

CHAPTER 21

STREETS AND SIDEWALKS

PART 1

OPENING OR EXCAVATING IN OR UNDER THE STREETS AND THOROUGHFARES

- §21-101. Permit Required
- §21-102. Procedure for Granting Permits
- §21-103. Permit Fee
- §21-104. Separate Permits
- §21-105. Tunnelling Prohibited
- §21-106. Manner or Making Openings
- §21-107. Machinery and Equipment Placement
- §21-108. Excess Material
- §21-109. Guarding of Openings
- §21-110. Blasting Prohibited
- §21-111. Urgent Repairs
- §21-112. Replacing Thoroughfare to Former Condition
- §21-113. Bond Required
- §21-114. Replacement and Maintenance of Poles
- §21-115. Penalties

PART 2

REGULATING, PAVING AND REPAIRING OF SIDEWALKS

- §21-201. Specifications
- §21-202. Repair of Sidewalks
- §21-203. Abatement
- §21-204. Penalty

PART 3

PARKING AND PLACING OF CONSTRUCTION APPARATUS

- §21-301. Parking of Construction Apparatus
- §21-302. Construction Apparatus Defined
- §21-303. Exemptions
- §21-304. Penalty

STREETS AND SIDEWALKS

PART 4

SNOW AND ICE REMOVAL FROM SIDEWALKS AND OTHER PUBLIC PLACES

- §21-401. Definitions**
- §21-402. Removal of Snow and Ice**
- §21-403. Method of Removal**
- §21-404. Violations and Penalties**
- §21-405. Multifamily Dwellings**

PART 5

DEPOSITING AND/OR MIXING OF MATERIALS FOR BUILDING PURPOSES ON SIDEWALKS, STREETS AND HIGHWAYS

- §21-501. Permit Required**
- §21-502. Depositing of Material Prohibited**
- §21-503. Mixing of Materials Prohibited**
- §21-504. When Depositing or Mixing of Materials Authorized**
- §21-505. Penalty**

PART 1

OPENING OR EXCAVATING IN OR UNDER THE STREETS AND THOROUGHFARES

§21-101. Permit Required.

It shall be unlawful for any person, firm or corporation to make any opening or excavation in or under any street, alley, sidewalk or thoroughfare within the limits of the Borough of Rockledge except and unless the same be done in strict compliance with the terms and conditions hereof.

(Ord. 206, 7/11/1949, §1)

§21-102. Procedure for Granting Permits.

Permits for opening or excavating in the streets and thoroughfares shall be issued by the Street Opening Inspector, and shall only be issued upon written application having first been made therefor, such application to contain such information as the Street Opening Inspector, the Street Committee or Borough Council may from time to time require.

(Ord. 206, 7/11/1949, §2)

§21-103. Permit Fee.

Each and every applicant for a permit to open or excavate any of the streets or thoroughfares of the Borough shall, at the time of making said application, pay to the Borough a permit and inspection fee of \$10, which fee shall be applicable to and cover all permit and inspection charges for all lateral trenches or excavations from service mains to the side of the street, but for all lineal trenches or excavations running generally parallel to the street or thoroughfare of more than 25 feet in length, an additional inspection fee in the amount of \$3 shall be paid for the first 50 feet of length of said trench or excavation, and an additional fee of \$1 for each additional 35 feet or fraction of the length of said proposed trench excavation.

(Ord. 206, 7/11/1949, §1; as amended by Ord. 259, 1/25/1957, §1; by Ord. 318, 7/11/1966, §1; by Ord. 387, 9/29/1976, §1; by Ord. 410, 4/14/1980, §I; by Ord. 411, -/-/-)

§21-104. Separate Permits.

A separate permit shall be required for each separate and distinct opening or excavation, and a separate permit shall be required for each separate street or thoroughfare that is to be excavated.

STREETS AND SIDEWALKS

(Ord. 206, 7/11/1949, §4)

§21-105. Tunnelling Prohibited.

