

Chapter 131

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Borough Council of the Borough of Montoursville as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Tress — See Ch. 141.

Vehicles and traffic — See Ch. 150.

ARTICLE I
Placing Materials on Streets; Changing Grades
[Adopted 8-2-1926 by Ord. No. 76]

§ 131-1. Placing material in streets and changing grades restricted.

No person shall place in or upon any of the streets, lanes and alleys of the Borough dirt, ashes or other materials, or change the natural contour of the established grade thereof or the natural flow of surface water, waters changed or impeded, except under the direction and supervision of the Highway Committee of Council or its Street Commissioner upon grades and lines furnished by the Borough Engineer.

§ 131-2. Failure to comply. [Amended 11-17-1986 by Ord. No. 308]

Whenever the owner, tenant or occupant of any such real estate has not complied with the terms of this Article, the Borough may cause the dirt, ashes or other materials to be removed and collect the actual costs thereof, from the owner, tenant or occupant.

§ 131-3. Violations and penalties. [Amended 11-17-1986 by Ord. No. 308; 3-3-1997 by Ord. No. 370]

Any person who violates any of the provisions of this article shall, upon conviction thereof in a summary proceeding, be subject to the penalty as set forth in Chapter 1, General Provisions, Article II, General Penalty.

ARTICLE II
Street Widths
[Adopted 12-31-1925]

§ 131-4. Widths of streets and alleys.

No street or other public thoroughfare, except alleys, shall be laid out and opened for public use by the owner or owners of farms or vacant lands, lots or out-lots, within the corporate limits of the Borough of Montoursville of a width fewer than 50 feet, and no alleys of a width fewer than 18 feet.

§ 131-5. Street plans to be adopted and recorded.

No street, alley or other thoroughfare shall be laid out or opened for public use by the owner or owners of farms or vacant lands, lots or out-lots, until the width and location of such streets, alleys or other public thoroughfares be fixed by ordinance of the Borough in conformity with a plan or plot of the streets, alleys and public thoroughfares of the Borough, prepared by the Borough Engineer, adopted by Council and on file among the records of the Borough.

ARTICLE III
Plot and General Plan
[Adopted 2-7-1955 by Ord. No. 139]

§ 131-6. General Plan.

From and after the passage of this article, the plot or plan as prepared by Robert Swartz, Borough Engineer, and entitled "Plot and General Plan of the Streets of the Borough of Montoursville, Pennsylvania," and dated the seventh day of February 1955, shall be the General Plan of the streets of the Borough of Montoursville, Pennsylvania, and from and after the passage of this article the location of streets of the Borough of Montoursville shall be as shown on said plan or plot and the widths of said streets and the lines of the same shall be as shown on said plot or plan and the plot or plan includes and shall include streets laid out but not opened, streets newly located and streets heretofore opened or used.

§ 131-7. Conformity required.

From and after the passage of this article all subdivisions of property in the Borough of Montoursville shall be made to conform to said plot or plan, and that said plot or plan shall be filed in the office of the Engineer of the Borough of Montoursville.

§ 131-8. Adoption by reference.

The plot or General Plan of the streets of the Borough of Montoursville, Pennsylvania, hereinabove referred to in this article and filed in the office of the Engineer of said Borough, is adopted and approved and is incorporated by reference to this article and made a part of this article.¹

ARTICLE IV

Snow and Ice Removal

[Adopted 2-17-1964 by Ord. No. 190]

§ 131-9. Clearing of sidewalks and fire hydrants required. [Amended 8-21-2003 by Ord. No. 396; 12-3-2007 by Ord. No. 426]

