

## **Chapter 21**

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**Part 1****Street and Sidewalk Lines****§21-101. Building Lines Established.**

The building line for the respective locations on the streets of Red Lion Borough shall be the line specified in Column E of the table entered in §21-108 of this Part. (Note: It is important to note that building lines are also affected by the setback provisions in Chapter 27, "Zoning.") As shown on said table, the building line is fixed by a prescribed distance measured horizontally from and perpendicular to the face of the curb. No building shall be located in front of said building line; provided, however, that ornamental parts of a building including, but not restricted to, eaves and cornices, shall be allowed to extend 18 inches in front of said building line at or above, for each piece, parcel or lot of ground, the horizontal plane fixed 8 feet 6 inches measured vertically above the highest point of the curb in front of said piece, parcel, or lot of ground; provided further, however, that in the case of a building located on a lot adjoining two streets at an intersection, the building line of the street on which such building faces shall prevail, and the building line for the other street of the intersection shall not be the line specified in said table but shall be the line fixed 10 feet measured horizontally from and perpendicular to the face of the curb, unless the obstruction line hereinafter provided for shall exceed 10 feet, in which case the obstruction line shall be used as the building line. This Section shall be construed to apply only to the erection, alteration, or replacement of buildings made subsequent to the effective date of this Part.

(*Ord. 113, 10/1/1948*)

**§21-102. Sidewalk Widths.**

The width of actual sidewalk for the respective locations on the streets of Red Lion Borough shall be the width specified in the column entitled "Width of Sidewalk" of the table entered in §21-108 of this Part. The line for the back of said sidewalk shall be the line specified in the column entitled "Back of Sidewalk Line" of said table. As shown in said table such line is fixed by a prescribed distance measured horizontally from, and perpendicular to the face of the curb. This Section shall apply only to the erection, replacement or substantial repair of sidewalks made subsequent to the effective date of this Part.

(*Ord. 113, 10/1/1948*)

**§21-103. Obstruction Lines Established.**

The total width reserved for sidewalk purposes for the respective locations on the streets of Red Lion Borough shall be the width between the inside edge of curb and the line specified in Column D of the table entered in §21-108 of this Part. As shown in said table, such line is fixed by a prescribed distance measured horizontally from and perpendicular to the face of the curb. The area described by said width shall have no vertical obstructions except trees planted for shade next to curb and signs, poles, or other things erected by the Commonwealth of Pennsylvania, Borough of Red Lion or utility companies; provided, however, that all vertical obstructions, except steps to a

building or parts of a building hereinafter provided for, existing on the effective date of this Part shall be allowed so long as they are in good repair and not dangerous; provided further, however, that vertical obstructions constituting steps to a building or parts of a building shall be allowed to be repaired, changed or replaced wherever such repair, change or replacement shall not result in an obstruction which is closer to the curblin and wherever an alteration or replacement of a building does not occur. Said Borough shall not be liable for any injuries or damages sustained directly or indirectly as a result of the vertical obstructions allowed in the above proviso clauses.

(Ord. 113, 10/1/1948)

**§21-104. Signs Not Regulated; Exception.**

This Part shall not be construed as regulating, limiting, controlling, or providing for signs except those provided for in §21-103 hereof, canopies, marquises, or awnings.

(Ord. 113, 10/1/1948)

**§21-105. Definitions.**

The following words shall for the purpose of this Part have the meanings herein indicated:

*Alteration*—any substantial change in the supporting or structural members of a building.

*Building*—an erection intended for use and occupation as a habitation or for some purpose of trade, manufacture, ornament, or use; any structure affording shelter to persons, animals, or chattels. It shall include porches, bay windows, balconies and terraces, but it shall exclude cornices, eaves and ornamental parts.

*Vertical obstruction*—an erection of a permanent nature beginning on or in the ground and rising above the level of the ground, including but not restricted to walls.

(Ord. 113, 10/1/1948)

**§21-106. Interpretation of Provisions.**

In interpreting and applying the provisions of this Part, they shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare of the Borough and its citizens.

(Ord. 113, 10/1/1948)

**§21-107. Violations and Penalties.**

For any and every violation of the provisions of this Part, the owner, general agent, or contractor of a building or premises whereon, or in front of which in the case of abutting sidewalks, such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises whereon, or in front of which in the case of abutting sidewalks, such violation has been committed or shall exist, and the general agent, architect, builder, contractor, or any other person who knowingly commits, takes part or assists in any such violation or who maintains any building or premises on which, or in front of which in the case of abutting sidewalks, any such violation, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and,

in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense, and whenever such person shall have been notified by the Borough Secretary or by service of summons in a prosecution or in any other way that he is committing such violation of this Part, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

(Ord. 113, 10/1/1948; as amended by Ord. 9711-6, 11/12/1997, §180-7; and by Ord. 2009-09-02, 9/14/2009)

**§21-108. Table of Street and Sidewalk Lines.**

The table referred to in the above Sections is as follows. (The purpose of including in the table the width between curbs is to fix the line of the face of the curb for computation of measurements given in this Part in the event that curbs are removed or destroyed.)

Name of Street and Direction	Limits	A	B	C	D	E
Atlantic Avenue North Franklin Street	North side to west Borough line	29.3	6.0	6.5	10.0	15.0
Atlantic Avenue North Franklin Street	South side to west Borough line	29.3	6.0	6.5	10.0	15.0
Boundary Avenue East Pine Alley	North side to Water Street	30.0	6.0	6.5	10.0	25.0
Boundary Avenue East Pine Alley	South side to Water Street	30.0	6.0	6.5	10.0	25.0
Boundary Avenue West S. Charles Street	North side to James Alley	33.5	7.5	8.0	10.0	12.0
James Alley	to S. Gohn Alley	32.2	6.0	6.5	10.0	30.0
S. Gohn Alley	to Peach Alley	33.0	7.5	8.0	10.0	10.0
Boundary Avenue West S. Charles Street	South side to S. Park Alley	33.5	7.5	8.0	10.0	10.0
S. Park Alley	to S. Gohn Alley	32.2	6.0	6.5	10.0	30.0
S. Gohn Alley	to Peach Alley	33.0	6.0	6.5	10.0	10.0
Broadway East Square	North side to east Borough line	36.0	10.0	10.5	10.0	12.2
Broadway East Square	South side to East Avenue	36.0	9.5	10.0	10.0	10.0
East Avenue	to M&P RR	36.0	6.5	7.0	10.0	11.0
Railroad	to east Borough line	36.0	6.0	6.5	10.0	18.0
Broadway West Square	North side to N. Charles Street	38.0	9.5	10.0	10.0	13.0
N. Charles Street	to N. Franklin Street	38.0	9.5	10.0	10.0	11.0
N. Franklin Street	to Kelly Alley	40.0	7.5	8.0	10.0	11.5
Kelly Alley	to N. Mill Street	40.0	7.5	8.0	10.0	13.0
N. Mill Street	to west Borough line	40.0	7.5	8.0	10.0	27.0

