

CHAPTER 21

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Part 1

Streets

§21-100. Definitions and Interpretation.

1. The following words, when used in this Part, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

APPLICANT — Any person who applies for a permit.

BOROUGH — The Borough of Gettysburg, Adams County, Pennsylvania.

COMMONWEALTH — The Commonwealth of Pennsylvania.

EXCAVATION — Any activity within the right-of-way of any street or public way which involves cutting, breaking, or disturbing the surface thereof. In this Part, the term “opening” shall have essentially the same meaning as “excavation.”

PERSON — Any natural person, partnership, firm, association, organization, company, corporation or municipal authority.

STREET — Any street, road, lane, court, cul-de-sac, public way, public square, alley, highway, or any other public place or way located in the Borough of Gettysburg and as ordained or otherwise established for the use of the traveling public.

2. In this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(Ord. 1397-12, 1/9/2012)

§21-101. Official Map Adopted.

The map or plan of the Borough, designated “Official Map Borough of Gettysburg, Adams County, Penna. — Drawing No. M 0168 — 29 Apr. 1968,” was adopted on June 13, 1968,” as the Borough Plan as required by and for the purposes of the Pennsylvania Municipalities Planning Code (53 P.S. §10401), as amended.

(Ord. 1397-12, 1/9/2012)

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§21-102. Grade Survey Adopted.

The grade survey made and prepared by Mason D. Pratt, Civil Engineer, of streets, alleys and public thoroughfares, and of the pavements, curbs and gutters along same, in the Borough, and the location of the building lines of the streets, lanes and public thoroughfares of said Borough, was approved and accepted, and the Mayor and Borough Council of the Borough of Gettysburg approved, accepted and established by ordinance, enacted September 10, 1909, the grades as so furnished by the said Mason D. Pratt, C.E., as the legal grades for the Borough, the record of which survey is contained in a book marked "Profiles, Gettysburg, Pa., adopted Dec. 1908, Mason D. Pratt, C.E., Harrisburg, Pa.," filed with the Borough Surveyor.

(Ord. 1397-12, 1/9/2012)

§21-103. Monuments Accepted.

The monuments erected at proper places in the Borough, established under the supervision of Mason D. Pratt, Civil Engineer, from the data of the grade survey were approved, accepted and established by the Mayor and the Borough Council of the Borough of Gettysburg by ordinance, enacted on September 10, 1909.

(Ord. 1397-12, 1/9/2012)

§21-104. Permit Required to Make Opening or Excavation.

It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets or the streets' rights-of-way in the Borough without first securing a permit therefor from the Borough and satisfying the other applicable requirements consistent with the regulations as hereinafter provided.

(Ord. 1397-12, 1/9/2012)

§21-105. Application for Permit.

1. Any person who shall desire to make any opening or excavation in any street or street right-of-way of the Borough shall make application to the Borough in writing for that purpose. Such application shall be made upon forms to be furnished by the Borough and shall set forth the name of the applicant, the exact location of the proposed opening or excavation, and the approximate size and depth thereof, and any other information that may be requested by the Borough.
2. The application shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the Borough and the laws of the commonwealth in relation thereto and that the applicant shall well and truly save, defend, keep and hold harmless the Borough from and indemnify

it against any and all actions, suits, demands, payments, damages, costs, fees and charges for or by reason of the proposed opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

3. The applicant and/or the applicant's contractor is required to have liability insurance which shall be maintained in the minimum coverage amount of \$1,000,000. A satisfactory certificate of insurance confirming such liability insurance coverage must be filed with the Borough before any work shall be commenced pursuant to the issued permit.

(Ord. 1397-12, 1/9/2012)

§21-106. Required Fees and Charges.

Before any permit shall be issued to open or excavate any street in the Borough, the applicant shall pay to the Borough any required fees and charges relative to permit issuance, street closings, inspections, and street degradation. Such fees and charges shall be set, adopted, and may be subsequently modified from time to time by resolution of the Borough Council.

(Ord. 1397-12, 1/9/2012)

§21-107. Issuance of Permits Restricted.

Permits shall be issued by the Borough only to persons furnishing public utility services or to the owner or owners of the real property adjoining the location where such opening or excavation is to be made.

(Ord. 1397-12, 1/9/2012)

§21-108. Permit Approval/Disapproval.

A permit may be issued to the applicant after all the requirements therefor have been satisfied. If the application is disapproved, written notice of disapproval, together with reasons therefor, shall be given by the Borough to the applicant.

