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CHAPTER 24

STREETS AND SIDEWALKS

Part 1

Snow and Ice Removal from Sidewalks

§101. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

- (a) Business Day – any day not a Sunday or a national holiday.
- (b) Business Hours – hours between 9:00 A.M and 5:00 P.M. on any business day.
- (c) Corporation – natural person, partnership, corporation, association, or any other legal entity.
- (d) Person – natural person, partnership, corporation, association, or any other legal entity.
- (e) 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.

§102. Responsibility for Removal of Snow and Ice; Time Limit. Every person in charge or control of any building or lot of land fronting or abutting on a paved cement or concrete sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear way or cause to be removed or cleared away, snow and/or ice from a path of at least thirty inches (30”) in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

(a) Except as provided in subsection (b) below, snow and ice shall be removed from sidewalks within twelve (12) hours after the cessation of any fall of snow, sleet or freezing rain.

(b) In the event snow 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 subsection (a) above, 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 thirty inches (30”) in width.

§103. 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 twelve (12) hours after the cessation of any fall of snow, sleet, or freezing rain.

§104. 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 or unloading areas of a public transportation system, except that snow and ice may be mounded by the Borough on public cartways incident to the clearing of sidewalks in business districts.

§105. Authority for Borough to Remove at Expense of Defaulting Owner, Occupant or Tenant of Property. In any case where an owner, occupant or tenant fails, neglects or refuses to comply with any provision of Section 102 or 103 within the time limit prescribed in those sections, Borough authorities may proceed immediately to clear all snow or ice from the sidewalk of that delinquent, and to collect the expenses of the work, with any additional amount allowed by law, from that owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under Section 108 below. (Ord. No. 1979-1, 2/13/1979, Sec. 2)

§106. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§107. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

§108. Penalty for Violation. Any owner, occupant or tenant who fails to remove any snow or ice from any sidewalk, as required by Section 102, or from any roof as required by Section 103 or from any fire hydrant as required by Section 104, shall, upon conviction, be sentenced to pay a fine of not less than Fifty (\$50) Dollars and nor more than Three Hundred (\$300.00) Dollars and costs of prosecution, and, in default of payment of fine and costs, to imprisonment for not more than ten (10) days. (Ord. No. 1979-1, 2/13/1979, Sec. 3, as amended by Ord. No. 4-1994, Sec. 1)

Part 2
Regulation of Original Construction and Repair of Sidewalks

§201. Construction and Repair Required. The Borough may require owners of property abutting on any street, including state highways, to construct, pave, repave, pour, and repair the sidewalk, curb and gutter along such property, at such grades and under such regulations as may be prescribed by the Borough, indicated by Section 203 below.

§202. Supports under Sidewalks and Curbs. Where sidewalks or curbs are to be constructed, paved, repaved, poured, or repaired over coal cellars or other excavations, such sidewalks shall be supported by iron and steel beams, girders, stone or concrete arches. Any support of wood or perishable material shall be prohibited.

§203. Conformity to Line and Grade Specifications. All sidewalks, curbs and gutters shall be constructed, paved, repaved, poured, or repaired, upon the line and grade obtained by the property owner from the Borough, and shall be constructed in accordance with the following requirements:

§204. Notice to Do Work. Notice to construct, pave, repave and repair sidewalks, curbs or gutters shall be given registered or certified mail to abutting property owners, and such owners shall have sixty (60) days to comply with said notice in conformity with any construction specification prescribed by the Borough, including Section 203 above.

§205. Inspection. At any time during the performance of the required work, the Borough or the Code Enforcement Officer may inspect the work to determine whether construction specifications such as those in Section 203 above are being observed.

§206. Municipality May Do Work and Collect Costs. Upon the failure of any property owner to construct, pave, repave, pour, or maintain any sidewalk, curb or gutter in compliance with notice to do so, the Borough may do the same or cause the same to be done, and may levy the cost of its work on such owner as a property lien to be collected in the manner provided by law.

§207. Emergency Repairs. Where in the opinion of the Code Enforcement Officer a dangerous condition exists that can be repaired, the Borough shall send such property owner notice by registered or certified mail stating emergency repairs are required. Upon failure of such owner to comply with the notice within forty-eight (48) hours after receiving it, the Borough may make emergency repairs, and levy cost of its work on such owner as a property lien to be collected in the manner provided by law.

§208. Construction and Repair Done on Owner's Initiative without Notice. Any property owner not required by notice to construct, pave, repave, pour, or keep in repair sidewalks, curbs or gutters, may construct, pave, repave or repair the sidewalk, curb and gutter abutting his or her property; provided, such owner shall make application to the

Code Enforcement Officer before commencing work, shall conform to the provisions of this ordinance and other regulations as to specifications for construction and repair work and shall notify the Code Enforcement Officer within two (2) days after completion of work.