Name of Street and Direction	Limits	A	B	C	D	E
Broadway West Square	South side to S. Charles Street	38.0	9.5	10.0	10.0	13.0
S. Charles Street	to S. Park Street	38.0	7.5	8.0	10.0	13.0
S. Park Street	to S. Franklin Street	38.0	7.5	8.0	10.0	24.0
S. Franklin Street	to Linden Avenue	40.0	7.5	8.0	11.5	35.0
Linden Avenue	to S. Mill Street	40.0	7.5	8.0	10.0	20.0
S. Mill Street	to west Borough line	40.0	6.0	6.5	10.0	35.0
Charles Street North W. Broadway	East side to First Avenue	38.0	7.5	8.0	10.0	12.0
First Avenue	to W. High Street	38.0	7.5	8.0	10.0	12.0
W. High Street	to W. Gay Street	28.0	7.5	8.0	10.0	14.0
Charles Street North W. Broadway	West side to Charles Alley	38.0	9.5	10.0	10.0	10.0
Charles Alley	to First Avenue	38.0	8.0	8.5	10.0	10.0
First Avenue	to High Street		7.5	8.0	10.0	12.0
High Street	to Gay Street	28.0	7.5	8.0	8.4	13.0
Charles Street South Broadway	East side to Wallick	36.0	5.0	5.5	10.0	10.5
Wallick Alley	to W. Lancaster	36.0	5.0	5.5	10.0	10.5
W. Lancaster	to Elm Lane	36.0	5.0	5.5	10.0	34.0
Charles Street W. Broadway	West side to south Borough line	36.0	7.6	8.0	9.6	16.0
Cherry Avenue N. Franklin Street	North side to west Borough line	25.0	6.0	6.5	10.0	20.0
Cherry Avenue N. Franklin Street	South side to west Borough line	25.0	6.0	6.5	10.0	20.0
Chestnut Street East S. Main Street	North side to Maple Alley	30.0	6.0	6.5	10.0	19.0
Chestnut Street East S. Main Street	South side to Maple Alley	30.0	6.0	6.5	10.0	10.0
Chestnut Street West S. Main Street	North side to west Borough line	30.0	6.0	6.5	10.0	10.0
Chestnut Street West S. Main Street	South side to west Borough line	30.0	6.0	6.5	10.0	10.0
Cottage Place E. Prospect Street	East side to Miller Avenue	28.0	6.0	6.5	10.0	28.0
Cottage Place E. Prospect Street	West side to Miller Avenue	28.0	6.0	6.5	10.0	10.5
East Avenue S. Main Street	North side to E. Broadway	28.0	7.5	8.0	10.0	10.0
East Avenue S. Main Street	South side to E. Broadway	28.0	6.0	6.5	8.0	10.0
Edgewood Avenue E. N. Main Street	North side to Cottage Place	30.0	6.0	6.5	10.0	24.0

Name of Street and Direction	Limits	A	B	C	D	E
Edgewood Avenue E. N. Main Street	South side to Cottage Place	30.0	6.0	6.5	10.0	24.0
Edgewood Avenue W. N. Main Street	North side to Railroad Alley	30.0	6.0	6.5	10.0	24.0
Edgewood Avenue W. N. Main Street	South side to Railroad Alley	30.0	6.0	6.5	10.0	24.0
First Avenue N. Main Street	North side to N. Charles Street	26.0	6.0	6.5	7.0	7.0
N. Charles Street	to N. Franklin Street	34.0	7.5	8.0	10.0	10.0
N. Franklin Street	to W. Broadway	35.0	7.5	8.0	10.0	10.0
First Avenue N. Main Street	South side to N. Charles Street	26.0	6.0	6.5	7.0	7.0
N. Charles Street	to N. Park Street	34.0	7.5	8.0	10.0	10.0
N. Park Street	to N. Franklin Street	34.0	7.5	8.0	10.0	15.0
N. Franklin Street	to W. Broadway	35.0	6.0	6.5	6.5	15.0
Franklin Street North W. Broadway	East side to W. High Street	36.0	7.6	8.0	10.0	26.0
W. High Street	to Howard Street	30.0	7.5	8.0	10.0	20.0
Franklin Street North W. Broadway	West side to Railroad Avenue	36.0	7.5	8.0	10.0	12.0
Railroad Avenue	to Hess Alley	36.0	7.5	8.0	10.0	18.0
Hess Alley	to W. High Street	36.0	7.5	8.0	10.0	18.0
W. High Street	to Howard Street	30.0	7.5	8.0	10.0	20.0
Franklin Street South W. Broadway	East side to Boundary Avenue	33.0	6.0	6.5	10.0	13.0
Boundary Alley	to Borough line	33.0	6.0	6.5	10.0	18.8
Franklin Street South W. Broadway	West side to Boundary Avenue	33.0	6.0	6.5	10.0	12.0
Boundary Alley	to Borough line	33.0	7.5	8.0	8.0	20.0
Gay Street East N. Main Street	North side to Borough line	28.0	6.0	6.0	6.5	18.1
Gay Street East N. Main Street	South side to Borough line	28.0	6.0	6.5	10.0	18.3
Gay Street West N. Main Street	North side to N. Franklin Street	28.0	6.0	8.5	10.0	10.0
N. Franklin Street	to Western Avenue	25.0	6.0	8.5	10.0	10.0
Gay Street West N. Main Street	South side to N. Franklin Street	28.0	6.0	8.5	8.0	21.0
N. Franklin Street	to Western Avenue	27.6	6.0	8.5	8.0	21.0
Grand Avenue S. Main Street	North side to Maple Alley	30.0	6.0	6.5	10.0	24.0
Grand Avenue S. Main Street	South side to Maple Alley	30.0	6.0	6.5	10.0	24.0
Henrietta Street S. Main Street	North side to S. Charles Street	32.0	9.5	10.0	10.0	15.0

