.

2. Work to Conform to Borough Standards. The work shall be done at such time and in such a manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the Borough. If at any time it shall be found by the Borough that the work is not being done or has not been properly performed, the permittee, upon being notified in writing by the Borough, shall immediately take the necessary steps at its own expense to place the work in condition to conform to such requirements or standards. In case any dispute arises between the permittee and the Borough's inspector, the Borough's inspector shall have the authority to suspend work until the question at issue can be referred to and be decided by the Borough office.
3. Permittee Responsibilities.
 - A. The permittee shall pay all costs and expenses incident to, or arising from, the project, including the prescribed fees for same, the cost of making and maintaining temporary restoration of the disturbed areas and making permanent restoration.
 - B. In the event of failure or neglect by the permittee to perform and comply with the permit or these regulations, the Borough may immediately revoke and annul the permit and order, and direct the permittee to remove any or all structures, equipment or property belonging to the permittee and/or its contractors from the legal limits of the right-of-way and to restore the right-of-way to its former condition. In the event the Borough determines that such structures, equipment or property pose a threat to the public safety and the permittee fails to remove the same after notice from the Borough to do so, the Borough or its attorneys, or any attorney of any court of record, shall be authorized to appear for the permittee, and to enter an amicable action to ejectment and confess judgment against the permittee; and the attorney shall be authorized to issue forthwith a writ of possession with a clause of fieri facias for costs, without leave of court.
 - C. If work is stopped on a project for any reason, other than at the end of any normal work day, and any ditch or trench, in the opinion of the Borough, remains open for an unreasonable period, the permittee, if so directed, shall refill the ditch or trench and work shall not be resumed until the permittee is prepared to proceed immediately with the work to its completion. In the event the permittee fails to refill the ditch or trench or proceed until completion of the work upon notice from the Borough to do so, the Borough may perform the necessary and required work and shall be reimbursed for the costs by the permittee within 30 days after receipt of the Borough invoice.
 - D. If the permittee, after making an opening in the surface to place or repair a facility or for any other purpose, fails to restore any portion of the right-of-way to conform with §§104 and 105 of this Part, upon notice from the Borough to do so, the Borough reserves the right to do the work and the permittee shall reimburse the Borough for the costs within 30 days after receipt of the Borough's invoice.

STREETS AND SIDEWALKS

4. Altering Drainage Prohibited. Unless specifically authorized by the permit, the permittee shall not:
 - A. Alter the existing drainage pattern or the existing flow of drainage water.
 - B. Direct additional drainage of surface water toward, onto or into, or in any way affect the highway right-of-way or highway facilities.
 - C. This permit does not authorize the permittee to direct, divert or otherwise drain surface waters over the property of any other property owner.
 - D. The permit does not in any way relieve the permittee from acquiring the consent, permission or other authorization from any property owner which may be adversely affected by drainage alterations.
 - E. The permittee is responsible for any damage caused to any property owners as a result of work done under the permit.

5. Equipment Damaging Highway.
 - A. To protect the pavement and shoulders, all equipment shall have rubber wheels or runners and shall have rubber, wood or similar protective pads between the outriggers and the surface unless otherwise authorized by the permit.
 - B. In the event that other than rubber equipped machinery is authorized for use, the pavement and shoulders shall be protected by the use of matting, wood or other suitable protective material having a minimum thickness of 4 inches, unless the permit requires the permittee to repave the roadway full width.
 - C. If the equipment damages the pavement or shoulder, the permittee shall restore the pavement or shoulders to their former condition, at the permittee's expense.

6. Traffic Protection and Maintenance. Maintenance and protection of traffic shall be carried out in accordance with the requirements of the Borough.
 - A. The permittee shall provide and maintain all necessary precautions to prevent injury or damage to persons and property. A traffic control plan shall be submitted to and approved by the Borough before detouring any traffic.
 - B. Warning signs shall be placed in advance of the actual operation in such a manner as to be visible to the traveling public and substantial barricades with adequate illumination shall be provided and maintained for any open trench or hole in the improved area.
 - C. Designated employees shall be assigned by the permittee to direct one-lane traffic.

