

Chapter 21

Streets and Sidewalks

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Part 1**Street Excavations****§21-101. Definitions.**

The following words, when used in this Part, shall have the meanings ascribed to them as follows:

A. The word “street” shall mean any public street, avenue, road, alley, highway, or other public place located in the Borough of Mount Pleasant and established for the use of vehicles.

B. The word “person” shall mean and include both singular and plural and shall apply to any natural person, partnership, firm, association, or corporation.

(*Ord. 310, 6/6/1955, §1*)

§21-102. Excavation Without a Permit Unlawful.

It shall be unlawful for any person to open or make any excavation in any street in the Borough of Mount Pleasant without first securing a permit therefor as hereinafter provided.

(*Ord. 310, 6/6/1955, §2*)

§21-103. Application for Excavation; Requirements.

Any person who shall desire to make any opening or excavation of any kind in the streets of the Borough of Mount Pleasant shall make application to the Mayor therefor in writing. Such application shall be made upon blanks to be furnished by the Mayor, shall set forth the name of the applicant, the exact location of the proposed opening or excavation and the approximate size or depth thereof and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with all of the ordinances of the Borough of Mount Pleasant and the laws of the Commonwealth of Pennsylvania in relation thereto and that the applicant will well and truly save, defend and keep harmless the Borough of Mount Pleasant from and indemnify it against, any and all actions, suits, demands, payments, costs, and charges for and by reason of the proposed opening or excavation and all damages to persons and property resulting in any manner therefrom or occurring in the prosecution of the work connected therewith or from any other matter, cause or thing relating thereto.

(*Ord. 310, 6/6/1955, §3*)

§21-104. Permit Fees; Bond.

1. Before any permit shall be issued to open or excavate any street in the Borough of Mount Pleasant, the applicant must pay to the Mayor a permit fee, based on the provisions set out below, to cover the cost of inspection and other incidental services in connection therewith and also post a bond to cover the prior restoration of the area to be disturbed by the applicant. The amount of the bond shall be in the minimum amount of \$1,000 and shall be based on the rate of \$100 for each 10 feet or fraction thereof to be opened or excavated upon such street. Such bond shall be furnished in the amount as determined by the Mayor prior to the granting of the permit or as determined by the

Borough Council in the case of a public utility or municipal authority when such organization has requested a yearly bond which has been approved by Borough Council.

2. The fee schedule for the issuance of said permits shall be in an amount as established from time to time by resolution of Borough Council. [Ord. 624]

3. When calculating the size of the opening, a minimum trench width of 2 feet shall be used.

4. Requests for opening on more than one street cannot be combined into one permit. Individual permits will be used for each street.

5. Whenever any public utility or municipal authority maintaining underground facilities in Mount Pleasant Borough shall contemplate more than one street opening or excavation per calendar year, it may post bond for the calendar year or part thereof to cover any and all work. In such case the amount of the bond shall be approved by Borough Council and the first permit will only be issued if the bond has been posted and the applicant has presented the Borough a revised and up-to-date map of its underground facilities. The person must still procure a permit for each and every street opening based on the schedule set out above but the Borough Council may grant each public utility or municipal authority the right to be billed on a monthly basis for each street opening if a written request for said billing is obtained from said public utility or municipal author.

(Ord. 310, 6/6/1955, §4; as amended by Ord. 551, 3/2/1992, §1; and by Ord. 624, 1/19/2010)

§21-105. Refilling of Opening; Restoration of Surface.

1. Any person who shall open or excavate any street, alley, or road in the Borough of Mount Pleasant shall refill the opening or excavation with 2A subbase material. The material shall be compacted in layers not to exceed 4 inches for each application in accordance with §667 of the Pennsylvania Department of Transportation's Specifications, Form 408, of the date last published.

2. All bituminous surface paving shall be restored on all streets, alleys, and roads in the Borough by a uniform cut in the surface by an approved method which will provide a straight nonragged joint with the existing or remaining surface. The surface course shall be placed in two layers each 2½ inches in thickness, after compaction in conformity with Pennsylvania Department of Transportation's Specifications ID 2. Each opening shall be sealed with hot bituminous material of the class and type designated for surface course. Until such time that permanent surface replacement is installed, approved cold patch material shall be used; provided, however, that the cold patch material must be replaced with permanent surface replacement within 6 months of its installation; provided, further, however, that the cold patch surface replacement shall be maintained at all times until the permanent surface replacement is installed.

3. If, within 2 years after the restoration of the surface as herein provided, defects shall appear as the result of the backfilling or surfacing by the applicant, the applicant shall, within 10 days notice by the Borough of Mount Pleasant, refill and/or resurface the opening or excavation as herein provided. If the applicant fails to refill and/or resurface the opening or excavation within the 10 days as provided herein, the Borough may do so at the expense of the applicant.

(Ord. 310, 6/6/1955, §5; as amended by Ord. 490, 3/2/1981)

§21-106. Work Done at Applicant's Expense; Supervision.