<b>Name of Street and Direction</b>	<b>Limits</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
Henrietta Street S. Main Street	South side to S. Charles Street	32.0	9.5	10.0	10.0	18.0
High Street N. Main Street	North side to Borough line	36.0	7.5	8.0	10.0	12.0
High Street N. Main Street	South side to Borough line	36.0	7.5	8.0	10.0	19.0
High Street West N. Main Street N. Charles Street	North side to N. Charles Street to Borough line	28.0 28.0	7.5 7.5	8.0 8.0	10.0 10.0	19.0 15.0
High Street West N. Main Street N. Charles Street N. Franklin Street	South side to N. Charles Street to N. Franklin Street to Borough line	28.0 28.0 28.0	7.5 7.5 7.5	8.0 8.0 8.0	10.0 10.0 10.0	17.0 18.0 16.0
Howard Street N. Main Street N. Franklin Street	North side to N. Franklin Street to Borough line	30.0 30.0	6.0 6.0	6.5 6.5	10.0 10.0	10.0 15.0
Howard Street N. Main Street N. Franklin Street	South side to N. Franklin Street to Borough line	30.0 30.0	6.0 6.0	6.5 6.5	10.0 10.0	21.0 21.0
Keener Avenue N. Franklin Street	North side to N. Park Alley	24.0	5.5	6.0	6.0	13.0
Keener Avenue N. Franklin Street	South side to N. Park Alley	24.0	6.0	6.5	6.5	13.0
Lancaster Street East S. Main Street	North side to Borough line	35.0	6.0	6.5	10.0	14.0
Lancaster Street East S. Main Street	South side to Borough line	35.0	6.0	6.5	10.0	10.0
Lancaster Street West S. Main Street Pine Street	North side to Pine Street to Rock Alley	28.0 28.0	6.0 6.0	6.5 6.5	10.0 10.0	27.0 35.0
Lancaster Street West S. Main Street S. Pine Street	South side to S. Pine Street to Borough line	28.0 28.0	6.0 6.0	6.5 6.5	10.0 10.0	16.0 21.0
Linden Avenue W. Broadway	East side to Borough line	28.0	6.0	6.5	10.0	16.0
Linden Avenue W. Broadway Boundary Avenue	West side to Boundary Avenue to Borough line	28.0 28.0	6.5 6.0	7.0 6.5	10.0 10.0	16.0 17.0
Locust Street S. Main Street	East side to Maple Alley	30.0	6.0	6.5	10.0	20.0
Locust Street S. Main Street	West side to Maple Alley	30.0	6.0	6.5	10.0	20.0

Name of Street and Direction	Limits	A	B	C	D	E
Main Street North	East side					
Square	to High Street	31.0	9.5	10.0	10.0	11.1
High Street	to Gay Street	28.0	7.5	8.0	10.0	17.0
Gay Street	to Prospect Street	28.0	7.5	8.0	10.0	22.0
Prospect Street	to Borough line	28.0	7.5	8.0	10.0	35.0
Main Street North	West side					
Square	to High Street	31.0	9.5	10.0	10.0	11.1
High Street	to Gay Street	28.0	7.5	8.0	10.0	27.0
Gay Street	to Howard Street	28.0	7.5	8.0	10.0	19.0
Howard Street	to Prospect Street	28.0	7.5	8.0	10.0	15.0
Prospect Street	to Edgewood Avenue	28.0	7.5	8.0	10.0	27.0
Edgewood Avenue	to North Borough line	28.0	7.5	8.0	10.0	50.0
Main Street South	East side					
Square	to East Avenue	32.0	9.5	10.0	10.0	10.4
East Avenue	to Lancaster Street	30.0	7.5	8.0	10.0	13.0
Lancaster Street	to Taylor Street	30.0	7.5	8.0	10.0	15.0
Taylor Street	to Marshall Street	32.0	7.5	10.0	10.0	16.0
Marshall Street	to Chestnut Street	32.0	7.5	8.0	10.0	22.0
Chestnut Street	to Springvale Road	32.0	6.0	6.5	10.0	23.0
Springvale Road	to South Borough line	32.0	6.0	6.5	10.0	32.0
Main Street South	West side					
Square	to Henrietta Street	32.0	9.5	10.0	10.0	19.0
Henrietta Street	to Lancaster Street	30.0	8.9	9.4	9.4	19.0
Lancaster Street	to Martin Street	30.0	7.5	8.0	8.0	19.0
Martin Street	to Chestnut Street	32.0	6.0	6.5	10.0	22.0
Chestnut Street	to Winterstown Road	32.0	6.0	6.5	10.0	36.0
Maple Street	North side					
N. Franklin Street	to Neff Street	38.5	6.0	7.0	10.0	21.7
Neff Street	to Borough line		6.0	6.5	10.0	20.0
Maple Street	South side					
N. Franklin Street	to Neff Street	38.5	6.0	7.0	10.0	18.2
Neff Street	to Borough line		6.0	6.5	10.0	20.0
Marshall Street	North side					
S. Main Street	to Borough line	30.0	6.0	6.5	10.0	20.0
Marshall Street	South side					
S. Main Street	to Borough line	30.0	6.0	6.5	10.0	20.0
Martin Street	North side					
S. Main Street	to School Board Property	30.0	6.0	6.5	10.0	24.7
Martin Street	South side					
S. Main Street	to School Board Property	30.0	6.0	6.5	10.0	24.7
Miller Avenue	North side					
N. Main Street	to Cottage Place	30.0	6.0	6.5	10.0	20.0
Miller Avenue	South side					
N. Main Street	to Cottage Place	30.0	6.0	6.5	10.0	20.0
Neff Street	East side					
W. Broadway	to Maple Street	30.0	6.0	6.5	10.0	20.0

<b>Name of Street and Direction</b>	<b>Limits</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
Neff Street W. Broadway	West side to Maple Street	30.0	6.0	6.5	10.0	20.0
Park Street North W. Broadway	East side to First Avenue	27.7	6.0	6.5	10.0	17.1
Park Street North W. Broadway	West side to First Avenue	27.7	6.0	6.5	10.0	17.1
Park Street South W. Broadway	East side to Boundary Avenue	27.0	6.0	8.0	10.0	21.0
Park Street South W. Broadway	West side to Boundary Avenue	27.0	6.0	9.1	10.0	27.0
Pine Street W. Broadway	East side to Wallick Alley	28.0	7.5	8.0	8.0	15.0
Wallick Alley	to Thompson Alley	28.0	7.5	8.0	10.0	15.0
Thompson Alley	to Martin Street	30.0	6.0	6.5	10.0	17.0
Martin Street	to Borough line	30.0	6.0	6.5	10.0	35.0
Pine Street W. Broadway	West side to Henrietta Street	28.0	7.5	8.0	8.0	15.0
Henrietta Street	to Elm Alley	30.0	6.0	6.5	10.0	15.0
Elm Alley	to Martin Street	30.0	6.0	6.5	10.0	17.0
Martin Street	to Borough line	30.0	6.0	6.5	10.0	35.0
Prospect Street East N. Main Street	North side to Borough line	30.0	6.0	6.5	10.0	20.0
Prospect Street East N. Main Street	South side to Borough line	30.0	7.0	7.5	10.0	22.1
Prospect Street West N. Main Street	North side to Railroad Alley	24.0	6.0	6.5	7.9	7.9
Railroad Alley	to Borough line	30.0	6.0	6.5	10.0	10.0
Prospect Street West N. Main Street	South side to Railroad Alley	24.0	6.0	6.5	7.9	7.9
Railroad Alley	to Borough line	30.0	6.0	6.5	10.0	20.0
Railroad Avenue N. Franklin Street	South side to Summit Alley	16.0 20.0	6.0	6.5	10.0	16.1
Taylor Street S. Main Street	North side to Maple Alley	25.0	6.0	6.5	10.0	10.0
Taylor Street S. Main Street	South side to Maple Alley	25.0	6.0	6.5	10.0	10.0
Vine Street E. Broadway	East side to Borough line	30.0	6.0	6.5	10.0	25.0
Vine Street E. Broadway	West side to Borough line	30.0	6.0	6.5	10.0	25.0
Walnut Street S. Main Street	North side to School Alley	30.0	6.0	6.5	10.0	25.0