§209. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§210. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

§211. Penalty. Whosoever violates any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment to be imprisoned for a period not to exceed thirty (30) days. Each day a violation continues shall constitute a separate offense.

Part 3

Regulation of Construction and Improvement of Streets and Highways

§301. Regulations on Construction and Width of Streets. From and after the passage and approval of this Ordinance, the following regulations shall govern the width and construction of all street and highways in the Borough whether the same be built and constructed by the Borough, or constructed by private persons, firms or corporations within the limits of the Borough.

(a) Grades. The street grades shall be submitted to the Borough Engineer or Code Enforcement Officer for approval.

(b) Preparation of Streets for Paving.

(1) Where slopes, fills, embankments, walls or culverts are necessary and required, the same shall be presented to the Borough Engineer or Code Enforcement Officer for approval.

(2) Sanitary sewers shall not be constructed or laid until a permit shall be secured from the Commonwealth of Pennsylvania and plans approved by the Borough Engineer or Code Enforcement Officer.

(3) Storm sewers shall be constructed under the supervision of the Borough Engineer or Code Enforcement Officer only after the plans, size of pipe, pipe material, etc., have been approved by the Borough.

(4) All water, gas, steam pipes or conduits shall be laid prior to street construction, and the laterals, branches or extensions of same shall be extended to the inside lot line of the curb under the supervision of the Borough Engineer or Code Enforcement Officer.

(c) Street Width. The paved surface of streets between curbs shall not be less than thirty (30) feet.

(d) Street Construction.

(1) Where bituminous concrete shall be permitted for use as street surfacing, it shall be in combination with reinforced cement concrete; an eighteen (18) inch reinforced cement concrete gutter shall be laid on each side of said street adjoining and inside the reinforced cement concrete bow-type curb.

(2) All newly constructed curbs shall be the box-type and constructed of reinforced concrete or shall be the extruded-type constructed of precast concrete and securely fastened to the ground.

(3) All streets shall be constructed with the materials, and in accordance with the methods and requirements as set forth under current specification of the Commonwealth of Pennsylvania Department of Transportation.

(e) Bonds. A labor and material, and a maintenance bond for a period of two (2) years, shall be furnished by every contractor in favor of the Borough prior to all street construction.

§302. Manner of Assessment of Work Costs. Every public highway, street, avenue, land or alley or part thereof and the sidewalks thereof when included as part of the improvement, the setting of curbstones and the providing for the drainage thereof, may be graded, paved and otherwise improved; and notice of payment of the cost and expense of the same shall be given to the owners of the real estate bounding and abutting along the line of said improvement. Said cost and expense, upon the abutting real estate, shall be assessed in accordance with the foot-front or benefit rule as is provided by law.

§303. Time Limit for Payment of Assessments. Any assessment authorized under this ordinance shall be paid either in full, within sixty (60) days after notice of such assessment shall have been given to the party assessed, or in four (4) equal semiannual installments, the first of which shall be due and payable within sixty (60) days after such notice. All assessments, whether paid in full or in installments, shall be payable to the Borough Treasurer.

§304. Collection of Delinquent Assessments of Installments. If any assessment authorized under this ordinance shall not have been paid in full, or if any installment payment of one-fourth (1/4) the total amount of such assessment shall not have been made within sixty (60) days after notice shall have been given to the party assessed, the entire assessment shall be due and it shall be the duty of the Solicitor to collect the same, with interest from the date of the completion of the improvement, in any manner provided by law.

§305. Installment Payment Procedure. In case the party against whom an assessment shall have been made under this ordinance shall have paid an installment of one-fourth (1/4) of the total amount thereof within thirty (30) days after notice of such assessment, such party shall pay the remaining three-fourths (3/4) of such assessment in three (3) subsequent annual installments, the first of which shall be due within six (6) months after the first installment became due and the remaining installments shall become due at six (6) month intervals thereafter. All such installments shall bear interest at the rate of six percent (6%), per annum, commencing thirty (30) days after the notice of total assessment referred to in section 302.

§306. Property Owners to Lay Branch Pipes and Connect with Sewer, Water and Gas Lines Before Street Improvement. Whenever the Borough is ready to pave or improve any street, or part thereof, the owners of all properties, improved or unimproved, abutting upon such street or part thereof, upon ten (10) days' notice, are hereby required,

at their own expense, before the paving or improvement thereof, to connect their respective properties with all sewer, water and gas lines laid along said street, by laying branch pipes from said main lines to the curb.

