

Chapter 21

Streets and Sidewalks

Part 1

Sidewalk Construction

- §21-101. Property Owners to Construct or Reconstruct Sidewalks and Curbs on Notice
- §21-102. Property Owners to Repair Sidewalks and Curbs on Notice
- §21-103. Sidewalk and Curb Specifications
- §21-104. Conditions for Construction and Reconstruction and Repair of Sidewalks and Curbs by Property Owners on Own Initiative
- §21-105. Sidewalks and Curbs Along Corner Lots
- §21-106. Authority for Borough to do Certain Work and Collect Cost, Plus 10 Percent, From Defaulting Property Owner

Part 2

Driveways and Encroachments

- §21-201. Definition
- §21-202. Permit Required
- §21-203. Construction Specified
- §21-204. Encroachment Prohibited
- §21-205. Unobstructed Drainage
- §21-206. Saving Clause
- §21-207. Notice of Noncompliance and Appeals
- §21-208. Authority for Borough to do Work at Expense of Property Owner

Part 3

Snow and Ice Removal

- §21-301. Snow and Ice Removal Required
- §21-302. Failure to Comply; Borough May Do Work and Collect Costs Thereof
- §21-303. Penalty

Part 4

Street Openings

- §21-401. Application to Borough Manager
- §21-402. Fee
- §21-403. Conditions of Permit
- §21-404. Reconstruction
- §21-405. Responsibilities of Permit Holder
- §21-406. Indemnification

Part 5

Naming of Streets

- §21-501. Purpose
- §21-502. Implementation and Administration
- §21-503. Guidelines and Standards
- §21-504. Enforcement

Part 1**Sidewalk Construction****§21-101. Property Owners to Construct or Reconstruct Sidewalks and Curbs on Notice.**

Every owner of property in the Borough shall, on 60 days notice from Council, construct or reconstruct a sidewalk and/or curb which shall conform to all applicable requirements of this Part in front of and alongside that property.

(*Ord. 79-1, 3/19/1979, §1*)

§21-102. Property Owners to Repair Sidewalks and Curbs on Notice.

Every owner of property in the Borough shall, on 30 days notice from Council, repair the sidewalk and curb in conformity with the requirements of the notice in front of and alongside that property.

(*Ord. 79-1, 3/19/1979, §2*)

§21-103. Sidewalk and Curb Specifications.

1. All new sidewalks and curbs shall be constructed or reconstructed of concrete or other suitable material authorized by the Borough Council, according to specifications adopted by Council from time to time. The sidewalk shall be paved to the width prescribed by Council.

2. All sidewalks previously lawfully constructed of material other than concrete may be repaired of the same material, if Council determines that the sidewalk in question is repairable, and is not in a condition requiring complete reconstruction. If complete reconstruction is ordered by Council, the reconstructed sidewalk shall conform to all requirements for new sidewalks as set out in subsection .1 of this Section.

(*Ord. 79-1, 3/19/1979, §3*)

§21-104. Conditions for Construction and Reconstruction and Repair of Sidewalks and Curbs by Property Owner on Own Initiative.

Any property owner may, on his own initiative and without prior notice from Council, construct, reconstruct or repair a sidewalk and/or curb in front of or along side his property provided that (A) he shall first make application to Council for permit for the work, which shall be issued without charge; and (B) he shall conform to all the requirements of the law and of the permit and of this Part that would have applied had he been required by Council to construct, reconstruct or repair the sidewalk or curb. Provided, in issuing the permit, Council shall specify the width, grade and lines of the paved sidewalk and/or curb, so as to conform with those of other sidewalks and curbs along the same block, or so as to establish those to which curbs and walks subsequently constructed along that block shall adhere.

(*Ord. 79-1, 3/19/1979, §4; as amended by Ord. 80-2, 7/21/1980*)

§21-105. Sidewalks and Curbs along Corner Lots.

Whenever a sidewalk or curb shall be constructed or reconstructed along the front or side of a corner lot, either on notice from Council or on the initiative of the property owner, the property owner shall be required to continue the walk or curb beyond the corner of the lot for a distance of the width of the intersecting walk on the intersecting street, so that a continuous walk and/or curb shall be provided.

(Ord. 79-1, 3/19/1979, §5)

§21-106. Authority for Borough to Do Certain Work and Collect Cost, plus 10 Percent, from Defaulting Property Owner.

Whenever any property owner shall fail, neglect or refuse to construct, reconstruct or repair any sidewalk or curb, following notice as referred to in §§21-101 or 21-102, within the time limit prescribed, the Borough shall have authority to cause that work of construction, reconstruction or repair, as the case may be, to be done, and shall collect the cost and expenses of the work, with an additional amount of 10 percent, from the property owner in default. Similarly, when a sidewalk or curb shall be constructed, reconstructed or repaired otherwise than in strict conformity to the requirements of this Part and/or any notice or permit issued under the provisions of this Part, and the property owner fails, neglects or refuses to remedy, complete or rectify the defective or incomplete work, following 10 days notice from Council to do so, the Borough shall have authority to have any work done that shall be necessary for completion, remedy or rectification, and shall collect the costs and expenses of the work, with an additional amount of 10 percent from the property owner in default.

