

ARTICLE 909
Curbs and Sidewalks

EDITOR'S NOTE: Resolution 57-1996, passed March 19, 1996, established curb and sidewalk permit fees.

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CROSS REFERENCES

Power to compel sidewalk construction - see 3rd Class §3001
(53 P.S. §38001)

Notice to property owners abutting improved streets - see
S.U. & P.S. 905.03

Snow removal - see S.U. & P.S. Art. 911

Planting trees along sidewalks - see S.U. & P.S. 913.09

Subdivision curbs and sidewalks - see P. & Z. 1397.03

a) No person whether as owner or contractor shall lay or repair, or begin the laying or repairing, of any curb or sidewalk, whether such curb or sidewalk is constructed or to be constructed on the highway or back from such highway, unless a permit therefor has first been obtained as hereinafter provided.
(1944 Code Ch. 29 §5.)

(b) "Repair" as used in this article means the demolition or removal of a portion of the old curb or sidewalk and relaying same with new material.
(Ord. 3-1996 §1. Passed 3-19-96.)

909.02 PERMIT FEE.

(a) The fee for a curb and sidewalk permit shall be as set by Council resolution and shall be paid at the time application is made therefor.

(b) Where work for which a permit is required by this Code is started prior to obtaining the required permit, the fee shall be double: the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work or from any other penalties prescribed herein.

(c) Individual permits are required for curb and/or sidewalk replacement performed for each property, unless the work is determined by the Building Official to be treated as one project in which case one permit may be issued.
(Ord. 3-1996 §2-4. Passed 3-19-96.)

909.03 PERMIT TERM AND EXPIRATION.

Permits are to be granted for a month period. If, at the end of the period any further use of the public right-of-way is required another permit shall be obtained in the same manner and under the same circumstances as to fees, periods, etc., as in the case of an original permit. (Ord. 3-1996 §5. Passed 3-19-96.)

909.04 APPLICATION, INVESTIGATION AND APPROVAL.

(a) No permit shall be issued unless an application therefor to the Building Official is made in writing and signed by applicant or by a duly authorized agent or contractor and accompanied by a bond in the sum of five thousand dollars (\$5,000.00) payable to the City, conditioned upon the compliance of the applicant with City ordinances in reference to the laying of sidewalks and curbs. The bond shall have sufficient surety thereon and the bond and surety thereon shall be subject to the approval of the Building Official. The application shall contain all the information needed to enable the Building Official to ascertain the exact location, extent and character of the work. The Building Official shall investigate such application and unless the work would be in violation of law or ordinance or create a public safety concern, shall issue a permit. If, in the opinion of the Building Official, the work would be in violation of law or ordinance, he shall at once refer the application to Council, which shall pass upon such application subject to all conditions herein specified.

(b) Upon placing forms, the person building the curbs and/or sidewalks shall contact the Building Official for an inspection. Cement shall not be poured until an inspection has been performed. (Ord. 24-2006. Passed 4-18-06.)

909.05 HANDICAPPED RAMPS REQUIRED.

All curbs and sidewalks at intersections of streets, avenues or other pedestrian crossings in the City which are being constructed, reconstructed or altered for any reason shall provide curb cut ramps for the handicapped in accordance with the current specifications promulgated by the City Engineer. (Ord. 3-1996 §9,10. Passed 3-19-96.)

909.06 PROPER GRADE AND LINE TO BE OBTAINED.

Any person installing or repairing curb or sidewalk shall notify the Building Official forty-eight hours prior to a concrete pour for inspection of the grade and line to be established. If the person performing the work is unclear as to what/how the grade should be established, they must indicate this when notifying the Building Official of the concrete pour so that the Official can be prepared to answer these questions. In any case, the specifications promulgated by the City Engineer must be complied with where, physically possible. (Ord. 3-1996 §11. Passed 3-19-96.)

909.07 LAYING WITH IMPROPER GRADE OR SLOPE.

(a) Whenever any sidewalk shall be laid or relayed within the City the grade or slope of such sidewalk from property line to curb or gutter, shall be in compliance with the specifications promulgated by the City Engineer where physically possible.

(b) Any sidewalk which is laid or relayed in disregard of or in nonconformity with such grade, is hereby declared to be public nuisance, and shall be abated by the Building Official who shall require the sidewalk to be removed and relayed to the proper grade. The entire costs and expenses of such removal and relaying, with a penalty of ten percent (10%) of such cost and expenses added thereto, shall be recoverable from the owner of the property along which such sidewalk was removed and relayed, to be collected in like manner as similar debts are now by law collectible. (Ord. 3-1996 §12. Passed 3-19-96.)

909.08 CHANGE OF MARKS OF GRADE OR LINE.

No person shall change or remove any stake, stone or mark or other designation by which any grade or line so given is indicated. (1944 Code Ch. 29 §12.)

909.09 STORAGE OF MATERIALS; RESTORATION.

(a) No person without a curb and sidewalk permit shall store any materials used in the construction of curbs and sidewalks on or within the public right-of-way.