§307. Authority for Borough to do Work and Collect Cost, Plus 10%, 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 Section 301 or 302, 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%, 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 Ordinance and/or any notice or permit issued under the provisions of this Ordinance, and the property owner fails, neglects, or refuses to remedy, complete or rectify the defective or incomplete work, following 10 days notice from Borough 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% from the property owner in default.

§308. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§309. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

Part 4

Regulation of Curb Cuts and Construction of Driveways.

§401. Width of Driveways. All private driveways hereafter constructed across any pavement shall be of a width not less than eight (8) feet and the curb shall be curved back to the street edge of the foot walk on a radius of one and one-half (1 ½) feet.

§402. Permit Required. Before any private driveway may be constructed across a sidewalk and before any curb cut may be made, a permit shall be obtained from the Borough Code Enforcement Officer. All driveways shall be laid according to specifications furnished by the Borough at the time the permit is granted.

§403. Fee. The fee for a driveway or curb cut permit shall be fixed pursuant to a Resolution of the Borough.

§404. Sidewalk not to be Disturbed. All paved portions of the sidewalk must not be disturbed, and the height and grade of the sidewalk must remain the same as before the driveway was constructed. The balance of the pavement shall remain at the same height and grade as before the construction of the driveway.

§405. Rectification of Improper Work. In case any person shall construct a driveway or a curb cut and shall not conform to the requirements of this Ordinance, the Borough Code Enforcement Officer may order such person, firm or corporation to remove the improper work and replace the same in compliance with this Ordinance. Notice to remove and replace improper work shall be given by registered or certified mail, and shall state that the person, firm, or corporation shall have sixty (60) days from receipt of the notice to comply therewith. Upon non-compliance, the Borough may do or cause the requested repairs to be done and may levy the cost of its work on such owner as a property lien to be collected in any manner provided by law.

§406. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§407. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

§408. Penalty. Whosoever violates any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment to be imprisoned for a period not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

Part 5
Restriction for Driving Vehicles over Curbs and Sidewalks

§501. Procedure for Driving on Curbs or Sidewalks. It shall be unlawful for any person, persons, firm or corporation, to drive or cause to be driven any vehicle on, over and across any curb or sidewalk before first obtaining permission of the abutting property owner, and the placing of a proper platform, covering or other device for the protection of the sidewalk.

§502. Report Required of Damage to Curbs or Sidewalks. Any depression, break or damage caused to any curb or sidewalk by any vehicle or by any other agency shall be reported to the Borough within twenty-four (24) hours after the damage has occurred, and emergency repairs must be made by the property owner, tenant or agent within forty-eight (48) hours after such report.

§503. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinances or parts thereof are specifically repealed:

§504. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

§505. Penalty. Whosoever violates any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment to be imprisoned for a period not to exceed thirty (30) day. Each day that a violation of this ordinance continues shall constitute a separate offense.

Part 6
Prohibition on Befouling Streets

§601. Proper Operation of Vehicles. Any vehicle transporting or carrying soil, sand, stone, dirt, debris, refuse, litter or other substance of any kind, including liquids and chemicals over streets and alleys and thoroughfares shall be so operated as to prevent said material from being scattered, spilled, dropped or blown from the vehicle or from the wheels, tires, or undercarriage thereof.

§602. Befouling of Streets Unlawful. It shall be unlawful to scatter, spill, dump or drop, or permit to be scattered, spilled, dumped or dropped, any soil, sand, stone, dirt, debris, refuse, litter or other substance of any kind, including liquids and chemicals, from any vehicle or from the wheels, tires, or undercarriage thereof, upon streets, alleys and thoroughfares within the Borough.

§603. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§604. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

§605. Penalty. Whosoever violates any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment to be imprisoned for a period not to exceed thirty (30) day. Each day that a violation of this ordinance continues shall constitute a separate offense.

