

## Chapter 105

### STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Borough Council of the Borough of Seven Valleys as indicated in article histories. Amendments noted where applicable.]

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## ARTICLE I

**Cleaning Gutters****[Adopted 8-7-1899 by Ord. No. 23]****§ 105-1. Cleaning required.**

The Chief Burgess and Town Council of the Borough of Seven Valleys and it is hereby enacted by the authority of the same: That any person or persons owning or occupying any lot or lots along any street, alley, court, or other highway of the said Borough of Seven Valleys shall remove or cause to be removed any obstruction or obstructions, grass garbage or other offensive matter that be there or accumulate or become deposited in or on any sidewalk, foot-walk, gutter or ditch abutting on their said lot or lots.

**§ 105-2. Violations and penalties. [Amended 11-6-1989 by Ord. No. 89-2]**

Any person, corporation, partnership, company, or other entity who shall violate the provisions of this article shall, upon conviction before a District Justice, be sentenced to pay a fine of not less than \$50 nor more than \$600, together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County Prison for a period of not more than 30 days.

## ARTICLE II

**Obstructions****[Adopted 2-17-1900 by Ord. No. 38]****§ 105-3. Obstructions prohibited. [Amended 8-6-2012 by Ord. No. 2012-2]**

No person or persons shall place, keep or cause to be placed or kept upon any sidewalk or footwalk in the Borough of Seven Valleys anything which will restrict or impair pedestrians using the sidewalk or footwalk or anything which will alter or inhibit water flow on or from the sidewalk or footwalk.

**§ 105-4. Enforcement.**

Any policeman or peace officer of the said Borough who shall find any wagon, cart, sled-sleigh, box, basket, crate, cask, lumber, goods, wares or merchandise, shall remove the same in case the owner or owners thereof refuse or neglect to do so after two hours notice given to remove the same; Provided nevertheless that nothing in this article contained shall apply to persons who place on said street, lanes, alleys and footwalks articles or materials for building or improving whilst engaged in building or improving and to persons loading and unloading packing and unpacking goods, or wares whilst engaged in packing or unpacking loading or unloading the same.

**§ 105-5. Violations and penalties. [Added 11-6-1989 by Ord. No. 89-2]**

Any person, corporation, partnership, company, or other entity who shall violate the provisions of this article shall, upon conviction before a District Justice, be sentenced to pay a

fine of not less than \$50 nor more than \$600, together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County Prison for a period of not more than 30 days.

### ARTICLE III

#### Snow and Ice Removal

[Adopted 2-1-1988 by Ord. No. 88-1]

#### **§ 105-6. Owner, occupant or tenant of property to remove snow and ice from sidewalk.**

The owner, occupant or tenant of every property situate in the Borough of Seven Valleys, York County, Pennsylvania, is hereby required to remove or cause to be removed from all of the sidewalks and walkways abutting such property, all snow thereon fallen or ice thereon formed within 24 hours after the snow shall have ceased to fall or the ice shall have formed. The snow or ice shall be removed to a width of not less than two feet and shall not be placed in streets, alleys, gutters, crosswalks, cartways or on or around fire hydrants.

#### **§ 105-7. Responsibility for removal.**

The owner of a property shall be responsible for conforming to the requirements of § 105-6 of this article where such property is occupied by such owner, is unoccupied, or where the property is a business or multiple-dwelling property, occupied by more than one tenant or occupier, or a combination of a business and dwelling property. The tenant or occupier of a property shall be responsible for conforming to the requirements of § 105-6 of this article where such property is occupied by such tenant or occupier only, unless specifically stated in a written lease then affecting the property that the landlord shall be responsible for such removal, whereupon the landlord will be responsible for conforming to the requirements of § 105-6 of this article.

#### **§ 105-8. Authority for Borough to remove snow and ice at expense of owner, occupant or tenant.**

In any case where an owner, occupant, or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of this article within the time limits prescribed therein, the Borough may proceed immediately to clear all snow and ice from the sidewalk or walkway of the property of such owner, occupant or tenant, and to collect the expense thereof from such owner, occupant or tenant, as the case may be, together with the costs of collection, attorney's fees and expenses, court costs and interest, and any additional amount allowed by law, which may be in addition to any fine or penalty imposed under this article.