7. Indemnification. The permittee shall fully indemnify and save harmless and defend the Borough of and from all liability for damages or injury occurring to any person or persons or property through or in consequence of any act or omission of any contractor, agent, servant, employee or person engaged or employed in, about or upon the work, by, at the instance, or with the approval or consent of the permittee; from any failure of the permittee or any such person to comply with the permit or these regulations; and, for a period of 2 years after completion of the permitted work, from the failure of the highway in the immediate area of the work performed under the permit where there is no similar failure of the highway beyond the area adjacent to the area of the permitted work.
8. Insurance. The permittee shall, upon request, submit to the Borough a certificate or certificates of insurance for public liability and property damage, in form and amount satisfactory to the Borough, to cover any loss that may be incurred for or on account of any matter, cause or thing arising out of the construction, reconstruction, repair, relocation or installation of the permitted structures or facilities.
9. Blasting. No predrilling or blasting shall be permitted within the right-of-way, unless authorized by the permit.
 - A. If the permittee proposes to blast, the permittee shall make, execute and deliver a bond to the Borough in an amount determined by the Borough with surety by a company duly registered and authorized to do business in the Commonwealth of Pennsylvania, conditioned that the Borough will be saved harmless from any damages whatsoever to the improved area for a period of 1 year from the date of the completion of the last work covered by the permit.
 - B. When blasting is anticipated within 100 feet of any bridge, box or culvert, a detailed plan of excavating, shoring, blasting, and backfilling procedures shall be submitted, with the application, to the Borough for review and approval.
 - C. No blasting shall be permitted if within 25 feet of the nearest part of a bridge, box or culvert.
 - D. Only controlled blasting shall be permitted within the improved area.
10. Maintaining Structure or Facility. As long as the permittee operates and leaves in place any structures or facilities, in, upon or along the right-of-way, the permittee shall maintain and keep them in good order and repair.
11. Damaged Structure or Facility to be Repaired. If at any time the structure or facility shall become damaged from any cause whatsoever the permittee shall have it removed, repaired or otherwise made safe immediately upon notification from the Borough.
12. Damage to Highway.
 - A. If there is a failure of the highway, including slope or any other appurtenance thereto, in the immediate area of the permitted work within 2 years after the completion of the permitted work and there is no similar

STREETS AND SIDEWALKS

failure of the highway beyond the area adjacent to the area of the permitted work, the permittee shall have absolute responsibility to make all temporary and permanent restoration including restoration of the adjacent area if it has also failed.

- B. Consequential Damages. If the permitted work is the proximate cause of damage to the highway, including slope or any other appurtenance thereto, beyond the adjacent area, the permittee shall be responsible for all remedial work and shall make all temporary and permanent restoration.
 - C. Where the permittee has the responsibility to restore the highway, including slope or any other appurtenance thereto, under any of the above subsections, the permittee shall have the duty to restore the improved area in accordance with the permit. If the permittee fails to restore the improved area properly, the Borough shall have the authority to do the work at the permittee's expense. The permittee shall reimburse the Borough for the costs within 30 days after receipt of the Borough's invoice.
13. Future highway changes. If at any time in the future the highway is altered for public convenience or necessity, the permittee shall at its own cost and expense, change or relocate all or any part of the structures or facilities authorized by the permit which interfere with such highway alterations or which is inconsistent with the purpose of the highway alterations.
14. Approval by Inspector. Approval by the Borough's inspector of all or part of any permitted work shall not constitute acknowledgement that the work was performed in accordance with the permit, nor shall such approval of the inspector act as a release of the permittee or waiver by the Borough of its right to seek performance or restitution from the permittee.

(Ord. 3-87, 8/3/1987, §400)

§105. SPECIAL CONDITIONS; SUBSURFACE OPERATIONS.

- 1. Trench Openings.
 - A. No trench opening shall be made for a distance of more than 200 feet at anyone time, unless authorized by the permit. In addition, no more than 40 feet of trench shall be left open on the edge of a highway at the end of any work day, unless authorized by the permit.
 - B. No highway shall be blocked to through traffic unless authorized by the permit.
- 2. Disposition of Material.
 - A. The permittee shall keep the improved area free of all material which may be deposited by vehicles traveling upon or entering into the highway during the performance of work authorized by the permit.