ORDINANCE NO. 4 of 2016

BE IT ENACTED AND ORDAINED BY THE BOROUGH OF WHITE HAVEN, LUZERNE COUNTY, PENNSYLVANIA, and it is hereby enacted and ordained by authority of the same, that:

Chapter 24, Streets and Sidewalks, Part 7, Prohibition of Obstruction of Sidewalks by Vendors is amended as follows:

Section 702, Restriction on Sidewalk Sales, is amended as follows:

“a. Except as hereinafter provided, it shall be unlawful for any vendor of groceries, fruits and produce, or any kind of foodstuff or merchandise, except peddlers duly licensed or authorized and farmers, to store, display, exhibit or sell their wares on public highways, including the sidewalk or cartway, or any portion thereof, or to make use of the sidewalk or cartway or any portion thereof, as a place for salespersons, clerks or customers to stand while transacting business, or in any way to obstruct the sidewalk or cartway, or any portion thereof, and prevent the free use of the same by the general public.

b. Retail Merchants located in the business district on Main Street in the Borough may have a sidewalk sale from time to time that occupies the public right-of-way which is an extension of the primary business of the adjoining property. Any items occupying the public right-of-way must be placed on the side of the right of way nearest to the merchant’s business. A minimum of three (3) feet of clear walkway must be maintained at all times on the sidewalk and all Federal ADA guidelines must be complied with. There can be no sidewalk sales during Municipal sponsored or sanctioned events unless the Borough permits said activity.

c. Permissible items include merchandise, tables, chairs, display racks, and signage.”

Section 703, Illegal to Obstruct Sidewalks, subsection (c) is added to read as follows:

“a. Except as hereinafter provided, it shall be unlawful to put or place any box, boxes, barrels, merchandise or other articles that obstruct the free use of any sidewalk upon any of the sidewalks, except articles temporarily placed thereon for the purpose of loading or unloading, removing or storing away.

b. Retail Merchants located in the business district on Main Street in the Borough may display merchandise in the area that occupies the public right-of-way which is an extension of the primary business of the adjoining property. Any items occupying the public right-of-way must be placed on the side of the right of way nearest to the merchant’s business. A minimum of three (3) feet of clear walkway must be maintained at all times on the sidewalk and all Federal ADA guidelines must be complied with.

There can be no displays of merchandise during Municipal sponsored or sanctioned events unless the Borough permits said activity.

c. Restaurateurs may have outdoor dining that occupy the public right-of-way adjoining its property. Any outdoor dining tables, chairs, or any other items occupying the public right-of-way must be placed on the side of the right of way nearest to the restaurateurs' business. A minimum of three (3) feet of clear walkway must be maintained at all times on the sidewalk and all Federal ADA guidelines must be complied with. There can be no outdoor dining during Municipal sponsored or sanctioned events, unless the Borough permits said activity. For locations of outdoor dining within any historic district as established by the Borough of White Haven, the furnishings and equipment, if any, for outdoor dining shall be subject to review by the Borough Council.

d. No person shall dispense alcoholic beverages unless they have been issued a Restaurant or Liquor License by the Pennsylvania Liquor Control Board and have received Pennsylvania Liquor Control Board approval for sales outside their premises.

e. No products shall be stored or displayed nor trash receptacles placed on the sidewalk, street, or any adjacent outside area by any Merchants or Restaurateurs overnight and/or after the Merchants' or Restaurateurs' normal business hours.

f. No permanent structures shall be displayed, erected or placed on the sidewalk, street, or any adjacent outside area by any Merchants or Restaurateurs.

g. Permissible items include merchandise, tables, chairs, racks, and signage along with rental items including bicycles and rafts."

These amendments shall take effect immediately upon its adoption, the date being indicated below.

ENACTED AND ORDAINED THIS 29th DAY OF June,
2016, BY WHITE HAVEN BOROUGH COUNCIL.

ATTEST:

WHITE HAVEN BOROUGH
COUNCIL:

[Signature]
Manager

BY: [Signature]
President

APPROVED THIS 29th DAY OF June, 2016.

Mayor

CERTIFICATE

I, Linda Szoke, the undersigned White Haven Borough Secretary/Manager, do hereby certify that the **attached** is a true and correct copy of Ordinance No. 4 of 2016 adopted by White Haven Borough Council by affirmative vote of a majority of Council members present at a public meeting held on June 29, 2016, which meeting was at all times open to the public and advertised.

I further certify that: (1) the total number of Members of Council is seven; (2) the vote upon the Ordinance was called and recorded in the minutes of the meeting; and (3) of the seven Members of Council, five were present at the meeting and those five Members of Council voted in the following manner:

<u>NAME</u>	<u>VOTE</u>
John Klem	Yea
Charles Best	Yea
Tim Janosco	Absent
Rose Swerdon	Yea
Joseph Knowles	Absent
Clyde Morrison	Nay
Bob Lamson	Yea

I further certify that the Mayor vetoed the Ordinance by letter dated July 21, 2016, which veto was overridden under Section 3301.1 of the Borough Code at a regular meeting of Council held on July 25, 2016.

