

## **Chapter 21**

### **Streets and Sidewalks**

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**Part 1****Street Excavations****§21-101. Permit Required.**

From and after the passage of this Part, any person, firm or corporation desiring to dig into, tunnel under or tear up any part of any highway of the Borough of Ferndale, for any purpose, shall obtain a permit from the Borough Treasurer for so doing, but before such permit is granted, such person, firm or corporation shall enter into a bond with sufficient surety to the Borough of Ferndale, conditioned for the payment of the cost and expense of putting the disturbed part of such highway in proper condition, as hereinafter provided, the amount of such bond to be determined by the Borough Treasurer, and such bond to remain in force for 2 years after completion of the work and conditioned for said length of time; provided, that nothing in this Part shall operate to infringe the franchise rights of railroads and street railways to maintain their tracks and the paving of the highways along such tracks and crossings, all of which maintenance work shall be done as provided by franchise without securing permits as herein provided.

(*Ord. 210, 7/1/1938, §1*)

**§21-102. Bond Required.**

The Borough Treasurer shall issue permits for excavations as herein provided upon presentation of a bond as hereinbefore provided and upon payment to the Borough of the minimum fee as hereinafter prescribed and upon the execution of an agreement to pay to the Borough upon presentation of a bill for the same, the amount of the additional fee as hereinafter prescribed; provided, however, that in the case of a corporation, firm or company entering into a yearly bond covering the granting of permits, they may be permitted to file a yearly agreement to pay to the Borough of Ferndale the minimum and additional fees upon presentation of a bill for the same, said bill to be presented monthly.

(*Ord. 210, 7/1/1938, §2*)

**§21-103. Fees.**

Fees for permits shall be in such amounts as established from time to time by resolution of Borough Council.

(*Ord. 210, 7/1/1938, §3; as amended by Ord. 463, 7/10/2000, §3; and by Ord. 489, 10/13/2014*)

**§21-104. Withholding of Permit.**

Excepting in cases of emergency repairs the Borough Treasurer may, at his discretion, withhold the issuing of any permit on account of weather conditions, proximity of other excavations, or if the excavation for which a permit is desired will create a condition prejudicial to the public safety.

(*Ord. 210, 7/1/1938, §4*)

**§21-105. Backfilling and Repaving.**

All backfilling of excavations and repaving of roadways and sidewalks shall be done both in workmanship and material in conformity with the current standard specified by the Borough of Ferndale, and such work shall at all times be subject to the inspection and approval of the Borough Engineer or assistants and inspectors appointed by him. (*Ord. 210, 7/1/1938, §5*)

**§21-106. Backfilling Specifications.**

The backfilling of excavations shall conform to the following:

A. Sand or fine material shall be tamped in 6-inch layers upon each side and over the top of substructures to a height of 12 inches. The remainder of the backfill shall be deposited in 9-inch layers and thoroughly compacted by tamping. In no case shall the number of men shoveling exceed the number of men tamping while hand-tamping is in progress. Material for backfilling shall be free from much, rubbish or other foreign substance. Material excavated which is not suitable for backfilling shall be removed and suitable material must be provided. Stones exceeding 1 cubic foot in volume shall not be used in the backfill and individual stones shall be separated from each other by fine material thus insuring complete filling of voids. In tunnels the entire backfill shall be deposited and tamped in 6-inch layers. The removal of sheathing and shoring shall be executed in such manner as to prevent the sides of the trench from falling in and all voids caused by the removal of timber shall be filled with fine materials which shall be thoroughly compacted. Backfill shall be thoroughly flushed with water if ordered by the Borough Engineer and the use of 10 gallons of water per cubic yard of backfill may be required. The use of mechanical tampers or other equipment in backfilling of excavations shall be used upon order of the Borough Engineer and only used subject to his direction. If the highway is unpaved the backfilling shall not exceed 4 inches in elevation above the undisturbed grounds at the sides bordering the excavation and the surface of the highway over the excavation shall be maintained by the use of cinder or other approved material wherever settlement takes place.