No tunnelling shall be done under any portion of any street, highway or thoroughfare of the Borough of Rockledge.

(Ord. 206, 7/11/1949, §5)

§21-106. Manner or Making Openings.

In case it shall be necessary to cross any street with a trench or excavation, not more than one-half of the width of such street shall be open or obstructed at any one time, in the case of a lineal trench or excavation running parallel to the direction of the street, the trench shall not be opened for a greater distance than 300 feet at any one time.

(Ord. 206, 7/11/1949, §6)

§21-107. Machinery and Equipment Placement.

In the course of the operation of an excavation or opening all materials, excavated and otherwise, all machinery and equipment shall be so placed upon said street or thoroughfare as to leave one-half of the width of said street open for travel at all times.

(Ord. 206, 7/11/1949, §7)

§21-108. Excess Material.

All excess material from excavations, together with all other materials not used in construction, shall be completely removed from the traveled street and the adjacent sidewalks, gutters, ditches, drains and slopes, and all of said street shall be left free and clean and in as good condition as before the commencement of operations.

(Ord. 206, 7/11/1949, §8)

§21-109. Guarding of Openings.

It shall be the duty of the applicant and permit holder, his or its servants, agents, employees and/or contractors to erect all reasonably necessary barricades and maintain all reasonably necessary safeguards against accident or injury during the progress of said work, and to assume all responsibility and liability for any damage to property or person that may occur during the course of said work, and by reason thereof.

(Ord. 206, 7/11/1949, §9)

§21-110. Blasting Prohibited.

No blasting shall be allowed, nor shall any explosive materials be used in any excavation except upon special application to the Chairman of the Street Committee and upon express permission having been endorsed upon the permit by the Chairman of the Street Committee, in which event all such blasting or use of explosives shall be in strict accordance with the instruction of the Chairman of the Street Committee or of such person as he may designate to supervise the same, in which event the applicant and permit holder shall, in addition to all permit and inspection fees, herein provided for, reimburse the Borough for any reasonable costs in connection with said supervision.

(Ord. 206, 7/11/1949, §10)

§21-111. Urgent Repairs.

When urgent repairs are required to any utility service and the exigencies of the case are such that there is not time to previously make application for a permit, said urgent repairs may be proceeded with by the employees or agents of such utility, but such situation shall promptly be reported to the Chairman of the Street Committee and a permit applied for, and in such case actions of such utility in going upon the streets and commencing work shall be deemed to constitute an acceptance of all of the terms of this Part and an agreement to be bound hereby.

(Ord. 206, 7/11/1949, §11)

§21-112. Replacing Thoroughfare to Former Condition.

When any such opening in any street or thoroughfare of the Borough shall have been made pursuant to the provisions of this Part, it shall be the duty and obligation of the person, firm or corporation applying for said permit and making such excavations, to replace the thoroughfares in its former condition, and to that end it shall refill the excavation so as to prevent future settlement thereof, to relay the improved pavement over the excavations so as to give a surface of the same character and quality, and on the same grade line as that originally existing. To accomplish this end the back filling in the trench shall be thoroughly tamped in layers of not over 6 inches in thickness up to a point of approximately 15 inches below the surface, and the filling left in an oval or convex shape. From this point upward to the bottom of the material of improved road the trench shall be widened 9 inches on each side, but the surface of the trench below the enlarged section shall not be disturbed. Into this enlarged section of trench shall be placed concrete mixed in the proportion of one part of cement, two parts of sand, and four parts of approved aggregate, which slab of concrete shall not be less than 10 inches thick. Upon the top of the said slab of concrete the thoroughfare shall be replaced as to

STREETS AND SIDEWALKS

pavement so as to correspond to the surface conditions as they existed before the excavation, and it shall be the duty and obligation of the permit holder to maintain the surface of said street at all points over said excavation in good condition without deterioration, cracks, or settlement and at the same grade as the surrounding street for a period of two years after the replacement of said surface. The foregoing requirement as to the enlarged section of trench and supporting concrete slab, shall only be applicable to excavations made in the cartway or vehicular portions of streets or thoroughfares. Where said excavations are made in the sidewalk area, the sidewalk shall be restored in a good and approved manner subject to approval of the Chairman of the Street committee as to material and method with a final right of appeal to Borough Council.