I further certify that the total number of Members of Council at the July 25th Meeting was six, that the vote upon the Ordinance was called and duly recorded upon the minutes of the meeting and that the members of Council voted in the following manner:

<u>NAME</u>	<u>VOTE</u>
John Klem	Yea
Charles Best	Yea
Tim Janosco	Yea
Rose Swerdon	Yea

Joseph Knowles	Absent
Clyde Morrison	Nay
Bob Lamson	Yea

The vote to override the Mayor's veto having consisted of a majority of all Council Members plus one, the Ordinance is effective as if it had received the approval of the Mayor under Section 3301.1(a)(2)(iii) of the Borough Code.

I have set my hand and seal this 26th day of July, 2016.

(SEAL)


Linda Szoke, Secretary/Manager

Part 7
Prohibition of Obstruction of Sidewalk by Vendors

§701. Applicability. The provisions of this ordinance shall not apply to the sale, storage or display of newspapers or periodicals.

§702. Restrictions on Sidewalk Sales. It shall be unlawful for any vendor of groceries, fruits and produce, or any kind of foodstuff or merchandise, except peddlers duly licensed or authorized and farmers, to store, display, exhibit or sell their wares on public highways, including the sidewalk or cartway, or any portion thereof, or to make use of the sidewalk or cartway or any portion thereof, as a place for salespersons, clerks or customers to stand while transacting business, or in any way to obstruct the sidewalk or cartway, or any portion thereof, and prevent the free use of the same by the general public.

§703. Illegal to Obstruct Sidewalks. It shall be unlawful to put or place any box, boxes, barrels, merchandise or other articles that obstruct the free use of any sidewalk upon any of the sidewalks, except articles temporarily placed thereon for the purpose of loading or unloading, removing or storing away.

§704. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§705. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

§706. Penalty. Whosoever violates any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment to be imprisoned for a period not to exceed thirty (30) day. Each day that a violation of this ordinance continues shall constitute a separate offense.

Part 8

Restriction on Placement of Structures on or over Sidewalks and Streets

§801. Restrictions on Construction around Sidewalks and Streets. It shall be unlawful for any person, persons, firm or corporation to place, erect, or build any porch, portico, door, steps, railing, bulk, bay or window, areaway, cellar door and cellar window, sign and sign post, board, pole or frame, awning, awning post or other device or thing, projecting over, under, into, or otherwise occupying the sidewalk or other portion of any street or alley, including the surface of the sidewalk, except any traffic or other sign placed, erected or maintained by the proper state or municipal authorities and any sign attached to a building erected and maintained under permit and meeting the requirements of the Ordinance of the Borough.

§802. Authority to remove Illegal Construction and Collect Cost. In addition to the penalties imposed by this ordinance for the violation of any provision thereof, the person, firm or corporation, upon notice of the violation, shall immediately remove the offending structure or obstruction, and on failure to so remove the offending obstruction, the Borough may remove the same at the cost of the property owner, and collect the costs therefor in any manner provided by law.

§803. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§804. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

§805. Penalty. Whosoever violates any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment to be imprisoned for a period not to exceed thirty (30) day. Each day that a violation of this ordinance continues shall constitute a separate offense.

Part 9
Permit to Store Building Materials on Streets

§901. Definitions. As used in this Ordinance, the word person, shall mean and include any natural person, partnership, association, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

§902. Permit Requirements for Storage of Building Materials. Under special circumstances, where there shall be no other practicable means for temporary storage, a permit may be granted by the Code Enforcement Officer for the storage of building materials upon a limited portion of the street and/or sidewalk abutting the property upon which such building materials are to be used. Such permit shall be issued for a fee fixed pursuant to Resolution. Such permit shall be issued upon the following conditions, which shall be strictly adhered to by the holder thereof:

(a) Such permit shall be valid for a limited time, not in the excess of ninety (90) days which shall be determined by the Borough Code Enforcement Officer, on the basis of the scope of the work being undertaken, and the inconvenience to the public involved, and such time limit shall be stated on the permit. Under special circumstances, a permit may be extended beyond the original time limit with approval of the Code Enforcement Officer, for a fee fixed pursuant to Resolution.

(b) The building material shall occupy only such portion of the street and/or sidewalk specified in the permit.

(c) Such building material shall be placed so as not to interfere with drainage of any street or sidewalk or with access to any fire hydrant.

(d) Such building material shall be arranged in a regular, neat, compact, form so as to occupy a minimum of space and present the least risk, of falling, sliding, or scattering.

(e) The holder of such permit shall be liable for all damages, losses, costs or expenses that are or may be considered by reason of the placing or storage of such material upon the street or sidewalk.

(f) The holder of such permit shall be responsible for placing barriers, guards and warning lights in the vicinity of or around such material so as to prevent injury to person and property.