Name of Street and Direction	Limits	A	B	C	D	E
Walnut Street S. Main Street	South side to School Alley	30.0	6.0	6.5	10.0	25.0
Water Street E. Broadway	East side to Borough line	30.0	6.0	6.5	10.0	25.0
Water Street E. Broadway	West side to Borough line	30.0	6.0	6.5	10.0	25.0
Western Avenue W. High Street W. Gay Street	East side to Cherry Avenue to W. High Street	30.0 25.0	6.0 6.0	6.5 6.5	10.0 10.0	25.0 25.0
Western Avenue W. High Street W. Gay Street	West side to Cherry Avenue to W. High Street	30.0 25.0	6.0 6.0	6.5 6.5	10.0 10.0	25.0 25.0
Wise Avenue Lancaster Street Taylor Street Myrtle Alley	East side to Taylor Street to Myrtle Alley to Borough line	30.0 30.0 32.0	6.0 6.0 6.0	6.5 6.5 6.5	10.0 10.0 10.0	10.0 22.0 29.0
Wise Avenue Lancaster Street Taylor Street Myrtle Alley	West side to Taylor Street to Myrtle Alley to Borough line	30.0 30.0 32.0	6.0 6.0 6.0	6.5 6.5 6.5	10.0 10.0 10.0	10.0 19.0 29.0

Notes:

The letters heading the columns have the following meanings:

- Column A—width of cartway, in feet, measured between existing curbs.
- Column B—width of sidewalk, in feet, not including width of curb.
- Column C—distance in feet from face of curb to back of sidewalk.
- Column D—distance in feet from face of curb to obstruction line.
- Column E—distance in feet from face of curb to building line.

(Ord. 113, 10/1/948; as amended by Ord. 122, 9/6/1950; by Ord. 8712-13, 12/9/1987; and by Ord. 966-2, 6/12/1996)



**Part 2****Openings and Excavations****§21-201. Definitions.**

The following words, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

*Applicant*—any person who makes application for a permit.

*Borough*—the Borough of Red Lion, County of York, Commonwealth of Pennsylvania.

*Emergency*—any unforeseen circumstance which calls for immediate action.

*Manager*—the Borough Manager of the Borough of Red Lion or his authorized deputy, representative, or inspector.

*Permittee*—any person who has been issued a permit and has agreed to fulfill all the terms of this Part.

*Person*—any natural person, partnership, firm, association, utility, or corporation.

*Street*—includes the entire right-of-way of a public street, public highway, public alley, public way, public road, or public easement within the Borough, but shall not mean or include any State highway or any continuation of State highway within the Borough. [Ord. 868-21]

(Ord. 721-2, 1/12/1972; as amended by Ord. 868-21, 8/13/1986)

**§21-202. Permit Required.**

It shall be unlawful for any person to make any tunnel, opening, or excavation of any kind in or under the surface of any street, except for the erection of public utility poles, without first securing a permit from the Borough of Red Lion for each separate undertaking; provided, however, that any person maintaining pipes, lines, or underground conduits in or under the surface of any street by virtue of any law, ordinance, or franchise may proceed with an excavation or opening without a permit when emergency circumstances demand the work to be done immediately for the preservation of the public health, safety, or welfare; provided, that the permit could not reasonably and practically have been obtained beforehand. Such person, however, shall thereafter apply for a permit on the first regular business day on which the office of the Borough is open for business, and said permit shall be retroactive to the date when the work was begun.

(Ord. 721-2, 1/12/1972)

**§21-203. Permit Fees.**

1. A permit fee shall be paid to the Borough of Red Lion prior to the issuance of any permit to make a tunnel, opening, or excavation of any kind on or under the surface of any street.

2. The permit fee shall be paid to the Borough of Red Lion prior to the permit

issuance.

3. The permit fee shall be in an amount as established from time to time by resolution of Borough Council. [*Ord. 2009-09-02*]

4. The Borough shall have the authority to determine the amount of the fee to be charged based on the Borough Manager's determination as to the size of the opening or excavation. Any adjustment or refund shall be made when the work is completed and inspected.

5. The Borough may waive fees for governmental agencies or contractors performing work under contract with the Borough or any other governmental agency.

6. In addition to the fees set forth herein, the Borough shall also have the authority to require adequate security for the proper restoration of any opening or excavation prior to the issuance of the permit and may refuse to issue the permit until such security is provided.

(*Ord. 721-2, 1/12/1972; as added by Ord. 2002-08-07, 8/12/2002; and as amended by Ord. 2009-09-02, 9/14/2009*)

#### **§21-204. Street Opening Limited.**

1. No person to whom a permit has been granted under the provisions of this Part shall perform any of the work authorized by such permit in any amount or quantity greater than that specified in the permit, except that upon the approval by the Manager, additional work may be done under the provisions of the permit in an amount not greater than 10 percent of the amount specified in the permit. Any deposit and bond posted in connection with the original permit shall be deemed to cover any such additional work as may be approved pursuant to this Section within the limit mentioned herein.

2. The provisions of this Section shall not apply whenever excavations of any exploratory nature are made in order to determine the location of underground facilities; provided, that in such instances the permittee, immediately upon completion of the excavation, shall specify on the permit the proper amount or quantity of work.

(*Ord. 721-2, 1/12/1972*)

#### **§21-205. Commencement of Work.**

Work for which a permit has been issued pursuant to this Part shall commence within 60 days after the issuance of the permit therefor. If not so commenced, the permit shall be automatically terminated. Permits thus terminated may be renewed upon the payment of an additional permit fee in the same amount as the original fee.

(*Ord. 721-2, 1/12/1972*)

#### **§21-206. Permits Nontransferable.**

Permits issued under this Part are not transferable from one person to another, and the work shall be carried out only at the location specifically designated in the permit.

(*Ord. 721-2, 1/12/1972*)

#### **§21-207. Expiration of Permits.**

Every permit issued hereunder shall expire at the end of the period of time

specified in the permit. If the permittee shall be unable to complete the work within the specified time, he shall, prior to expiration of the permit, present in writing to the Manager a request for an extension of time, setting forth therein the reasons for the requested extension. If in the opinion of the Manager such an extension is necessary, the permittee may be granted additional time for the completion of the work.