- B. The permittee shall be responsible for controlling dust conditions created by its own operations.
 - C. All excess material and material that is not suitable for backfill shall be removed and disposed of outside the right-of-way as the work progresses.
 - D. All retained suitable material shall be placed or stored on the side of the operation farthest from traffic, unless otherwise authorized by the permit, and in such a manner that there will be no interference with the flow of water in any gutter, drain, pipe, culvert, ditch or waterway.
3. Backfilling. All openings made in the improved area shall be backfilled by the permittee in accordance with the following minimum standards:
- A. The opening shall first be backfilled with material suitable for insulation to a height not to exceed 1 foot over the top of the facility, compacted in not more than 4 inch layers.
 - B. The opening shall then be backfilled with either No. 2 RC aggregate, retained suitable material, or other material specified in the permit, and compacted throughout its full width with approved vibratory compacting equipment in layers not to exceed 8 inches.
 - C. Compaction shall be completed to within 2 inches of the top elevation of the existing pavement.
4. Restoration of Flexible Base Pavements. Base and surface restoration of flexible pavements shall be done in accordance with the following method:
- A. Temporary Restoration. Temporary restoration shall be made and kept in place for a minimum of 90 days. This temporary restoration shall be accomplished by utilizing a minimum of 2 inches of either ID-2 wearing or 2PB stockpile patching compacted to a grade equal to that of the existing pavement. See Figure I.
 - B. Permanent Restoration. See Figure II.
 - (1) After the minimum 90 day period, but before 210 days, the temporary restoration shall be removed and permanent restoration made.
 - (2) Prior to making the permanent restoration, 6 inches from each edge of the trench shall be sawed or cut, in a neat straight line, to the bottom elevation of the existing base course, and the detached material shall be removed.
 - (3) The permanent base course shall consist of bituminous concrete (BCBC) having a minimum compacted depth of 5 inches or a compacted depth equal to the existing base course, whichever is greater.

STREETS AND SIDEWALKS

- (4) The permanent wearing course shall be placed in accordance with the depths of the existing bituminous surface but in no case shall the compacted wearing course be less than one 1 inch of ID-2.
5. Restoration of Plain or Reinforced Cement Concrete Pavements. Prior to replacement of the concrete, 1 foot from each edge of the trench shall be sawed or cut, in a neat straight line, to a depth of at least 3 inches, and the detached material shall be removed. See Figure III.
 - A. The replacement concrete shall consist of high early strength concrete equal in depth to the original concrete pavement.
 - B. On existing reinforced cement concrete pavements, reinforced steel and expansion tie bolts shall be placed in accordance with Pennsylvania Department of Transportation Roadway Construction Standard RC-26 or its subsequent amendments.
 - C. The surface shall be restored as follows: After surface corrections have been completed and just before the concrete becomes nonplastic, the surface shall be given a textured finish.
6. Shoulder Restoration.
 - A. Paved and Stabilized Shoulders. Paved and stabilized shoulders shall be reconstructed and restored to a serviceable condition, of the same type as existed before the start of work.
 - B. Other Shoulders. Trenches in other types of shoulders shall be backfilled with compacted No. 2RC aggregate and then resurfaced with the same type of material existing prior to construction.
7. Paint Identification. Upon completion of temporary and permanent restoration, the restoration date shall be painted on the pavement immediately adjacent to the cut. The painted date shall indicate the month and year numerically. The numerals shall be at least 6 inches in height. The paint shall be of a durable wearing quality and shall be color coded as follows: blue (water), yellow (gas-petroleum), red (electric), orange (communications) and green (sewer).
8. Appurtenances to Underground Installations.
 - A. The top of every manhole, valve box or other access to the facility shall be at the same elevation as the surface in which it is located.
 - B. The surface surrounding manhole or valve covers located in shoulders shall be paved in such a manner as to prevent washouts.

(Ord. 3-87, 8/3/1987, §500)

§106. RECORD EXAMINATION.

All permit records, restoration records and emergency work records shall be made available for examination by the Borough upon request.

(Ord. 3-87, 8/3/1987, §600)

§107. PENALTIES AND ENFORCEMENT.

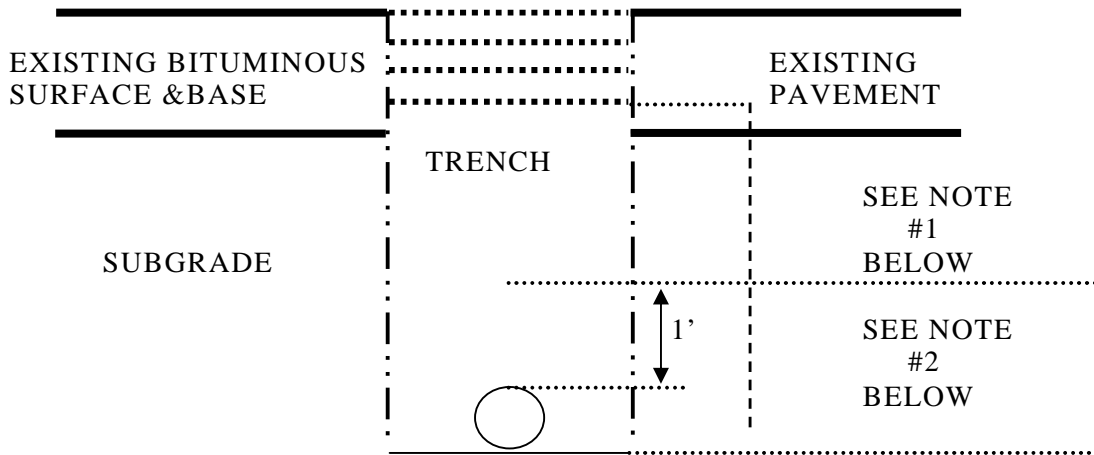
Any violation of this Part shall constitute grounds for imposition of any or all of the following penalties:

- A. Upon receipt of oral or written notice of any violation(s) from the Borough's authorized representative or a police officer, the permittee shall cease to perform any further work in the permitted area except to restore the area to a safe condition. No further work shall commence in the permitted area until the violation(s) has been remedied. Where the permittee has received oral notice of the violation(s), written notice shall be sent to the permittee within 5 days of receipt of the oral notice.
- B. Confiscation of the applicant's permit by any police officer or authorized representative of the Borough.
- C. Revocation of the applicant's permit card by the Borough.
- D. Removal of the facilities installed without a permit or in violation of these regulations.
- E. Such fines, imprisonment or other penalties as are provided by ordinances of the Borough or laws of Commonwealth of Pennsylvania.
- F. Such other action as may be deemed necessary or proper after consultation with the Borough's Solicitor.
- G. 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 less than \$100 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 on which a violation shall continue shall be deemed a separate offense. [Ord. 2-200 1]

(Ord. 3-87, 8/3/1987, §700; as amended by Ord. 2-2001, 7/2/2001)

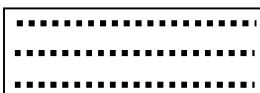
STREETS AND SIDEWALKS

NINETY (90) DAY TEMPORARY RESTORATION METHOD OF FLEXIBLE BASE PAVEMENTS



NOTE #1: 2RC or 2A aggregate compacted in 4" layers or 8" layers with approved vibratory equipment.

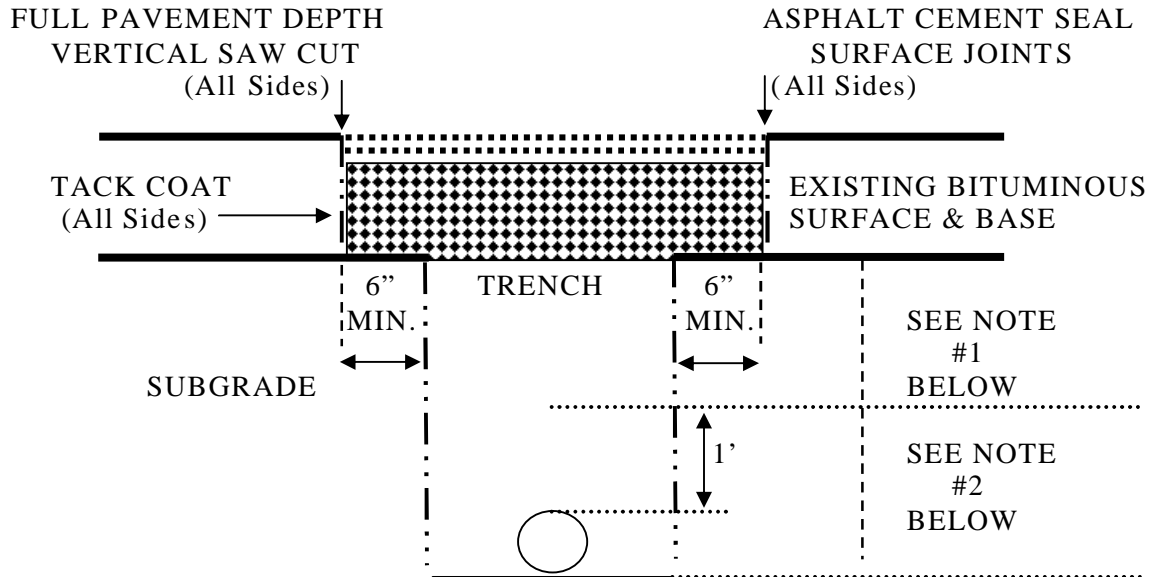
NOTE #2: Suitable material for insulation. (Compacted in not more than 4" layers.)



2" of ID-2 Wearing or 9mm gyratory mix
OR
2" of 2PB Stockpile Patching

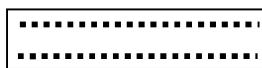
FIGURE I

PERMANENT RESTORATION METHOD OF FLEXIBLE BASE PAVEMENTS

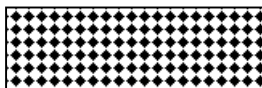


NOTE #1: 2RC or 2A aggregate compacted in 4" layers or 8" layers with approved vibratory equipment.

