

CHAPTER 215: STREETS AND SIDEWALKS

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

GENERAL REFERENCES

Property maintenance — See Ch. 173.

Subdivision and land development — See Ch. 222.

Article I. Snow and Ice Removal

[Adopted 7-5-1973 by Ord. No. 167; amended in its entirety 4-9-1985 by Ord. No. 238 (Ch. 21, Part 2, of the 1985 Code)]

§ 215-1. Definitions.

As used in this article, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

BUSINESS DAY

Any day not a Sunday or a national holiday. Editor's Note: The original definition of "business hours," which immediately followed this definition, was repealed 1-8-2013 by Ord. No. 348.

BUSINESS HOURS

Hours between 5 a.m. and 10 p.m. on any business day.[Amended 1-8-2013 by Ord. No. 348]

CARTWAY

Portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

PERSON

Natural person, partnership, corporation, association, or any other legal entity.

SIDEWALK

Portion of a street between the curblines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.

STREET OR HIGHWAY

The entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

§ 215-2. Responsibility for removal of snow and ice from sidewalks.

[Amended 1-8-2013 by Ord. No. 348] Every person in charge or control of any building or lot of land fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away or cause to be removed or cleared away, snow and/or ice from the entire width of said sidewalk as is in front of or abuts on said building or lot of land.

- A. Except as provided in Subsection B hereof, snow and ice shall be removed from sidewalks within 24 hours after the cessation of any fall of snow, sleet or freezing rain.
- B. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in Subsection A hereof, cause enough salt or other abrasive to be put on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared the entire width of said sidewalk.

§ 215-3. Responsibility for removal from roofs.

[Amended 1-8-2013 by Ord. No. 348] Every person in charge or control of any building or other structure, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow and ice on said building or other structure which is liable to fall on any sidewalk, roadway, or other public way. Such work shall be completed within a reasonable time, but not later than 24 hours after the cessation of any fall of snow, sleet, or freezing rain.

§ 215-4. Depositing of snow and ice restricted.

No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk, roadway, or loading and unloading areas of a public transportation system, except that snow and ice may be mounded by the Borough on public cartways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks in business districts.

§ 215-5. Violations and penalties.

[Amended 1-8-2013 by Ord. No. 348] Any person who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and/or to imprisonment for a term not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

Article II. Downspouts and Drains

[Adopted 4-9-1985 by Ord. No. 238 (Ch. 21, Part 3, of the 1985 Code)]

§ 215-6. Regulation of downspouts.

All downspouts crossing any sidewalk, shall be maintained at a height of no less than seven feet above the sidewalk and shall empty into the street beyond the curblin at a ninety-degree angle or, in the alternative, shall be laid under the sidewalk in such a fashion as to discharge into the street beyond the curblin.

§ 215-7. Violations and penalties.

[Amended 1-8-2013 by Ord. No. 348] Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 30 days. Every day that a violation of this article continues shall constitute a separate offense.

Article III. Curb and Sidewalk Construction and Maintenance

[Adopted 5-6-2003 by Ord. No. 314 (Ch. 21, Part 1, of the 1985 Code)]

§ 215-8. Construction and maintenance of curbs and sidewalks.

Owner or owners of land within the Borough, upon notice as herein below provided, shall be responsible for the construction, at its or their sole cost and expense, of new sidewalks and/or curbs over or through their property or abutting, in front of or along any side of, such property. Owner or owners of land within the Borough where sidewalks and/or curbs are constructed, whether on, over or through such land or abutting in front of, or along any side thereof, shall, at its or their sole cost and expense, properly maintain, repair, reconstruct and/or replace such curbs and sidewalks in a manner satisfactory to the Borough. All construction, maintenance, repair, reconstruction or replacement of sidewalks and/or curbs or sections thereof, shall be in accordance with specifications developed by the Borough Engineer and approved by resolution by Borough Council.

§ 215-9. Notice given by Borough.

Notice to construct new sidewalks and/or curbs or to maintain, reconstruct, repair and/or replace existing sidewalks and/or curbs due to unsafe conditions, shall be provided in writing to the owner or owners whose duty it is to maintain such sidewalks and/or curbs pursuant to this article. Such construction, maintenance, reconstruction, repair and/or replacement shall be completed within six months or such shorter time as is set forth in the notice. Where repairs are required, which in the sole opinion of the Borough are of an emergency nature, they shall be made within 48 hours of the written notice.

§ 215-10. Curb dimensions.