- A. It shall be unlawful hereinafter for the owner and/or occupant of any property on any street in the Borough where there is a sidewalk abutting said property to permit an accumulation of snow or sleet to remain upon said sidewalk for a period in excess of 24 hours after said snow or sleet ceases to fall thereon.
- B. Fire hydrants. No property owner or occupant of any dwelling, tenement, store, shop, place of business, church, school or any other building or premises, be it public or private, located adjacent to a fire hydrant located upon any public street or private street shall allow snow, ice, sleet, slush, hail or combination thereof to be pushed or dumped on or to accumulate on any fire hydrant as to impede access by fire emergency personnel to, from and/or around a fire hydrant. In cases involving heavy snowfall and accumulation, fire hydrants shall be cleared of all snow, ice, sleet, slush, hail or combination thereof within 24 hours following the storm; in any event, any accumulated snow, ice, sleet, slush or hail shall be removed not less than once in every twenty-four-hour period. Removal of accumulated snow, ice, sleet, slush, hail or combination thereof is necessary to allow for fire hose connections to be made to access water in the event of a fire. For purposes of this subsection, "fire hydrant" shall mean an upright pipe exposed aboveground with a closed nozzle or spout structure used by fire emergency personnel for drawing water from a public or private water main to use in fighting a fire.
- C. Effective date. This section shall take effect and be in force on January 1, 2008.

1. Editor's Note: Said plot or plan is on file in the Borough offices.

§ 131-10. Placing snow on sidewalks or streets prohibited. [Amended 12-17-1979 by Ord. No. 265]

It shall be unlawful for any person to shovel, plow or cause snow to be placed upon any designated public walkway, sidewalk or any street within the Borough except for Borough employees, servants or contractors hired by the Borough.

§ 131-11. Violations and penalties. [Amended 11-17-1986 by Ord. No. 305; 3-3-1997 by Ord. No. 370]

Any person who violates any of the provisions of this article shall, upon conviction thereof in a summary proceeding, be subject to the penalty as set forth in Chapter 1, General Provisions, Article II, General Penalty. Each day's violation shall constitute a separate offense.

§ 131-12. Costs and penalty if Borough removes snow. [Amended 12-17-1979 by Ord. No. 265; 8-21-2003 by Ord. No. 396]

If the owner and/or occupant of said property permits, causes or allows said snow or sleet to remain upon or to be put upon said sidewalk in violation of this article, the Borough may cause such snow or sleet to be removed and shall charge the owner and/or occupant with the actual cost of such removal, together with a penalty of \$25, which cost and penalty shall be collected from the occupant and/or from the owner in the manner provided by law for the collection of municipal claims or by action of assumpsit, provided that the recovery of said costs and penalty may be in addition to the penalty imposed as provided in § 131-11 of this article.



ARTICLE V

Excavations

[Adopted 10-17-1988 by Ord. No. 322]

§ 131-13. Definitions and interpretations.

- A. The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

EXCAVATION — Any activity within the right-of-way of any street, alley or cartway which involves cutting, breaking or disturbing the surface thereof. In this article, the term "opening" shall have essentially the same meaning as "excavation."

PERSON — Any natural person, partnership, firm, association, corporation or municipal authority.

STREET — Any public street, avenue, road, square, alley, highway or other public place located in the Borough of Montoursville and established for the use of vehicles, but shall not include state highways.

- B. In this article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 131-14. Permit required to make opening or excavation.

It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets in the Borough of Montoursville without first securing a permit therefor, as hereinafter provided.

§ 131-15. Application for a permit; fee.

- A. Any person who shall desire to make any opening or excavation in any of the streets in the Borough of Montoursville shall make application to the Borough Council or its designated representative, in writing, for that purpose. Such application shall be made upon blanks to be furnished by the Borough of Montoursville and 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 the ordinances of the Borough of Montoursville and the laws of the commonwealth in relation thereto, and that the applicant shall well and truly save, defend and keep harmless the demands, payments, costs and charges for or by reason of the proposed opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.
- B. Before any permit shall be issued to open or excavate any street in the Borough of Montoursville, the applicant shall pay a permit fee in the amount designated by Borough Council from time to time by resolution, to cover cost of inspection, other incidental services in connection therewith and the cost of future repair and maintenance. When

application shall be made to open or excavate any longitudinal opening or excavation in excess of 10 feet, the applicant shall pay an additional fee at a rate to be set by Borough Council from time to time by resolution. [Amended 5-7-1990 by Ord. No. 335]

§ 131-16. Issuance of permits restricted.