(g) On or before the date of expiration of such permit, all such material shall be removed from the street and/or sidewalk and the street and/or sidewalk shall be restored to the condition in which it was immediately prior to such storage, in default of which the Code Enforcement Officer may cause such material to be removed and placed upon the property where such material is to be used, with the expense of such removal payable by the holder of such permit, and collected in any manner provided by law.

§903. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§904. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

§905. Penalty. Whosoever violates any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment to be imprisoned for a period not to exceed thirty (30) day. Each day that a violation of this ordinance continues shall constitute a separate offense.

Part 10

Requirement of Safety Measures during Sidewalk Construction

§1001. Safety Precautions to be used during Sidewalk Construction. When any person, firm, or corporation shall erect, construct, alter, repair, roof, unroof or remove any building or perform any other work on any building fronting on any street in the Borough, whereby a risk may be incurred by persons passing the same, it shall be the duty of the owner, lessee, contractor, person or persons performing any work on such building or erect a good and substantial covering over the pavement, sidewalk or footway in front of such building, of such elevation so as not to interfere with the free use of such pavement, sidewalk or footway.

§1002. Temporary Bridges during Excavation. Whenever, in excavating for walls, cellars, foundations or vaults, or the making of other improvements, on the streets and within the limits mentioned in section 1001 above, it becomes necessary to excavate the pavement, sidewalk, or footway, the owner, lessee, contractor or other person in charge of the work shall, before commencing any such excavation, cause to be erected a good and substantial bridge not less than four (4) feet in width nor more than four (4) feet in height, with steps at each end, a banister on the side next to the street, and a tight board fence or wall on the side next to the cellar or excavation, at least seven (7) feet high, so as to facilitate the free and safe use of such sidewalk or bridge by pedestrians. Such owner, lessee, contractor or builder shall also keep the said sidewalk or bridge sufficiently lit at night.

§1003. Approval. All work done under the provisions of this ordinance shall be approved by the Borough Code Enforcement Officer or Engineer.

§1004. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§1005. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

§1006. Penalty. Whosoever violates any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment to be imprisoned for a period not to exceed thirty (30) day. Each day that a violation of this ordinance continues shall constitute a separate offense.

Part 11
Prohibiting Vehicle Repair on Streets

§1101. Definitions. The following words shall have the meaning set forth herein, unless the context clearly indicates a different meaning.

(a) Maintenance – those activities which are required to keep a motor vehicle in a clean cosmetic appearance including: washing and waxing; the replacement of minor exterior parts including wiper blades, lighting fixtures and changing tires; and, the replacement of points, plugs, and other minor exterior components except engine fluids.

(b) Repairs – any mechanical work on a motor vehicle which is not herein defined as “maintenance.”

§1102. Motor Vehicle Repairs Prohibited. It shall be unlawful for any person to make repairs to any motor vehicle in the public street of the Borough.

§1103. Maintenance of Motor Vehicles Prohibited. Unless it poses a nuisance or safety hazard to the public, the maintenance of motor vehicles in the public streets is permitted.

§1104. Storage of Motor Vehicle Parts Prohibited. It shall be unlawful for any person to store new or used motor vehicle parts on the public streets.

§1105. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§1106. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

§1107. Penalty. Whosoever violates any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment to be imprisoned for a period not to exceed thirty (30) day. Each day that a violation of this ordinance continues shall constitute a separate offense.

Part 12
Prohibiting Street Obstructions

§1201. Finding and Purpose. The Borough Council finds that:

(a) Cartway areas of the streets, alleys and ways of the Borough are subjected to constant obstruction by objects other than motor vehicles, including, but not limited, to snowplows, sailboats, trailers, equipment, cement mixers, and a myriad of other like objects.

(b) That the prohibition of placing of objects other than motor vehicles on the cartways of the Borough streets, alleys and ways will permit the proper utilization of those streets, alleys and ways and advance the public safety of the citizens of the Borough.

§1202. Definitions.

(a) Motor Vehicle – a vehicle which is self-propelled on land, except one which is propelled solely by human power or wind.

§1203. Obstructing of Cartways Prohibited. It shall be unlawful for any persons to park, place, or in the case of a person who is the owner, lessee or otherwise has an interest in the object, allow to remain, any object other than a motor vehicle in the cartway of any street, alley or way of the Borough.

§1204. Authority to Remove and Impound. The Borough shall have the authority to remove and impound, or to order the removal and impounding, of any non-motorized object or vehicle found in the cartway of the streets or alleys of the Borough.

