

## CHAPTER 20

### STREETS AND SIDEWALKS

#### Part 1

#### Streets

##### A. Excavations in Streets

- §1. Definitions
- §2. Permit Required to Make Opening or Excavation in Street; Emergency Openings and Excavations
- §3. Warning and Protective Devices; Liability of Permit Holder
- §4. Restoration of Street Surface; Inspection
- §5. Violation is Work not Complete Before Expiration Date
- §6. Rectification of Unskillful; Improper or Incomplete Work
- §7. Borough Not in Charge of Work
- §8. Penalty for Violation

##### B. Driveway Connections

- §21. Definitions and Interpretations
- §22. Permit Requirements; Exemption
- §23. Application for Permit
- §24. Council Approval Required for Permit
- §25. Issuance of Permit; Fee
- §26. Work to be Done at Expense of Permittee; Supervision and Approval by Borough Employees
- §27. Allowance for Street Drainage; Borough May Correct Unsatisfactory Work and Collect Cost Plus 10%
- §28. Borough May Alter or Remove Unlawful Driveway and Collect Cost Plus 10%
- §29. Collection of Payment for Borough Work
- §30. Penalty for Violation
- §31. Severability

##### C. Dedication, Opening and Construction

- §41. "Highway" Defined
- §42. Conformity to Requirements
- §43. Plans to be Filed
- §44. Agreement to be Filed with Council
- §45. Bond and Insurance to be Filed
- §46. Hearing
- §47. Rights Reserved by Borough
- §48. Penalty for Violation

**Part 2**

**Sidewalks**

**A. Sidewalk and Curb Construction and Repair**

- §71. Definitions**
- §72. Property Owners to Grade, Construct, Drain, Concreting or Reconditioning Sidewalks on Notice**
- §73. Maintenance of Sidewalks**
- §74. Sidewalk and Curb Dimensions**
- §75. Permit**
- §76. Warning and Protective Devices; Liability of Property Owner**
- §77. Authority of Borough to do Work; Collection of Cost Plus 10%**
- §78. Penalty for Violation**
- §79. Sidewalk Inspection to Verify Proper Work**
- §80. Rectification of Unskillful, Improper or Incomplete Work**
- §81. Handicapped-Accessible Ramps and Unobstructed Storm Drainage**

**B. Snow Removal and Ice Removal**

- §101. Responsibility of Owner or Occupant**
- §102. Authority of Borough to Remove Snow or Ice and Collect Cost Plus 10%**
- §103. Penalties**

**C. Skateboards**

- §200. Skateboards Prohibited**
- §201. Penalty**

**Part 3**

**Sidewalks and Curbing**

- §301. Title**
- §302. Definitions**
- §303. Sidewalk Maintenance**
- §304. Maintenance Obligations**
- §305. Annual Inspection**
- §306. Repair**
- §307. Permit Requirements**
- §308. Municipal Lien or Collection**
- §309. Curbing**
- §310. Violations and Penalties**

**Part 1**

**Streets**

**A. Excavation in Streets**

**§1. Definitions.** <sup>1</sup>

In this ordinance, <sup>2</sup> the following words shall have the meanings hereby ascribed thereto:

- (a) Person: any person, partnership, association, firm or corporation.
- (b) Street: the cartway of any public street or alley of the Borough of Bloomfield, but nothing in this ordinance shall apply to any State highway or continuation thereof. <sup>3</sup>

(Ord. 124, 7/8/1975, §1)

**§2. Permit Required to Make Opening or Excavation in Street; Emergency Openings and Excavations.**

It shall be unlawful for any person to make an opening or excavation in any street in the Borough of Bloomfield without first having obtained a permit therefore issued and signed by the President or the Secretary of Council, after approval thereof by the Council, for each separate undertaking. Upon payment of a fee determined by Borough Council, for each separate yard or fraction thereof of the surface to be excavated, and after approval by Borough officials, the permit shall be issued. Provided: emergency breaks and leaks may be repaired by the person responsible therefore, and a permit secured therefore within 48 hours. (Ord. 124, 7/8/1975, §2; as amended by Ord. 274, 5/5/2009, §9)

**§3. Warning and Protective Devices; Liability of Permit Holder.**

It shall be the duty of every person to whom a permit shall have been issued and of every person making emergency repairs in advance of issuance of a permit to provide and maintain adequate guards, barriers, and lights to prevent accidents, and such person shall assume all risks and liability for all damages by reason of the opening or excavation made by authority of such permit or in connection with such work; and by reason of any failure to fill the opening, hole, trench or excavation properly. (Ord. 124, 7/8/1975, §3)

---

<sup>1</sup> This heading and the headings of Sections 2 to 8 of this chapter are part of Ord. 124 as enacted.