Permits shall be issued only to persons furnishing public utility services or the owner or owners of the real property adjoining the location where such opening or excavation is to be made.

§ 131-17. Information contained on permit.

Any permit issued hereunder shall specify the exact location where the opening or excavation is to be made, the approximate permitted size or depth thereof and the time within which the work for which the permit is granted is to be completed.

§ 131-18. Permit approval/disapproval.

A permit may be issued to the applicant after all the requirements therefor have been filed. If the application is disapproved, written notice of disapproval together with reasons therefor shall be given to the applicant.

§ 131-19. Responsibility to contact utilities.

The work authorized by the permit is subject to all the provisions of the Act of December 10, 1974, P.L. 852, No. 287, § 1 et seq., as amended or supplemented from time to time.² It shall be the permittee's responsibility to contact the utilities that have recorded their facilities in compliance with said Act. A partial list of utilities providing services in the Borough of Montoursville and their office addresses may be obtained from the County Recorder of Deeds.

§ 131-20. Refilling of opening or excavation; restoration of surface; responsibility for defects.

Any person who shall open or excavate any street in the Borough of Montoursville shall thoroughly and completely refill the opening or excavation in such a manner as to prevent any settling thereafter and shall restore the surface to the same condition as it was before the opening or excavation, and such restoration shall be in accordance with the specifications of the Department of Transportation of the Commonwealth of Pennsylvania which are hereby adopted as specifications of the Borough of Montoursville for restoration of surfaces of streets in the Borough of Montoursville, as restored, the surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If within two years after the restoration of the surface as herein provided defects shall appear therein, resulting from defective backfilling by the applicant, the applicant shall

2. Editor's Note: See 73 P.S. § 182 et seq.

reimburse the Borough of Montoursville for the cost of all necessary repairs to the permanent paving.

§ 131-21. Responsibility of permit holder for certain work; right of Borough of Montoursville to do certain work; charges therefor.

All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by or for the person to whom or which the permit has been issued at his or its expense, and all such work shall be subject to the provisions of this Article and to the supervision and approval of the designated official, provided that the Borough Council or its designated representative may if he deems it necessary to the proper performance of the work, require that cutting of the surface of streets and the backfilling of all excavations therein shall be done by the Borough of Montoursville, in which event the applicant shall pay the actual cost of the work performed by the Borough of Montoursville.

§ 131-22. Requirements for work; correction of unsatisfactory work; completion of incomplete work.

- A. No opening or excavation in any street shall extend from the curblin into the highway a distance greater than one foot beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.
- B. No more than 500 feet longitudinally shall be opened in any street at any one time.
- C. The work of excavation shall be so conducted as not to interfere with the water mains, sewers or their connections with the houses, or any other subsurface lines or constructions, until permission of the proper authorities in connection with such subsurface lines or constructions shall have been obtained.
- D. No tunneling shall be allowed without the express approval of the Borough Council or its designated representative and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough Council or its designated representative, or an inspector designated by him, and shall be done only in a method approved by him.
- E. All openings or excavations shall be backfilled promptly with modified 2A stones and thoroughly compacted in layers, each of which layers shall not exceed eight inches in depth. Backfilling shall be placed to within 10 inches of the surface.
- F. A temporary paving of coldpatch premix, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving and maintained for a period of 90 days.
- G. On concrete base streets, such base shall be replaced with concrete and the minimum size of the opening or excavation shall be 16 square feet.
- H. During the making of any excavation in the 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 excavating permits granted hereunder 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 Montoursville from any loss in damages, or otherwise whatsoever, which may or shall be occasioned at any time by said excavation, or by any leak, explosion or other injury from any pipe, apparatus, conduit or any other matter placed in said excavation.

- I. The applicant shall notify the Borough Council or its designated representative, when the opening or excavation is ready for backfilling before any backfilling is done, when backfilling work is completed, when the temporary paving has been installed and when the street has been permanently restored so that inspections may be made.
- J. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Council or its designated representative be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him, or in the event that the work for which the permit was granted is not completed with time fixed by the Borough Council or its designated representative, the Borough of Montoursville may proceed to correct such unsatisfactory work or complete any such work not completed and charge the cost thereof, plus 20%, to the applicant.