§1205. Designation of Approved Storage Areas; Bonding; Storage. Removal and impounding of objects under this Ordinance shall be done by the Borough. The Borough shall have an approved storage area that has an established schedule of charges for removal and storage of objects under this Ordinance. Those charges shall be adhered to by the approved storage agent's area shall be collected from any person whose object is removed or impounded under this Ordinance. The Borough shall delete from its list of approved storage agents and areas any such agent that makes any unapproved charge in connection with any objects removed or impounded under this Ordinance.

§1206. Payment of Removal and Storage Charges. The payment for removal and storage charges shall not relieve the owner, lessee or other person having any interest in such an object from liability for any fine or penalty for the violation of the provisions of this Ordinance for which the object was removed or impounded.

§1207. Reclamation Costs. In order to reclaim an object removed pursuant to the provisions hereof, the owner, lessee or other person having an interest therein, shall pay removal and storage costs according to the established storage schedule.

§1208. Records of Objects removed and impounded. The Borough shall cause a record to be kept of all objects impounded under this Ordinance and shall be able at all reasonable times to furnish the owners, lessees or other person having an interest in said object with information as to the place of storage of the object and cost of storage.

§1209. Restrictions upon Removal of Objects. No object shall be removed under the authority of this Ordinance if, at the time of the intended removal, the owner or the person in charge of such object is present and expresses a willingness and intention to remove the object immediately.

§1210. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§1211. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

§1212. Penalty. Whosoever violates any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00), and in default of payment to be imprisoned for a period not to exceed thirty (30) day. Each day that a violation of this ordinance continues shall constitute a separate offense.

Part 13
Dedication of Streets and Sidewalks

§1301. Acceptance and dedication of streets in the Woodhaven Development. There is hereby declared an acceptance of the conveyance of the subject streets from Investrac, Inc., as well as a dedication of those streets described in Appendix XII (25). Ord. No. 9-1981, 11/9/81)

Editorial Note:

As enacted in Ord. No. 9-1981, this section was designated 503, and other parts of the ordinance either not of permanent effect or being the preamble, were designated 501, 502, and 504 through 506. The section designated 502 stated the intention of council and directions that the provisions of the ordinance and the borough's resolution of 9/26/75 become a part of this code of ordinances, and that the sections of the ordinance might be renumbered to accomplish that intention. The resolution is Appendix IX (1), and the various sections of Ord. No. 9-1981 not set out in full are summarized as follows:

The preamble, originally designated "401" stated that Investrac, Inc. had tendered a deed of dedication to the borough for streets in the Woodhaven Development as set forth in an attached Appendix XII, Exhibit "A", cited the legal authority in Section 1734 of the Borough Code to accept certain streets; referred to the attached Appendix IX (Exhibits "A and "B" approving the final plan and entering into a development agreement; stating that acceptance and dedication of the streets would be in the public interest because that would provide for public thoroughfare and also qualify the borough for additional liquid fuels tax refund participation; and stating that, as required by law, the streets connect with at least one other previously opened street or State Highway.

The originally designated Section 504 set out the provisions on the effective date as in Section 1731 of the Borough Code, allowing a waiting period for notice to property owners, possible public hearing and other procedures. Section 12-4005 required that the solicitor have the ordinance recorded in the office of the recorder of deeds upon its becoming effective; Section 506 repealed all inconsistent ordinances and parts of ordinances.

§1302. Dedication of Abandoned Portions of Legislative Route 40118. Abandoned portions of L.R. 40118 described in the preamble to ordinance 17-1982 are accepted by the Borough of White Haven from the Pennsylvania Department of Transportation and dedicated to the public use as public streets of the Borough of White Haven. The borough agrees to assume expense of maintenance and improvement of the same. (Ord. No. 17-1982, 12/2/82)

Editorial Note: As enacted in Ord. No. 17-1982, this section was designated 508. The preamble was designated 507 and cited the application status; stated that the abandoned sections as from Station 211+48 to 241+54 and 245+67 to 251+40; stated that by a resolution of 12/14/81 council had approved the abandonment by PennDot and had agreed to assume the expense of maintenance and improvement; and stated that the borough wished to ratify the resolution by ordinance and to record the ordinance in the office of the recorder of deeds so that it would become a part of the public record. The

section numbered 509 provided that the ordinance become effective immediately and ratified the resolution of 12/14/81; the section numbered 509 provided that the ordinance become effective immediately and ratified the resolution of 12/14/81; the section numbered 509 provided for recording of the ordinance and that numbered 510 repealed all inconsistent ordinances and parts of ordinances.

Part 14
Street Occupancy

§1401. Short Title. This ordinance shall be cited as the “White Haven Borough Street Occupancy Permit Ordinance”.