NOTE #2: Suitable material for insulation. (Compacted in not more than 4" layers.)



1" minimum depth of ID-2 Wearing or 9mm Gyratory Mix

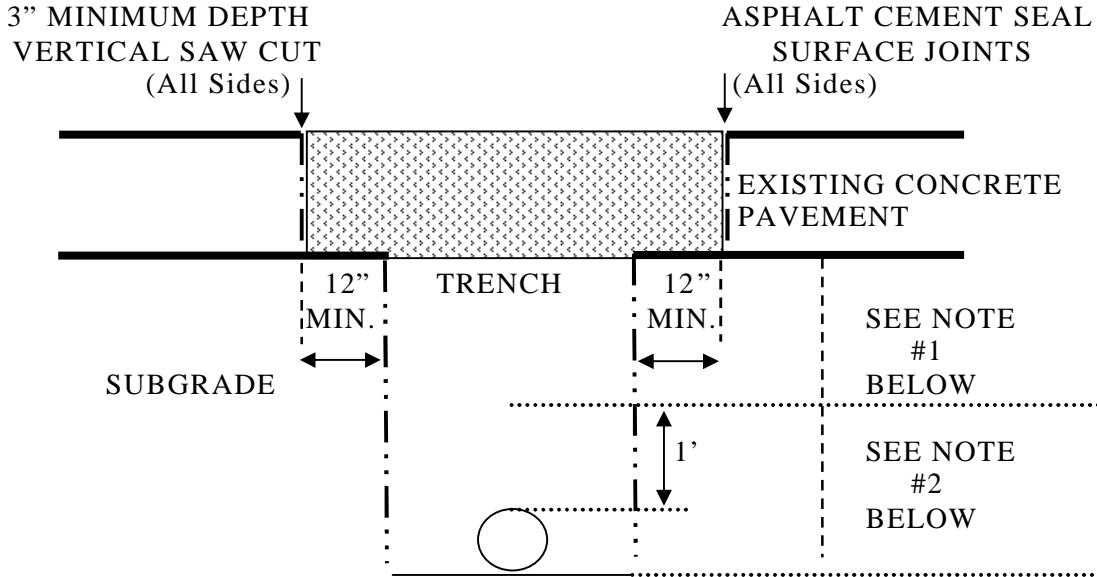


5" minimum depth of BCBC or 25mm Gyratory Mix

FIGURE II

STREETS AND SIDEWALKS

PERMANENT RESTORATION METHOD OF
PLAIN OR REINFORCED CEMENT CONCRETE PAVEMENTS



NOTE #1: 2RC or 2A aggregate compacted in 4" layers or 8" layers with approved vibratory equipment.

NOTE #2: Suitable material for insulation. (Compacted in not more than 4" layers.)



HIGH EARLY STRENGTH CONCRETE

FIGURE III

PART 2
SIDEWALKS

A. Sidewalk and Curb Construction, Reconstruction and Repair.

§201. DEFINITIONS.

The following definitions shall be used in defining the meaning of the terms used in this Part:

BOROUGH - the Borough of Bedford, Bedford County, Pennsylvania.

BOROUGH COUNCIL - the Council of the Borough of Bedford; the Property Committee of the Borough Council; the Borough Manager; or any other committee of the Borough Council or any other agent of the Borough Council authorized by Borough Council to act on its behalf with regard to the rights or duties set forth in this Part.

CONSTRUCT - the building or laying or construction of a new sidewalk on areas of land where none previously existed.

REPAIR; RECONSTRUCT - the restoration or repair of a sidewalk, curb, gutter or drain which has previously been in existence and shall be deemed to include patching, the relaying or reconstruction of certain parts thereof, or any other measures necessary to make the said sidewalks, curbs, gutters and drains safe and in good condition and within the provisions of this Part.

SIDEWALK - the portion of a public right-of-way located between the curb line or the edge of a street or avenue and the adjacent property line which has been improved by the use of concrete, asphalt, brick or a similar material that is intended for use by pedestrians. [Ord. 2006-1]

(Ord. 5-95, 9/5/1995, §1; as amended by Ord 2006-1, 4/3/2006)

§202. SIDEWALKS REQUIRED.

1. All existing sidewalks and curbs along streets, alleys, public ways or State highways within the Borough shall be maintained for the use of pedestrians at the expense of the owners of the abutting properties and shall be kept in good repair and safe condition.
2. Sidewalks and curbs shall be constructed and maintained for the use of pedestrians at the expense of the owners of the abutting properties along such streets, alleys, public ways or State highways within the Borough as determined by Borough Council. Such sidewalks and curbs shall be kept in good repair and safe condition.