(b) With a permit, materials used in construction may be stored immediately in front of the premises in question, and if the owners thereof shall give their consent, in front of one adjoining property on each side thereof. Such construction material shall in no case extend toward the center of the public right-of-way more than eight feet from the curb line where an existing marking lane exists. If parking is permanently prohibited within the area of construction, no encroachment into the cartway is permitted.

(c) No construction material, nor temporary structure, shall be permitted to obstruct the free flow of water in the gutter or along the curb or in front of fire plugs. No construction material or any temporary structure shall be placed on any public right-of-way until the same in each instance becomes necessary, nor shall the same nor any rubbish be permitted to remain on any public right-of-way longer than shall be absolutely necessary.

(d) It is hereby made the duty of the Bureau of Permits, Licenses, and Inspections to see that these provisions are strictly complied with and to have removed at the cost of the owner or contractor all unnecessary obstructions in the public right-of-way after forty-eight hours' notice. After the use of the public right-of-way under any permit, the public right-of-way shall be restored to its original condition.
(Ord. 3-1996 §13. Passed 3-19-96.)

909.10 MIXING CONCRETE.

The mixing of concrete shall not take place upon the surface of the street, but a proper platform or covering sufficiently tight to keep mixture from surface of street shall be provided by owner or contractor. (1944 Code Ch. 29 §14.)

909.11 SAFETY PRECAUTIONS; LIGHTS AND BARRICADES.

All work or storage of materials or equipment within the cartway must be in compliance with current PA DOT requirements, specifically, Publication 203, Work Zone Traffic Control.
(Ord. 3-1996 §14. Passed 3-19-96.)

909.12 INTERSECTION CONSTRUCTION.

All intersections must be constructed or reconstructed to be in conformance with the current ADA (American with Disabilities Act) requirements. In addition the intersection should, in general, be established to be the largest radius possible given all existing structures and physical restraints. As a general rule, intersections with alleys should have a radius not less than ten feet and intersections of two streets should have a radius not less than twenty feet. (Ord. 3-1996 §15. Passed 3-19-96.)

909.13 DRAINS OR GUTTERS FROM DWELLINGS TO GUTTERS.

Cross drains of gutters, running from dwelling to curb or gutters, shall be eighteen inches in width and have a depression in the center not to exceed one and one-half inches. Such gutter shall give a gradual slope from side to center. Trench drains are incorporated and may also be required by the Building Official for this purpose; however, the specifications and shop drawing of the proposed type must be submitted to the Building Official to assure that it will provide a long term safe pedestrian walkway.
(Ord. 3-1996 §16. Passed 3-19-96.)

909.14 RULES AND REGULATIONS.

(a) The City Engineer shall promulgate rules and regulations governing the materials used and the manner of sidewalk and curb installation and repair.

(b) No person shall install or repair any sidewalk or curb except in accordance with City ordinances and specifications promulgated by the City Engineer.

909.15 PERMIT REVOCATION.

Every permit issued hereunder shall be conditioned on faithful compliance with all of the provisions of this article. Any failure to so comply with such provisions shall be cause for revocation of such permit.
(1944 Code Ch. 29 §19.)

909.16 (RESERVED FOR FUTURE LEGISLATION.)

909.17 (RESERVED FOR FUTURE LEGISLATION.)

909.18 (RESERVED FOR FUTURE LEGISLATION.)

909.19 OBLIGATIONS OF PROPERTY OWNERS.

Owners of property abutting on any public street or highway within the City, shall at their expense, construct, pave, curb, repave and recurb the sidewalks and keep them in good repair along such property, in conformity with existing City ordinances.
(Ord. 9-1945 §1.)

909.20 LIENS.

Upon failure of property owners to construct, pave, curb, repave and recurb such sidewalks upon written notice by the Building Official, the same may be done by the City and the expense thereof, plus a penalty of ten percent (10%) of such expense, may be levied and collected from such owners. Such amount shall be a lien upon the premises and shall bear interest at the rate of six percent (6%) per annum from the time of the completion of the work, which to date shall be fixed by certificate of the Building Official filed with the City Clerk, and may be collected by action at law, or such lien may be filed and proceeded in as provided by law in the case of municipal liens.
(Ord. 3-1996 §18. Passed 3-19-96.)

909.21 CONSTRUCTIVE SERVICE.

If the owner of such property cannot be served with notice within the County of York, notice may be served upon the agent of the owner, or the party in possession, if any there be, or if there be no agent or party in possession, the notice may be served by posting upon the most public part of such premises.
(Ord. 9-1945 §3.)

909.98 DUTIES AND RESPONSIBILITIES.

All duties and responsibilities assigned to the Building Official within this article may also be undertaken by a designee of the Building Official.
(Ord. 3-1996 §19. Passed 3-19-96.)

909.99 PENALTY.

Any property owner who neglects to construct, pave, curb or recurb the sidewalk along his property, or repair the same within thirty days after service of written notice, or any person who violates any provision of this article, shall upon conviction be fined not more than one thousand dollars (\$1,000) and costs of prosecution, and in default of payment thereof be imprisoned for not more than thirty days (30 days).
(Ord. 1-2009. Passed 1-6-09.)