

ALBURTIS CODIFIED ORDINANCES

Chapter 56

Curbs, Sidewalks, and Walkways

Chapter 56 — Curbs, Sidewalks, and Walkways

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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]

Article II — Required Installation

§ 56-201 Right to Require Installation.

The Borough Council of the Borough shall have the right to compel the owner of any private property abutting any public street or on any proposed public street dedicated to public use in the Borough to install curbing or sidewalks along said private property or to repair or replace existing curbing or sidewalks which are in need of repair or replacement and to do said work in accordance with the terms of this Chapter.

[Ord. 415 10-29-2003]

§ 56-202 Installation by the Borough.

If the owner of private property fails to install, repair or replace such curbing or sidewalks as directed in accordance with § 56-201 after thirty (30) days' written notice from the Borough to do so, the Borough shall install, repair or replace such curbing or sidewalks and collect the cost of such work and the Borough Engineer's charge for establishing the line and grade for such work, plus an additional ten percent (10%) of such cost, from the owner of the property along which the curbing or sidewalks have been installed, repaired or replaced, said charges to be collectible by the Borough in the manner provided by law for the collection of municipal claims by filing liens or by a civil action.

[Ord. 415 10-29-2003]

§ 56-203 Curb and Sidewalk Construction Fee.

If the Borough engages any contractors to construct curbing or sidewalk, the charge imposed by the Borough shall be the cost incurred by the Borough for the installation of the curbing or sidewalk (including Borough oversight costs), as reasonably apportioned and determined by the Borough.

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

Article III — Trees and Other Obstructions

§ 56-301 Removal of Trees and Other Obstructions.

All persons and property owners are hereby required to remove all trees and other obstructions within the space prescribed and set apart for sidewalks within the Borough, except such

trees, poles, posts, etc., as the Borough may permit immediately inside the curb, on five (5) days' notice.

[Ord. 415 10-29-2003]

§ 56-302 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates any provision of this Article shall be subject to a civil penalty of Twenty-five Dollars (\$25.00).

(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]

Article IV — Curbing Specifications

§ 56-401 In General.

All curbing hereafter installed in the Borough shall be constructed of concrete and shall be constructed and installed in accordance with the specifications and requirements set forth in this Article.

[Ord. 415 10-29-2003]

§ 56-402 Excavation.

Excavation for curb shall be made to a depth of at least twenty-four (24) inches below the curb grade and at least six (6) inches clear of either face thereof. The bottom of all excavations shall be well tamped before forming is placed.

[Ord. 415 10-29-2003]

§ 56-403 Materials.

Materials for curbing shall be as follows:

(a) Cement shall be a product of a Portland Cement Institute member conforming to the latest ASTM specifications under Designation C150, Type I.

(b) Sand shall be clean, hard, coarse, uncoated grains of stone, uniformly graded from coarse to fine to produce a minimum percentage of voids.

(c) Coarse aggregate shall be crushed stone three-fourths inch (0.75") in size.

(d) Water shall be clean and fresh.

[Ord. 415 10-29-2003]

§ 56-404 Concrete Mixing.

Concrete for curbing shall be mixed as follows:

(a) All concrete shall be mixed by machine, except when the Borough Inspector shall otherwise permit under special conditions.

(b) The concrete proportions shall be one (1) part portland cement, two (2) parts sand and four (4) parts crushed stone.

(c) The mixing of materials shall be done carefully by persons familiar with the technology involved to prevent separation of the component parts of the mixture and to provide dense, uniform concrete, free of voids and free of honeycombing.

(d) Transit mix or plant mix concrete will be acceptable upon approval of the producer by the Borough Inspector.

[Ord. 415 10-29-2003]

§ 56-405 Forms, Finish, and Joints.

(a) All curbs shall be formed on both faces for a minimum twenty-two (22) inches in height. Forms shall be substantially constructed to ensure against deformation under pressure. All curves and radii shall be formed of curved form sections to provide a uniform curve.

(b) The outside edge of all curbs shall be rounded with a finishing tool with a minimum radius of one-half (1/2) inch, and the inside edge shall have a light radius to prevent spalling, said edge being likewise tool-made.

(c) The top surface of all curbs shall be of a smooth flat finish, and the exposed vertical surfaces shall have a smooth rubbed finish accomplished while concrete is still green.

