

Chapter 21

Streets and Sidewalks

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Part 1**Curbs and Cutting****§21-101. Responsibility of Owner; Construction.**

Every owner or owners of property in the Borough of Nesquehoning shall, on 20 days notice from the Borough Council, construct, reconstruct, or repair a curb which shall conform to all applicable requirements of this Part, in front of, alongside, or to the rear of such property.

(*Ord. 65-3, 5/12/1965, §1*)

§21-102. Notice; Repair.

Every owner or owners of property in the Borough of Nesquehoning shall, on 5 days written notice from the Borough Council, repair the curb in the manner stipulated in such notice in front of, alongside, or to the rear of such property.

(*Ord. 65-3, 5/12/1965, §2; as amended by Ord. 95-1, 2/8/1995, §120-2*)

§21-103. Specifications.

All curbing shall be constructed, reconstructed, and repaired of concrete only according to specifications determined from time to time by the Borough Engineer or Borough Council.

(*Ord. 65-3, 5/12/1965, §4*)

§21-104. Depressed Curbs.

1. Borough Council may, upon written request of the owner of property in front of, alongside or to the rear of such property, authorize the construction of a depressed curb to accommodate vehicular drive-over for a distance not to exceed 35 feet in length of one depressed curb section; and, provided that, a regular curb of standard height with a minimum of 5 feet shall be constructed between such sections of depressed curb, if any.

2. Be it further provided that in order to be considered for a depressed curb, an owner of a property must have available sufficient space to park a vehicle entirely off the sidewalk in order that no vehicle shall be parked in such a manner as to impede, block or inhibit access to the entire sidewalk so that pedestrians may pass freely on the sidewalk and without interference from parked vehicles.

(*Ord. 65-3, 5/12/1965, §5; as amended by Ord. 2011-2, 5/25/2011*)

§21-105. Grading; Work by Owner.

All curbing shall be constructed, reconstructed, and repaired and the grading therefore done upon the line and grade obtained by the property owner from the Borough Engineer or Borough Council and not otherwise. Upon notice as provided in §§21-101 and 21-102 of this Part, as the case may be, such work of construction, reconstruction or repair shall be done by the owner or owners of such property.

(*Ord. 65-3, 5/12/1965, §6*)

§21-106. Violations and Penalties.

If any owner or owners of property, person, firm, or corporation in the Borough of Nesquehoning who shall neglect or refuse to abide by or violate any provisions of this Part within 5 days after being notified as aforesaid to do so and upon failure to construct, reconstruct, or repair the curb as herein contained and provided, they respectively, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 65-3, 5/12/1965, §7; as amended by Ord. 95-1, 2/8/1995, §120-6; and by Ord. 2013-1, 6/26/2013*)

§21-107. Failure to Comply; Additional Penalty.

If any owner or owners of property as aforesaid shall neglect or refuse to construct, reconstruct, or repair said curb within 5 days after being notified as aforesaid to do so, it shall be the duty of the Borough to cause such curb to be constructed, reconstructed, and repaired, and, after the completion of the same, the expense thereof shall be presented to the said owner or owners as aforesaid and in case of neglect or refusal to pay the said amount, with 10 percent additional as penalty, within 5 days thereafter, then it shall be the duty of the Borough to collect the costs thereof and the 10 percent additional, together with all costs and expenses, from the said respective owner according to law and this Part.

(*Ord. 65-3, 5/12/1965, §8*)

Part 2**Road Encroachments****§21-201. Short Title.**

This Part shall be known and cited as “Borough of Nesquehoning Road Encroachment Ordinance.”

(*Ord. 72-6, 10/19/1972, Art. 1*)

§21-202. Purpose.

This Part is hereby adopted in accordance with Act of Assembly, 1911, May 11, P.L. 244, §18, as amended, 53 P.S. §1991, for the purpose of preventing any obstruction from being erected which would in any way affect the convenient use of roads, footwalks, culverts, curbs, gutters, drains, and bridges of the Borough.

(*Ord. 72-6, 10/19/1972, Art. 2*)

§21-203. Definition.