<sup>2</sup> Sections 1 to 8 of this chapter.

<sup>3</sup> Section 9 of this ordinance repealed an ordinance of April 11, 1938.

## STREETS AND SIDEWALKS

### **§4. Restoration of Street Surface; Inspection.**

It shall be the duty of every person to whom a permit shall have been issued, and of every person making emergency repairs in advance of issuance of a permit, to thoroughly and completely refill the opening or excavation, at the proper grade and with the same surface covering as part of the street adjoining such opening or excavation, without ridges or without depressions, so that the street will be in as good condition, as it was prior to such opening or excavation, at the proper grade and density of material. Upon completion of filling such opening or excavation, such person shall notify the Borough Engineer, who shall thereupon inspect the area refilled in order to ascertain if the work was done in a proper manner. (Ord. 124, 7/8/1975, §4)

### **§5. Violation if Work not Completed Before Expiration Date.**

If the work of opening or of filling any opening or excavation, and of the replacing the surface in a street shall not be completed on or before the date of expiration of the permit therefore, the holder of such permit shall be guilty of a violation of this ordinance.<sup>4</sup> (Ord. 124, 7/8/1975, §5)

### **§6. Rectification of Unskillful, Improper or Incomplete Work.**

If any work of filling any excavation or replacing the street surface shall not be done on or before the date of expiration of the permit, or if any part of such work shall be unskillfully or improperly done, the Borough may cause the work to be done in such manner as it shall deem proper, and the expense thereof, including any overhead expense, and an additional amount of 10% shall be charged against and collected by the Borough from such permit holder in the manner prescribed by law. (Ord. 124, 7/8/1975, §6)

### **§7. Borough not in Charge of Work.**

In no case shall any opening or excavation made by any person be considered in the charge or care of the Borough or any officer or any employee of the Borough, and no officer or employee of the Borough shall be authorized in any way to take any jurisdiction over any such opening or excavation. Provided: however; if any person causing any opening to be made shall deem it to his advantage to employ the same workers as do similar work for the Borough, he may do so. (Ord. 124, 7/8/1975, §7)

### **§8. Penalty for Violation.**

Any person who shall violate any provision of this ordinance<sup>5</sup> shall, for each and every violation, upon conviction thereof, be sentenced to pay a fine of not more than

---

<sup>4</sup> Sections 1 to 8 of this chapter.

<sup>5</sup> Sections 1 to 8 of this chapter.

\$300.00 and costs of prosecution, an, in default of payment of such fine and costs, to imprisonment for not more than 10 days. (Ord. 124, 7/8/1975, §8)

## **B. Driveway Connections**

### **§21. Definitions and Interpretations.**

The following words, when used in this ordinance, <sup>6</sup> shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

- (a) The word “street” shall mean any public street, avenue, road, square, alley, highway or other public place located in the Borough of Bloomfield and established for the use of vehicles.
- (b) The word “person” shall mean and include any natural person, partnership, firm, association, or corporation.

In this ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter. <sup>7</sup>

(Ord. 1964-9, 9/1/1964, §1)

### **§22. Permit Requirements; Exemption.**

1. It shall be unlawful for any person to connect a driveway or alter or improve an existing driveway connection with any of the streets in the Borough of Bloomfield without first securing a permit therefore as hereinafter provided. <sup>8</sup>
2. No such permit will be required for improvements made to an existing driveway, provided that the improvements maintain the existing grade where it connects with the existing sidewalk and/or street.