(d) All curbs shall be cut clean through to consist of sections approximately ten (10) feet long and provided with a three-eighths-inch (0.375") expansion joint of bituminous material at intervals of approximately thirty (30) feet on center.

[Ord. 415 10-29-2003]

§ 56-406 Dimensions.

All curbing shall have a width at the top of at least six (6) inches and a width at the bottom of at least eight (8) inches, with the front face having a batter of one (1) in twelve (12). The back face of the curbing may be vertical.

[Ord. 415 10-29-2003]

§ 56-407 Prohibited Types of Curbing.

Rolled curbing and integral curb and gutter curbing shall be and are hereby prohibited.

[Ord. 415 10-29-2003]

§ 56-408 Repair or Replacement of Existing Curbing.

Where existing curbing requires repair or replacement, the same type of curbing as now exists may be installed in order to provide uniformity.

[Ord. 415 10-29-2003]

§ 56-409 Crossovers.

Crossovers shall be so located as to not create or constitute a traffic hazard or create a threat to the safety of the traveling public.

[Ord. 415 10-29-2003]

Article V — Sidewalk Specifications

§ 56-501 In General.

All sidewalks hereafter installed in the Borough shall be constructed of concrete and shall be constructed and installed in accordance with the specifications and requirements set forth in this Article.

[Ord. 415 10-29-2003]

§ 56-502 Excavation.

Excavation for sidewalks shall be made to a depth of at least twelve (12) inches below the sidewalk grade. The bottom of all excavations shall be well tamped before forming is placed.

[Ord. 415 10-29-2003]

§ 56-503 Materials.

Materials shall be the same as specified for curbing in § 56-403 with this addition: Under-sidewalk ballast shall consist of crushed stone or other material approved by the Borough Inspector.

[Ord. 415 10-29-2003]

§ 56-504 Concrete Mixing.

Concrete for sidewalks shall be mixed in the same manner as set forth in § 56-404 for curbing.

[Ord. 415 10-29-2003]

§ 56-505 Dimensions.

The sidewalk shall be of formed concrete with a minimum thickness of five (5) inches on a compacted base of under-sidewalk ballast with a minimum ballast depth of six (6) inches. The sidewalk shall be divided into blocks having an area of approximately twenty-five (25) square feet. All sidewalks shall be pitched to drain toward the street with an approximate fall of three-eighths (3/8) inch per foot of width.

[Ord. 415 10-29-2003]

§ 56-506 Joints, Edges, and Ends.

The outer edges or ends of all concrete sidewalks shall be finished to a radius of not less than three-eighths (3/8) inch. Sidewalk blocks shall be separated by division plates extending full concrete thickness and not exceeding one-fourth (1/4) inch in thickness with a top radius of not less than three-eighths (3/8) inch. When division plates are removed, the groove shall be filled with clean, sharp sand. Where sidewalk abuts concrete curb, provide an expansion joint of bituminous material of a minimum thickness of three-eighths (3/8) inch between the sidewalk and curb and between sidewalk sections approximately every thirty (30) feet.

[Ord. 415 10-29-2003]

§ 56-507 Width.

The minimum width of all sidewalks on Main Street in the Borough shall be six (6) feet from the outer edge of the curb.

[Ord. 415 10-29-2003]

Article VI — Snow and Ice Removal

§ 56-601 Removal by Property Owners.

All property owners shall remove snow and/or ice from paved walkways on or abutting their property and adjacent to public streets within twenty-four (24) hours after such snow and/or ice falls, forms, is plowed onto, or otherwise becomes present on such walkways, to the extent necessary to create a clear path at least twenty-four (24) inches in width.

[Ord. 415 10-29-2003]

§ 56-602 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates § 56-601 shall be subject to a civil penalty of Fifty Dollars (\$50.00) for the first offense in a given snow season (October 1 to the following April 30) plus the Borough's costs (if any) in removing the snow and ice from the walkway for which the person is responsible, and One Hundred Dollars (\$100.00) for the second and subsequent offenses in the same snow season (October 1 to the following April 30) plus the Borough's costs (if any) in removing the snow and ice from the walkway for which the person is responsible.

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under § 56-601 to any police officer of the Borough. The police officer or 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.* § 56-601), 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 § 56-601 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 § 56-601 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.

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

Appendix

¶ 56-A Disposition of Ordinance 4.

