

## **Chapter 21**

### **Streets and Sidewalks**

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**Part 1****Street Openings****§21-101. Cutting or Digging into Paved Roads Prohibited.**

It shall be unlawful for any person or persons, firm or corporation to cut or dig open the paved roadway of any public street within the Borough without first applying for and obtaining a permit from the Borough of Dauphin.

(*Ord. 83-1, 7/5/1983, §1*)

**§21-102. Application for Permit.**

The application for the required permit shall be made by such person or persons, firm or corporation (hereinafter "applicant") in writing on the form prescribed or approved by the Chairman of the Street Committee and shall be signed by an authorized representative of the applicant. Said application shall set forth the location and description of the premises for (which said cut or opening is to be made and the name of the owner thereof, the dimensions and purpose of the proposed cut or opening, and the approximate time required to complete the work. In addition, the applicant shall furnish to the Borough the method of traffic control, including signing and lighting, and shall furnish proof of insurance coverage for such street cutting activities. Payment shall accompany the application based upon an amount as established from time to time by resolution of Borough Council.

(*Ord. 83-1, 7/5/1983, §2; as amended by Ord. 2012-03, 12/4/2012*)

**§21-103. Requirements of Applicant.**

1. It shall be the responsibility of the applicant to promptly restore any and/or all roadway cuts to original condition or better. All trenches shall be backfilled to the bottom of original subgrade with 2-A modified materials, same to be compacted in layers not exceeding 8 inches in depth. Following backfilling to subgrade, the roadway shall be neatly cut to a minimum of 6 inches (or as determined by the Borough) on both sides of the trench and this width shall then be removed and the entire cut shall then be filled with bituminous base materials and topped with a 1½-inch wearing course material. All joints shall then be sealed with an approved material acceptable to the Borough.

2. It shall be the responsibility of the applicant to maintain the restored roadway in a condition acceptable to the Borough for a period of 2 years. Failure to perform said maintenance shall be performed by the Borough and the cost thereof shall be assessed to the applicant. The applicant shall have 30 days to pay said maintenance costs after which the Borough shall utilize the due course of law to collect same.

(*Ord. 83-1, 7/5/1983, §3*)

**§21-104. Penalties.**

Any person, firm or corporation who shall violate any provision 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

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Criminal Procedure, shall 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 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. 83-1, 7/5/1983, §4; as amended by Ord. 2012-03, 12/4/2012*)

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**Part 2****Construction and Repair of Sidewalks and Gutters****§21-201. General.**

All pavements and gutters abutting on premises in the said Borough must be built and maintained by the property owner, material to be used must be brick or concrete, the concrete to be finished with rough surface the slope for drainage shall be  $\frac{1}{4}$  of an inch to the foot and pavement not less than 6 feet wide except where it is impossible to do so.

(*Ord. 1931-2, 4/21/1931, §1*)

**§21-202. Notice of Noncompliance.**

When any owners or their agents of properties are notified by the proper authorities of the Borough to build a new pavement or gutter or repair an old one and do not comply with same inside of 30 days notice from the Burgess, the Borough authorities will have the same constructed or repaired and a bill of costs presented to property owner and if not paid in a reasonable time the amount with 10 percent and all costs will be recovered from such owner according to law in such cases.

(*Ord. 1931-2, 4/21/1931, §2*)

**§21-203. Roof Drainage from Houses and Other Buildings.**

In construction of new pavements or repairs to old ones the roof drainage from houses or other buildings where possible is to be conducted underneath the surface of pavement to gutter along outer edge of pavement.

(*Ord. 1931-2, 4/21/1931, §3*)

**§21-204. Plan Approval and Permit.**

No person or corporation shall repair, construct or reconstruct any porch or sidewalk provided plans are not first submitted to and approved by the proper authorities of the Borough. If Borough Council approves plans a permit will be granted so to do, or if it is necessary to use part of a street for building material used in the erection of new buildings or repairing of old ones or to be used for pavements or gutters a permit must be obtained from the Borough authorities granting privilege to do so under certain conditions and restrictions as to the safety of the traveling public.

(*Ord. 1931-2, 4/21/1931, §5*)

**§21-205. Obstruction of Roadways.**

No person or persons are allowed to park his or her automobile or other vehicle within 15 feet of a fire hydrant or street intersection, or obstruct any street, alley, or pavement with boxes, barrels, cases, ashes, or any vehicle, automobile or any other obstruction (except when granted permission by authorities of Borough to use a part of width of street or alley for building material to be used in a specified time).

(*Ord. 1931-2, 4/21/1931, §6*)

**§21-206. Penalties.**

Any person, firm or corporation who shall violate any provision 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 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. 1931-2, 4/21/1931; as added by Ord. 2012-03, 12/4/2012)*

**Part 3****Snow and Ice Removal from Sidewalks****§21-301. Timely Removal from Sidewalks.**

From and after the passage of this Part, it shall be the duty of each and every person, firm, corporation or incorporated or public institution using or occupying in any manner or for any purpose whatsoever any house, store, shop, tenement or building of any kind and for any use, and of persons having charge of churches and public buildings of every description within the limits of the Borough of Dauphin, and of owners of unoccupied houses or vacant lots situated on any street or alley having pavements or sidewalks, to remove or cause to be removed from the pavements or sidewalks in front of the premises, any snow, hail, sleet or ice, within 12 hours after the same may have ceased to fall or be formed thereon.

*(Ord. 74-4, 2/12/1974, §1)*

**§21-302. Removal in Case of Noncompliance.**

If any snow, hail, sleet or ice shall not be removed from any sidewalk or pavement as prescribed by §21-301, the Director of Streets and Public Improvements shall remove or cause to be removed such snow, hail, sleet or ice and the owner or occupier of such real estate failing to comply with the provisions of this Section shall be fined as prescribed in §21-304 and shall in addition thereto pay the costs and expenses of removing such snow, hail, sleet or ice.

*(Ord. 74-4, 2/12/1974, §2)*

**§21-303. Dumping from Sidewalks in Streets.**

It shall be unlawful for any person to deposit or dump or cause to be deposited or dumped within the lines of any public cartway, any snow, ice, sleet or hail which has been gathered or removed from any sidewalk adjacent thereto.

*(Ord. 74-4, 2/12/1974, §3)*

**§21-304. Penalties.**

Any person, firm or corporation who shall violate any provision 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 \$10 for the first violation and a fine of not less than \$25 for the second violation and subsequent violations 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. 74-4, 2/12/1974, §4; as amended by Ord. 2012-03, 12/4/2012)*