§ 131-23. Emergency openings.

In the case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus, to commence an excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter, and that all other provisions of this Article are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line construction or apparatus, the Borough Council or its designated representative, after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency and charge the same on the basis of cost, plus 20%, to such owner or person.

§ 131-24. Restrictions regarding trees and shrubbery.

The permission herein granted does not confer upon the permittee or its contractors the right to cut, work necessitating opening or excavation to be done prior to street improvement and not until five years thereafter remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations and conditions as the Borough of Montoursville may prescribe.

§ 131-25. Time limits for completion of work; exception; fee.

- A. The Borough Council or its designated representative shall give timely notice to all persons owning property abutting on any street within the Borough of Montoursville

about to be paved or improved and to all public utility companies operating in the Borough of Montoursville, and all such persons and utility companies shall make all water, gas or sewer connections, as well as any repairs thereto which would necessitate excavation of said street, within 30 days from the giving of such notice, unless such time is extended, in writing, for cause shown by the Borough Council or its designated representative. New paving shall not be opened or excavated for a period of five years after the completion thereof, except in case of emergency, the existence of which emergency and the necessity for the opening or excavating or such paving to be determined by the Borough Council. If it is sought to excavate upon or open a sewer within five years after the completion of the paving, applicant shall make written application to the Borough Council, and a permit for such opening shall be issued only after express approval of the Borough Council.

- B. Work necessitating opening or excavation to be done after street improvement under the Federal Department of Transportation Code 192.727 and Pennsylvania Public Utility Commission Code 59.36 of inactive services, the fee shall be determined by Borough Council from time to time by resolution. [Added 5-7-1990 by Ord. No. 335]

§ 131-26. Permittee responsibilities for future relocation of work.

If at any time in the future the roadway is widened, reconstructed or the alignment or grades are changed, the permittee further agrees to change or relocate all or any part of the structures covered by this permit which interfere with the improvement of the roadway at its own cost and expense.

§ 131-27. Conditions for laying and extending utility lines.

No new water, sewer, steam or gas main or electric, telephone or other utility line shall hereafter be laid or constructed, and no such existing main or line shall be extended, in any of the streets of the Borough of Montoursville until the plan therefor shall have been first filed with the Borough Council or its designated representative and such plan, and the exact location of such main or line, approved by him. The Borough Council or its designated representative shall not approve the location of any such main or line at a depth of less than 30 inches from the surface of the street, unless he shall be convinced that locating the same at a depth of more than 30 inches from the surface is impossible or impractical.

§ 131-28. Bond required.

No company, corporation or association shall dig up any street or alley without first giving to the Borough of Montoursville a bond with some acceptable trust or surety company as surety in the sum of \$10,000, conditioned for the faithful performance of these provisions and also for any and all damages, claims, demands, suits, costs and counsel fees occasioned or arising from the digging up, opening or closing of said streets and alleys.

§ 131-29. Payment for work done by Borough of Montoursville.

Payment for all work done by the Borough of Montoursville under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within 30 days after a bill therefor is sent to such person by the Borough of Montoursville. Upon failure to pay such charges within such time, the same shall be collectible by the Borough of Montoursville by an action in assumpsit or in the manner provided by law for the collection of municipal claims.

§ 131-30. Violations and penalties.³

Any person, firm or corporation who or which shall violate any provision of this Article shall, upon conviction thereof, be subject to the penalty set forth in Chapter 1, General Provisions, Art. II, General Penalty. Every day that a violation of this Article continues shall constitute a separate offense.

§ 131-31. Applicability.

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

ARTICLE VI
Curbs and Sidewalks Specifications
[Adopted 7-3-1989 as Ord. No. 328]

§ 131-32. Authority of Borough to establish curbs and sidewalks.

Pursuant to authority contained in the Borough Code,⁴ the Borough shall establish a grade or grades for curbs and sidewalks along any street and, with the consent of the Secretary of Transportation of the commonwealth, along any state highway, which grade or grades may be separate and apart from the grade or grades established for the cartway or roadway. Further, the Borough shall fix the size and shape of all the curbs and sidewalks and may fix the location or locations of all curbs and sidewalks with respect to the lot lines fronting thereon as well as where pedestrian traffic requirements, in the opinion of Borough Council, dictate the need for said construction.