(Ord. 721-2, 1/12/1972)

**§21-208. Rights of Street Use.**

Every permit issued hereunder shall be granted subject to the right of the Borough or of any other person entitled thereto to use the street for any purpose for which such street may lawfully be used.

(Ord. 721-2, 1/12/1972)

**§21-209. Revocation of Permits.**

1. Any permit issued under this Part to may be revoked by the Manager after notice for:

- A. Violation of any condition of the permit.
- B. Violation of any provision of this Part or any other applicable ordinance or law relating to the work.
- C. The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or property of others.

2. Written notice of such violation shall be served upon the person to whom the permit was granted or to his agent or employee engaged in the work. Such notice shall also contain a brief statement of the reasons for revoking such permit. Notice may be given either by personal delivery or by United States Mail, addressed to such person to be notified.

(Ord. 721-2, 1/12/1972)

**§21-210. Duties and Responsibilities of Applicants.**

It shall be the duty and responsibility of any person applying for a permit to:

A. Make a written application for such permit with the Manager on such form as he shall prescribe. No work shall commence until the Manager has approved the application and issued a permit and until the person has paid and furnished all fees, deposits, certificates, and bonds required by this Part; provided, however, that in accordance with §21-202 of this Part, work of an emergency nature may be commenced before a permit has been issued when said permit cannot be practically obtained beforehand. The application for a permit 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 and the laws of the Commonwealth of Pennsylvania in relation thereto.

B. Furnish in duplicate, when required by the Manager, plans showing the extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to said excavation and of proposed excavated surfaces, the location of the excavation work and such other information as may be prescribed by the Engineer.

C. Agree to save the Borough, its officers, employees, and agents from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of said work to be done in said application. The acceptance of any permit under this Part shall constitute such an agreement by the applicant, whether the same is expressed or not.

(*Ord. 721-2, 1/12/1972*)

**§21-211. Duties and Responsibilities of Permittees.**

It shall be the duty and responsibility of any person obtaining a permit to:

A. Pay a permit fee for the issuance of an excavation permit, which shall be in addition to all other fees for permits relative to any proposed construction work.

(1) The schedule of fees shall be as follows (billing to utilities may be monthly or quarterly):

(a) For each street cut measuring up to 25 square feet, an amount as set from time to time by resolution of the Borough Council. [*Ord. 9711-6*]

(b) An amount as set forth from time to time by resolution of the Borough Council for each additional square foot or fraction thereof. [*Ord. 9711-6*]

(2) Measurements shall include the required 12 inches on all sides outward from the actual excavation of all paved areas. All measurements shall be subject to verification by the Borough Manager.

B. Furnish a current certificate of insurance in amounts to be set from time to time by resolution of the Borough Council for property damage, liability per person and liability each accident. [*Ord. 9711-6*]

C. Provide a faithful performance bond in an amount, as set by resolution of the Borough Council, which shall be renewed annually. Such bond shall be subject to approval by the Borough Council. [*Ord. 9711-6*]

D. Submit, when required by the Manager, a list of owners and tenants of all property abutting the area where the work authorized by the permit is to be performed.

E. Present evidence that all materials, labor and/or equipment which are needed to complete such undertaking as authorized by the permit are available.

F. Keep the original or copy of the permit at all times while such work is in progress at the location for which said permit was granted and show such permit upon demand to any authorized representative of the Borough.

(*Ord. 721-2, 1/12/1972; as amended by Ord. 9711-6, 11/12/1997, §180-18*)

**§21-212. Opening and Excavation Restrictions**

1. No openings or excavations in any street shall extend beyond the center line of the street until the surface of the street is restored to a condition safe and convenient for travel.

2. Unless authorized by the Manager, no more than 250 feet measured longitudinally shall be opened in any street at any one time until the surface of the street is restored to a condition safe and convenient for travel.

3. The work of excavation shall be so conducted as not to interfere with any utility lines or connections or other underground facilities unless permission of the proper authorities in connection with such facilities shall have been obtained.

4. The permittee shall be required to ascertain the location of all utility facilities including sewers, storm drains, gas mains, water mains, telephone and electrical conduits, and other utility obstructions sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary and authorized.

5. Where a pipe drain, pipe culvert, or other structure or facility is encountered, it shall be replaced, restored, straightened, or protected by the permittee.

6. If, in the process of his work, the permittee damages any public or private utility property, the utility may make the necessary repairs and file a claim against the permittee with the Borough for the cost thereof. If the claim is not paid promptly by the permittee, the amount may be charged against the permittee's performance bond or other performance security filed with the Borough.

7. Any monument of granite, concrete, iron, steel, brass, or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey bench mark within the Borough shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission, in writing, from the Borough Engineer to do so. Permission shall be granted only upon condition that the permittee shall pay all expenses incidental to its proper replacement.

8. If any work performed under the permit interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the satisfaction of the Engineer.

9. When any earth, sand, gravel, rock, stone, or other excavated material is caused to be deposited upon or to roll, flow, or wash upon any street so as to create a nuisance or endanger life or property, the person responsible therefor shall cause the same to be removed immediately from the street upon notification to do so by the Manager. In the event that it is not removed within 8 hours after notification, the Manager shall cause such removal and the cost of such removal shall be paid by the permittee.

10. To protect the public, every permittee shall place around the project barriers, barricades, lights, warning flags, and danger signs in accordance with regulations of the Commonwealth of Pennsylvania and in compliance with Federal regulations set forth in the United States Department of Army Corps of Engineers, United States Army publication, *Safety Requirements* (latest edition). No unauthorized person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign, or notice erected, placed, or posted in accordance with the provisions of this Part.

11. Every permittee shall maintain safe crossing for vehicle traffic at all street intersections and safe crossings for pedestrians at intervals of not more than 300 feet. Two lanes of traffic shall be held open at all intersections, where possible, by the removal of dirt and the use of covering plates. All plates must be firmly secured and the installation must be inspected and approved by the Manager.

12. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be

provided at all times to fire hydrants.

13. All materials excavated shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. Wherever necessary, in the opinion of the Manager, in order to expedite the flow of traffic or to abate a dirt or dust nuisance, toe boards or bins will be required to prevent the spreading of dirt into traffic lanes; temporary wooden plank walks shall be installed where the excavated area is muddy and causes inconvenience to pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee or his agent shall keep a passageway at least half the sidewalk width open along such sidewalk line.

14. In the case of any leak, explosion, or other accident in any subsurface pipe, line, or other facility, it shall be lawful for the person owning or responsible for such facility 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 Part are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such facility, the Manager, 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 15 percent, to such person.

