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## Chapter 56 — Curbs, Sidewalks, and Walkways

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### Article I — In General; Administration

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## **Article I — In General; Administration**

### **§ 56-101 Compliance Required.**

No person, firm, or corporation shall install or cause to be installed any curbing or sidewalks along any public street or along any proposed street that has been dedicated to public use in the Borough, except in accordance with the provisions and conditions of this Article. All curbing shall conform to the specifications set forth in Article IV, and all sidewalks shall conform to the specifications set forth in Article V.

[Ord. 415 10-29-2003]

### **§ 56-102 Permit Required.**

Before installing any curb or sidewalks along any public street or proposed public street which has been or is intended to be dedicated to public use in the Borough, the owner of the property along which the curbing or sidewalk is to be installed, or his duly authorized agent, shall obtain a permit for the installation of such curbing or sidewalk from the Borough Manager. If such work shall require any excavation within any street, avenue, alley, or lane, the owner or

his agent shall also obtain a permit under Chapter 53, Article III (relating to Street Excavations) before commencing any work.

[Ords. 415 10-29-2003, 436 08-31-2005, 526 01-28-2015]

### § 56-103 Fees.

A fee shall be paid to the Borough for a permit under this Article in the total amount of—

(a) Fifty Dollars (\$50.00) for each building lot in front of which curbing or sidewalks are to be installed; plus.

(b) Five Dollars (\$5.00) per lineal foot; plus

(c) One Hundred Fifty Dollars (\$150.00) for each inspection.

The person applying for a permit shall deposit the amount of such fees, as estimated by the Borough Manager, with the Borough Manager before the permit is issued, and any additional amount determined thereafter shall be paid promptly upon demand.

[Ords. 415 10-29-2003, 526 01-28-2015, 583 12-27-2023]

### § 56-104 Line and Grade; Cut Sheets.

Before issuing any permit under this Article, the Borough Manager shall cause the Borough Engineer to fix the line and grade for the setting of the curbing or sidewalk. Alternatively, an engineer for the property owner may submit plans for curbing or sidewalk work to the Borough Engineer for his/her review. Where such plans have been approved by the Borough Engineer as to lines and grades for curbing and sidewalks, all such curbing and sidewalk shall be installed in accordance with said approved lines and grades and other plan features, and it shall not be necessary for the Borough Engineer to fix the line and grade for such curbing and sidewalks. Also, cut sheets shall be given to the Borough Inspector.

[Ords. 415 10-29-2003, 436 08-31-2005, 526 01-28-2015]

### § 56-105 Inspections.

After the excavation has been made and the forms have been set for the pouring of any curbing or sidewalk, the Borough Engineer or his designee shall be notified so that he may inspect the work before any concrete is poured, and no concrete shall be poured until such inspection has been made and approval is given to proceed with the pouring. Another inspection shall be made upon the completion of the work to determine if the work was performed properly. If, upon any inspection, approval to proceed is not given or the work performed does not conform to the requirements of this Chapter, the deficiencies shall be corrected promptly and another inspection shall be made thereafter. Any curbing or sidewalk installed contrary to the provisions of this section or of any other provision of this Chapter is hereby declared to be a nuisance *per se* and shall, notwithstanding any civil enforcement proceeding being brought under § 56-106, be

removed within fifteen (15) days of written notice to do so given by the Borough to the property owner.

[Ords. 415 10-29-2003, 518 03-12-2014, 583 12-27-2023]

## § 56-106 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates any provision of this Article shall be subject to a civil penalty of One Hundred Dollars (\$100.00).

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to the Borough Manager. The Borough Manager shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Borough Manager shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) **Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense.

(e) **Equitable Remedies.** In addition to or in lieu of enforcement of this Article through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

[Ords. 415 10-29-2003, 518 03-12-2014, 526 01-28-2015]