#### **§ 105-9. Violations and penalties. [Amended 11-6-1989 by Ord. No. 89-2]**

Any person, corporation, partnership, company, or other entity who shall violate the provisions of this article shall, upon conviction before a District Justice, be sentenced to pay a fine of not less than \$50 nor more than \$600, together with the costs of prosecution, and in default thereof, be sentenced to imprisonment in the York County Prison for a period of not

more than 30 days. Such fine and cost of prosecution may be in addition to any expenses and additional amounts authorized by law, imposed as provided in § 105-8 of this article.

#### ARTICLE IV

##### Overhanging Vegetation

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

##### **§ 105-10. Minimum standards for vegetation over streets.**

No property owner owning property within the Borough of Seven Valleys shall allow any tree, bush or other vegetation on the property owner's property to protrude over or overhang any Borough street or alley so that there would be less than 14 vertical feet clearance from the street or alley surface to said tree, bush or other vegetation.

##### **§ 105-11. Minimum standards for vegetation over sidewalks.**

No property owner owning property within the Borough of Seven Valleys shall allow any tree, bush or other vegetation to protrude over or overhang any sidewalk within the Borough so that there would be less than 10 vertical feet clearance from the surface of the sidewalk to said tree, bush or other vegetation. In areas of the Borough where there are no sidewalks, such tree, bush or other vegetation shall not protrude over or overhang the area from the edge of the cartway a distance of six horizontal feet back from said cartway so that there would be less than 10 vertical feet clearance from the ground to said tree, bush or other vegetation.

##### **§ 105-12. Blocking of streetlights prohibited.**

No property owner owning property within the Borough of Seven Valleys shall allow any tree, bush or other vegetation to grow under or around any streetlight within the Borough so as to block illumination of the streetlight to the sidewalk or street within the area of the streetlight. Any tree, bush or other vegetation that is growing closer than 10 vertical feet or five horizontal feet to a streetlight shall be conclusively presumed to be blocking the illumination of said streetlight to the sidewalk or street in the general vicinity of said streetlight.

##### **§ 105-13. Proximity to traffic control signals.**

No property owner owning property within the Borough of Seven Valleys shall allow any tree, bush or other vegetation to grow under or around any traffic control signal or sign so as to block the visibility of such traffic control signal or sign from any motorist or pedestrian using the streets or sidewalks along which such traffic control signal or sign is situate. Any tree, bush or other vegetation that is growing closer than five vertical feet or five horizontal feet to such traffic control signal or sign shall be conclusively presumed to be blocking the visibility of such traffic control signal or sign.

**§ 105-14. Notice to comply; collection of costs.**

- A. In the event any tree, bush or other vegetation should grow in a manner so as to be in violation of § 105-10, 105-11, 105-12 or 105-13 of this article, and if the situation is brought to the attention of the Borough Council, the Borough Council may take action by giving the property owner upon whose property said tree, bush or other vegetation is growing written notice to have the tree, bush or other vegetation trimmed or cut so that the same is in compliance with the requirements of this article. The property owner shall notify the Borough Office of the date and time when the trimming or cutting is to occur in order that the trimming and cutting may be supervised by an employee of the Borough.
- B. In the event that the property owner shall neglect, refuse or fail to trim or cut the tree, bush or other vegetation within 10 days from the date of the notice from the Borough, the Borough may cause the same to be done, and the Borough shall collect the cost of the same plus an additional 10% from the property owner. Such expense, at the direction of the Borough Council, may be collected from the property owner in accordance with law, including the same being entered as a municipal lien against the property.

**§ 105-15. Violations and penalties.**

In addition to, and separate from, the collection of the cost as set forth in § 105-14 above, any owner violating this article or any part thereof may be charged with such violation and shall, upon conviction, pay a fine of not more than \$600, plus cost, for such violation, and in default of payment of such fine and costs, be imprisoned for a term not exceeding 30 days. After 10 days from the date of the notice by the Borough to the property owner to cut or trim said tree, bush or other vegetation, each day's continuance of a violation of this article shall constitute a separate offense and shall be subject in all respects to the same penalties as the first offense, and separate proceedings may be instituted and separate penalties imposed for each such day's offense.

**ARTICLE V****Sidewalks, Driveways and Curbs**

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

**§ 105-16. Sidewalk, Gutter and Curb Committee.**

A Committee of the entire Borough Council is hereby created for the purpose of establishing new sidewalks, curbs and gutters and for the purpose of ensuring that existing sidewalks, curbs and gutters are kept in repair and in a safe and usable condition.

**§ 105-17. Sidewalk construction.**

Whenever the Committee determines that a sidewalk, curb or gutter along any public street should be constructed or repaired, it shall be the responsibility of the owner of the property abutting on such public street to construct such sidewalk, curb or gutter along such property in accordance with the specifications and regulations set forth in this part.