(Ord. 206, 7/11/1949, §12)

§21-113. Bond Required.

Before any person, firm or corporation shall make application for a permit to excavate or open any street or thoroughfare in the Borough, such applicant shall first tender and deliver to the Borough a good and sufficient bond of indemnity upon such form and containing such conditions as may be approved by the Borough Solicitor with good and sufficient surety to be approved by the Borough Solicitor conditioned to indemnify the Borough against all actions, claims or demands arising by reason of any alleged damage to property or injury to persons during the course of said work, and further conditioned to refill such excavations and restore the street, thoroughfare and the pavement thereof as herein provided, and to maintain the same for a period of two years thereafter.

- A. The penal amount of such bond shall be \$2500, in all cases where the length or extent of said excavation shall be 300 feet or less. In all other cases the penal amount of such bond shall be such as the Chairman of the Street Committee and the applicant may agree upon, and in the event that they are unable so to agree shall be in such amount as may be designated by Borough Council.
- B. Utility corporations, and/or excavating contractors may, upon special application to Borough Council, be granted by Borough Council permission to execute and file one continuing bond to cover several operations as well as contemplated operations in the future upon such terms and conditions and in such amount as to penal sum as Borough Council may designate in lieu of filing a separate bond as herein provided with each application, and in the case of utility corporations, Borough Council may, by motion, waive the requirement as to surety.

(Ord. 206, 7/11/1949, §13)

§21-114. Replacement and Maintenance of Poles.

The permit and inspection fees and regulations shall not be applicable to the excavation of holes along highways for the planting or removal or replacement of poles.

- A. No person, firm or corporation shall dig any hole for the planting of poles, telephone, telegraph, electric lights or other poles, or for the removal of any such pole or for removal and replacement of any such pole without first having applied to the Chairman of the Street Committee of the Borough of Rockledge for a permit so to do and paying a permit fee in the amount of \$1 for each and every such hole proposed to be dug. The removal of any pole and the replacement thereof in the same hole by another pole shall constitute one operation and require but one permit and one permit fee.
- B. It shall be the duty of the owners of all poles placed and maintained along the thoroughfares of the Borough of Rockledge to adequately maintain them in a safe condition and to indemnify the Borough of Rockledge against all claims arising out of any alleged damage to property or injury to persons by reason of the improper planting or maintaining of any pole.

(Ord. 206, 7/11/1949, §14)

§21-115. Penalties.

Any and all persons, firms or corporations who shall or may authorize or direct the excavation of any portion of any street or thoroughfare in the Borough of Rockledge, and the foreman or superintendent in charge of the commencement of any such work, unless a permit therefore shall have been first obtained as provided herein, shall be guilty of an unlawful act in violation of this ordinance and any person, firm or corporation, and the foreman in charge of the work, who shall authorize or carry on or do or perform any excavation work in any of the thoroughfares of the Borough of Rockledge in nonconformity with the requirements and provisions hereof, shall be guilty of an unlawful act and violation of this Part; and any firm or corporation or person, including foremen in charge of said work, who shall violate the terms of this Part shall, upon conviction thereof, 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 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. 206, 7/11/1949, §15; as amended by Ord. 590, 3/14/2005, §1)

PART 2

REGULATING, PAVING AND REPAIRING OF SIDEWALKS

§21-201. Specifications.