(Ord. 5-95, 9/5/1995, §2)

STREETS AND SIDEWALKS

§203. SIDEWALK SPECIFICATIONS.

Sidewalks and curbs shall be constructed, repaired or reconstructed according to the following specifications and using the following materials only:

- A. Sidewalks and curbs shall be of concrete construction. Sidewalks shall be built as a series of independent sections, not more than 6 feet in length, not less than 4 feet in width and not less than 4 inches in depth.
- B. Sidewalks and curbs shall be constructed, repaired or reconstructed in accordance with the grade and lines established by the Borough Council and/or the Pennsylvania Department of Transportation. [Ord. 2-2001]
- C. Sidewalks shall be located to match adjoining sidewalks when practicable.
- D. Sidewalks may be constructed or reconstructed of paving bricks of a durable and substantial nature set firmly on a sand and crushed stone base or in a mortar grout only upon special written approval of Borough Council and only upon compliance with such additional specifications as Council may establish. [Ord. 2-2001]
- E. The owners of properties located at the intersection of Borough streets, alleys, public ways or State highways shall construct sidewalks and curbs with necessary curb cuts so that the same are handicapped accessible and in conformance with the provisions of the Americans with Disabilities Act (ADA) or any similar Federal or State law or regulation.
- F. Borough Council shall have the right to grant a variance with regard to any of the specification set forth in this Part when necessary due to unusual or unique circumstances of a property. Requests for variances shall be in writing and grant of a variance and any necessary terms and conditions of variance shall be in writing. In the event a sidewalk is not constructed, repaired or reconstructed in accordance with the terms of the variance within six months of the date the variance is granted, the variance shall expire.

(Ord. 5-95, 9/5/1995, §3; as amended by Ord. 2-2001, 7/2/2001)

§204. SIDEWALK DEFECTS.

Sidewalks shall be deemed defective if one or more of the following exist:

- A. A crack within a slab or a joint between two adjoining slabs has separated to a distance of one inch or greater in width at any location.
- B. An uneven surface which shall include:
 - (1) A vertical offset due to a crack, a gap between slabs or otherwise, of one inch or more at any location.

- (2) Any other indentation rises or other conditions of any type which prevent the surface of the sidewalk from being smooth and flat.
- (3) The presence or any grass, moss, dirt or other organic material on the sidewalk or within the joint between two adjoining slabs.

C. Crumbling, flaking or chipping of the surface of the sidewalk.

(Ord. 5-95, 9/5/1995, §4)

§205. NOTICE TO CONSTRUCT, REPAIR OR RECONSTRUCT.

1. Borough Council shall give written notice to construct a sidewalk or curb to the property owner by certified mail, personal service or as otherwise provided by law. The property owner shall have one year within which to comply with the notice.
2. Borough Council shall give written notice to repair or reconstruct a defective sidewalk or curb to the property owner by certified mail, personal service or as otherwise provided by law. Except as provided in subsection (3), the property owner shall have 60 days to comply with the notice.
3. Where, in the opinion of Borough Council, a dangerous condition exists that can be repaired by an expenditure of \$500 or less, the Borough shall notify the owner to make the repairs within 48 hours. Such notice shall be served on the owner personally or by certified mail. If the owner cannot be served within the County, notice may be served on the agent of the owner of the property or the party in possession of the property or, if there is no agent or party in possession, the notice may be served by posting the same upon the premises. If the condition is not remedied within 48 hours the Borough may do the work or cause the work to be done with the actual cost to be collected from the property owner by municipal claim or civil action. The certificate of the Borough Council shall be conclusive evidence of the existence of the emergency justifying the repair.

(Ord. 5-95, 9/5/1995, §5)

§206. BOROUGH AUTHORIZED TO DO WORK.

Upon failure of a property owner to comply with any notice given pursuant to this Part, the Borough shall have the right to do the work or cause the work to be done at the cost of the property owner and may collect the cost thereof and 10% additional together with all charges and expenses and file a municipal claim therefor or collect the same by civil action.

(Ord. 5-95, 9/5/1995, §6)

STREETS AND SIDEWALKS

§207. INSPECTION OF CONSTRUCTION, RECONSTRUCTION OR REPAIRS.

Borough Council shall have the right to inspect any construction, reconstruction or repair to a sidewalk or curb to determine whether construction specifications are being observed. Borough Council shall have the right to issue stop work orders for noncompliance and to require removal and reconstruction of noncomplying sidewalks and curbs. Failure of the Borough Council to inspect construction, reconstruction or repair shall not be deemed to be a waiver of its right to enforce this Part.