**§ 105-18. Construction by owners of certain new buildings required.**

Whenever a building permit is issued to a property owner who intends to build any new building (not including accessory buildings), such owner shall be required to construct sidewalks and curbs along public streets in accordance with specifications found in this article.

**§ 105-19. Sidewalk specifications.**

Any sidewalk hereafter constructed within the Borough of Seven Valleys shall be concrete material at least four inches in depth and a width to be established by the Committee by taking into account the width of adjoining sidewalks, if any, and other special conditions, including but not limited to safety for pedestrians in a particular location. The cross slope of the sidewalks shall not exceed 1/4 inch per foot of width except as specifically granted in the building permit authorizing the construction or repair. Any such deviation from this specification shall only be permitted by the Borough Engineer in order to meet special conditions which cannot be otherwise accommodated.

**§ 105-20. Trees.**

No trees shall be allowed in sidewalk areas.

**§ 105-21. Utility construction.**

Whenever any public utility shall cut, break, damage or otherwise impair the structural integrity of any sidewalk in connection with the installation, repair or removal of any public utility structure or facility or shall create a void in any sidewalk as a result of the removal of any public utility structure or facility, such public utility shall remove and replace, in accordance with the specifications of this article, the entire block or section of sidewalk affected by such cut, break, damage or impairment or in which such void is made.

**§ 105-22. Curb construction and specifications.**

All curbs hereafter constructed, within the limits of the Borough of Seven Valleys, shall have a minimum depth of 20 inches when constructed by themselves and 18 inches in depth when constructed integrally with a cement sidewalk. The face of said curbs shall be battered one inch to protect the top of the curbs from scuffing by vehicular traffic. Batter shall be obtained by holding the width of the top of said curb to six inches and width at the base to seven inches.

**§ 105-23. Inspection of sidewalks.**

It shall be the duty of the Committee to have all existing sidewalks, curbs and gutters inspected on a regular basis.

**§ 105-24. Notice of construction or repair.**

A written notice shall be sent by certified mail to the owners of property who are required to construct or repair a sidewalk, curb or gutter notifying them that they have 90 days from the date of the notice to complete the required construction or repair. If the required construction or repair is not completed within such ninety-day period, the Borough may cause the work to be done and charge the owners for the costs of the work and an additional 10% of such costs to cover the Borough's cost of administering the work. Such amount shall be paid by the owners upon receipt of an invoice for the same and shall bear interest at the rate of 6% per annum commencing 10 days from the date of the invoice. In default of payment by the owners, the Borough shall file a municipal claim therefor against the property benefited or collect the same by a civil action. If the owners cannot be notified by certified mail, the notice required by this section shall be posted on the premises.

**§ 105-25. Review of repair or construction.**

Any person who receives a notice of construction or repair may request the Committee to review his particular situation if he wishes to deviate from the repair or construction specified in the notice. This request must be made in writing and submitted to the Borough Office within 30 days after receiving the first notice from the Borough. Any request received after such thirty-day period shall not be reviewed. Upon receipt of a request for review, the Committee shall undertake and complete its review within 30 days of the date of receipt of the request and notify the owners of the property of the Committee's decision.

**§ 105-26. Economic hardship.**

If the required construction or repairs would be an economic hardship to the property owner, the Committee is specifically authorized to enter into an agreement whereby the Borough would cause the construction or repair to be done and have a municipal lien filed therefor and the property owner would repay the Borough in accordance with a payment schedule decided upon by the Committee.

**§ 105-27. Committee decision.**

Any decision of the Committee regarding the specifications of the construction or repair or for the payment of construction or repair shall be in its absolute sole discretion and not reviewable.

**§ 105-28. Driveway construction.**

Any driveway hereafter constructed in the Borough of Seven Valleys shall be constructed of bituminous paving material or concrete.

**§ 105-29. Violations and penalties.**

If the owner of the premises fails to complete the construction or repairs as required by the notices or constructs or repairs a sidewalk, curb or driveway which is not in accordance with

the construction specifications contained herein or the Borough Construction and Materials Specifications, the owner may be prosecuted for violating this article and, upon conviction, shall be sentenced to pay a fine of not more than \$600, plus costs of prosecution, and in default of such fine and costs to imprisonment for not more than 30 days. Each period of 60 days after the date of the second notice as required by § 105-24 of this article in which the required construction or repair is not completed shall be a new violation of this article.