

Chapter 21

Streets and Sidewalks

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Part 1**Sidewalks and Curbs****§21-101. Title.**

This Part shall be known as the “Sidewalk and Curb Ordinance of the Borough of Hatboro.”

(Ord. 784, 7/2/1987, §1)

§21-102. Definitions and Interpretation.

1. In interpreting this Part, the singular shall include the plural and the masculine shall include the feminine. The word “person” includes natural person, partnership, firm, association, corporation, or Borough authority

2. 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:

Borough—the duly incorporated Borough of Hatboro, County of Montgomery, Commonwealth of Pennsylvania, in the United States of America.

Borough Council—the duly elected members of the Borough Council of the Borough of Hatboro.

Borough official—a duly appointed official of the Borough of Hatboro designated to enforce this Part.

Curb cut— a depression in the curb grade for the purpose of permitting wheeled vehicles to cross the curb line; such as, but not limited to, driveway entrances, handicap access ramps.

Right-of-way— a public street, road or highway, lane, alley, sidewalk, or footpath officially dedicated and accepted by the Borough of Hatboro. Right-of-way shall include all that area between the legal right-of-way lines.

Sidewalk—a paved area lying between the curb line and the right-of-way or property line. Usually a fixed and proportional width of the total distance between opposite street lines, the sidewalk is public property but is maintained by the adjoining property owner at the owner’s responsibility and cost.

Street—any public street, avenue, road, square, alley, highway, or other public place located in the Borough of Hatboro and established for the use of vehicles.

(Ord. 784, 7/2/1987, §2)

§21-103. Legislative Intent.

It shall be the intent of this Part to establish standards and specifications for the construction of required sidewalks and curbs in the public rights-of-way within the Borough, and to establish requirements for maintenance and replacement as well as maintaining public access free of obstruction to all required sidewalks within the Borough of Hatboro.

(Ord. 784, 7/2/1987, §3)

§21-104. Permit/Inspection Required.

1. A permit issued by the Borough shall be required before any person can begin construction, replacement, or repair of any required sidewalk or curb; or before any installation, alteration, repair, curb cut, or removal of sidewalk or curb within the Borough of Hatboro. Application for permit shall include a full description of location, name and address of applicant and the full extent of work to be done. Opening of sidewalks and curbs for utility inspection or repair shall be controlled by the provisions of the Excavations in Right-of-Way Ordinance of the Borough of Hatboro [Part 2].

2. All construction, replacement or repair, alteration, curb cuts, or removal of any required sidewalk or curb shall be subject to inspection by the appropriate Borough official, and must meet all current Borough specifications. Defective work, or work not in accordance with Borough lines, grades, or specifications, shall be removed and replaced in accordance with Borough lines, grades, and specifications at the expense of the property owner or contractor responsible for the project. Nothing in this provision shall be construed to apply to existing sidewalks, curbs, or curb cuts which were constructed to prior specifications and have been maintained in good condition.

3. Permits shall be effective for a period of 30 days from the date of issue. No work shall be done before the issuance of a permit, except that a property owner may make necessary emergency or temporary repairs to allow safe use by the public of any damaged sidewalk or curb. Permits for permanent repair or replacement shall be applied for as soon thereafter as weather permits.

4. Fees for permits and inspections shall be set from time to time by resolution of Borough Council. Permit fees shall include required engineering costs to place stakes, etc., for lines and grades of said sidewalk or curb, when necessary.

(*Ord. 784, 7/2/1987, §4*)

§21-105. Establishment Curb and Sidewalk Requirements and of Grades, Lines, and Specifications.

1. *Construction of Curbs and/or Sidewalks.*

A. When a new street is constructed curbs shall be required. The required construction of sidewalks shall be determined by Borough Council. [*Ord. 1005*]

B. When an existing street is reconstructed to a new grade causing a reveal of more than or less 6 inches on any existing curb, and/or the street is reconstructed to a new width, new curbs shall be required. The required construction of sidewalks shall be determined by Borough Council. The cost of installation of curb and/or sidewalks on reconstructed existing streets may be placed on the abutting property owner at the direction of Borough Council. [*Ord. 1005*]

C. When a major land development plan is approved, Borough Council may require the construction or reconstruction of curbs and sidewalks along existing streets to insure compliance with current codes and standards. The cost of construction or reconstruction of curbs and sidewalks shall be the responsibility of the owner of the property being developed.