15. In granting any permit under this Part, the Manager may attach such other conditions thereto as may be reasonably necessary to prevent danger to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall not be limited to:

- A. Limitations on the period of the year in which the work may be performed.
- B. Restrictions as to the size and type of equipment.
- C. Designation of routes upon which material may be transported.
- D. The place and manner of disposal of excavated materials.
- E. Requirements as to the laying of dust, cleaning of streets, the prevention of noises and other results offensive or injurious to the neighborhood, the general public or any portion thereof.
- F. Regulations as to the use of streets in the course of the work.

(Ord. 721-2, 1/12/1972)

### **§21-213. Specifications.**

1. All pavement cuts, openings, and excavations shall be properly made and backfilled according to Borough specifications. Repair of street cuts made within the Borough of Red Lion shall, generally speaking, conform to PennDOT specifications with the exception that the age of the cut paving will have no effect on the type of replacement (i.e., No. 2 RC aggregate) is to be used for backfill of all street cuts.

2. No tunneling shall be allowed without the express approval of the Manager and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough Manager or his designated representative and shall be done only in a method approved by him or his representa-

tive.

3. Cuts in paved areas shall be backfilled with No. 2 RC aggregate to the bottom level of the base and shall be mechanically tamped or compacted in 4-inch layers.

4. The base shall be high early strength concrete 8 inches in depth and shall extend a minimum of 12 inches over the cut on all sides. The cut for this shall be sawed or drilled.

5. The cured concrete shall be tack coated with Type E-1 bituminous material and allowed to cure prior to the placement of the binder course.

6. The binder course of 1½ inches compressed ID-2 shall then be laid.

7. The finished course and the sealing of such pavement cuts, openings, and excavations shall be done in accordance with Pennsylvania Department of Transportation specifications in effect at the time the permanent patch of said cut, opening or excavation is sealed. In the absence of such specifications, said finished course must be a minimum of 1 inch compressed ID-2 top and the patch in its entirety must be uniformly rolled to finish to the level of the adjoining pavement. [Ord. 786-11]

8. If the trench exceeds 4 feet in width, No. 6 reinforcing bars shall be placed 6 inches center to center with a 2-inch clearance on each end and a 3-inch clearance on the bottom in the concrete.

9. Cuts in unpaved areas shall be backfilled as follows:

A. Suitable material from the cut may be used up to 18 inches below the existing surface level. All backfill material must be mechanically compacted in 4-inch layers.

B. The top 18 inches shall be No. 2 RC aggregate mechanically compressed in 4-inch layers.

10. All unused material shall be removed from the site.

11. All repairs shall be subject to the inspection of the Borough Manager and acceptance by him. In any case, however, contractors and utilities will be responsible for maintenance of street patches for a period of 1 year from the date of installation.

12. In the event that any work performed by or for a permittee shall, in the opinion of the Manager, 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 within the time fixed by the Manager, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed and charge the cost thereof, plus 15 percent, to the permittee or his surety.

13. Where the trenches are parallel to the street or where a number of cross trenches are laid in close proximity to one another by the permittee or where the equipment used may damage adjacent paved surfaces, it shall be the prerogative of the Manager to require a negotiated contribution from the permittee for the resurfacing in place of patching of such streets if the total area of the proposed patch or probable damaged area exceeds 15 percent of the total pavement surfacing between curb faces or between concrete gutter edges in any block. Such negotiation shall be carried on and contributions agreed upon prior to issuance of a permit. The maximum contribution under this Section shall not exceed the cost of trench restoration plus 15 percent.

14. After such excavation or opening is commenced, the work of making and backfilling the same shall be prosecuted with due diligence and so as not to obstruct the street more than is actually necessary. If the work is not so prosecuted or if the work does not, in the judgment of the Manager, comply with the terms of this Part, he shall so notify the person named in the permit and shall require such person within 3 days after the service of such notice to proceed with the diligent prosecution of such work or properly to complete the same, as the case may be. If such notice is not complied with, the Borough shall do such work as may be necessary to backfill such excavation and to restore the street or part thereof excavated to the same condition as before such excavation was made. All expenses incurred by the Borough shall be recovered from the permittee or his surety. No further permit shall be granted any such person unless and until any opening or excavation already made by him has met all requirements of this Part.

15. Upon completion of all work accomplished under the provisions of the permit, the permittee shall notify the Manager, in writing. A certificate of final inspection shall be issued by the Manager to the permittee no sooner than one year after the permanent restoration of the opening or excavation has been made, provided that the work authorized by the permit has been performed according to Borough specifications. Prior to the issuance of a certificate, the Manager shall make a final inspection of the restoration to determine whether Borough specifications have been adhered to.

16. If any settlement in a restored area occurs within a period of 1 year from date of completion of the permanent restoration, it shall in general be considered as conclusive evidence of defective backfilling. Any expense which may have to be incurred by the Borough in correcting such settlement shall be paid by the permittee or recovered from his bond.

17. If, in his judgment, traffic conditions, the safety or convenience of the traveling public of the public interest require that the excavation work be performed as emergency work, the Manager shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee 24 hours a day to the end that such excavation work may be completed as soon as possible. (*Ord 721-2, 1/12/1972; as amended by Ord. 786-11, 6/14/1978*)

#### **§21-214. Decision on Costs.**

The decision of the Manager as to the cost of any work done or repairs made by him or under his direction, pursuant to the provisions of this Part, shall be final and conclusive.

(*Ord. 721-2, 1/12/1972*)

#### **§21-215. Insurance Requirements.**

The certificate of insurance required of the applicant under §21-211.B of this Part shall indicate that he is insured against claims for damages for personal injury as well as against claims for property damages which may arise from or out of the performance of the work, whether such performance is by himself, his subcontractor or anyone directly or indirectly employed by him. Such insurance shall include protection against liability arising from completed operations. Such insurance shall provide complete third-party coverage for the Borough of Red Lion. The liability insurance in effect for

bodily injury shall be in amounts for each person and for each accident and for property damages as set from time to time by resolution of the Borough Council. Failure of applicant to file such certificate shall be grounds for denying a permit; provided, however, that Borough departments and its other governmental agencies may be relieved of the obligation of submitting such a certificate if they do the work contemplated under the permit with their own personnel or with a contractor insured as required; however, such waiver shall not release any such organization from any and all liability under any of the obligations provided herein.

(*Ord. 721-2, 1/12/1972; as amended by Ord. 9711-6, 11/12/1997, §180-22*)

**§21-216. Bond Requirements.**

Each applicant shall provide the Borough with a surety bond for faithful performance as stipulated in §21-211.C. The Borough shall have the right to require a bond in an amount as set from time to time by resolution of the Borough Council if in the opinion of the Manager the extent of work to be accomplished under the permit warrants greater bond coverage. Said bond must be written by a reputable surety company licensed to do business in the Commonwealth of Pennsylvania and must be approved by the Borough Solicitor as to form.