(Ord. 1397-12, 1/9/2012)

§21-109. Responsibility to Contact Utilities.

The work authorized by any permit issued hereunder is subject to all the provisions of the Underground Utility Line Protection Law, Act of December 10, 1974, P.L. 852, No.

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287, §1 et seq., as amended or supplemented from time to time. It shall be the applicant's responsibility to contact the utilities that have recorded their facilities in compliance with said act. A partial list of utilities providing services in the Borough and their office addresses may be obtained from the Recorder of Deeds of Adams County, Pennsylvania. The applicant shall also be responsible for providing the serial number from the Pennsylvania One Call System to the Borough.

(Ord. 1397-12, 1/9/2012)

§21-110. Pre-Excavation Street Condition.

Any person who receives a permit is required to provide visual proof of the condition of the street or streets subject to excavation prior to the commencement of the excavation. Proof of condition of the area subject to excavation shall be in the form of photographs or video of the entire area.

(Ord. 1397-12, 1/9/2012)

§21-111. Requirements for Overlaying Traffic Lanes and Entire Disturbed Area; Limiting the Number of Patches and Pavement Joints.

1. When a longitudinal opening longer than 10 feet and wider than three feet is made in the street pavement, the applicant shall overlay the traffic lanes in which the opening was made for the entire length of street that was opened.
2. When two or more transverse trench openings are made in the street pavement less than 100 feet apart, the applicant shall overlay the traffic lanes in which the openings were made for the entire length of the street between such openings.
3. When four or more openings are made by the same applicant in the street pavement less than 100 feet apart, the Borough Engineers or such other agent or representative of the Borough shall require the applicant to overlay the entire disturbed area.
4. When the opening is to be closer than three feet from the edge of the existing pavement, the opening shall be extended to the edge of pavement.
5. When the permitted opening is to be closer than five feet from the edge of an existing patch or patches in the pavement, the restoration shall be extended to include said patch.
6. When the permitted opening is located in a street or alley 14 feet wide or less, then the applicant shall overlay the entire street or alley width for the entire length of the opening.

(Ord. 1397-12, 1/9/2012)

§21-112. Requirements and Specifications for Work.

1. Any person who shall open or excavate any street in the Borough shall thoroughly and completely refill the opening or excavation in such a manner as to prevent any settling thereafter and shall restore the surface to the same condition as it was before the opening or excavation.
2. Unless otherwise set forth in this Part, all construction processes and material specifications shall be in accordance with the current Publication 408 Specifications, as promulgated, adopted and amended from time to time by the Department of Transportation of the commonwealth, which shall be the specifications of the Borough for restoration of surfaces of streets in the Borough.
3. The surface shall conform to the proper grade and be of the same surface covering as the part of the street immediately adjoining the opening.
4. Any applicant test boring or drilling into any Borough street for location of leaks or venting of leaks shall be required to backfill holes with 2A stone to two inches below street surface and fill and compact holes with ID-2 or 9.5 mm Superpave and seal with AC-20.
5. The applicant shall be responsible to replace all pavement markings that are removed or damaged. All material shall be in conformance with PennDOT Publication 408 Specifications, as promulgated, adopted and amended from time to time by the Department of Transportation of the commonwealth.
6. Temporary paving shall be permitted for a period not to exceed 90 days. Such temporary paving material shall consist of cold patch premix, a minimum of two inches thick, thoroughly bound and compacted. Such temporary paving shall be installed flush with the surface of the adjoining paving. Trenches shall remain unpaved for no longer than five business days after backfilling and shall not remain unpaved during any weekend or any holiday officially observed by the Borough.
7. Permanent paving courses shall consist of a compacted 25 mm Superpave base course, five inches thick, and a compacted 9.5 mm Superpave wearing surface, 1 1/2 inches thick, and shall be in conformance with all PennDOT requirements and specifications. Such permanent paving courses shall be installed flush with the adjoining pavement within 10 business days after receiving authorization from the Borough. Ambient temperatures at the time of final pavement placement must be at least 40° F. and rising. If existing pavement is at least 6 1/2 inches thick, new pavement shall be installed to match the existing thicknesses. All joints shall be sealed with AC-20, and saw cutting of existing pavement shall be in accordance with Publication 408 Specifications. All temporary paving material shall be removed from trenches prior to placement of the permanent paving base course.