(Ord. 1964-9, 9/1/1964, §2; as amended by Ord. 254, 7/11/2006)

### **§23. Application for Permit.**

Any person who shall desire to connect a driveway or alter or improve an existing driveway connection to any of the streets in the Borough of Bloomfield shall make application to the Borough Secretary in writing for the purpose. Such application shall set forth the name of the applicant, the exact location of the proposed connection or alteration or improvement thereto, the approximate width thereof, the surface material to be used and the type and size of drainage tiles to be utilized, together with a sketch of the proposed work showing the details thereof.

(Ord. 1964-9, 9/1/1964, §3)

---

<sup>6</sup> Sections 21 to 31 of this chapter.

<sup>7</sup> Section 12 of Ord. 1964-9 repealed all conflicting ordinances and parts of ordinances.

<sup>8</sup> See Sections 23 to 25 of this chapter.

## STREETS AND SIDEWALKS

### **§24. Council Approval Required for Permit.**

No work of any kind shall be done on any such connection or alteration or improvement thereof until the application has been approved by the Council of the Borough of Bloomfield. (Ord. 1964-9, 9/1/1964, §4)

### **§25. Issuance of Permit; Fee.**

After an application has been approved by the Council as provided in Section 4 of this ordinance,<sup>9</sup> a permit shall be issued by the Zoning Officer, for which a fee as established annually by resolution of Borough Council shall be charged. (Ord. 1964-9, 9/1/1964, §5; as amended by Ord. 107, 7/8/1975, §1; as amended by Ord. 274, 5/5/2009, §3)

### **§26. Work to be Done at the Permittee; Supervision and Approval by Borough Employees.**

All work with respect to the connection of any driveway, or the alteration or improvements thereof, shall be done by the applicant at his expense, and all such work shall be subject to the provisions of this ordinance<sup>10</sup> and to the supervision and approval of employees of this Borough. (Ord. 1964-9, 9/1/1964, §6)

### **§27. Allowance for Street Drainage; Borough May Correct Unsatisfactory Work and Collect Cost Plus 10%.**

- (a) Connection, alterations or improvements on any driveway shall be made in such a way so as to allow adequate drainage of Borough streets.
- (b) If any work performed on any driveway by or for a permittee shall be, in the opinion of the Chairman of the Street Committee, an unsatisfactory connection, alteration or improvement, and such work shall not be corrected in accordance with the instructions of the chairman of the Street Committee, within the time fixed by him, the Borough may proceed to correct such unsatisfactory work and collect the cost thereof plus 10% from the permittee.

(Ord. 1964-9, 1964, §7; as amended by Ord. 107, 7/8/1975, §2)

---

<sup>9</sup> Section 24 of this chapter.

<sup>10</sup> Sections 21 to 31 of this chapter.

**§28. Borough May Alter or Remove Unlawful Driveway and Collect Cost Plus 10%.**

Any connection, alteration or improvement of any driveway connected to any street in the Borough without first obtaining a permit therefore shall be a violation of this ordinance, <sup>11</sup> and such driveway may be removed or altered by the Borough, and the cost thereof plus 10% may be collected from the violating property owner by the Borough. (Ord. 1964-9, 9/1/1964, §8; as amended by Ord. 107, 7/8/1975, §3)

**§29. Collection of Payment for Borough Work.**

Payment for all work done by the Borough under the provisions hereof <sup>12</sup> shall be made by the person made liable therefore under the provisions hereof within 30 days after a bill therefore is sent to such person by the Borough. Upon failure to pay such charges within such time, the same shall be collectible by the Borough in the manner provided by law for the collection of municipal claims. (Ord. 1964-9, 9/1/1964, §9)

**§30. Penalty for Violation.**

Any person who shall violate any provision of this ordinance <sup>13</sup> shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300.00 and costs of prosecution, and, in default of such fine and costs, to imprisonment for not more than 10 days. (Ord. 1964-9, 9/1/1964, §10; as amended by Ord. 107, 7/8/1975, §4)

**§31. Severability.**

The provisions of this ordinance <sup>14</sup> shall be severable, and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent of the Borough Council that this ordinance would have been enacted had such unconstitutional, illegal or invalid provision not been included herein. (Ord. 1964-9, 9/1/1964, §11)

**C. Dedication, Opening and Construction**

**§41. "Highway" Defined.**

The term "highway" as used in this ordinance <sup>15</sup> shall include any boulevard, street, avenue, alley or other thoroughfare. <sup>16</sup> (Ord. 133, 7/8/1975, §1)

---

<sup>11</sup> Sections 21 to 31 of this chapter.