(*Ord. 210, 7/1/1938, §6*)

**§21-107. Repaving Specifications.**

The repaving over excavations in paved roadways and sidewalks shall conform to the following:

A. Backfilling shall be completed up to the elevation of the original subgrade under the paving, then the paving shall be removed, sown to the subgrade, for a distance of 1 foot beyond the outer limits of the excavation in a roadway, and 6 inches beyond the outer limits of the excavation in a sidewalk and the pavement shall then be reconstructed in accordance with the current standard specifications for the construction of new pavements of the type removed; provided, however, that where the original pavement of the roadway consists of brick, cobble or stone-block laid without concrete base, the repaving shall be constructed with a concrete base 6 inches thick, composed of one part Portland cement, two parts approved fine aggregate and four parts approved coarse aggregate, each measured separately and accurately by volume and mixed in accordance with the specifications of the

Borough. Where the width of the excavation exceeds 30 inches then the concrete base or concrete pavement shall be reinforced with approved steel wire-mesh weighing not less than 65 pounds per 100 square feet and the reinforcing shall extend to within 3 inches of all edges of the base or pavement and shall be placed 4 inches below and parallel with the top of the concrete. All repaving work shall be done in a skillful and workmanlike manner, under the supervision of a competent superintendent or foreman, experienced in the particular type of construction involved, who shall receive and comply with all orders of the Borough Engineer or his authorized assistants or inspectors.

(*Ord. 210, 7/1/1938, §7*)

**§21-108. Notification of Resurfacing.**

Where the Borough provides by legislation for the resurfacing of any certain paved highway the Secretary shall notify all parties owning property or maintaining substructures along or beneath said highway to make any necessary installations or repairs and the repaving over trenches shall be limited to the construction of the concrete base-course as hereinbefore specified, constructed to the elevation and grade indicated by the Borough Engineer, and the construction of a surface course shall not be required.

(*Ord. 210, 7/1/1938, §8*)

**§21-109. Penalties.**

Any person, firm or corporation violating any of the provisions 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 less than \$5 nor 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. 210, 7/1/1938, §9; as amended by Ord. 489, 10/13/2014*)



**Part 2****Sidewalks****§21-201. Sidewalk Paving.**

Whenever the lines and grades of any street or streets within the limits of the said Borough and the width of the sidewalk therefor are ascertained by ordinance it shall be the duty of the owners of any lot or ground fronting thereon, without delay, to cause the sidewalk to be curbed on the outer or street line, and at the crossing of all public alleys with substantial stone, concrete, or other curbing, to be approved by the Borough Engineer of not less than 6-inch face and not less than 24 inches in depth, firmly set with the joint faced not less than 12 inches and the footway to be laid or covered upon a proper foundation with good hard-burned paving brick, smooth flagstone, or some other suitable material which has been approved by the Borough Engineer. In such matter as to make a firm, dry, and smooth sidewalk, which shall have a fall of ½-inch to the foot from the property line to the outer edge of the curbing; and which curbing of sidewalk and pavement the owners of said lot or ground shall thereafter keep in complete and constant repairs.

(*Ord. 41, 7/1/1938, §I*)

**§21-202. Repair upon Notice from Borough.**

If the owner or owners of any lot of ground abutting on any street or streets as aforesaid, shall or refuse to set the curbing, have the sidewalks, or keep the same in repair, it shall be the duty of the Street Commissioner to give said owner written notice requiring the setting of the curb, or the paving of the sidewalk or the repairing, of the same, as the case may be, within 20 days from the date of said notice, it shall be the duty of the Street Commissioner to cause the same to be curbed, paved, or repaired in accordance with the requirements of this Part, and the expenses of such curbing, paving or repaving, with 20 percent advance thereon, shall be levied and collected from such owner with costs, as is now or may hereafter be provided by law.

(*Ord. 41, 7/1/1938, §III*)

**§21-203. Paving after 1967.**

From the effective date of this Section it shall be unlawful to pave, repair or repave any sidewalk within the Borough with any material other than concrete laid 5 feet in width and 4 inches in depth; provided, however, that any repair may conform to the original paving as to its width.

(*Ord. 41, 7/1/1938; as added by Ord. 333, 10/2/1967*)