(*Ord. 721-2, 1/12/1972; as amended by Ord. 9711-6, 11/12/1997, §180-23*)

**§21-217. Default in Performance.**

Whenever the Manager shall find that a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the principal and to the surety of the bond. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the Manager to be reasonably necessary for the completion of such work.

(*Ord. 721-2, 1/12/1972*)

**§21-218. Completion of Work.**

1. After receipt of such notice the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, pay over to the Borough the estimated cost of doing the work as set forth in the notice. Upon the receipt of such moneys, the Manager shall proceed by such mode as he deems convenient to cause the required work to be performed and completed, but no liability shall be incurred therein other than for the expenditure of said sum in hand therefor.

2. In the event of any default in the performance of any term or condition of the permit for the work, the surety or any person employed or engaged on his behalf shall have the right to go upon the premises to complete the required work or make it safe.

3. No person shall interfere with or obstruct the ingress or egress to or from any such premises by any authorized representative or agent of any surety or of the Borough engaged in completing the work required to be performed under the permit or in complying with the terms or conditions thereof.

(*Ord. 721-2, 1/12/1972*)

**§21-219. Terms of Bond.**

The terms of each bond posted shall begin upon the date of the posting thereof and shall end upon the receipt by the permittee of a certificate of final inspection from the Manager of the work performed under the permit issued.

*(Ord. 721-2, 1/12/1972)*

**§21-220. Notices of Improvements.**

When the Borough shall improve or pave any street, the Engineer shall first give notice to all persons owning property abutting on the street about to be paved or improved and to all public utility companies operating in the Borough, and all such persons and utility companies shall do all work which would necessitate excavation of the street within 30 days from the giving of such notice. The time may be extended if permission has been requested in writing and has been approved by the Engineer.

*(Ord. 721-2, 1/12/1972)*

**§21-221. Notices to Property Owners and Tenants.**

If, in the opinion of the Manager or Engineer, the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, the permittee shall notify the affected property owners or tenants of the proposed work to be done.

*(Ord. 721-2, 1/12/1972)*

**§21-222. Notices to Police and Fire Departments.**

The Manager shall notify the Borough Police and Fire Departments of any street opening or excavation permit he grants which affects the flow of traffic in streets and alleys within the Borough. Such notification shall advise of the nature of the work to be done and the location of such project. He shall also notify the Police and Fire Departments when any openings or excavations have been closed, permitting traffic to flow thereon.

*(Ord. 721-2, 1/12/1972)*

**§21-223. Map Requirements.**

Upon request of the Borough, all utilities and every person owning, using, controlling or having an interest in pipes, conduits, ducts, tunnels, or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, communication impulses, water, sewage, steam, oil, or any other material to or from the Borough or to or from its inhabitants or for any other purposes shall, upon request from the Borough, submit a map or set of maps showing the location, size and description of such installations.

*(Ord. 721-2, 1/12/1972)*

**§21-224. Revocation of Permit.**

In case any person shall violate any provision of this Part, any permit issued by the Borough to such person under this Part shall be revoked.

*(Ord. 721-2, 1/12/1972)*

**§21-225. Liability of Borough.**

This Part shall not be construed as imposing upon the Borough or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the Borough or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

(*Ord. 721-2, 1/12/1972*)

**§21-226. Appeals to Borough Council.**

Any person believing himself to be aggrieved by a decision of the Manager or Engineer or his refusal to grant a permit shall have the right to appeal to the Borough Council within 30 days from the decision or refusal to grant a permit, and the Council's decision shall be final.

(*Ord. 721-2, 1/12/1972*)

**§21-227. Violations and Penalties.**

Any person violating any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 721-2, 1/12/1972; as amended by Ord. 9711-6, 11/12/1997, §180-34; and by Ord. 2009-09-02, 9/14/2009*)



**Part 3****Snow and Ice Removal****§21-301. Requirement for Removal of Snow and Ice.**

The owner, occupant, or tenant of any real estate fronting upon or alongside of any of the streets of the Borough of Red Lion is hereby required to remove or cause to be removed to a width of 36 inches from any paved or unpaved sidewalk or pedestrian walkway in front of or alongside of said real estate all snow, ice, or sleet thereon fallen or formed within 12 hours after the same shall have ceased to fall or to be formed after 6 p.m. of any evening may be removed at any time before 6 p.m. of the following day.

(*Ord. 7511-24, 11/12/1975; as amended by Ord. 783-7, 3/8/1978*)

**§21-302. Responsibility for Removal of Snow and Ice.**

It shall be unlawful for the owner, occupant, or tenant of any real estate to remove snow or ice, pursuant to §21-301 of this Part, by placing it in a street or alley which abuts the sidewalk or pedestrian walkway. A violation of this Section shall be subject to any fine or penalty imposed under §21-304 of this Part.

(*Ord. 7511-24, 11/12/1975; as amended by Ord. 827-4, 7/14/1982*)

**§21-303. Authority for Borough to Remove Ice and Snow and Collect Expenses and Additional Amount.**

In any case where the owner, occupant, or tenant, as aforesaid, shall fail, neglect, or refuse to comply with any of the provisions of this Part within the time limit prescribed in §21-227, the Borough may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent and to collect the expenses of such removal, with an additional amount of 10 percent from such owner, occupant, or tenant, as the case may be, which may be in addition to any fine or penalty imposed under §21-304 of this Part.

(*Ord. 7511-24, 11/12/1975*)

**§21-304. Violations and Penalties.**

Any owner, occupant, or tenant who shall fail to remove any snow and/or ice from any sidewalk as required by this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Such fine and costs of prosecution may be in addition to any expenses and additional amounts authorized by law, imposed as provided in §21-303 of this Part.

(*Ord. 7511-24, 11/12/1975; as amended by Ord. 827-4, 7/14/1982; by Ord. 9711-6, 11/12/1997, §180-38; and by Ord. 2009-09-02, 9/14/2009*)



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**Part 4****Sidewalks, Driveways, and Curbs****§21-401. Determination of Compliance.**

The Borough Manager shall determine compliance with Borough ordinances for all new construction and for the purpose of ensuring that existing sidewalks, curbs, and gutters are kept in repair for pedestrian safety, vehicular safety, and impact upon Borough-maintained streets.

(*Ord. 854-4, 4/10/1985; as amended by Ord. 2002-09-10, 9/9/2002*)

**§21-402. Sidewalk Construction.**

Whenever the Manager determines that a sidewalk, curb, or gutter along any public street should be constructed or repaired, it shall be the responsibility of the owner of the property abutting on such public street to construct such sidewalk, curb, or gutter along such property in accordance with the specifications and regulations set forth in this Part and as may be prescribed in the Red Lion Borough "Construction and Materials Specifications."