<u>Ordinance 4</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ I	§ 110-8	§ 56-507
§ II	§ 110-9	§ 56-301
§ III	§ 110-10	§ 58-101
§ IV	§ 110-11	§§ 56-302, 58-102

¶ 56-B Disposition of Ordinance 149.

<u>Ordinance 149</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 1	§ 110-1	§ 56-101
§ 2 (intro)	§ 110-2 (intro)	§ 56-401
§ 2(A)	§ 110-2(A)	§ 56-402
§ 2(B)	§ 110-2(B)	§ 56-403
§ 2(C)	§ 110-2(C)	§ 56-404
§ 2(D)	§ 110-2(D)	§ 56-405
§ 2(E)	§ 110-2(E)	§ 56-406
§ 2(F)(1)	§ 110-2(F)(1)	§ 56-407
§ 2(F)(2)	§ 110-2(F)(2)	§ 56-408
§ 2(F)(3)	§ 110-2(F)(3)	§ 56-409
§ 3 (intro)	§ 110-3 (intro)	§ 56-501
§ 3(A)	§ 110-3(A)	§ 56-502
§ 3(B)	§ 110-3(B)	§ 56-503
§ 3(C)	§ 110-3(C)	§ 56-504
§ 3(D)	§ 110-3(D)	§ 56-505
§ 3(E)	§ 110-3(E)	§ 56-506
§ 4	§ 110-4	§§ 56-102, 56-103, 56-104
§ 5	§ 110-5	§ 56-105
§ 6	§ 110-6	§§ 56-201, 56-202
§ 7	§ 110-7	§ 56-106
§ 8 (repealer)		

¶ 56-C Disposition of Ordinance 193.

<u>Ordinance 193</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ I (repeals Ord. 5)		
§ II	§ 105-1	§ 56-601
§ III	§ 105-2	Deleted by Ord. 336; <i>see</i> § 56-601
§ IV	§ 105-3	Deleted by Ord. 336; <i>see</i> § 56-601
§ V	§ 105-4	§ 56-602
§ VI (general repealer)		

¶ 56-D Disposition of 1981 Code, Chapter 105.

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 105-1	§ 56-601
§ 105-2	Deleted by Ord. 336; <i>see</i> § 56-601
§ 105-3	Deleted by Ord. 336; <i>see</i> § 56-601
§ 105-4	§ 56-602

¶ 56-E Disposition of 1981 Code, Chapter 110.

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 110-1	§ 56-101
§ 110-2 (intro)	§ 56-401
§ 110-2(A)	§ 56-402
§ 110-2(B)	§ 56-403
§ 110-2(C)	§ 56-404
§ 110-2(D)	§ 56-405
§ 110-2(E)	§ 56-406
§ 110-2(F)(1)	§ 56-407
§ 110-2(F)(2)	§ 56-408
§ 110-2(F)(3)	§ 56-409
§ 110-3 (intro)	§ 56-501
§ 110-3(A)	§ 56-502
§ 110-3(B)	§ 56-503
§ 110-3(C)	§ 56-504
§ 110-3(D)	§ 56-505
§ 110-3(E)	§ 56-506
§ 110-4	§§ 56-102, 56-103, 56-104
§ 110-5	§ 56-105
§ 110-6	§§ 56-201, 56-202
§ 110-7	§ 56-106
§ 110-8	§ 56-507
§ 110-9	§ 56-301
§ 110-10	§ 58-101
§ 110-11	§§ 56-302, 58-102

¶ 56-F Disposition of Ordinance 342, § 5.

<u>Ordinance 342</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 5	never codified to 1981 Code	§ 56-203

¶ 56-G Source Ordinances.

Ordinance 4	09-08-1914
Ordinance 149	05-17-1971
Ordinance 193	05-10-1978
Ordinance 215	11-11-1981
Ordinance 336	06-26-1996
Ordinance 342	12-30-1996
Ordinance 415	10-29-2003

Ordinance 436	08-31-2005
Ordinance 518	03-12-2014
Ordinance 526	01-28-2015
Ordinance 583	12-27-2023

¶ 56-H Prior Ordinances Concerning Related Subject Matter.

Ordinance 3	07-14-1914
Ordinance 5	12-08-1914
Ordinance 6	03-05-1915
Ordinance 21	06-07-1920
Ordinance 24	05-02-1921
Ordinance 65	11-22-1956