All work in connection with the opening in any street, including the excavation, protection, refilling, temporary paving or permanent paving, shall be done by the applicant at his own expense, subject to the supervision and approval of the Borough Street Commissioner, provided that the Borough Street Commissioner may require that the cutting of the surface of improved streets and the backfilling of all excavations therein shall be done by the Borough of Mount Pleasant and the charge therefor shall be paid by the applicant on the basis of the actual cost of the work plus 20 percent, nor shall the bond as hereinbefore provided for be released within the period of 2 years after the completion of the backfilling and without a certificate of the Borough Street Commissioner given within that period that the work of the applicant has been approved.

(*Ord. 310, 6/6/1955, §6*)

§21-107. Special Requirements.

1. No opening or excavation in any street shall extend from curblin into a street a distance greater than 1 foot beyond the center line of the street before being refilled and the surface of the street restored to a condition safe and convenient for travel.

2. The work of the excavation shall be so conducted as not to interfere with water mains, sewers, or their connections with buildings until permission of the proper authorities in connection with such subsurface lines or construction shall have been obtained.

3. During the making of any excavation in any street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in a safe and passable condition, both day and night, by guards, barriers, lanterns and other devices, and all permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Borough of Mount Pleasant from any loss in damage or otherwise which may or shall be occasioned at any time by the said excavation or by any leak, explosion or other injury from any pipe, conduit or any viler matter placed in the excavation.

4. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Street Commissioner, be unsatisfactory and the same shall not be corrected to his satisfaction within the time fixed by him, the Borough of Mount Pleasant may proceed to correct such unsatisfactory work and charge therefor the cost thereof plus 20 percent to the applicant.

(*Ord. 310, 6/6/1955, §7*)

§21-108. Emergency Repairs.

If any emergency shall arise it shall be lawful for the person owning or responsible for the pipe, line, construction, or apparatus, where necessary, to commence an excavation to remedy such condition before securing a permit, providing that the application for permit shall not be later than the next business day thereafter and all other provisions of this Part be fully complied with. If any emergency condition shall be immediately attended to by the owner or person responsible, the Borough Street Commissioner, after such notice as he shall deem necessary, shall proceed to do the

necessary required work of such emergency and charge same on the basis of cost plus 20 percent to the person responsible.

(*Ord. 310, 6/6/1955, §8*)

§21-109. Payment; Collection.

Payment for all work done by the Borough of Mount Pleasant under the provisions hereof shall be made by the person responsible therefor under the provisions hereof within 30 days after a bill is sent to such person by the Borough Secretary. Upon failure to pay such charge within such time, the same shall be collectible by the Borough of Mount Pleasant in the manner provided by law for the collection of municipal claims.

(*Ord. 310, 6/6/1955, §9*)

§21-110. Penalty for Violation.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 310, 6/6/1955, §10; as amended by Ord. 551, 3/2/1992, §2; and by Ord. 624, 1/19/2010*)

Part 2**Construction and Repair of Sidewalks**

(See also, Chapter 5, Part 3, "Property Maintenance Code.")

§21-201. Width of Sidewalks Established.

The width of sidewalks in said Borough be and the same are hereby established as follows: on all streets 60 or more feet in width, 6 feet wide; on all streets 50 and less than 60 feet in width, 5 feet wide; on all streets 40 and less than 50 feet in width, 4 feet wide; on all streets less than 40 feet in width, 4 feet wide; said sidewalks to be measured from the property line to the outer edge of the curb.

(*Ord. 95, 6/6/1911, §1*)

§21-202. Widths of Pavements on Sidewalks.

The widths of the pavements on said sidewalks are hereby fixed as follows: on Main Street the pavements shall be full width from the property line to curb; and on all other streets as follows: on sidewalks 10 feet or more in width, the pavements shall not be less than 5 feet wide; on sidewalks 8 feet and less than 10 feet in width, not less than 4½ feet wide, and on all sidewalks less than 8 feet in width not less than 4 feet wide. At least 5 feet of the width of the sidewalk shall remain open and free from all obstructions at all times unless the street shall be closed for some official function or festival, in which event the clear and unobstructed width of the sidewalk may be reduced to no less than 3 feet in width.

(*Ord. 95, 6/6/1911, §2; as amended by Ord. 624, 1/19/2010*)

§21-203. Owners of Lots to Pave and Repair Sidewalks.

The grading, paving, and repairing of all sidewalks and pavements thereon along the streets shall be done by the owner or owners of the lot or lots fronting thereon.

(*Ord. 95, 6/6/1911, §3*)

§21-204. Materials and Manner of Construction.

1. The material to be used in the paving of all sidewalks on streets where the street or roadway has been improved by paving and curbing shall be flagstone or concrete. If of flagstone, the flagstone shall be of good hard and durable sandstone not less than two inches thick, and shall be cut and sawed with straight edges and fit closely at the joints and shall be evenly and closely laid. If of concrete, the manner of constructing the same shall be as follows: all ground shall be excavated to a depth of 15 inches below the grade of the street established by ordinance; the foundation shall be made of 10 inches of good coke cinders, furnace ashes, or broken stone, dampened and well-tamped; the pavements shall be constructed of not less than 4 inches of concrete well-tamped and properly scored and finished with not less than 1 inch of top coating; the concrete shall be composed of one part of good Portland cement, three parts good, clean sharp river sand and five parts broken stone or river gravel; the top coat shall be made of one part good Portland cement and one and one-half parts clean sharp river sand; all stone and gravel used in the concrete shall be of a size that will pass through

a 3-inch ring; in all cases the pavement shall be laid to the line and grade established by ordinance.