§ 131-33. Requirements for new or reconstructed sidewalks and curbs.

- A. Grades, grade receipts. All new sidewalks and curbs prior to construction shall first have a grade established by the Borough Engineer. The cost for the grade shall be as determined from time to time by resolution of Borough Council.
- B. Application for inspection; issuance of grade receipts. Upon the completion of the construction, reconstruction or repair of a curb or sidewalk, the person making the construction, reconstruction or repair, or the owner of the lot fronting thereon shall make written application to the Borough for the inspection of the curb or sidewalk by the

3. Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

4. Editor's Note: See 53 P.S. § 45101 et seq.

Borough, and for the issuance of a grade receipt. Upon inspection of the curb or sidewalk by the Borough, should the curb or sidewalk conform to the grade, location and specifications established and fixed by the Borough, the Borough shall issue a grade receipt to the owner of the lot fronting thereon. A grade receipt so issued shall be prima facie evidence that the curb or sidewalk conforms to the above-mentioned grade, location and specification established and fixed by the Borough. The Borough shall keep permanent records of grade receipts issued, which records shall show the grades, location and specifications established and fixed for the curb or sidewalk.

§ 131-34. Sidewalks specifications.

- A. Size and shape. Sidewalks shall be of a uniform depth of four inches, except where crossing driveways where the depth shall be six inches for residential driveways and #10 wire mesh and eight inches for commercial driveways with #6 wire mesh. The width shall be four feet by five feet except where matching existing sidewalks or where the Borough Engineer and Council deems a wider sidewalk is necessary.
- B. Forms. The forms used shall be of metal, but wood forms may be used when authorized. All forms shall be smooth, straight, free from warp and of sufficient strength to resist the pressure of the concrete without springing. Sufficient stakes shall be used to hold the forms firmly to line and grade.
- C. Material. Sidewalks shall be made of concrete. All concrete used shall conform to Pennsylvania Department of Transportation specifications for Class A concrete. It shall be composed of Type C normal strength air-entraining portland cement, fine aggregate and coarse aggregate mixed on a 1-1.6-3.75 basis with a minimum of six bags of cement per cubic yard of concrete. Mixing shall be carried out in accordance with the applicable sections of Form 408 of Pennsylvania Department of Transportation specifications for Class A concrete, as from time to time amended. Coarse aggregate for all concrete shall be composed of 2B crushed limestone or 2B crushed gravel meeting Pennsylvania Department of Transportation specifications. Fine aggregate shall be sand and meet the same specifications. Sidewalks may be constructed of amiesite along nonresidential zones where a substantial part of the property adjoining the sidewalk is paved with amiesite to form an apron for parking or means of access such as that used at gasoline stations and garages, provided that:
 - (1) The owner shall first secure the approval of Borough Council for a variance.
 - (2) The owner or occupant thereafter keep the sidewalk area outlined with highway type marker paint. The failure or neglect of the owner or occupant to keep the area distinctly so outlined shall constitute a violation of this Article. The Borough may at its option cause the walks to be outlined and bill the property owner or lessee for the work.
- D. Construction procedure.
 - (1) Forms for sidewalks shall be of metal, shall be sufficiently tight so as to prevent leakage of mortar, and shall be braced or tied together in such a manner so as to maintain the desired alignment, grade and shape during and after the placing of

concrete. Expansion joints shall be provided at the end of each block by using a steel template one-eighth (1/8) inch in thickness to separate adjacent blocks. This template shall be removed before the concrete is set hard and care shall be exercised in its removal, which shall then be tooled or alternate control joints may be tooled at intervals not to exceed five feet with three-fourth-inch deep joinder. Forms and templates, which have been used previously must be thoroughly brushed, cleaned and treated with an approved material to prevent concrete from adhering thereto, before being used.