§1402. Definitions. The following definitions shall apply for the administration of the provisions of this ordinance:

(a) Access - any driveway, street or other means of passage of vehicles between the road and abutting property.

(b) Borough Engineer - a person appointed by the Borough of White Haven, who shall be authorized by Borough Council to administer and enforce the provisions of this ordinance.

(c) Development - an area of land to be developed as a single entity for a number of residential or non residential uses.

(d) Permit - a White Haven Borough road occupancy permit for access onto a White Haven Borough road.

(e) Plan - drawings which show the location, character and dimensions of a proposed driveway and its related access to an abutting road including contours (existing and proposed), profiles, cross sections, drainage features and other pertinent details.

(f) Shoulder - that portion of the roadway contiguous to the traffic lanes for the accommodation of stopped vehicles or emergency use.

(g) Street - that portion of a road improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

(h) Street Supervisor or Commissioner - a person authorized by White Haven Borough Council to administer and enforce the provisions of this ordinance.

(i) Structure - any man-made object which requires a stationary location on land, regardless whether or not affixed to the land.

§1403. Permit Required. No driveway, street, drainage facility, or structure shall be constructed or altered within a Borough right-of-way or proposed Borough right-of-way without first obtaining a permit from the Code Enforcement Officer or Zoning Officer. Permit applications shall be submitted in the name of and executed by the owner of the property.

§1404. General Requirements. A driveway shall be located, designed, constructed and maintained in a manner consistent with the design, maintenance and drainage of a

Borough street, proposed Borough street, or a street intended to be dedicated to the Borough.

§1405. Design Requirements. The following standards shall apply for the construction of a driveway having access onto a Borough street, proposed Borough street, or street intended to be dedicated to the Borough:

- (a) Driveways being constructed may not:
 - (1) Impair drainage within a Borough right-of-way.
 - (2) Alter the stability of the Borough right-of-way, roadway or shoulder.
 - (3) Divert drainage onto adjoining properties.

(b) Except when the Code Enforcement or Zoning Officer determines otherwise, driveways may be constructed with a ditch or swale adequate enough to ensure compliance with Section 1405(a) above.

(c) If the Code Enforcement Officer or Zoning Officer determines that a drainage ditch or swale may not be adequate, then a pipe of not less than 12 inches in diameter shall be installed by the property owner(s) under the driveway. Whenever necessary the inlet and outlet ends of the pipe shall be properly stabilized with rip rap.

(d) A driveway installation may require the submission of a plan by the property owner(s). The plan shall be submitted to the Zoning Officer of Code Enforcement Officer, who shall then distribute it whenever necessary to the Borough Engineer, Street Supervisor and Borough Council for review and comment prior to issuance of a permit.

(e) Lots within a development shall be subject to approved driveway pipes and specifications, as shown on approved plans, or as required by this Ordinance.

§1406. Special Requirements. The following standards shall apply for residential driveways having an access onto a Borough street, proposed Borough street or a street designated or to be designated for dedication to the Borough:

(a) Width of Driveways. Within 10 feet of a right-of-way line, residential driveways may not exceed 20 feet in width.

(b) Surface. Any driveway installed shall be covered with a dust free surface such as concrete, bituminous material or modified stone.

(c) Side Yard Setback. Residential driveways shall not be installed closer than 5 feet from a property line. The requirement does not apply to those property lines abutting a Borough street.

§1407. Issuance of Building and Zoning Permits. No building or zoning permit shall be issued for any type of construction until a property owner proposing to install a driveway or access drive has obtained the required Borough, County or State highway/road occupancy permit.

§1408. Fees. White Haven Borough Council shall establish an application fee by resolution. The Borough shall also charge the applicant the actual costs incurred to have the driveway inspected by one or more officials of the Borough to determine the standards by which the driveway is to be connected to a street and to ensure compliance with the permit and this ordinance.

§1409. Enforcement. The Code Enforcement Officer, Zoning Officer, or Borough Council with the assistance of the Borough Solicitor shall have the power to enforce the provisions of this ordinance.

§1410. Violations and Penalties. Any person who violates the provisions of this part shall upon conviction thereof pay a fine not to exceed Six Hundred (\$600.00) Dollars plus costs. Each day the violation continues shall constitute a separate violation.

§1411. Applicability. This Ordinance shall apply to any driveway, road, drainage facility or structure constructed or altered after the effective date of this ordinance for which a permit has not already been obtained.

§1412. Effective Date. This ordinance shall take effect immediately following its adoption.

§1413. Repealer. All ordinances or parts thereof, which are inconsistent herewith, are hereby repealed.