<sup>12</sup> Of this ordinance, Sections 21 to 31 of this chapter; see especially Sections 27 and 28.

<sup>13</sup> Sections 21 to 31 of this chapter.

<sup>14</sup> Sections 21 to 31 of this chapter.

<sup>15</sup> Sections 41 to 48 of this chapter.

## STREETS AND SIDEWALKS

### **§42. Conformity to Requirements.**

No person, firm or corporation shall hereafter dedicate, open or construct any highway or any drainage facilities in connection therewith , for public use or travel in the Borough without first complying with the conditions, rules, regulations and procedures hereinafter <sup>17</sup> set forth in this ordinance. (Ord. 133, 7/8/1975, §2)

### **§43. Plans to be Filed.**

Any person, firm or corporation desiring to dedicate, open or construct any highway, or any drainage facilities in connection therewith, for public use or travel in the Borough, shall, prior to the doing of any overt act in connection with said dedication, opening or construction, submit to the Borough Planning Commission, for its approval, plans thereof setting forth the following:

1. The date when prepared, the name of the person, firm or corporation by whom prepared, and the names and addresses of all persons owning land to be dedicated or taken for such highway, or abutting thereon, or which will be affected by any drainage facilities in connection therewith
2. The details whereby the proposed highway will connect with existing highways of the Borough, the courses, distances and profiles thereof, and any and all conditions affecting grades, obstructions, streams and drainage
3. The details of existing public utility facilities, of proposed public utility facilities, and the means and methods whereby the latter will connect to existing public utility facilities of the Borough and of public utilities operating within the Borough.
4. The course, structures and capacities of proposed and existing drainage facilities and the means and methods whereby the same will connect to existing drainage facilities
5. Such further and additional information as the planning Commission shall require.

(Ord. 133, 7/8/1975, §3)

### **§44. Agreement to be Filed with Council.**

In addition to the plans required to be submitted to the Borough Planning Commission under provisions of Section 3 hereof, <sup>18</sup> and prior to the final approval

---

<sup>16</sup> Section 9 of this ordinance repealed all conflicting ordinances and parts of ordinances.

<sup>17</sup> In Sections 43 to 48 of this chapter.

<sup>18</sup> Section 43 of this chapter.



thereof by the Borough Council, the person, firm or corporation submitting the same shall also submit to the Borough Council an agreement or agreements, in form satisfactory to the Borough Council and executed by all such persons, firms and corporations as the Borough Council may require, providing the following:

1. That the highway and drainage facilities described in said plans, if and as approved by the Planning Commission and the Borough Council will be dedicated, opened and constructed in strict conformity with such plans as finally approved, in accordance with Borough Council specifications, and subject to such changes as the Borough Council may require therein prior to final approval.
2. That the highway shall be curbed and guttered, macadamized or paved, in accordance with the provisions of the specifications and ordinance of the Borough Council affecting such matters.
3. That the Borough Council shall not be liable for any damages for or by reason of the dedication, opening or construction of such highway and drainage facilities in accordance with said plans as finally approved by the Borough Council.
4. That such persons, firms or corporations, at their sole expense and without cost to the Borough, will construct the said highway, and public utility and drainage facilities, in the manner set forth in this ordinance.<sup>19</sup>
5. That prior to the performance of the work prescribed in subsection 1 of this section, there shall be laid in the bed of said highways the main lines and services for all such public utility facilities as shall be required by the plans of such highway, as finally approved by the Borough Council, all such facilities to be installed and all ditches and holes resulting therefrom backfilled and tamped in such a manner as the Borough Council, under applicable laws of the Commonwealth of Pennsylvania and ordinances of this Borough.