- (2) Care shall be taken during the placing of concrete to flush the mortar to the surface so as to secure a smooth surface. The surface shall be finished by experienced finishers as soon after placing the concrete as conditions will permit. The schedule of placing concrete and removing forms shall be so arranged as to permit finishing before the concrete reaches a final hard set. The surface shall have a textured nonslip broom or float finish.
- (3) Care shall be exercised to prevent damage to the sidewalk after finishing and during the curing period. After finishing is complete, the sidewalk shall be covered with an approved moisture-retaining cover, and kept moist for a period of three days or use of a curing compound meeting ASTM C-309 requirements.
- (4) After the sidewalk has been finished and cured as hereinbefore set forth, the spaces on both sides shall be backfilled with acceptable material to a level even with the surface of the sidewalk.
- (5) During the excavation, construction, curing and backfilling of any sidewalk, adequate hazard warning to pedestrian traffic shall be placed and maintained by means of barricades, lights or similar means.
- (6) Repair or replacement of existing sidewalks. All sidewalks hereafter determined, by or through the Borough Council or the Borough Engineer, as needing extensive or substantial repairs shall be relaid in accordance with the provisions of this Article.
- (7) Maintenance in usable condition required. Except only under circumstances beyond the control of an abutting property owner, all sidewalks shall be kept at all times in safe and usable conditions and in good repair by the owner of the abutting property.
- (8) Backfilling sidewalk next to a radius. Where a curb radius and sidewalk are being constructed and/or replaced, the back side of the curb area where the sidewalk is to be placed, shall be backfilled and compacted with 2B gravel or larger.
- (9) Monolithic radius. Curb and walk may be poured together to prevent walk from sinking below curb. Walk and curb depths shall be maintained as defined in this Article. Radius shall meet PennDOT specs for handicap access ramp.

§ 131-35. Curb specifications.

- A. Size and shape. Curbs shall be 18 inches high, eight inches wide at the base and seven inches wide at the top, with one-inch batter on the face or roadway side of the curb.
- B. Material. Curbs shall be made of concrete and of no other material. All concrete used shall conform to Pennsylvania Department of Transportation specifications for Class A concrete. It shall be composed of Type C normal strength air-entraining portland cement, fine aggregate and coarse aggregate mixed on a 1-1.6-3.75 basis with a minimum of six bags of cement per cubic yard of concrete. Mixing shall be carried out in accordance with the applicable sections of Form 408 of Pennsylvania Department of Transportation specifications for Class A concrete, as from time to time amended. Coarse aggregate for all concrete shall be composed of 2B crushed limestone or 2B crushed gravel meeting Pennsylvania Department of Transportation specifications. Fine aggregate shall be sand, meeting said specifications.
- C. Construction procedures.
- (1) Forms for curb shall be of metal except that wood forms may be used on curves or short tangent sections when permission for such use is granted by the Borough Engineer. The curb shall be constructed in uniform lengths or sections of 10 feet with the exceptions of those areas requiring short transition sections. No section shall be less than four feet in length. Forms shall be sufficiently tight so as to prevent leakage of mortar, and shall be braced or tied together in such manner as to maintain the desired alignment, grade and shape during and after the placing of concrete. Care shall be taken during the placing of concrete to flush the mortar to the face of the curb by spading so as to secure a smooth face. Expansion joints shall be provided at the end of each section by using a steel template one-eighth-inch thickness to separate adjacent sections. This template shall be removed before the concrete is set hard and care shall be exercised in its removal to secure sharp clean edges adjacent to the joints. Forms and templates, which have been used previously, must be thoroughly brushed, cleaned and treated with an approved material to prevent concrete from adhering thereto, before being used.
 - (2) All exposed surfaces of the concrete curb shall be finished by experienced finishers as soon after placing the concrete as conditions will permit. The schedule of placing concrete and removing forms shall be so arranged as to permit finishing before the concrete reaches a final hard set. The top and roadway face of the curb shall be rubbed or floated to a textured finish. Brush finishing or plastering will not be permitted.
 - (3) Care shall be exercised to prevent damage to the curb after finishing and during the curing period. After finishing is complete, the curb shall be covered with canvas, burlap, sand or other approved moisture retaining cover and kept moist for a period of three days or use a curing compound meeting ASTM C-309 requirements.
 - (4) Backfilling. After the curb has been rubbed and finished and cured for the minimum of three days as hereinbefore set forth, the spaces in front and back of the curb shall be backfilled with acceptable material. Backfill shall be carefully

compacted and tamped so as to prevent any displacement of the curb from correct alignment.