2. The material to be used in the paving of all sidewalks on streets where the street or roadway has not been improved by paving and curbing may be flagstone or concrete as above specified or the same may be paved with good hard brick placed on a firm foundation of sufficient depth and drainage to made an even and firm brick sidewalk.

3. In the event a property owner in the Borough of Mount Pleasant wishes to install a new sidewalk or replace an existing sidewalk with one which could be classified as a “decorative sidewalk,” he must submit a set of plans and specifications to the Borough Council for approval. These plans and specifications must be equal to the requirements set out above as to base, thickness, and strength, but the top may be of different types of materials, as long as Council is satisfied that it will meet the spirit of this Chapter. In this regards, Council may obtain the opinion of the street Commissioner or Borough Engineer before reaching its decision. In the event Council decides, by a majority vote of the members present, that the proposed sidewalk meets the spirit of this Part, it may grant a specific exception, but each case must be considered separately and one decision will in no way be binding on future decisions of the Council.

(*Ord. 95, 6/6/1911, §4; as amended by Ord. 423, 7/6/1970, §1*)

§21-205. Refusal of Owner to Repair; Borough Shall Repair at Owner’s Expense.

On the neglect or refusal of the owner or owners of the lot or lots as aforesaid, to grade, pave or repave, or repair any sidewalk or pavement, after 30 days notice so to do from the Council of the said Borough, the Borough through its proper officials shall cause the same to be done and shall collect from such owner or owners of the lot or lots the cost thereof and 10 percent additional, together with all charges and expenses, and if unpaid shall file a municipal lien therefor against such lot or lots.

(*Ord. 95, 6/6/1911, §5*)

§21-206. Repairs in Violation; Remedy.

If any owner or owners of the lot or lots abutting on any street in said Borough shall violate the provisions hereof by paving the sidewalk in front of his or her or their property with material or materials not herein specified or by laying the pavement on any other than the established grade or in any manner than as hereinbefore provided, the Council of said Borough shall serve notice on said owner or owners to regrade and repave said sidewalk to conform to the provisions hereof within 30 days after the service of said notice, and upon the failure of said owner or owners to regrade and repave said sidewalks within the time stipulated, the said Council shall cause said sidewalk to be regraded and repaved in the manner hereby required, and the said Borough Council shall collect the cost thereof, together with all charges and expenses, from the owner or owners of the lot or lots as aforesaid, according to law.

(*Ord. 95, 6/6/1911, §6*)

§21-207. Improper Condition; Notice to Repair.

No pavement heretofore laid with material or materials not hereinbefore prescribed, or in a different manner, shall be permitted to be repaired, as a whole, or to be repaved with any other material, or in any other manner than hereinbefore specified, but whenever any such pavement becomes in the opinion of the Council of said Borough in unsafe condition, notice shall be served upon the owner or owners of the lot or lots fronting thereon to regrade and repave with the material and in the manner herein provided, and upon his, her or their failure to do so, after 30 days notice, the said Council shall cause the same to be done, and the cost thereof, with penalty and expenses, shall be collected by the said Borough from the owner or owners as aforesaid.

(Ord. 95, 6/6/1911, §7)

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

The owner, occupant, or tenant of every property fronting upon or alongside of any of the streets in the Borough of Mount Pleasant is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside of such property all snow or ice thereon fallen or formed, within 24 hours after the same shall have ceased to fall or to form. Provided; the owner of a property shall be responsible for conforming to the requirements of this Section where such property is occupied by such owner or is unoccupied; the tenant or occupier thereof, where such property is occupied by such tenant or occupier only; and the owner thereof where the property is a multiple-business or multiple-dwelling property, occupied by more than one tenant or occupier. (*Ord. 401, 7/23/1968, §1*)

§21-302. Failure of Owner to Remove Snow and Ice; Borough May Remove at Owner's Expense.

In any case where the owner, occupant, or tenant, as aforesaid, shall fail, neglect, or refuse to comply with any of the provisions of §21-301 of this Part within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquents, and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant, or tenant, as the case may be, which may be in addition to any fine or penalty imposed under §21-303 hereof.

(*Ord. 401, 7/12/1968, §2*)

§21-303. Penalty for Violation.

Any owner, occupant, or tenant who shall fail to remove any snow or ice from any sidewalk as required by §21-301 of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Provided: such fine and costs of prosecution may be in addition to any expenses and additional amounts authorized by law, imposed as provided in §21-302 hereof.

(*Ord. 401, 7/12/1968, §3; as amended by Ord. 624, 1/19/2010*)