(Ord. 133, 7/8/1975, §4)

#### **§45. Bond and Insurance to be Filed.**

Prior to the final approval of any plans required to be filed under the provisions of this ordinance,<sup>20</sup> the person, firm or corporation requesting such approval shall file with the Borough Council the following:

1. A liability insurance policy issued by a company duly authorized to do business in the Commonwealth of Pennsylvania, by the provisions of which both the applicant and the Borough Council shall be insured against personal injury or property damage, which may be occasioned by the proposed dedicating, opening or constructing to the extent of \$25,000

---

<sup>19</sup> Sections 41 to 48 of this chapter.

<sup>20</sup> See Section 43 of this chapter.

## STREETS AND SIDEWALKS

and \$50,000 for personal liability and \$10,000 for property damage.

2. A bond executed by the applicant and one approved by a corporate surety, and approved by the Borough Council in the sum of \$5,000 indemnifying and saving harmless the Borough from all damages of whatever kind which may have been said by the aforementioned liability insurance policy and which might be incurred by reason of dedicating, opening or constructing of said highway and by reason on any failure to faithfully perform the work and undertaking required by the agreement referred to in Section four (4) of this ordinance.<sup>21</sup>

(Ord. 133, 7/8/1975, §5)

### **§46. Hearing.**

Upon written application therefore by any person, firm or corporation, presenting plans pursuant to this ordinance,<sup>22</sup> the Borough Council will grant a public hearing in reference thereto, after at least 10 days' public notice in a newspaper of general circulation in the Borough thereof by the Borough Council. (Ord. 133, 7/8/1975, §6)

### **§47. Rights Reserved by the Borough.**

Nothing contained in this ordinance<sup>23</sup> shall prevent the Borough Council on its initiative from opening or accepting any highway, nor the laying of trunk sewers, drains, water or gas mains, if required or deemed desirable for the comfort, safety, health and convenience of the public; nor the grading curbing, guttering, paving, macadamizing, or otherwise improving highways in accordance with the provisions of [Section 1712 of the Act of Assembly approved May 4, 1927, P.L. 519 as amended by the Act of July 10, 1947 P.L. 1621 section 51(1)]<sup>24</sup> (Ord. 133, 7/8/1975, §7)

### **§48. Penalty for Violation.**

Any person, firm, or corporation violating any of the provisions of this ordinance<sup>25</sup> shall be prosecuted in the manner and to the extent provided by [Section 48 of Act of July 10, 1947 P.L. 1621, 53 P.S. 13699].<sup>26</sup> (Ord. 133, 7/8/1975, §8)

---

<sup>21</sup> Section 44 of this chapter.

<sup>22</sup> See Section 43 of this chapter.

<sup>23</sup> Sections 41 to 48 of this chapter.

<sup>24</sup> This refers to the 1927 Borough Code, as amended, which was repealed and supplanted by the Act of 1966 P.L. (1965) 1656, containing similar provisions.

<sup>25</sup> Sections 41 to 48 of this chapter.

<sup>26</sup> See Note 24 of this chapter.

**Part 2**

**Sidewalks**

**A. Sidewalks and Curb Construction and Repair**

**§71. Definitions**

In this Subpart, the following words shall have the meaning hereby ascribed thereto, unless the context clearly indicates otherwise:

**SIDEWALK** — Generally, an improved passageway for pedestrian traffic, opened to use by the general public. Specifically, that portion of a street located outside the cartway, either within public right-of-way or immediately adjacent to right-of-way on private property. Sidewalks shall collectively include concreting footway, unpaved grassplot, curb and gutter.

**STREET** — any publicly owned street, lane alley or way in the Borough of Bloomfield,

(Ord. 267, 11/4/2008)

**§72. Owners to Grade, Construct, Drain, Concreting or Re-concreting Sidewalks on Notice.**

Every owner of property which abuts any street in the Borough of Bloomfield or is immediately adjacent to a public right-of-way shall, upon notice from the Borough Council, grade, construct, drain, concrete or re-concrete the sidewalk in the manner stipulated in such notice, in compliance with the provisions of this Subpart and within the time specified in such notice.

(Ord.267, 11/4/2008)

**§73. Maintenance of Sidewalks.**

It shall be the full responsibility of every owner of property which abuts any street to keep the sidewalk in a safe condition, in good repair and free from obstruction, at all times. Uneven grades within a continuous sidewalk shall constitute an obstruction.