(Ord. 5-95, 9/5/1995, §7)

§208. PRIOR APPROVAL.

Property owners shall have the option of submitting written plans to the Borough Council for approval prior to construction in the event that the property owner has any question about the specification or other interpretation of requirements of this Part. Prior approval from the Borough Council shall be in writing and shall address any issues raised by the property owner. In the event a sidewalk or curb is not constructed, repaired or reconstructed in accordance with the terms of the prior approval within six months, the prior approval shall expire.

(Ord. 5-95, 9/5/1995, §8)

§209. INSPECTION OF SIDEWALKS.

1. Borough Council may, at its discretion, inspect any sidewalk or curb within the Borough as part of a periodic inspection or at the request of any person.
2. Borough Council shall be notified of any transfer of title in property which abuts any street, alley, public way or State highway within the Borough. Upon receipt of such notice Borough Council shall inspect the property and any existing sidewalks and curbs and either issue a written certification of compliance with the terms of this Part or a notice to construct, repair or reconstruct in accordance with §205 of this Part. Such notice to the Borough of transfer of title or interest shall be given as follows:
 - A. At least ten days prior to the transfer by deed the Borough shall receive notice of the proposed transfer.
 - B. Both the transferor and the transferee shall be responsible for notifying the Borough of the proposed transfer of title. Notice given by either the transferor, the transferee or by the authorized agent of either shall satisfy the requirements of this Section. In the event that property is owned by two or more persons as joint tenants with a right of survivorship, the death of a joint tenant shall trigger the notice requirement. The surviving tenant or tenants shall notify the Borough within 30 days of the death of the joint tenant.

- C. In the event that property is subject to a life estate, the death of the life tenant shall trigger the notice requirement. The owner or owners of the remainder interest shall notify the Borough within 30 days after the death of the life tenant.
 - D. In the event that the sole owner of the property shall die, such death shall trigger the notice requirement. The executor, administrator or other personal representative of the estate or the intestate or testamentary heirs shall notify the Borough within 30 days after the death of the owner of the property.
 - E. In the event that the property is owned by a trust, the trustee and beneficiaries shall notify the Borough within 30 days after the death or other termination or transfer of the interest of a beneficiary who has possession of the property or who is the recipient of at least 50% of the income from the trust.
 - F. In the event that the owner of a property is a corporation, the directors, officers and shareholders of the corporation shall notify the Borough within 30 days after the transfer of ownership of stock in the corporation which, when added with any other transfers of stock within a 12 month period, constitutes a transfer of 50% or more of the issued and outstanding shares of the corporation.
 - G. In the event that the owner of a property is a partnership, whether general or limited, the partners shall notify the Borough within 30 days after any change of partnership interest, which when added with any other change of partnership interest within a 12 month period, constitutes a transfer of 50% or more of the ownership of the partnership.
3. Upon application for a building permit for any property which abuts any street, alley, public way or State highway within the Borough, Borough Council shall inspect the property and any existing sidewalks or curbs and either issue a written certification of compliance with the terms of this Part or notice to construct, repair or reconstruct in accordance with §205 of this Part.

(Ord. 5-95, 9/5/1995, §9)

§210. 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 less than \$100 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 shall constitute a separate offense.

(Ord. 5-95, 9/5/1995, §10; as amended by Ord. 2-2001, 7/2/2001)

B. Sidewalk Obstructions and Uses.

§2 11. DEFINITION AND INTERPRETATION.

The word "person," as used in this Part, shall mean any natural person, association, partnership, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 10/5/1964A, §1)

§212. RESTRICTIONS ON SIDEWALK DISPLAY OF MERCHANDISE.

No person, except as hereinafter provided, shall place, set up, exhibit or display, upon any of the sidewalks in the Borough of Bedford, any goods, wares or merchandise; nor shall any person set up and/or operate upon any such sidewalks, any implements or fixtures used in connection with the display and/or sale of goods, wares or merchandise without prior written approval of Borough Council. A minimum of 4 feet of unblocked sidewalk shall be maintained.

(Ord. 10/5/1964A, §2; as amended by Ord. 2-2001, 7/2/2001)

§2 13. PENALTY FOR VIOLATION.

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 less than \$20 nor more than \$600 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 shall continue shall constitute a separate offense.

(Ord. 10/5/1964A, §4; as amended by Ord. 2-2001, 7/2/2001)

C. Snow Removal from Sidewalks.

§221. RESPONSIBILITY FOR REMOVAL OF SNOW AND ICE; TIME LIMIT.