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8. No opening or excavation in any street shall extend from the curblin into the street a distance greater than one foot beyond the center line of the street before being refilled and the surface of the street being restored to a condition safe and convenient for travel.
9. No more than 500 feet longitudinally shall be opened in any street at any one time.
10. The excavation shall be so conducted as not to interfere with the water mains, sewers or their connections with any buildings, or any other subsurface lines or constructions unless written permission from the proper authorities relative to such subsurface lines or constructions shall have been obtained.
11. No tunneling shall be allowed without the express written approval of the Borough with such approval endorsed and set forth upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough, its engineers or inspector designated by it and shall be done only in a method approved by the Borough, by its engineers or by the inspector designated by the Borough.
12. The use of steel plates to cover open excavations shall be prohibited at all times between the dates of October 15 and April 15.
13. The applicant shall notify the Borough when the opening or excavation is ready for backfilling before any backfilling is done, when backfilling work is completed, when the temporary paving has been installed and when the street is ready for permanent paving so that inspections may be made.
14. Monuments of concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey bench mark within the Borough shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the Borough. Permission shall be granted only upon condition that the applicant shall pay all expenses incident to the proper replacement of the monument.
15. When the work performed by the applicant interferes with the established drainage system of any street, adequate provision shall be made by the applicant to provide proper drainage to the satisfaction of the Borough.
16. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants.
17. In the excavation of any street, the applicant shall take all necessary and reasonable precautions to ensure that the street remains in a safe and passable condition for the traveling public at all times. Such precautions may include, but are not limited to, the use of signs, barriers, lanterns and all other warning devices

sufficient to alert the traveling public of possible dangers relative to the excavation.

(Ord. 1397-12, 1/9/2012)

§21-113. Responsibility for Correction of Unsatisfactory or Incomplete Work; Responsibility for Defects Occurring Within 18 Months.

1. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough or its engineers, be unsatisfactory and where that work is not corrected in accordance with the Borough's instructions within the time fixed by it, or in the event that the work for which the permit was granted is not completed within the time fixed by the Borough, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed and charge the cost of the work to the applicant.
2. When any earth, gravel, or other excavated material is caused to roll, flow, or wash upon any street, the applicant shall cause the same to be removed from the street within 24 hours after deposit. In the event the earth, gravel or other excavated material so deposited is not removed, the Borough shall cause the removal, and the cost incurred shall be paid by the applicant.
3. If within 18 months after the restoration of the surface, as herein provided, defects shall appear therein resulting from defective backfilling by the applicant or its contractor or otherwise related to the applicant's work, then the applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving.
4. Payment for all work done by the Borough under the provisions hereof shall be made by the person made liable therefor within 30 days after a bill therefor is sent to such person by the Borough. Upon failure to pay such charges within such time, the same shall be collectible by the Borough by an action at law or in the manner provided by law for the collection of municipal claims.

(Ord. 1397-12, 1/9/2012)

§21-114. Emergency Openings.

In the case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus to commence excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter and that all other provisions of this Part are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction, or apparatus, the Borough, after such notice as it shall deem necessary under the circum-

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stances of the particular case, shall proceed to do the work necessary and required by such emergency, and charge all of its costs and expenses of all work to such responsible person.

(Ord. 1397-12, 1/9/2012)

§21-115. Waiver of Degradation Fees.

1. The Borough shall give timely notice to all persons owning property abutting on any street, or any utilities with facilities located within the Borough about to be paved or improved as part of the Borough's pavement maintenance program, and to all public utility companies operating in the Borough, and all such persons and utility companies shall make all water, gas or sewer connections, as well as any repairs thereto which would necessitate excavation of the said street within 30 days from the giving of such notice, unless such time is extended in writing for cause shown by the Borough.
2. If such work or repairs are completed before the street is paved or improved, the Borough shall waive the degradation charges for the applicant, if any are required, for all work requiring excavation of the said street.

(Ord. 1397-12, 1/9/2012)

§21-116. Conditions for Laying and Extending Utility Lines.

No new water, sewer, steam or gas main or electric, telephone or other utility line shall hereafter be laid or constructed, and no such existing main or line shall be extended, in any of the streets of the Borough until the plan therefor shall have been first filed with the Borough and such plan, and the exact location of such main or line, is approved by the Borough. The Borough shall not approve the location of any such main or line at a depth of less than 30 inches from the surface of the street unless it is clearly and convincingly proven to the Borough that locating the same at a depth of more than 30 inches from the surface is impossible or impractical.

(Ord. 1397-12, 1/9/2012)

§21-117. Conditions for Bridging of Alleys.