2. At the direction of Borough Council the Borough Engineer shall review submitted plans and profiles of proposed streets, gutters, curbs, and sidewalks or shall create plans and profiles for proposed or existing streets, gutters, curbs, and sidewalks

Upon acceptance of said plans and profiles by Borough Council, the included lines and grades shall become the official lines and grades for all future construction, repair, or replacement of sidewalks or curbs in the Borough of Hatboro.

3. *General Specifications.*

A. Sidewalks, curbs and driveway aprons shall be constructed in accordance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council. [Ord. 1005]

B. *Sidewalk Width Requirements.*

(1) Minimum sidewalk width for all new construction in the Retail, Commercial, Office, Highway Business, and Industrial Zoning Districts [see Chapter 27, "Zoning"] shall be 72 inches.

(2) Minimum sidewalk width for all new construction in all other zoning districts shall be 48 inches.

(3) Minimum sidewalk width for existing sidewalk repair or replacement shall be to the existing width of abutting sidewalks, and all repaired or replaced sidewalks shall be finished to existing line and grade of abutting sidewalks provided that the abutting sidewalks are at or near the specified line and grade.

C. All concrete for sidewalks and driveway ramps shall conform to Class A Cement Concrete PennDOT Form 408, §704.

D. All concrete shall be cured as per PennDOT Form 408, specifications.

E. All new sidewalk construction shall comply with handicap access provisions of the Americans with Disabilities Act.

F. There shall be a foundation of a minimum of 4 inches of compacted crushed aggregate (PennDOT Mod. 2-A) under all sidewalks in conformance with PennDOT Form 408.

4. *Curbing.*

A. Line/grade slopes shall be laid to the specifications established or approved by the Borough Engineer. All new construction shall meet existing abutting curbs at the same level as the existing curbs, unless the existing curb is substantially outside the established line/grade level. When this situation occurs, the Borough Engineer shall make a recommendation to Borough Council as to appropriate action needed to prevent a safety hazard.

B. Curbing shall be 18 inches in depth, 7 inches wide on the top and 8 inches wide at the bottom. The upper outside edge shall be finished to a radius of $\frac{3}{4}$ inch, in accordance with PennDOT plain cement concrete curb specifications.

C. Outside forms shall be metal except that wood forms may be used on sharp curves or on short sections not exceeding 4 feet.

D. All forms shall be clean when used.

E. The finished curb shall be free of voids and honeycombs.

F. Curbs shall be constructed in 10 foot lengths wherever possible. Shorter lengths may be constructed, but no length shall be less than 4 feet. Each length

shall be separated with expansion joints.

G. Curb sections removed for driveways, ramps, or replacements must be removed to a curb joint.

H. All curbs shall be poured separate of the sidewalk.

I. All curbs when poured shall have an expansion joint between the curb and sidewalk.

J. All roadway shall be replaced to specifications.

5. *Driveway Aprons.*

A. All driveway aprons that have sidewalks shall be concrete from rear of curb to back edge of sidewalk.

B. All driveway aprons shall be 6 inches minimum in thickness and meet the sidewalk and grade at curb depressions. Wire or reinforcement rods shall be required.

C. Driveway grade shall meet the sidewalk grade.

D. No driveway shall exceed 35 feet total width between tangent points of street curb at commercial installations without approval of the Borough Council.

E. No driveway shall exceed 18 feet total width between tangent points of street curb at residential installations without approval of the Borough official.

F. No driveway shall be cut beyond tangent points of radius or extend beyond curb.

G. There shall be a foundation of a minimum of 6 inches of compacted crushed aggregated (PennDOT Mod. 2-A) under all driveway aprons.

6. *Grade Requirements Where Curbs and Sidewalks Are Present.*

A. The driveway approaches shall be installed no more than 2 inches and not less than 1 inch above the adjacent roadway for the gutter grade to maintain proper drainage.

B. Driveway entrances may be extended into the sidewalk area if it becomes necessary to keep cars from scraping bottom. The apron must be sloped to the sidewalk in such a degree that it does not cause a hazard to pedestrians.

(*Ord. 784, 7/2/1987, §5; as amended by Ord. 1005, 5/23/2011*)

§21-106. Maintenance of Existing Sidewalks and Curbs.