(Ord. 79-1, 3/19/1979, §6)

Part 2**Driveways and Encroachments****§21-201. Definition.**

A driveway is any passageway for vehicles over or through any curb or sidewalk on any Borough street, said access or passageway forming a connection between such street and private property. The term “curb” in this Part shall mean the outer width limit of the carriageway and gutter, or the linear limit of an opened Borough street, i.e., end of street.

(*Ord. 80-3, 9/15/1980, §12-3002; as amended by Ord. 82-2, 6/21/1982*)

§21-202. Permit Required.

A permit is required for the construction or reconstruction of driveways. On streets exclusively Borough domain, a building permit is required. On streets which are also State highways, a highway occupancy permit must be obtained from the Department of Transportation.

(*Ord. 80-3, 9/15/1980, §12-3003; as amended by Ord. 82-2, 6/21/1982*)

§21-203. Construction Specified.

The construction of the ramp between the curb and the street shall be as specified by the Street Commissioner, determination of specification shall be based upon the relative elevations of the street, the property to be accessed and the character of the gutter. When vehicular access is practicable by means of the curb cut and ramp, the curb shall not be cut below a point 1½ inches above the base or flow line of the gutter. Where relative elevations make a curb cut impracticable, a ramp may be installed over the gutter, however, such ramp shall incorporate drainage into the gutter by means of grating or slots. Covered solid pipes are prohibited in cases where the property is higher than the street.

(*Ord. 80-3, 9/15/1980, §12-3004; as amended by Ord. 82-2, 6/21/1982*)

§21-204. Encroachment Prohibited.

Encroachment of water and/or soil on Borough streets is prohibited. Driveways shall be so constructed and maintained by property owners as to prevent water and soil from being carried onto a Borough street and to prevent soil from entering a gutter.

(*Ord. 80-3, 9/15/1980, §12-3005; as amended by Ord. 82-2, 6/21/1982*)

§21-205. Unobstructed Drainage.

Drainage of water via gutters and storm sewers shall not be obstructed by blocked or deteriorated driveway ramps, maintenance of which is the responsibility of the property owner.

(*Ord. 80-3, 9/15/1980, §12-3006; as amended by Ord. 82-2, 6/21/1982*)

§21-206. Saving Clause.

Existing driveway ramps which incorporate pipes may be retained until deterioration makes replacement, as determined by the Street Commissioner, necessary. Replacement or reconstruction shall conform to the requirements of this Part. Retention of an existing ramp does not exempt the property owner from the prohibition against encroachment.

(*Ord. 80-3, 9/15/1980, §12-3007; as amended by Ord. 82-2, 6/21/1982*)

§21-207. Notice of Noncompliance and Appeals.

Written notice of noncompliance with provisions of this Part shall be addressed to the property owner. The property owner so notified shall have 30 days in which to take corrective action or to dispute the notice by written appeal to the Borough Council.

(*Ord. 80-3, 9/15/1980, §; as amended by Ord. 82-2, 6/21/1982*)

§21-208. Authority for Borough to Do Work at Expense of Property Owner.

If, 30 days having elapsed after notice, the property owner fails to comply with the provisions of this Part, the Borough may cause the improvements to be made at the expense of the owner and may collect the cost thereof plus 10 percent from such owner and may file a municipal claim therefor or collect the same by action in assumpsit.

(*Ord. 80-3, 9/15/1980, §12-3009; as amended by Ord. 82-2, 6/21/1982*)

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

The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Borough of Troy is hereby required to remove or cause to be removed from all of the sidewalks in front or alongside of such property all snow or ice thereon fallen or formed within 12 hours after the same has ceased to fall or to form. Provided, that snow or ice that has ceased to fall or to be formed after 6 p.m. may be removed at any time before 10 a.m. the next morning. Provided, further, the owner of property shall be responsible for conforming to the requirements of this Section where such property is occupied by such owner or is unoccupied; the tenant or occupier thereof, where such property is occupied by such tenant or occupier only; and the owner thereof where the property is a multiple business or multiple dwelling property, occupied by more than one tenant.

(Ord. 2-1970, 2/23/1970, §1)

§21-302. Failure to Comply; Borough May Do Work and Collect Costs Thereof.

In any case where the owner, occupier or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of §21-301 of this Part, within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquents and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under §21-303 of this Part.

(Ord. 2-1970, 2/23/1970, §2)

§21-303. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to 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 or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2-1970, 2/23/1970, §3; as amended by A.O.)