All sidewalks hereafter constructed, reconstructed or repaired within the Borough shall conform to the following specifications:

- A. All sidewalks shall be of a single course of concrete laid without the addition of top mortar and shall be not less than 3 1/2 feet wide nor less than 4 inches thick, except where such width may not be permitted by reason of an insufficient distance between a curb and an existing permanent structure.
- B. All sidewalks shall be broom finished and shall be laid with a slope of 1/4 inch to the foot downward toward the top of the curb.
- C. Whenever sidewalks are laid at a time when weather conditions present a danger of freezing, 2% of calcium chloride shall be added to the concrete mix and the finished work shall be covered with salt hay.
- D. The subgrade of any sidewalk shall be of cinders and similar materials and shall be thoroughly stamped and rolled before the pouring of the concrete.
- E. Each block of the sidewalk shall be scored at 3 or 4 foot intervals with expansion strips installed not more than 25 feet apart.

(Ord. 304, 8/10/1964, §1)

§21-202. Repair of Sidewalks.

Where any sidewalk which has been heretofore constructed of material other than concrete is in need of repair, such repairs may be made using the same materials of which the sidewalk was originally constructed, but where in the judgment of the Code Enforcement Official such sidewalk has fallen into such a state of disrepair as to require reconstruction, such reconstruction shall be made in the same manner as is herein provided for the construction of a new sidewalk.

(Ord. 304, 8/10/1964, §2)

§21-203. Abatement.

Every property owner upon whose property sidewalks exist shall keep same in good order and repair and in such condition as to not be a hazard to the traveling public and in the event that any owner of property shall neglect to so maintain his sidewalk the

STREETS AND SIDEWALKS

proper Borough officials shall cause a notice to be served upon such owner, advising him of the necessity of making such repairs within a time stated in such notice, and if owner shall fail to comply with such notice and to make the necessary repairs to the sidewalk upon his property, the Borough may engage the necessary labor and materials to effect such repairs and may then collect the cost of such repairs with ten per centum added, together with all charges and expenses, from such owner; and upon failure of such owner to pay such charges, costs and expenses the proper officials of the Borough shall cause a municipal claim to be filed in the manner allowed by law, or the Borough may collect such costs, expenses and charges by an action of assumpsit. The notice hereinabove referred to shall be served in the manner provide by law. Any sidewalk allowed to fall into disrepair so as to jeopardize the safety of pedestrians, shall be deemed to constitute a nuisance and may be abated in the manner provided by law.

(Ord. 304, 8/10/1964, §3)

§21-204. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$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. 304, 8/10/1964; as added by Ord. 590, 3/14/2005, §1)

PART 3

PARKING AND PLACING OF CONSTRUCTION APPARATUS

§21-301. Parking of Construction Apparatus.

The placing and parking of construction apparatus as hereinafter defined is hereby prohibited in the Borough of Rockledge on public streets between the hours of 6 p.m. prevailing time and 7 a.m. prevailing time.

(Ord. 478, 12/10/1990, §1)

§21-302. Construction Apparatus Defined.

Construction apparatus is hereby defined as the following equipment which is used for construction or renovation purposes, or relating to the installation, repair or replacement of water, sewer or utility lines in the Borough of Rockledge, specifically compressor(s), backhoe(s), bulldozer(s), cement mixer(s), crane(s), tree shedding machines and chipping machines, regardless of whether state registration is required for said apparatus to either be used or transported.

(Ord. 478, 12/10/1990, §2)

§21-303. Exemptions.

1. The following persons, firms or corporations are exempt from the prohibitions of this Ordinance, provided the following conditions are complied with.
 - A. Those persons, firms or corporations which are engaged in emergency repair work, which is defined as, repairs which are required because of a sudden or unexpected event.
 - B. Those persons, firms or corporations which are engaged in the paving of the streets of the Borough of Rockledge.
 - C. Those persons, firms or corporations which are actually engaged in the performance of construction or renovation on an ongoing basis at a specific location in the Borough of Rockledge and for which construction apparatus has been required to be at said specific location for a period longer than one day.
2. In all of the above exceptions to the provision of this Part, each person, firm or corporation engaged in said work shall notify the Police Department in advance of the commencement of said work indicating which specific equipment is to remain at said location and for what duration of time.