(*Ord. 854-4, 4/10/1985; as amended by Ord. 9610-7, 10/9/1996; and by Ord. 2002-09-10, 9/9/2002*)

**§21-403. Construction by Owners of Certain New Buildings Required.**

Whenever a building permit is issued to a property owner who intends to build any new building (not including accessory buildings), as defined by Chapter 27, "Zoning," such owner shall be required to construct sidewalks and curbs along public streets in accordance with specifications found in this Part.

(*Ord. 854-4, 4/10/1985; as amended by Ord. 918-11, 8/14/1991*)

**§21-404. Sidewalk Specifications.**

Any sidewalk hereafter constructed within the Borough of Red Lion shall be at least 4 inches in depth and a width to be established by the Manager by taking into account the width of adjoining sidewalks, if any, and other special conditions, including but not limited to safety for pedestrians in a particular location. The cross slope of the sidewalks shall not exceed  $\frac{1}{4}$  inch per foot of width except as specifically granted in the building permit authorizing the construction or repair. Any such deviation from this specification shall only be permitted by the Borough Engineer in order to meet special conditions which cannot be otherwise accommodated.

(*Ord. 854-4, 4/10/1985; as amended by Ord. 8710-12, 10/14/1987; and by Ord 2002-09-10, 9/9/2002*)

**§21-405. Brick Sidewalks.**

Where brick sidewalks exist, the sidewalk must be maintained in a safe, usable condition. Any person wishing to install a new brick sidewalk will only be permitted to do so upon approval by the Manager established herein above.

(*Ord. 854-4, 4/10/1985; as amended by Ord. 2002-09-10, 9/9/2002*)

**§21-406. Utility Construction.**

Whenever any public utility shall cut, break, damage, or otherwise impair the structural integrity of any sidewalk in connection with the installation, repair, or removal of any public utility structure or facility or shall create a void in any sidewalk as a result of the removal of any public utility structure or facility, such public utility shall remove and replace, in accordance with the specifications of this Part, the entire block or section of sidewalk affected by such cut, break, damage, or impairment or in which such void is made.

(*Ord. 854-4, 4/10/1985; as added by Ord. 958-5, 8/9/1995*)

**§21-407. Curb Construction and Specifications.**

All curbs hereafter constructed, within the limits of the Borough of Red Lion, shall have a minimum depth of 20 inches when constructed by themselves and 18 inches in depth when constructed integrally with a cement sidewalk. The face of said curbs shall be battered 1 inch to protect the top of the curbs from scuffing by vehicular traffic. Batter shall be obtained by holding the width of the top of said curb to 6 inches and width at the base to 7 inches. In addition, all curbs hereinafter constructed shall conform to the Red Lion Borough "Construction and Materials Specifications."

(*Ord. 854-4, 4/10/1985*)

**§21-408. Inspection of Sidewalks.**

The Borough Manager shall inspect all sidewalks, curbs, and gutters on an annual basis, or sooner upon complaint, and, if necessary, issue notice or correction or compliance in accordance with §21-409.

(*Ord. 854-4, 4/10/1985; as amended by Ord. 2002-09-10, 9/9/2002*)

**§21-409. Notice of Construction or Repair.**

A written notice shall be sent by certified mail to the owners of property who are required to construct or repair a sidewalk, curb, or gutter notifying them that they have 90 days from the date of the notice to complete the required construction or repair. All property owners shall have the option to have the work done by the contractor who has bid concrete work to Red Lion Borough or by a private contractor who must meet all Borough specifications. If the required construction or repair is not completed within such 90-day period, the Borough may cause the work to be done and charge the owners for the costs of the work and an additional 10 percent of such costs to cover the Borough's cost of administering the work. Unless otherwise directed by Council, such amount shall be paid by the owners upon receipt of an invoice for the same, and shall bear interest at an interest rate to be decided by Council on an annual basis. In default of payment by the owners, the Borough shall file a municipal claim therefor against the property benefitted or collect the same by a civil action. If the owners cannot be notified by certified mail, the notice required by this Section shall be posted on the premises.

(*Ord. 854-4, 4/10/1985; as amended by Ord. 9311-12, 11/10/1993; by Ord. 955-3, 5/10/1995; by Ord. 2002-09-10, 9/9/2002; and by Ord. 2003-10-16, 10/13/2003*)

**§21-410. Review of Repair or Construction.**

Any person who receives a notice of construction or repair may request the Manager to review his particular situation if he wishes to deviate from the repair or construction specified in the notice. This request must be made in writing and submitted to the Borough Office within 30 days after receiving the first notice from the Borough. Any request received after such 30-day period shall not be reviewed. Upon receipt of a request for review, the Manager shall undertake and complete its review within 30 days of the date of receipt of the request and notify the owners of the property of the Manager's decision.

(*Ord. 854-4, 4/10/1985; as amended by Ord. 955-3, 5/10/1995; and by Ord. 2002-09-10, 9/9/2002*)

**§21-411. Economic Hardship.**

If the required construction or repairs would be an economic hardship to the property owner, the Manager is specifically authorized to enter into an agreement whereby the Borough would cause the construction or repair to be done and have a municipal lien filed therefor and the property owner would repay the Borough in accordance with a payment schedule decided upon by the Manager.

(*Ord. 854-4, 4/10/1985; as amended by Ord. 2002-09-10, 9/9/2002*)

**§21-412. Appeal of Manager's Final Decision.**

Any property owner may appeal the decision of the Borough Manager rendered under §21-410 by submitting in writing to Red Lion Borough Council the reasons for the appeal. Borough Council shall hear the appeal at the next regular Council meeting held after the written appeal is received or at a special meeting if Council deems it necessary to hear and decide the appeal prior to the next regular Council meeting.

(*Ord. 854-4, 4/10/1985; as amended by Ord. 2002-09-10, 9/9/2002*)

**§21-413. Driveway Construction.**

Any driveway hereafter constructed in the Borough of Red Lion shall be constructed of bituminous paving material or concrete in accordance with the Red Lion Borough "Construction and Materials Specifications."

(*Ord. 854-4, 4/10/1985*)

**§21-414. Violations and Penalties.**

If the owner of the premises fails to complete the construction or repairs as required by the notices or constructs or repairs a sidewalk, curb, or driveway which is not in accordance with the construction specifications contained herein or the Red Lion Borough "Construction and Materials Specifications," the owner, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. Each period of 60 days after the date of the second notice as required by §21-409 of this Part in which the required construction or repair is not completed shall be a new violation of this Part.

(*Ord. 854-4*, 4/10/1985; as amended by *Ord. 9711-6*, 11/12/1997, §180-52; and by *Ord. 2009-09-02*, 9/14/2009)