- D. Curb openings for driveways or dropped curbs. All curb openings for driveways or dropped curbs shall conform with "Article 8 Access Driveway Regulations" of the Montoursville Zoning Ordinance.⁵ Dropped curbs may be poured monolithic with apron, providing depths are maintained as outlined in the ordinance. Contraction joints in six-inch pavements shall be 1 1/2 inches deep, two-inches deep in eight-inch pavement.
- E. Replacement of existing curbs.
- (1) All curbs hereafter determined, by or through the Borough Council or the Borough Engineer, as needing extensive or substantial repairs, shall be relaid in accordance with the provisions of this Article.
 - (2) Capping curbs. Bad sections of curbing shall be chopped down at least six inches below pavement, drilled and pinned with one-half-inch rebar on angles, approximately two to three feet apart. Rebar pin shall be embedded at least four inches to old curb and four inches into new concrete.
- F. Maintenance in usable condition required. Except only under circumstances beyond the control of an abutting property owner, all curbs shall be kept at all times in safe and usable condition and in good repair by the owner of the abutting property.

§ 131-36. (Reserved) ⁶

5. Editor's Note: See Ch. 158, Zoning.

6. Editor's Note: Former § 131-36, Sale of home; sidewalk and/or curb specifications, was repealed 12-19-2011 by Ord. No. 451.

§ 131-37. Owner to comply upon notice.

Every owner of property in the Borough of Montoursville shall, on 30 days written notice from the Borough Council, construct, reconstruct or repair a curb or sidewalk in front of and/or alongside of such property, which curb or sidewalk shall conform to the grade, location and specifications established and fixed by the Borough Engineer. The notice may be served upon the owner by mailing the same to him at his last known address by certified mail, return receipt requested.

§ 131-38. Claims against owner if Borough does work.

- A. Upon the neglect of any property owner to comply with the requirements as provided in the preceding sections of this Article or in the event that any property owner maintains a curb or sidewalk which has been constructed, reconstructed or repaired subsequent to the effective date of this Article and for which a grade receipt has not been issued, the Borough may cause the construction, reconstruction or repairing of the curb or sidewalk to be done at the cost of such owner and may collect the cost thereof and 10% additional together with all charges and expenses from such owner and may file a municipal claim therefore or collect the same by an action in assumpsit.
- B. All such notices shall be served upon the owner of the premises to which the notice refers, if such owner is a resident of the Borough. If the owner is not a resident, then the notice may be served upon the agent or tenant of the owner or upon the occupant of such premises, after such premises, if the owner has no agent or tenant or there is no occupier of such premises, then service shall be by notice posted upon the premises.

§ 131-39. Curb or sidewalk construction projects. [Amended 3-3-1997 by Ord. No. 370]

- A. When the Borough Council requires that curb or sidewalk be installed along one or more properties along a section of a street, the Borough may, with or without the consent of the property owners, or at the time a bid is awarded, cause the curb or sidewalk to be constructed along the properties and collect the cost thereof from such owners by allocating the contract price of the construction among such owners on a front foot basis; and in addition the Borough shall charge each such owner a fee as set from time to time by resolution of the Borough Council which costs and fees the Borough may collect by filing a municipal claim or by action in assumpsit.
- B. Curbs or sidewalks constructed under curb and sidewalk construction projects shall conform to the rules, regulations and specifications established and fixed by the Borough for all curbs and sidewalks.
- C. On curb and sidewalk construction projects in which the Borough causes the curb or sidewalk to be constructed with the consents of the property owners, the consenting property owners shall not be required to apply for or secure permits to construct the curbs or sidewalks; however, upon the completion of the construction to the satisfaction of the Borough, the Borough shall issue grade receipts to the property owners fronting on the curb or sidewalk constructed under the project.