STREETS AND SIDEWALKS

(Ord. 478, 12/10/1990, §3)

§21-204. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$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. 478, 12/10/1990, §4; as amended by Ord. 590, 3/14/2005, §1)

PART 4

SNOW AND ICE REMOVAL FROM SIDEWALKS AND OTHER PUBLIC PLACES

§21-401. Definitions.

The following words, terms and phrases when used in this Part shall have the following meanings ascribed to them.

PERSON OR PERSONS — any person or persons, male or female, corporation, partnership, association, company, individual, owner, occupant, lessee, tenant or any organization.

PUBLIC PLACE — any street, road, highway, avenue, lane, place, way, alley, footpath, sidewalk or park within the limits of the Borough.

SIDEWALK AREA — the area between the curbline and the side of the right-of-way in any public place.

SIDEWALK PAVEMENT — that part of the sidewalk area that is paved.

USAGE — when not inconsistent with the context, words used in the singular include the plural, and words in the plural include the singular, and words used in the present tense include the future tense. The word "shall" is always mandatory.

(Ord. 400, 5/8/1978, §1)

§21-402. Removal of Snow and Ice.

1. It shall be the duty of the owner, or if the owner is not in residence, the occupant, lessee, tenant or person having charge of any building, building lot, piece of ground or parcel of real estate in the Borough of Rockledge abutting upon any public place, to remove or cause to be removed all snow, hail, sleet and ice from the sidewalk pavement, to a width of not less than 3 feet within 24 hours after such snow, hail and sleet has ceased to fall, or after such ice has been formed thereon.
2. In the case of a vacant premises, the agent or agents of the owners or occupiers of such vacant premises with whom such vacant premises are listed for sale or rental are required to effectuate the removal of snow and ice in the time specified in subsection (1) above.

(Ord. 400, 5/8/1978, §2)

STREETS AND SIDEWALKS

§21-403. Method of Removal.

1. Snow or ice removed from the sidewalk areas shall be placed on the person's property. If there shall be an excessive amount of snow or ice and there is no longer any place on the person's property to shovel the snow, then it may be placed along the curblineline, but not in the street.
2. It shall be unlawful for any person to throw or put or cause to be thrown or put any snow or ice into any public place in the Borough while clearing driveway approaches or sidewalk areas.
3. At corner properties, snow and ice shall be removed from the sidewalk areas so as to enable pedestrians to safely cross the intersection.
4. Should the snow or ice on the sidewalk pavement be frozen so hard that it cannot be removed without injury to the pavement, the person having charge of the snow and ice removal may, within the time specified in §21-402(1) above, cause the sidewalk abutting or adjacent to such premises to be strewn and to be kept strewn with ashes, sand, sawdust or some similar suitable material, and shall, as soon thereafter as the weather shall permit, thoroughly clean such sidewalks.
5. Fire hydrants shall not be covered by persons during snow clearance operations.

(Ord. 400, 5/8/1978, §3)

§21-404. Violations and Penalties.

1. Any person, firm or corporation who shall violate any provision of this Part or who shall fail to comply with the conditions or requirements thereof, shall be cited by the Borough Police Department and shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 for the first offense and not more than \$1,000 for any subsequent offenses plus cost 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. 400, 5/8/1978, §4; as amended by Ord. 590, 3/14/2005, §1)

§21-405. Multifamily Dwellings.

1. It shall be the duty of the owner, or if the owner is not in residence, then the superintendent, person or persons in charge or the agents of such persons with whom such premises are listed for sale or rental, to remove or cause to be removed all snow and ice from all steps and walks used by the occupiers of such multifamily dwellings within 24 hours after such snow has ceased to fall or after such ice has been formed thereon.