[Amended 1-8-2013 by Ord. No. 348] All curbs shall be of the dimensions and grades set by Council in the notice to the property owner or owners as provided in this article; wherever practical, the height of said curb shall be between four inches and eight inches above the finished cartway surface at the curbline.

§ 215-11. Sidewalk width and alignment.

[Amended 1-8-2013 by Ord. No. 348] The sidewalks within the Borough shall have a paved minimum width of four feet and a depth of four inches, unless Council specifies a different width or depth in the notice provided for herein. Said four feet sidewalk width shall further be subject to the following exceptions:

- A. Where sidewalks have been lawfully created to greater or lesser width prior to the enactment of this article, such widths shall remain the official widths of such sidewalks.

B. In fixing widths of sidewalks in special cases, Council may require alignment with sidewalks on adjacent or adjoining properties and may require a grass plot between the outer edge of the sidewalk and the street or curb.

§ 215-12. Materials.

All sidewalks within the Borough shall be constructed, reconstructed and/or repaired with Class A concrete having a compressive strength of 3,500 psi or with paving brick. Asphalt or other bituminous materials are hereby prohibited for use in constructing, maintaining, reconstructing, repairing and/or replacing sidewalks within the Borough.

§ 215-13. Conditions for construction, reconstruction or repair by property owner or owners on own initiative.

Any property owner or owners upon its or their own initiative and without any notice from Borough Council, may construct, maintain, reconstruct, repair and/or replace a sidewalk and/or curb on over or through such land or abutting in front of, or along any side thereof, but such owner or owners shall first make application to Borough Council for the width, line and grade thereof and in such work or construction, reconstruction, repair and/or replacement, such owner or owners shall conform to such width, line and grade and to all other provisions of this article that would have been applied had such work been done following notice from the Borough to do so.

§ 215-14. Suspension of provisions under certain circumstances.

[Amended 1-8-2013 by Ord. No. 348] Other provisions of this article to the contrary notwithstanding, the requirements otherwise imposed with respect to sidewalks and/or curbs as set forth herein, shall be suspended when the construction, maintenance, reconstruction, repair and/or replacement of a sidewalk and/or curb as herein required shall, in the written opinion of the Engineer of the Borough, because of a unique topographical, geographical, geological, hydrological or other physical condition, character or aspect of the property or the surrounding area which is explicitly set forth in an affidavit of the Engineer, cause unacceptable or unmanageable increased water flow onto the street or other property, violate any federal or state statute rule or regulation (including, without limitation, the Americans with Disabilities Act), otherwise cause or be a threat to public safety, health or welfare, or endanger property; provided, however, that the Engineer opinion shall set forth that those reduced standards of construction, location or installation, which can be fulfilled and are the minimum deviation from the standards or requirements, while not causing any of the hereinbefore referenced adverse consequences, and the property and property owner or owners shall, nevertheless be fully responsible to comply with any such specified reduced or lessened standards. Any such instance of suspension or reduction of standards shall be subject to annual review, and any Engineer certification shall not be deemed permanent.

§ 215-15. Property owner or owners responsible for protective and warning devices.

The property owner or owners shall be responsible, when any sidewalk and/or curb shall be constructed, maintained, reconstructed, repaired and/or replaced whether on, over or through the land of such owner or owners or abutting in front of, or along any side thereof, for erecting or placing barricades, warning signs and/or warning lights as necessary for protection of the traveling public, and such owner or owners shall assume all risks and liability for all damage by reason of such work.

§ 215-16. Utility notification.

[Amended 1-8-2013 by Ord. No. 348] Before construction of new sidewalks and/or curbs or reconstruct, repair and/or replace existing sidewalks and/or curbs begins, Newport Borough Water Authority and Newport Borough Municipal Authority must be notified to provide line location in the construction area.

§ 215-17. Remedies.

[Amended 1-8-2013 by Ord. No. 348] Upon the neglect of any owner or owners to construct, in the case of new sidewalks and/or curbs, or reconstruct, maintain, repair and/or replace existing sidewalks and/or curbs and keep them in a safe and usable condition, the Borough may, after notice as herein provided, cause the construction, maintenance, reconstruction, repair and/or replacement of said sidewalk and/or curb to be done at the cost of such property owner or owners and shall collect the cost thereof, together with all charges and expenses including, without limitation, attorney fees, from such owner and or owners, and may a file a municipal lien therefore in the Court of Common Pleas or collect the same by action in assumpsit according to the Acts of Assembly of the Commonwealth of Pennsylvania pertaining thereto.

§ 215-18. Violations and penalties.

[Amended 1-8-2013 by Ord. No. 348] Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and/or to imprisonment for a term not to exceed 30 days.