(Ord. 267, 11/4/2008)

## STREETS AND SIDEWALKS

### §74. Sidewalk and Curb Dimensions

All sidewalks and curbs shall be of the dimensions, materials, and grades in accordance with the specifications, details, and notes shown on Drawing #C-101 herein.<sup>27</sup> No sidewalk shall be paved or repaved or constructed of blacktop asphalt or bituminous concrete.

#### A. Materials

- (1) All **residential** sidewalks shall be constructed of concrete with 4" minimum thickness and 4' minimum width, unless pre-existing conditions do not allow when replacement is required, the minimum shall be 3' or that of the pre-existing sidewalk, A 4" minimum thickness sub base consisting of compacted 2-B limestone shall also be installed. Expansion joints shall be located at intervals not to exceed 14 linear feet and adjacent to other structures including curbs, inlets, and building foundations. Expansion joint material shall consist of pre-molded material or that which is generally recognized as acceptable for sidewalk installation. Additional control joints shall be scored or cut at intervals not to exceed 5 linear feet, ¼" wide and ½" to ¾" deep. The concrete mix shall be minimum 3500 psi mix compressive strength and the surface shall receive a "broom" finish upon completion of proper leveling. Any installed water box outlets shall be properly graded.
- (2) Any requests for sidewalk installation with material or deviation from that specified in Section A shall require the review and approval of Borough Council.

#### B. Installation

- (1) Sub-grade - The sub-grade shall be formed to the sub-grade elevation and cross section of the walk and thoroughly compacted to avoid settlement.
- (2) Drainage – The walk's surface shall have a cross slope of ¼" per foot slope towards the established drainage pattern. Should the walk impede storm water flow, methods shall be implemented to correct the problem, including, but not limited to: filling low points, excavation and installation of new inlets, and/or drainage ways.
- (3) Matching Existing Surfaces – New walks shall meet existing walks, curbs, and be flush with other paved walking surfaces so as to avoid tripping hazards.

(Ord. 267, 11/4/2008; as amended by Ord. 280, 8/4/2009, §§2 & 3)

## **§75. Permit**

1. It shall be the duty of every property owner grading, constructing, draining, concreting or re-concreting the sidewalk abutting his property to obtain a permit from the Borough, which shall contain the name of the property owner, the location of the property, a description of the work to be accomplished and the dimensions, grade and material to be used to accomplish the work for which the permit is sought. Should a new grade be necessary for the work to be accomplished, it shall be established by the applicant and approved by the Borough prior to the issuance of the permit, which new grade shall be inserted on said permit.
2. All excess material shall be removed from the work area, including the adjacent roadway, as the work progresses. The permittee shall keep the work area, including the adjacent roadway, free of any material which may obstruct safe pedestrian and/or vehicular passage.

(Ord. 267, 11/4/2008)

## **§76. Warning and Protective Devices; Liability of Property Owner.**

It shall be the duty of every property owner grading, constructing, draining, concreting or re-concreting the sidewalk abutting his property, to provide and maintain adequate guards, barriers and lights to prevent accidents, and such owner shall assume all risks and liability for all damages by reason of such work, and by reason of failure to properly fill such area.

(Ord. 267, 11/4/2008)

## **§77. Authority of Borough to do Work; Collection Cost Plus 10%.**

If any property owner shall neglect to comply with any of the provisions of §§71 to 74 of this Subpart, the Borough shall have the authority to, after notice, cause the grading, concreting, repairing, curbing, and/or guttering to be done, or in the case of improper work, to be redone, at the expense of such owner and may collect the cost, thereof and

---

<sup>27</sup> Editor's Note: Drawing #C-101 is on file in the office of the Borough Secretary.

10% additional, together with all charges and expenses, from such owner, in the manner provided by law.

(Ord. 267, 11/4/2008)

**§78. Penalty for Violation.**

Any person, firm or corporation who shall have failed to comply with the notice of this Subpart referred to, within the time limit set by this Subpart, will be in violation hereof and, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000, plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Subpart continues, or each section of this Subpart which shall be found to have been violated, shall constitute a separate offense.