Except where specified in the following definitions, all words used in this Part shall carry their customary meaning.

Road—a road of the Borough of Nesquehoning, including street, lane, alley, right-of-way, court, or public land of the Borough of Nesquehoning.

(*Ord. 72-6, 10/19/1972, Art. 3*)

§21-204. Regulations.

It shall be unlawful for any person, firm, corporation, or other entity to erect, construct, connect, or encroach either against, upon, under, or over any Borough of Nesquehoning road, footwalk, culvert, curb, gutter, drain, or bridge without first having obtained a permit to do so from the Borough Secretary.

(*Ord. 72-6, 10/19/1972, Art. 4*)

§21-205. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 72-6, 10/19/1972, Art. 5; as amended by Ord. 95-1, 2/8/1995, §120-12; and by Ord. 2013-1, 6/26/2013*)

§21-206. Fees.

1. The amount of fees charged for a street opening permit and the work to be done for the restoration of pavement pursuant to an encroachment upon a street of the

Borough of Nesquehoning shall be in an amount as established from time to time by resolution of Borough Council. [Ord. 2013-1]

2. Pavement restoration shall consist of one of the following types of reconstruction:

A. *Existing Pavement–Concrete.* The area of pavement to be restored shall be restored with 6 inches of 2A aggregate and Class A concrete to a depth equal to the adjoining pavement.

B. *Existing Pavement–Concrete Base with Bituminous Surface.* The area of pavement to be restored shall be restored with 6 inches of 2A aggregate, 6 inches bituminous base course and 1 inch bituminous wearing course ID-2.

C. *Existing Pavement–Bituminous Surface.* The area of pavement to be restored shall be restored with 6 inches of 2A aggregate and bituminous surface course ID-2 to a depth equal to that of the adjoining pavement with the top 1 inch being bituminous wearing course.

3. All areas where the existing roadway pavement is to be removed shall be cut with a concrete saw to a depth of not less than 2 inches and shall be cut to neat straight lines at all limits of removal.

4. Within 90 days of notification by the permittee that the restoration is complete and upon approval by the Chairman of the Borough Street Committee, the fee as set forth in the above schedule shall be refunded, less an amount as established from time to time by resolution of Borough Council to be retained by Borough for administrative and inspection costs, provided the restoration was completed in accordance with the requirements set forth herein. [Ord. 2013-1]

(Ord. 72-6, 10/19/1972, Art. 6; as amended by Ord. 77-4, 8/12/1977, Art. 1; by Ord. 82-1, 6/17/1982, Art. 1; by Ord. 2008-2, 4/23/2008; and by Ord. 2013-1, 6/26/2013)

Part 3**Removal of Snow, Ice, and Other Debris****§21-301. Statutory Authority.**

This Part is enacted pursuant to §1202(74) of the Borough Code, 53 P.S. §46202(74).

(*Ord. 86-5, 10/23/1986, Art. I*)

§21-302. Definitions.

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

Sidewalk—includes the portion of a street located outside the cartway, and may include the paved footway, unpaved footway, unpaved grass plot and curb.

(*Ord. 86-5, 10/23/1986, Art. II*)

§21-303. Removal.

It shall be unlawful for the owner or lessee of real estate situate within the Borough of Nesquehoning to fail to remove snow, ice, and other debris from any sidewalk, as defined above, for a width of 3 feet from any sidewalk located in the front of said real estate, within 24 hours from the placement of said snow, ice, or other debris on said sidewalk.

(*Ord. 86-5, 10/23/1986, Art. III*)

§21-304. Deposits.

It shall be unlawful for the owner or lessee of real estate, or for any person directed by the owner or lessee of real estate, or for any other person, to deposit or place snow, ice, and other debris on any of the streets and highways within the Borough of Nesquehoning.

(*Ord. 86-5, 10/23/1986, Art. IV*)

§21-305. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 86-5, 10/23/1986, Art. V; as amended by Ord. 95-1, 2/8/1995, §120-18; and by Ord. 2013-1, 6/26/2013*)