1. Once sidewalks and curbs have been constructed, abutting property owners are required to maintain said sidewalks and curbs in a complete and safe condition at all times. Abutting property owners shall not permit the obstruction of public sidewalks by any means including, but not limited to, natural vegetation, snow, vehicles, construction materials, trash, garbage, or other debris.

2. Sidewalks may not be closed or have access restricted for any reason except as follows:

A. When an emergency condition exists which would make the sidewalk unsafe for public use.

B. When repairs are being made to the sidewalk or curb or to a water, sewer,

or utility line beneath the sidewalk.

C. When the sidewalk has been ordered closed by the Police Department or appropriate Borough official.

3. Whenever a sidewalk is closed for emergency condition or repair as permitted in subsections .2.A or .2.B, the property owner or contractor shall notify the Borough office of the reason for the closing, and the expected reopening time.

4. Borough Council or an authorized Borough official may determine that a sidewalk or curb requires repair or replacement. The abutting property owner shall be given written notice of the required repair or replacement and shall be required to make the repair or replacement within 30 days from the date of notice.

5. The Borough may grant extensions of time to make required repair or replacement. All extension will for a time specific and will be set forth in writing made by the property owner. Extension may be granted only if there is no clear or present danger or hazard to the property owner or general public. Extension may be granted for the following reasons:

A. Weather conditions that interfere with the making of repairs or replacement.

B. Combining several sidewalk/curb repairs or replacement in the same general neighborhood into one project under a single contractor.

C. In the opinion of Borough Council, the required repairs are a result of action by the Borough or an agency of the Borough, or another governmental agency. In which case Borough Council may extend the time to make repairs to explore alternative means of funding for repairs.

D. Reasonable cause.

6. All repair and replacement work must be completed in accordance with requirements of §21-105 of this Part.

(*Ord. 784, 7/2/1987, §6; as amended by Ord. 941, 9/17/2001, §106*)

§21-107. Performance of Work by Borough; Lien for Costs.

Whenever an abutting property owner fails to comply with any notice served pursuant to §21-106.4 of this Part, the Borough may cause work to be done and collect the cost thereof, together with all charges and expenses, including permit fees, and a penalty of 20 percent, from the owner of the property abutting the said sidewalk or curb, and may file a lien against the property, or take whatever appropriate legal action which may be necessary to recover said costs, expenses, charges, fees, and penalty, and may be in the best interest of the Borough. Such action shall not preclude the Borough from taking action under §21-108 of this Part.

(*Ord. 784, 7/2/1987, §7*)

§21-108. Violations; Penalties.

Any person, firm, or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a

separate offense.

(*Ord. 784, 7/2/1987, §8; as amended by Ord. 833, 12/18/1989, §8; and by Ord. 907, 9/23/1996, §21-108*)

Part 2**Street Excavations****§21-201. Title.**

This Part shall be known as the “Excavations in Right-of-Way Ordinance of the Borough of Hatboro.”

(Ord. 785, 6/1/1987, §1)

§21-202. Definitions and Interpretation.

1. In this Part, the singular shall include the plural and the masculine shall include the feminine and the neuter. The word “person” means any natural person, partnership, firm, association, corporation, or Borough authority.

2. 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.

Borough—the duly incorporated Borough of Hatboro, County of Montgomery, Commonwealth of Pennsylvania, in the United States of America.

Borough Council—the duly elected members of the Borough Council of the Borough of Hatboro.

Borough official—a duly appointed official of the Borough designated to enforce this Part.

Excavation—any activity within the right-of-way of any street, avenue, road, square, alley, highway, footpath, or other public place, which involves cutting, breaking, or disturbing the surface thereof. In this Part, the term “opening” shall have essentially the same meaning as excavation.

Fire marshal—the duly appointed Fire Marshal of the Borough of Hatboro.

Right-of-way—a public street, avenue, road, square, alley, highway, footpath, or other public place legally opened or officially plotted. Right-of-way shall include all that area between the legal right-of-way lines established by the Borough of Hatboro.

Sidewalk—a paved area lying between the curb line and the right-of-way or property line. Usually a fixed and proportional width of the total distance between opposite street lines. The sidewalk is public property.

Street—any public street, avenue, road, square, alley, highway, or other public place located in the Borough of Hatboro and established for the use of vehicles.

(Ord. 785, 6/1/1987, §2)

§21-203. Legislative Intent.