(Ord. 267, 11/4/2008)

**§79. Sidewalk Inspection to Verify Proper Work.**

It shall be the duty of every person to whom a permit shall have been issued to thoroughly and completely refill the opening or excavation, at the proper grade without ridges and without depressions. Upon completion of grading and installation of the concrete forms, the Borough Zoning Officer and/or Council member shall be notified for inspection of concrete forms for proper installation. Such person shall also notify the Borough after said concrete has been installed for a thorough inspection of the area in order to ascertain if the work was done in a proper manner.

(Ord. 267, 11/4/2008)

**§80. Rectification of Unskillful, Improper or Incomplete Work.**

If any sidewalk work shall not be done on or before the date of expiration of the permit, or if any part of such work shall be unskillfully or improperly done, the Borough may cause the work, to be done in such manner as it shall deem proper, and an additional amount of 10% shall be charged against and collected by the Borough from such permit holder in the manner prescribed by law.

(Ord. 267, 11/4/2008)

**§81. Handicapped-Accessible Ramps and Unobstructed Storm Drainage.**

Handicapped-accessible curb cuts and ramps shall be provided at pedestrian crosswalks to make the transition from street to sidewalk easily negotiable for handicapped persons in wheelchairs and for other persons who may have difficulty in making the step up or down from curb level to street level. These facilities

## STREETS AND SIDEWALKS

shall be designed and installed in accordance with the Pennsylvania Department of Transportation Design Manual Part 2. Chapter 6, "Pedestrian Facilities," 1982, or as amended; and Drawing #C-101 herein. (A copy of which is attached and made a part hereof.<sup>28</sup>)

2. Sidewalks must follow, as closely as possible, the existing grade of the landscape. Under no circumstance shall new sidewalk construction obstruct or redirect the existing overland flow of storm-water runoff.

(Ord. 267, 11/4/2008)

### **B. Snow and Ice Removal.**

#### **§101. Responsibility of Owner or Occupant.**

The owner, occupant, or tenant of every property fronting upon or alongside any street in the Borough of Bloomfield is hereby required to remove or to cause to be removed from all sidewalks in front of or alongside such property all snow or ice thereon fallen or formed down to the surface of the sidewalk, within 24 hours after the same shall cease or fall or to be formed; the width of the shoveled walk to be not less than 36 inches in width, provided that the owner of a property shall be responsible for conforming to the requirements of the Section where such property is occupied by such owner, or is vacant or unoccupied or is a multiple-unit property, occupied by more than one occupant or tenant; the occupant or tenant or landlord thereof shall be responsible therefore in the case of an occupied property containing a single rental unit.

(Ord. 267, 11/4/2008; as amended by Ord. 322, 9/6/2016, §4)

#### **§102. Authority of Borough, to Remove Snow and Ice and Collect Cost Plus 10%.**

In any case where the owner, landlord, occupant, or tenant, as aforesaid, shall fail, neglect or refuse to comply with any provisions of §101 of this Subpart, 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 properties, and to collect the expenses thereof, with an additional amount of 10% thereof, from such owner, landlord, occupant, or tenant, as the case may be, which may be in addition to any fine or penalty imposed under §103 of this Subpart.

(Ord. 267, 11/4/2008; as amended by Ord. 322, 9/6/2016, §4)

---

<sup>28</sup> Editor's Note: Drawing #C-101 is on file in the office of the Borough Secretary.

**§103. Penalties**

Any person, firm or corporation who shall violate any provision of this Subpart, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$200, plus costs, and in default of payment of said fine and costs to imprisonment for not more than 10 days. Each day that a violation of this Subpart continues or each section of this Subpart which shall be found to have been violated shall constitute a separate offense, provided that such fine and penalty may be in addition to any expenses and additional amounts imposed as provided in §102 of this Subpart.

(Ord. 267, 11/4/2008)

**§200. Skateboards Prohibited**

Because of the safety hazard involved, it shall be unlawful for any person to use, ride, propel or otherwise operate a skateboard or scooter to engage in skateboarding or in riding or using a scooter in or upon any public sidewalks and streets within the Borough, the U.S. Postal Service parking lots, the paved area surrounding the Borough Building and the Borough Building playground.