The owner, occupant or tenant of every property fronting upon or alongside any sidewalk in the Borough of Bedford is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside such property all snow and ice thereon fallen or formed, so as to leave a cleared path the full width of the sidewalk or at least thirty-six (36") inches in width, whichever is less.

1. Snow and ice shall be removed from sidewalks within twenty-four (24) hours after the cessation of any fall of snow, sleet or freezing rain or the formation of any ice.
2. In the event the owner, occupant or tenant makes reasonable efforts to comply with the requirements of subsection (1) of this Section but the snow and/or ice fallen or formed on a sidewalk has become so hard that it can not be removed without the likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection (1) of this Section, cause enough sand or other abrasive material to be put on the sidewalk on a periodic basis so as to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared a path on the said sidewalk at least thirty-six (36") inches in width or the full width of the sidewalk, whichever is less.

(Ord 2006-1, 4/3/2006)

§222. AUTHORITY FOR BOROUGH TO REMOVE SNOW AND ICE AND COLLECT COST PLUS 10%.

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with the provisions of §221 as to removal of snow and/or ice, 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 thereof, with an additional amount of 10% thereof, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under the §223.

(Ord. 329, 6/4/1973, §2)

§223. PENALTY FOR VIOLATION.

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 less than \$20 nor more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Such fine and costs of prosecution may be in addition to any expenses and additional amounts imposed or provided in §222.

(Ord. 329, 6/4/1973, §3; as amended by Ord. 2-2001, 7/2/2001)

PART 3

REMOVAL OF MATERIAL FROM STREETS

§301. REMOVAL OF MATERIAL FROM STREETS, ALLEYS AND PUBLIC GROUNDS PROHIBITED.

No person or persons shall take any earth, stone or other material from any of the streets, alleys or public grounds in the Borough of Bedford.

(Ord. 324, 6/4/1973, §4)

§302. CERTAIN ACTS NOT UNLAWFUL.

This Part shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds, and the structures and fixtures thereon or therein, or incidental results of work done thereon or therein upon permit from or by authority of the Borough.

(Ord. 324, 6/4/1973, §5)

§303. PENALTY FOR TAMPERING WITH CERTAIN PROPERTY.

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 less than \$20 nor more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Provided, that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough or other injured party from taking proper legal action to recover damages resulting from such violation.

(Ord. 324, 6/4/1973, §6; as amended by Ord. 2-2001, 7/2/2001)

PART 4

PLACEMENT OF SNOW ON STREETS

§401. DEFINITIONS.

BOROUGH - Borough of Bedford.

PENNDOT - Pennsylvania Department of Transportation (PennDOT).

PERSON - person, firm, corporation, institution or partnership.

SNOW - any frozen precipitation, including snow, sleet, hail and freezing rain.

(Ord. 2-2001, 7/2/2001)

§402. UNLAWFUL TO DEPOSIT SNOW ONTO STREETS.

It shall be unlawful for any person to shovel, plow, deposit or relocate from a sidewalk, driveway, parking lot, private roadway or private property, any snow onto any Borough or PennDOT maintained highway, street, avenue, lane or roadway.

(Ord. 2-2001, 7/2/2001)

§403. PENALTY FOR VIOLATION.

Any person, firm, corporation, institution or partnership who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 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 shall constitute a separate offense.

(Ord. 2-2001, 7/2/2001)

PART 5

BEFOULING OF STREETS

§501. PROPER OPERATION OF VEHICLES.

Any vehicle transporting or carrying soil, sand, stone, dirt, debris, refuse, litter, vegetation or other substance of any kind, including liquids and chemicals, over highways, streets, avenues, lanes or roadways shall be so operated as to prevent said materials from being scattered, spilled, dumped, dropped or blown from the vehicle or from the wheels, tires or undercarriage thereof.

(Ord. 2-2001, 7/2/2001)

§502. BEFOULING OF STREETS UNLAWFUL.

It shall be unlawful to scatter, spill, dump, drop or permit to be scattered, spilled, dumped, dropped or blown, any soil, sand, stone, dirt, debris, refuse, litter, vegetation or other substance of any kind, including liquids and chemicals, from any vehicle or from the wheels, tires or undercarriage thereof, upon any highways, streets, avenues, lanes or roadways.

(Ord. 2-2001, 7/2/2001)

§503. PENALTY FOR VIOLATION.

Any person, firm, corporation, institution or partnership who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$100 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 shall constitute a separate offense.

(Ord. 2-2001, 7/2/2001)