§ 131-40. Borough Engineer.

The Borough Engineer or Borough Council shall have jurisdiction over all curbs and sidewalks constructed, reconstructed or repaired along any street, and strict compliance with the specifications established by the Borough Engineer or Borough Council shall be required whether the work is done under a contract with the Borough or under a contract between the property owner and a contractor or by the property owner himself. Where the work is done under a contract between the property owner and a contractor or by the property owner himself, the Borough Engineer or Borough Council may, at their discretion, require inspection of the work in progress at the expense of the property owner. The finished work on all curbs and sidewalks shall meet the approval of the Borough Engineer. Any curb rejected by the Borough Engineer shall be promptly removed and replaced at the expense of the person doing the work and at no expense to the Borough. The Borough Engineer or Borough Council may delegate authority to a Borough Inspector to inspect work.

§ 131-41. Variations.

Any property owner desiring a variation from the rules, regulations and specifications established and fixed by the Borough may make a written request therefore to the Borough specifying the variation requested. Such request shall be referred promptly to the Highway Committee, who shall investigate the request and may secure the recommendation of the Borough Engineer. The Highway Committee shall promptly make its report and recommendation to the Borough Council, which may grant such variation as it deems proper.

§ 131-42. Time limit.

All work performed under and pursuant to this Article shall be completed within 60 calendar days of the date such work is started.

§ 131-43. Typical views.

Diagrams showing typical cross-section and plain views of sidewalks or curbs constructed, reconstructed or repaired according to these regulations will be furnished upon request or where the Borough deems necessary.

§ 131-44. Violations and penalties. [Amended 3-3-1997 by Ord. No. 370]

In addition to the provisions before set forth for the collection of fees, charges, costs and expenses, any person, firm or corporation which shall violate any of the provisions of this Article shall, upon conviction before a District Justice, be guilty of a summary offense and shall be subject to the penalty as set forth in Chapter 1, General Provisions, Article II, General Penalty.

ARTICLE VII
Driveway Permits
[Adopted 11-6-2006 by Ord. No. 417]

§ 131-45. Permit required for driveway construction.

It shall be unlawful for any person to construct, reconstruct or replace any driveway in the Borough without first securing a permit.

§ 131-46. Application; fee.

Any person who shall desire to construct, reconstruct, replace or resurface any driveway, or any portion thereof, shall make application to the Borough in writing. The application shall be made upon forms to be furnished by the Borough, and the applicant shall pay a permit fee, if any, in the amount designated by Borough Council from time to time by resolution.

§ 131-47. (Reserved)

§ 131-48. (Reserved)

§ 131-49. (Reserved)

ARTICLE VIII
Commercial Use of Sidewalks
[Adopted 9-4-2007 by Ord. No. 424]

§ 131-50. Definitions.

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

BRICK PAVERS — The portion of the sidewalk constructed of brick.

BUSINESS — Any activity conducted on the first floor of any building in the 300 Block of Broad Street.

PERSON — Any natural person, partnership, association, firm or corporation.

SIDEWALK — The area between the street and any building used for pedestrian travel, including the curb, brick pavers and concrete walkway.

§ 131-51. Commercial use prohibited; exceptions.

In the 300 Block of Broad Street it shall be unlawful for any person to:

- A. Store or display any vending machines on the sidewalk except vending machines for the sale of newspapers or other publications.

- B. Store or display any merchandise on the brick pavers.
- C. Store or display merchandise within five feet of the edge of the brick pavers. For the purposes of this section "edge of the brick pavers" shall mean the edge which is adjacent to the concrete walkway.
- D. Store or display any merchandise on the sidewalk in front of a business without the consent of the owner of the business.
- E. Store or display any merchandise or any counters, cases, racks or other objects used to store or display merchandise other than during the regular business hours of the adjacent business.

§ 131-52. Violations and penalties.

Any person who shall violate any of the provisions of this article or offers or permits the same to be done on his behalf shall, upon conviction thereof, be subject to the penalty in Chapter 1, General Provisions, Article II, General Penalty.