It shall and may be lawful for an owner or owners of lots or parts of lots in the Borough, located on opposite sides of any public alley, where the alley frontage of the owners shall be not less than 70 feet on both sides thereof, and directly opposite each other, to erect, construct and maintain, at right angles to the direction of any such alley, a bridge, open or enclosed, and not in excess of two stories in height, between and connecting buildings now erected or to be hereafter erected upon said lot or parts of lots, for the purpose of affording a ready and convenient form of communication and access of persons between

said buildings, such bridge to be of an overall width of not more than 10 feet with the lowest part thereof at least 14 feet above the grade of the alley established by the proper Borough officers or authorities, substantially constructed and protected so that the use by the public of the alley beneath will not be interfered with by falling rainwater, snow, litter or other material whatsoever; provided, however, that no such bridge may be erected at a distance less than 11 feet from the nearest portion of lot belonging to some other owner, nor at a distance less than 11 feet from the building line of any public street or alley. Proper signage shall be erected by the owner or owners of the bridge to warn the traveling public of the height of safe clearance under said bridge as measured from the grade of the public alley.

(Ord. 1397-12, 1/9/2012)

§21-118. Restoration and Maintenance Financial Security.

With the exception of the Gettysburg Municipal Authority, no company, corporation or association shall excavate any street or alley without first giving to the Borough a performance guarantee in an amount as determined by the Borough and acceptable to the Borough Engineer. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, irrevocable letters of credit issued by a federal or state chartered bank or lending institution or restrictive escrow accounts held by such banks or lending institutions shall be deemed acceptable financial security for the purposes of this Part.

(Ord. 1397-12, 1/9/2012)

§21-119. Applicability.

The provisions of this Part shall not apply to the laying of sidewalks or curbs or to the installation of utility poles.

(Ord. 1397-12, 1/9/2012)

§21-120. Prohibited Acts.

It shall be unlawful for any person to injure, damage, mar or deface any street in the Borough, or to render the same unsafe or dangerous to the traveling public in any way, which shall include, but shall not be limited to, the following: (a) the dragging or drawing of logs, trees or timber or other heavy objects, whether composed of wood, metal or other substance, on or over the surface; (b) the building of fires or the burning of rubbish or other material upon or over the surface; (c) the placing of or allowing to run, leak or be placed upon the surface of any oil, gasoline, kerosene or other substance that might be harmful to the surface; or (d) the operation of any vehicle upon any street with the wheels covered with mud or other material to the extent that such mud or other material drops therefrom onto such street causing a discoloration and/or slippery condition.

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(Ord. 1397-12, 1/9/2012)

§21-121. Penalty for Violation/Other Remedies.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600. Every day that a violation of this Part continues shall constitute a separate offense. In addition to the aforesaid penalty for a violation of this Part, the Borough may seek such other relief and remedies, at law or in equity, to include but not limited to injunctive relief, as may be otherwise available.

(Ord. 1397-12, 1/9/2012)

Part 2

Sidewalks

A. Sidewalk Construction, Reconstruction and Repair

§21-201. Responsibility of Property Owners.

It shall be the duty of the owner or owners of the lots of ground abutting upon any of the streets in the Borough to grade, pave and curb the sidewalks abutting thereon; to repair and keep the same at all times in a safe and passable condition; and to relay the same when unsafe or worn out. (Ord. 8/4/1905, 1; as amended by Ord. 105, 6/13/1968, §2)

§21-202. Conformity to Line and Grade.

Every sidewalk shall be laid in accordance with the lines and grades established by the Borough Engineer. (Ord. 8/4/1905, §2; as amended by Ord. 105, 6/13/1968, §3)

§21-203. Slope or Rise of Sidewalks.

The slope or rise of all sidewalks laid in the Borough, from the curb toward the building line, shall be 1/5 inch to the foot. (Ord. 8/4/1905, 3; as amended by Ord. 105, 6/13/1968, 4)

§21-204. [Reserved].

(Ord. 8/4/1905, 4; as amended by Ord. 9/8/1932; by Ord. 67911, 9/11/1967; and repealed by Ord. 1210-98, 6/8/1998, §1)

§21-205. Width of Sidewalks.

The width of the pavements and side or footwalks from the building line on streets in the Borough of Gettysburg shall be as follows:

1. On streets 80 feet in width, the pavements and the side or footwalks shall be 16 feet in width, provided that in residential areas and in blocks where no part of any building projects beyond the building line, the Borough Council may permit the construction of pavements six feet in width in the middle of side or footwalks with grassplots on either side thereof.
2. On streets 66 feet in width, the pavements and side or footwalks shall be 11 feet in width, provided that in residential areas and in blocks where no part of any building projects beyond the building line, the Borough Council may permit the

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building of pavements six feet in width next to a grassplot of 42 inches in width between said pavement and the curb.