Part 4**Street Openings****§21-401. Application to Borough Manager.**

Every person or entity wishing to open the surface of a Borough street shall apply to the Borough Manager for permission, which the Manager shall grant for all responsible purposes, upon payment of the charges set forth in §21-402.

(Ord. 3-1965, 6/28/1965)

§21-402. Fee.

Opening of a Borough street shall be paid for by the applicant as prescribed, from time to time, by resolution of Borough Council. The applicant shall make payment upon written approval received from the Borough Manager unto the Borough Secretary and shall not undertake the work, under penalty of existing State law regarding criminal mischief, until said approval and payment.

(Ord. 3-1965, 6/28/1965; as amended by A.O.)

§21-403. Conditions of Permit.

Every permit so granted shall state, as conditions for the permit, the purpose of the opening; the location and size of the opening; the dates on which work will commence and end.

(Ord. 3-1965, 6/28/1965; as added by Ord. 79-2, 3/19/1979)

§21-404. Reconstruction.

The holder of the permit shall reconstruct the street opening to Borough specifications as stated by the Borough Manager and shall maintain same to said specifications for a period of 1 year.

(Ord. 3-1965, 6/28/1965; as added by Ord. 79-2, 3/19/1979)

§21-405. Responsibilities of Permit Holder.

The holder of the permit shall be responsible for direction of vehicular and pedestrian traffic and for barriers, warning devices, signs and signals necessary for safety of the public.

(Ord. 3-1965, 6/28/1965; as added by Ord. 79-2, 3/19/1979)

§21-406. Indemnification.

The holder of the permit shall save the Borough harmless from and indemnify it against any actions, suits or demands resulting by reason of the opening or excavation.

(Ord. 3-1965, 6/28/1965; as added by Ord. 79-2, 3/19/1979)

Part 5**Naming of Streets****§21-501. Purpose.**

The purpose of this Part is to better enhance the County of Bradford E 9-1-1/Emergency Communication System and to provide for a uniform County-wide addressing system with respect to naming of streets and roadways, fabrication, erection and maintenance of street name signs, address posting requirements, enforcement procedures and assigning street or house numbers to all residences and principal buildings and businesses to assist fire, rescue, ambulance companies, law enforcement agencies, the United States Postal Service and the public in the timely and efficient provision of services to residences and businesses of Bradford County.

(*Ord. 02-2, 4/-/2002, §I*)

§21-502. Implementation and Administration.

The implementation of the uniform standards for naming streets and an addressing system is in conjunction with the County of Bradford and the Bradford County “9-1-1 Emergency Communications System.” This Part is established in conjunction with the County of Bradford in implementing and developing a “Master Street Address Guide” and coordinating, designating and naming of addresses pursuant to the street naming and address policy. Enforcement of this Part shall remain the responsibility of the Borough of Troy; however, the County of Bradford shall coordinate and assist the Borough of Troy in enforcement.

(*Ord. 02-2, 4/-/2002, §II*)

§21-503. Guidelines and Standards.

The Borough of Troy shall establish street names as chosen by the Borough of Troy or land developer or land owner and street or house numbers in accordance with the guidelines as set forth and described in Exhibit “A”¹ Bradford County Street Naming and Addressing Policy. Establishment of any street names and addresses will be coordinated with the County of Bradford pursuant to the Street Naming and Addressing Policy. Designation of street names and addresses by the Borough of Troy shall require approval of the County of Bradford so as to coordinate such designations and to comply with the County of Bradford Street Naming and Addressing Policy.

(*Ord. 00-2, 4/-12001, §III*)

§21-504. Enforcement.

1. Whenever the Borough of Troy has reason to believe there has been a violation of any provision of this Part, the Borough of Troy, or the designee of the Borough of Troy, shall give notice to the person or party failing to comply and order said person or party to take corrective action or measures within 30 days from the date of notification.

¹Editor's Note: Exhibit “A” is on file at the Borough office.

2. If such person or party fails to comply with the duly issued order, the Borough of Troy, or the designee of the Borough of Troy, shall initiate necessary actions to terminate the violation through criminal and/or civil measures.

3. *Penalties.*

A. Any violation of any provision of this Part pursuant to any criminal sanction provided by any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs. Subsequent to the 30-day period following a violation, each day of violation shall constitute a separate violation.

B. Should, pursuant to this Section, enforcement be by civil measures, any person, partnership or corporation who or which has violated or permitted the violation of any provision of this Part, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, shall pay a judgment of not more than \$600 plus all court costs. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a magisterial district judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure, at which time, in addition to any penalties, the violator shall be liable for any attorney's fees and costs incurred by the Borough. Each day that a violation continues or each Section of this Part which shall be found to have been violated shall constitute a separate violation.

4. The Borough of Troy shall have the authority and option, per agreement with Bradford County, should both parties choose to do so, to designate Bradford County as designee for the purposes of enforcement.

(*Ord.02-2, 4/-/2002, §IV*)