It shall be the intent of this Part to establish standards and regulations concerning the opening of streets, sidewalks, or any part of a public right-of-way, and for the restoration of opened streets, sidewalks, or rights-of-way. And, further, to protect the public and the Borough of Hatboro from unsafe conditions, hazards, and damages

accruing from work done in streets, sidewalks, and public rights-of-way.

(*Ord. 785, 6/1/1987, §3*)

§21-204. Permit Required to Make Opening or Excavation.

1. It shall be unlawful for any person to open or to make any excavation of any kind in any public right-of-way in the Borough of Hatboro without first securing a permit therefor, as hereinafter provided.

2. Application for a permit shall be made on a form provided by the Borough, and shall be submitted to an authorized Borough official at the Borough office during normal office hours. The application shall include:

A. Name, address, and telephone number of applicant.

B. Exact location of proposed opening or excavation and the approximate size or depth thereof.

C. Expected start and finish dates.

D. 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 in relation thereto, and that the applicant shall well and truly save, defend and keep harmless the Borough from and indemnify it against any and all actions, suits, demands, payments, costs, and charges for or by reason of the proposed opening or excavations, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

3. Permits shall be issued only to persons furnishing public utility services or the owner or owners of the real property adjoining the location where such opening or excavation is to be made.

4. A permit may be issued to the applicant after all the requirements therefor have been filled. If the application is disapproved, written notice of the disapproval together with reasons therefor shall be given to the applicant.

5. Blasting contractor shall be required to demonstrate evidence of insurance prior to issuance of permit and commencement of operations.

(*Ord. 785, 6/1/1987, §4*)

§21-205. Permit Fee.

1. Before any permit shall be issued to open or excavate in any right-of-way in the Borough, the applicant shall pay a permit fee to cover the cost of inspection and other incidental services in connection therewith.

2. When application shall be made to open or excavate any longitudinal opening or excavation in excess of 10 feet, before any permit shall be issued so to open or excavate, the applicant shall pay in addition to the above fee an additional fee for each 100 feet or fraction thereof.

3. Fees for permits and inspections shall be set from time to time by resolution of Borough Council. Permit fees shall include engineering costs which may be incurred by the Borough in connection with the requested application.

(*Ord. 785, 6/1/1987, §5*)

§21-206. Responsibility to Contact Utilities.

1. The work authorized by the permit is subject to all the provisions of the Act of December 10, 1974, P.L. 852, No. 287, §1 *et seq.*, as amended or supplemented from time to time. It shall be the permittee's responsibility to contact utilities that have recorded their facilities in compliance with said Act. A partial list of the utilities providing services in the Borough and their office addresses may be obtained from the County Recorder of Deeds.

2. The Borough shall give timely notice to all persons owning property abutting on any street within the Borough about to be paved or improved, and to all public utility companies, the Borough Authority and the Upper Moreland-Hatboro Joint Sewer Authority, that all such persons and utility companies shall make all water, gas or sewer connections, as well as any repairs thereto which would necessitate excavation of the said street within 30 days from the giving of such notice, unless such time is extended in writing for cause shown by the Borough Council. New paving shall not be opened or excavated for a period of 5 years after the completion thereof, except in case of emergency, the existence of which emergency and the necessity for the opening or excavating of such paving to be determined by the Borough official. If it is sought to excavate upon or open a sewer or water service within 5 years after the completion of the paving, applicant shall make written application to the Borough and a permit for such opening shall be issued only after express approval of the Borough Council.

(*Ord. 785, 6/1/1987, §6*)

§21-207. Regulations.

1. No opening or excavation in any street shall extend from the curb line into the street a distance greater than 1 foot beyond the center line of the street before being refilled and the surface of the street restored to a condition safe and convenient for travel.

2. No more than 300 feet longitudinally shall be opened or excavated in any right-of-way at any one time.

3. All openings or excavations must be backfilled prior to the contractor leaving the job site each day. No excavation shall be left open over night unless necessity can be adequately demonstrated, and permission granted by the Borough official. It shall be the responsibility of the permit holder to notify the Borough official and obtain written permission before leaving job site.

4. The work of excavation shall be so conducted as not to interfere with the water mains, sewers, or their connections with buildings or structures, or any other subsurface lines or constructions, until permission by the proper authorities in connection with such subsurface lines or constructions shall have been obtained.