(Ord. 267, 11/4/2008, as amended by Ord. 294, 1/4/11, §1)

**§201. Penalty**

Any person violating this Subpart shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$25, nor more than \$300 and the costs of prosecution.



**Part 3**

**Sidewalks and Curbing**

**§301. Title**

This ordinance shall be known as the “Sidewalk and Curbing Ordinance of Bloomfield Borough.”

(Ord. 266, 11/4/2008)

**§302. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

**BOROUGH** — the Borough of Bloomfield, Perry County, Pennsylvania.

**OWNER** — the person or persons, including corporations and partnerships, who own in the Borough of Bloomfield.

(Ord. 266, 11/4/2008, §2)

**§303. Sidewalk Maintenance.**

The owner or owners of any lot or lots in the Borough of Bloomfield abutting sidewalks shall maintain said sidewalks in a safe and passable condition, free of tripping hazards and obstructions, including snow and ice.

(Ord. 266, 11/4/2008, §3)

**§304. Maintenance Obligations.**

The owner or owners of lots in the Borough of Bloomfield with sidewalks abutting said lots shall maintain said sidewalks as follows:

- A. Repair all holes and cracks having a width in excess of 1/2 inch or more at any one point along length of one foot or greater.
- B. Maintain said sidewalks to a constant grade so as to prevent any irregular surface with a depression greater than 1/2 inch in depth which shall also include repairing the sidewalks so that the sidewalk is no greater than 3/4 of an inch out of vertical alignment.
- C. Repair a section of sidewalk that has spalling on 25% or more of the surface.

- D. Remove leaves, tree limbs, grass clippings, debris, cinders, grits, or any other refuse on such sidewalk or remove projecting branches or other obstructions, that are six feet eight inches above the sidewalk.

(Ord. 266, 11/4/2008, §4)

**§305. Annual Inspection.**

Each year, upon request of the Borough, the Borough Engineer shall inspect all sidewalks and curbing in the Borough. A report shall be forwarded within 30 days to Borough Council containing a list of properties not in compliance with the aforementioned requirements.

(Ord. 266, 11/4/2008, §5)

**§396. Repair.**

Each owner of property in the Borough shall, within 60 days after written notice, repair the sidewalk in the manner stipulated in the notice. If the sixty-day time period concludes after November 15, then said repair shall be made on or before April 30 of the following year. If a condition is determined to create an emergency, such repair shall be made within 96 hours of notice.

(Ord. 266, 11/4/2008, §6)

**§307. Permit Requirements.**

In the event of a property owner on his or her own, without notice from the Borough, desires to repair the sidewalk, then the owner shall obtain a permit from the Borough. No application fee is required.

(Ord. 266, 11/4/2008, §7)

**§308. Municipal Lien.**

Upon failure of any owner of property in the Borough of Bloomfield to repair the sidewalk after notice has been given in accordance with this Part, the Borough may cause the necessary repairs to be made and thereafter file a municipal claim or collect the same by an action against the property owner. Said claim and/or action shall be in the amount of the costs, plus 10% as provided by statute.

(Ord. 266, 11/4/2008, §8)

**§309. Curbing.**

The installation of curbing on any streets in the Borough of Bloomfield shall be determined by majority vote of the Borough Council. When curbing is necessary on any streets in the Borough of Bloomfield, such costs for installation of curbing shall be paid for by the Borough.

Repair or maintenance of any curbing that exists as of the date of passage of this Ordinance shall be governed by the applicable ordinances of the Borough of Bloomfield.

After the installation of curbing by the Borough of Bloomfield as set forth above, any repairs or maintenance of that curbing shall be governed by the applicable ordinances of the Borough of Bloomfield.

(Ord. 266, 11/4/2008, §9; as amended by Ord. 295, 4/5/2011, §1)

**§310. Penalties.**

Any person who violates the provisions of this Part shall, upon conviction in a summary proceeding before a designated Magisterial Judge, be punishable by a fine of not more than \$300 and costs thereof. Each day that such a violation occurs shall constitute a new and separate offense, punishable by the same fine and penalty, In the event the fine is not paid, the violators shall be subject to a penalty not to exceed 30 days in jail

(Ord. 266, 11/4/2008, §10)

