

ORDINANCE NO. 1959-9

AN ORDINANCE OF THE BOROUGH OF WEST NEWTON PROVIDING CERTAIN REGULATIONS FOR THE CONSTRUCTION, RECONSTRUCTION, REPAIR, USE AND CARE OF SIDEWALKS AND DRIVEWAYS.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of West Newton, and it is hereby ordained and enacted by the authority of the same:

ARTICLE I. SIDEWALKS

SECTION 1. Any person, firm or corporation desiring to construct, reconstruct or repair a sidewalk shall obtain a permit from the Borough Secretary. The Secretary may require submission of detailed plans and specifications to the Borough Engineer, and may refuse to grant the permit until the Engineer's approval has been obtained. No charge shall be made for this permit.

SECTION 2. Whenever any sidewalk is constructed in a public highway of said Borough, the sidewalk shall be constructed in conformity with plans and specifications approved by the Borough Engineer and shall be subject to his inspection. All such sidewalk pavements shall be constructed in the location, to the width and of the material specified. Said sidewalk shall conform to the established grade of the street on which the same is laid, or to such grade as shall be fixed by the Borough Engineer.

SECTION 3. It shall be unlawful for any person, firm or corporation to tear up, destroy, remove, deface or excavate, or otherwise damage any sidewalk or curb in the public highways of said Borough except in accordance with permit duly issued by the Borough Secretary upon written application to him.

SECTION 4. It shall be unlawful for the driver of any vehicle to drive within any sidewalk area in the public highways of said Borough except at a permanent or temporary driveway.

SECTION 5. It shall be unlawful for any person, firm or corporation to deposit any dirt, glass, rubbish, garbage or refuse matter upon any of the sidewalks in the public highways of said Borough. The said sidewalks shall at all times be kept open and unobstructed for the use of the public, and the owner of the abutting property shall at all times keep the sidewalk areas free from weeds, hedges, trees and other similar obstructions. The only exception to this section is that garbage cans may be placed on sidewalks on the day garbage is collected in that particular block.

SECTION 6. Every tenant or occupant, and in case there shall be no tenant or occupant, every owner, person, firm or corporation having the care or charge of any land or building fronting upon any public highway in the Borough of West Newton, where there is a sidewalk paved with concrete, brick, stone, or other material, or a board sidewalk, shall within twenty-four (24) hours after the ceasing to fall of any snow or sleet, or the accumulation of ice caused by freezing after rainfall, cause the same to be removed from such sidewalk.

SECTION 7. In the case of vacant or unoccupied property of owners residing outside the Borough, the Street Committee may at it's option cause any dirt, glass, garbage, snow, rubbish, weeds, hedges, trees or other obstructions, to be removed from the sidewalks without notice and to collect the cost of the removal thereof from such non-resident owner or owners.

SECTION 8. All public sidewalks on residential streets hereafter constructed must be forty-eight (48) inches in width unless the walks already built in that particular block are of a different width, in which case such width shall be controlling. The sidewalks in front of business houses, shops, school houses, churches, and public halls shall be paved from the building or property line to the curb.

SECTION 9. In all cases where sidewalks are constructed, reconstructed or repaired over coal cellars or other excavations under such sidewalks, such sidewalks shall be supported by iron or steel beams or girders, or stone or concrete arches. In no case, shall a support of wood or other perishable material be used.

SECTION 10. It shall be unlawful for any person to display for sale, for advertising or for other purposes, any articles of merchandise, manufactured or unmanufactured, food stuffs, vegetables, or any other material or materials whatsoever upon the sidewalks of the Borough.

SECTION 11. Lots on which new houses or other structures are built after the effective date of this ordinance shall be graded to the curb line so as to permit the construction, without any undue property damage of sidewalks.

SECTION 12. It shall be unlawful for any person, firm, or corporation to plant, or cause to grow, any tree shrubbery or plant between the curb and property line.

ARTICLE II. DRIVEWAYS.

SECTION 1. Any person, firm or corporation desiring to construct, reconstruct or repair a driveway, entrance or approach shall obtain a permit from the Borough Secretary. The Secretary may require submission of detailed plans and specifications to the Borough Engineer, and may refuse to grant the permit until the Engineer's approval has been obtained. Application for the permit shall be accompanied by a fee in the amount of five (\$5.00) dollars payable to the Borough of West Newton.