5. No tunneling shall be allowed without the express approval of the Borough official and permission thereof endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough official or an inspector designated by him, and shall be done only in a method approved by him.

6. No blasting shall be allowed, nor explosive material permitted, in any excavation without prior approval by the Borough official and the Fire Marshal. Permission to blast or use explosives shall require a separate application and said operation shall meet all requirements of the current Borough fire prevention ordinance.

and shall be under the supervision of the Fire Marshal.

7. During the making of any excavation in the right-of-way, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in safe and passable condition both day and night by guards, barriers, lanterns, and other devices, and all excavating permits granted hereunder are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save; defend and keep harmless the Borough from any loss in damages, or otherwise whatsoever, which may or shall be occasioned at any time by the said excavation, or by any leak, explosion, or other injury from any pipe apparatus, conduit or any other matter placed in the said excavation.

8. All openings or excavations in any right-of-way shall be backfilled promptly with modified 2A stones and thoroughly compacted in layers, each of which layers shall not exceed 8 inches in depth. All surplus soil and debris shall be removed from the job site.

9. The permit holder shall notify the Borough official when the opening or excavation is ready for backfilling before any backfilling is done, when backfilling work is completed, when the temporary paving has been installed and when the right-of-way has been permanently restored so that inspection may be made.

10. In any street or sidewalk opening, a temporary paving of cold patch premix, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving and maintained for a period not to exceed 90 days, except that the period may be extended if weather conditions prevent completion of permanent restoration.

(Ord. 785, 6/1/1987, §7)

§21-208. Preferential Streets.

1. All streets and highways within the Borough that are designated as State roads, and Warminster Road are hereby designated to be preferential streets.

2. Permit holders for work on preferential streets shall be required to work on any project that causes interference with normal vehicular traffic flow for a minimum of 16 hours a day until the project is completed.

3. The Borough official may grant an exception to the requirements of subsection .2 if the permit holder removes all obstructions to vehicular traffic and plates any excavation, ditch or trench during the hours between 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

(Ord. 785, 6/1/1987, §8)

§21-209. Permanent Restoration; Responsibility for Maintenance.

1. Any person who shall open or excavate any right-of-way in the Borough shall thoroughly and completely refill the opening or excavation in such a manner as to prevent any settling thereafter, and shall restore the surface in accordance with the provisions of this Part and with the specifications of PennDOT which are hereby adopted as specifications of the Borough.

2. The permit holder shall complete permanent restoration of any opening or excavation in the right-of-way within 3 months after the backfill and temporary paving

has been made. Final restoration requirements shall be as follows.

A. Final restoration of concrete based streets shall be made with concrete to current PennDOT specifications. Minimum size of restored surface shall be 16 square feet.

B. Final restoration of all other streets shall be 4 inches of BC. BC base (no concrete unless required by PennDOT) with a top layer of at least 1½ inches of ID top. All BC and ID top is to overlap the undisturbed paving on either side of the excavation a minimum of 12 inches. Said joint to be sealed with hot liquid asphalt

C. Final restoration of sidewalks, driveway aprons and curbs shall be in accordance with current Borough standards as set forth in the Borough Sidewalk and Curb Ordinance [Part 1]. All sidewalks, driveway aprons and curbs must be restored in complete sections and to a line and grade of existing adjoining sidewalks and curbs.

D. Final restoration of any other portion of a right-of-way, either paved or unpaved, shall be in accordance with the directions of the Borough official.

3. If a depression occurs within 3 months after final restoration, the permit holder shall be required to rebreak the surface, apply and compact additional material as required to bring the depression to the proper grade, and then to repave, or finish as required by this Part.

4. If within 2 years after the final restoration of the surface as herein provided, defects shall appear therein resulting from defective backfilling or restoration work by the permit holder, the permit holder shall be responsible for restoration to the condition required by this Part.

(*Ord. 785, 6/1/1987, §9*)

§21-210. Financial Responsibility; Bond Required.

1. All work in connection with openings or excavations in any right-of-way, including protection, refilling, and temporary paving, shall be done by or for the person to whom the permit has been issued at his expense, and all such work shall be subject to the provisions of this Part and to the supervision and approval of the Borough official. Such supervision and control shall not in any way impose liability upon the said Borough, nor relieve the person holding the permit from liability.

2. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough official, 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 Borough official, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 20 percent to the permit holder.

3. No company, corporation, or association shall open or excavate in any right-of-way without first giving to the Borough a bond with some acceptable trust or surety company as surety in the sum of \$10,000, conditioned for the faithful performance of these provisions and also for any and all damages, claims, demands, suits, costs, and counsel fees occasioned or arising from the digging upon, opening or closing of right-of-way.

4. Payment for all work done by the Borough under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within 30 days after a bill therefor is sent to such person by the Borough. Upon failure to pay such charges within such time, the same shall be collectible by the Borough by an action in assumpsit or in the manner provided by law for the collection of municipal claims.

(*Ord. 785, 6/1/1987, §10*)

§21-211. Emergency Openings, Restrictions and Special Conditions.

1. In the case of any leak, explosion, or other accident in any subsurface pipe line, construction, or apparatus, in shall be lawful for the person owning or responsible for such pipe line, construction, or apparatus, 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 pipe line, construction or apparatus, the Borough official, 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 20 percent to such owner or person.

2. The permission herein granted does not confer upon the permittee or its contractors the right to cut, remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations, and conditions as the Borough may prescribe.

3. No new water, sewer, steam or gas main, or electric, telephone, or other utility line shall hereafter be laid or constructed, and no such existing main or line shall be extended, in any right-of-way of the Borough until the plan therefor shall have been first filed with the Borough Secretary, and such plan shall be first approved by the Borough Council. The location of any such main or line shall be at a depth of no less than 30 inches from the surface unless the locating of the main or lines at a depth of more than 30 inches from the surface is impossible or impractical.

(*Ord. 785, 6/1/1987, §11*)

§21-212. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part shall, upon conviction thereof be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 785, 6/1/1987, §12; as amended by Ord. 820, 12/18/1989, §12; and by Ord. 907, 9/23/1996, §21-212*)

Part 3**Snow and Ice Removal****§21-301. Definitions.**

As used in this Part, 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.

Business hours—hours between 9 a.m. and 5 p.m. on any business day.

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

Corporation—natural person, partnership, corporation, association, or any other legal entity.

Sidewalk—portion of a street between the curb lines, 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.

(Ord. 907, 9/23/1996, §21-301)

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

Every person in charge or control of any building or lot of land fronting or abutting on a paved sidewalk, fire hydrant, handicapped ramp, and/or curb cut 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 a path of at least 36 inches in width from so much of said sidewalk, fire hydrant, handicapped ramp, and/or curb cut as is in front of or abuts on said building or lot of land.

A. Except as provided in paragraph .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 paragraph .A hereof, cause enough sand 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 a path in said sidewalk of at least 36 inches in width.

(Ord. 907, 9/23/1996, §21-302)

§21-303. Responsibility for Removal from Roofs.

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 12 hours

after the cessation of any fall of snow, sleet, or freezing rain.

(*Ord. 907, 9/23/1996, §21-303*)

§21-304. 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.

(*Ord. 907, 9/23/1996, §21-304*)

§21-305. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine 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 continues shall constitute a separate offense.

(*Ord. 907, 9/23/1996, §21-305; as amended by Ord. 1005, 5/23/2011*)

Part 4**Underground Installation of Utility Distribution Lines****§21-401. Title.**

This Part shall be known as the “Underground Installation of Public Utility Distribution Lines Ordinance of the Borough of Hatboro.”

(*Ord. 936, 11/27/2000, §401*)

§21-402. Legal Authority.

Boroughs may define by ordinance a reasonable district in which electric light, electric power, telephone, telegraph, and other types of wires to be placed underground in conduits owned and constructed either by the Borough or by corporations owning such wires or by corporations organized for the purpose of laying such conduits and renting space therein. May 4, 1927, P.L. 519 Art. XXIII, §2303, as amended, Act of July 10, 1947, P.L. 1621, §66, 53 P.S. §47301.

(*Ord. 936, 11/27/2000, §402*)

§21-403. Legislative Intent.

It is the intent of this Part to preserve and protect the existing character and aesthetics of the downtown shopping area in the Borough of Hatboro after the 1999/2000 installation of new street lighting and to insure future utility installation will be placed underground in the conduits in place for that purpose or in new conduit or trench as required by this Part.