2. The method of removal shall be the same as that described in §21-403 above.
3. The penalty for violation of this provision of this Part shall be a fine not to exceed \$25 plus the costs of prosecution for every such violation. A new and separate offense shall be deemed to have been committed for each day that said violation exists. In the case of failure to comply with this provision of this Part, the snow, hail, sleet or ice not so removed shall be deemed to constitute a public nuisance, and the Borough of Rockledge shall have full power to abate the same at the cost of the owner of said premises, and to collect the costs and expenses thereof, by lien, suit or any other legal means.

(Ord. 400, 5/8/1978, §5)

PART 5

**DEPOSITING AND/OR MIXING OF MATERIALS FOR BUILDING PURPOSES
ON SIDEWALKS, STREETS, AND HIGHWAYS**

§21-501. Permit Required.

1. No person or corporation, whether as owner, tenant, agent, servant, contractor, seller, or purchaser, or in any other capacity, shall deposit or mix any materials for building purposes on any sidewalks, gutters, streets, or highways of the Borough of Rockledge unless a permit for such deposit and/or mixing has first been granted by the Street Commissioner.
2. The charge for such permit shall be \$1. [Ord. 205]
3. A separate permit shall be required for every separate property in front of which work is to be done; but where the proposed work requires both depositing and mixing of materials, at any one property, only one permit shall be required.

(Ord. 102, 11/13/1939, §1, amended by Ord. 205, 7/11/1949, §1)

§21-502. Depositing of Material Prohibited.

From and after enactment of this Part it shall be unlawful for any person or corporation, as hereinabove defined, to deposit any material for building purposes directly upon the surface of any sidewalk, gutter, street, or highway of the Borough of Rockledge; but shall, whenever practicable, deposit such material upon the abutting private property where such material is intended to be used. If, in the opinion of the Street Commissioner, it is impracticable to deposit such material on said abutting property, then he may permit such material to be deposited upon suitably large platforms or containers of wood, steel, or equally durable material, so constructed, laid, and maintained in the street or highway, but not on the sidewalk or gutter, in front of such private property, that none of said material for building purposes shall or can fall or be deposited upon the surface of such street or highway.

(Ord. 102, 11/13/1939, §2)

§21-503. Mixing of Materials Prohibited.

From and after enactment of this ordinance it shall be unlawful for any person or corporation, as hereinabove defined, to mix any materials for building purposes, such as sand, gravel, lime, cement, and the like, directly upon the surface of any sidewalk, gutter, street, or highway of the Borough of Rockledge; but shall, whenever practicable, mix such materials upon the abutting private property where such materials are intended to be used. If, in the opinion of the Street Commissioner, it is impracticable to mix such

STREETS AND SIDEWALKS

materials on said abutting private property, then he may permit such materials to be mixed in a watertight box of steel, wood, or equally durable material, of suitably large size, placed and maintained on the street or highway (but not on the sidewalk or gutter) in front of such private property; in such a manner that none of said material for building purposes shall or can fall or be deposited upon or leak through to the surface of the street or highway.

(Ord. 102, 11/13/1939, §3)

§21-504. When Depositing or Mixing of Materials Authorized.

Whenever the Street Commissioner authorizes the deposit and/or mixing of materials on a street or highway as hereinbefore provided, it shall be the duty of the owner, tenant, contractor, and person in charge of the property for which said materials were deposited, to see that the deposit of said materials as aforesaid does not obstruct or hinder the movement of vehicular traffic on said street or highway; and, if said materials are to remain on the street or highway overnight, to give ample warning of their presence by a red light or lights, or otherwise, in such manner as the Street Commissioner may direct.

(Ord. 102, 11/13/1939, §4)

§21-505. Penalty.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$5 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. 102, 11/13/1939, §5; as amended by Ord. 590, 3/14/2005, §1)