SECTION 2. Whenever any driveway is constructed in a public highway of said Borough, the driveway shall be constructed in conformity with plans and specifications prepared by the Borough Engineer. A copy of said plans and specifications may be obtained from the Borough Secretary, Borough Engineer, or Street Commissioner.

SECTION 3. Any plans submitted for approval which include or involve unusual driveway approaches or problems, shall be referred to the Borough Engineer for his approval before a permit is issued.

SECTION 4. In the opening or construction of driveways, entrances and approaches, the following provisions and conditions must be followed and the work performed in a manner satisfactory to the Borough Engineer and the Borough Street Commissioner:

(a) The work must be so performed that there shall be no obstruction to the flow of surface water along the boundaries of the streets maintained by the Borough.

(b) If the work necessitates the crossing of any ditch or channel along the street maintained by the Borough, then the said driveways, entrances and approaches shall be so constructed as to supply a pipe or conduit for the flow of the water along the said street, such material to be furnished by the permittee.

(c) All work done must be in manner satisfactory to the Borough Engineer and the Borough Street Commissioner, both of whom shall inspect the work as it progresses.

SECTION 5. No driveway shall exceed thirty (30) feet in width as measured along the outside sidewalk line; except that on streets marked as permanent State or Federal highway routes, a driveway shall be constructed in accordance with such State and Federal regulations and with the approval of the Borough Street Commissioner. Where more than one driveway on a street front serves a single parcel of land, there shall be at least one curb-parking space between driveway approaches. The sides, edges or curbs of driveways shall be at right angles to the street curb.

SECTION 6. The radius of curvature of a driveway curb return shall not exceed the distance between the curb and the outside sidewalk line.

SECTION 7. No driveway shall interfere with municipal facilities such as street-lighting poles, traffic signal standards, signs, catch basins, storm sewer inlets, fire hydrants, cross-walks, bus loading platforms, utility poles, underground pipes or ducts or other necessary street structures and the Borough Street Commissioner is authorized to order and effect the removal or restoration of any driveway which now conflicts with any street structures. The cost of removing or reconstructing or relocating such driveway shall be at the expense of the abutting property owner.

SECTION 8. When construction is started, a notice shall be posted, by the permittee, at the site, stating that a permit has been issued.

ARTICLE III. GENERAL PROVISIONS

SECTION 1. Should the sidewalk, driveway, etc. work not be completed in accordance with the plans and specifications submitted in connection therewith or should the same not be accomplished in accordance with the directions of the Street Commissioner, then the Street Commissioner shall have authority, with the use of Borough employees and equipment, to complete the same in a proper and satisfactory manner, at the expense of the property owner.

SECTION 2. All materials for constructing, reconstructing or resurfacing sidewalks, driveways, aprons, curbs, gutters and the like shall be of concrete, unless otherwise prescribed by the Borough Council, and in accordance with the specifications therefor on file in the Office of the Street Commissioner. See PLATES "D" AND "E".

SECTION 3. No sidewalk, curb, gutter or driveway across or through any curb and sidewalk shall be laid during the months of December, January, February or March without the person, firm, or corporation constructing the same first receiving a special permit from the Street Commissioner.

SECTION 4. When it is necessary to construct a driveway where existing curb requires cutting or removal, such cutting shall be done by a concrete saw or such curb shall be removed from joint to joint.

SECTION 5. Rain conductors in public rights of way shall be of three (3) inch cast iron pipe or other approved material. Under no circumstances shall a curb be cut for the purpose of installing a rain conductor pipe, unless by special permit of Council.

SECTION 6. That any ordinance or part of an ordinance conflicting with the provisions of this ordinance be and the same is hereby repealed.

ARTICLE IV. PENALTIES

SECTION 1. Any person, firm or corporation who shall violate any of the provisions of this ordinance, shall, upon conviction thereof, be sentenced to pay a fine not exceeding Fifty (\$50.00) Dollars and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment of not more than ten (10) days. Each day's continuance of a violation of any of the provisions of this ordinance shall constitute a separate offense. The penalty imposed under this article may be in addition to any expenses and penalty therewith imposed by any other article of this Ordinance.

ORDAINED AND ENACTED into ordinance this 19th day of August, 1959.

Edgar H. Rouse
President of Council

B. T. Lash
Secretary

EXAMINED AND APPROVED this 19th day of August, 1959.

Robert C. Umbarger
Burgess

ATTEST: B. T. Lash