(*Ord. 936, 11/27/2000, §403*)

§21-404. Definitions and Interpretation.

1. In interpreting this Part, the singular shall include the plural and the masculine shall include the feminine. The word “person” includes natural person, partnership, firm, association, corporation, or Borough authority.

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

Borough—the duly incorporated Borough of Hatboro, County of Montgomery, Commonwealth of Pennsylvania, in the United States of America.

Borough Council—the duly elected members of the Borough Council of the Borough of Hatboro.

Borough official—a duly appointed official of the Borough of Hatboro designated to enforce this Part.

Contractor—any person who is contracted, employed, or appointed to perform construction, repair, rehabilitation, demolition, paving, or electrical work on any utility line in the Borough, whether it is a general contractor, subcontractor, specialty contractor, or home improvement contractor.

Distribution line—any wire, pipe, conduit, and related appurtenances including

poles and junction boxes. Distribution lines also include lateral runs and service lines to individual properties.

Downtown business area—the entire right-of-way known as York Road extending south from the north side of Summit Avenue to the south side of Horsham Road.

Person—any individual, partnership, limited partnership, association, corporation, trust, or any other legally recognizable entity.

Right-of-way—a public street, road, or highway, lane, alley, sidewalk, or footpath officially dedicated and accepted by the Borough of Hatboro. Right-of-way shall include all that area between the legal right-of-way lines.

Sidewalk—a paved area lying between the curb line and the right-of-way or property line. Usually a fixed and proportional width of the total distance between opposite street lines, the sidewalk is public property but is maintained by the adjoining property owner at the owner's responsibility and cost.

Street—any public street, avenue, road, square, alley, highway, or other public place located in the Borough of Hatboro and established for the use of vehicles.

Utility—any public or private company which owns, leases, or uses distribution lines or systems including, but not limited to, lines which carry electric light, electric power, telephone, cable, or pipes which carry gas or water or other liquids.

(Ord. 936, 11/27/2000, §404)

§21-405. General Regulations.

The Borough of Hatboro recognizes that the Pennsylvania Public Utility Commission has control and authority over rules and regulations concerning the installation, maintenance, and standards for all public utilities operating within the Commonwealth of Pennsylvania. The following regulations are not intended to counter PaPUC authority but to provide for a mutually agreeable format to insure that the legislative intent of this Part is achieved and a good working relationship between the Borough of Hatboro and public utility companies exists. Wherever there is conflict between portions of this Part and PaPUC regulation or court precedent exists, the PaPUC regulations and court precedent shall prevail.

A. Before any work is commenced on installation of any utility distribution lines in the downtown business area, the utility or contractor shall comply with the Pennsylvania Utility Line Protection Law, Act 287 of 1974 as amended by Act 187 of 1996, 73 P.S. §176 *et seq.*, and as may be amended. Further, the utility or contractor shall notify the Borough official at least 30 days prior to the expected start date of the scope of project, length of time for construction and expected completion date.

B. Before any work is commenced in preparation of installing the utility distribution lines underground, the utility company or its contractor shall provide to the Borough official an official sketch plan with ten copies for review by the Borough of Hatboro. The plans shall demonstrate a coordinated design with regard to other existing utilities or physical features.

(Ord. 936, 11/27/2000, §405)

§21-406. Compliance.

1. All public utility distribution lines in the downtown business areas are required to be placed underground.

2. Whenever the replacement or relocation of existing aboveground utility lines is required in the downtown business area, the entire line to be replaced or relocated shall be installed underground. Whenever an existing aboveground distribution line in the downtown business area needs repairs requiring replacement of 25 percent or more of the line(s), poles, or other appurtenances thereto, the entire line shall be installed underground.

3. Every utility company shall install any new distribution lines underground in the downtown business area.

4. The installation underground of all utility distribution lines shall be located in the same general vicinity as the other utility lines. Whenever possible, new lines shall be located under the pavers in the sidewalks in existing conduit installed for this purpose, except when such installation would cause a safety hazard or violate a PaPUC regulation.

5. Any tree, shrubbery, or other property improvement, including sidewalks, curbs, driveways, etc., which existed in the right-of-way prior to the start of the project that is damaged as a result of the project, shall be replaced by the utility within 30 days of completion of the project.

(Ord. 936, 11/27/2000, §406)

§21-407. Violation and Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 936, 11/27/2000, §407)