3. On streets 50 feet in width, the pavements and side or footwalks shall be 10 feet in width; provided that in residential areas and in blocks where no part of any building projects beyond the building line the pavement shall be a solid pavement extending from the curb line to a width of not less than six feet, excepting that in such residential areas the Borough Council may permit the construction of a pavement four feet in width with a grassplot of not less than 18 inches in width between the curb and said pavement and not less than the minimum of the then existing grassplots opposite sidewalks theretofore laid to grade within the space between any two intersecting or cross highways on the same side of the street as the proposed sidewalks.

(Ord. 8/4/1905, §5; as amended by Ord. 8/15/1907, §1; Ord. 9/4/1951; and by Ord. 105, 6/13/1968, §5; as amended by Ord. 1028-85, 8/12/1985)

§21-206. [Reserved].

(Ord. 8/4/1905, §6; as amended by Ord. 105, 6/13/1968, §4; by Ord. 1028-85, 8/12/1985; by Ord. 1095-89, 12/11/1989; and repealed by Ord. 1210-98, 6/8/1998, §1)

§21-207. Authority for Borough to Do Work and Collect Cost, Plus 10%, From Defaulting Property Owners.

Upon the neglect of any property owner to grade, pave, curb or reconstruct any sidewalk after 30 days' notice from the Borough Council, or to make any necessary repairs to any curb or sidewalk after 15 days' notice from the Council, the Council shall cause such work to be done at the cost of such defaulting owner, and such cost, with an additional amount of 10% thereof, shall be collected from such owner through the filing of a municipal claim therefor, or by an action in assumpsit as provided by law. (Ord. 8/4/1905, §8; as amended by Ord. 10/2/1944; and by Ord. 105, 6/13/1968, §7)

§21-208. Certain Acts Prohibited; Penalty.

Any person who shall injure or tear up any sidewalk, drain or sewer, or any part thereof, or who shall dig a hole in any sidewalk without a permit from the Borough, or who shall neglect or refuse to fill up and place the same in as good condition as before breaking ground, upon being requested to do so by the Borough Council or any person designated by the Council for the purpose; or who shall hinder or obstruct the paving of any sidewalk which is being done by authority of the Borough or of this Part; or who shall hinder or obstruct any person employed by the Borough in making or repairing any public improvement or work ordered by the Council shall, upon conviction thereof before the District Justice of the Peace, be sentenced to pay a fine of not more than \$1,000, and/or

to imprisonment for not more than 90 days. (Ord. 8/4/1905, §9; as amended by Ord. 105, 6/13/1968; by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §1)

§21-209. Permit Required.

Before any sidewalk or curb may be constructed, a permit shall be obtained from the Borough Manager. All sidewalks and curbs shall be laid in accordance with specifications furnished by the Borough of Gettysburg and more fully detailed in the "Borough of Gettysburg Technical Provisions (Standards)" at the time the permit is granted. (Ord. 8/4/1905; as added by Ord. 1210-98, 6/8/1998, §2)

§21-210. Inspection.

During the performance of the sidewalk or curb construction, the Borough Manager, or his designated representative, may inspect the work at any time to determine whether construction specifications are being observed. Inspection by the Borough Manager, or his designated representative, shall at a minimum be made of the subgrade, formwork and any steel prior to placement of the concrete or brick surface. (Ord. 8/4/1905; as added by Ord. 1210-98, 6/8/1998, §2)

§21-211. Fee.

The fee for a sidewalk or curb permit shall be fixed from time-to-time by resolution of Borough Council. (Ord. 8/4/1905; as added by Ord. 1210-98, 6/8/1998, §2)

B. Driveways Crossing Sidewalks and Curbs

§21-211. Permit Required to Construct Driveways.

From and after the passage of this Part it shall be unlawful for any person, association, partnership or corporation to construct, build or make a driveway for vehicles over or through any curb, curb line, sidewalk or sidewalk line from any street in the Borough of Gettysburg, without first obtaining a permit therefor from the Borough Manager. (Ord. 5/20/1946, §1; as amended by Ord. 112, 6/13/1968, §1; and by Ord. 998-82, 5/10/1982)

§21-212. Maximum Width of Driveway.

It shall be unlawful to construct, build or make any such driveway, or for the Borough Manager to issue a permit for any such driveway, having a width along said street in excess of 30 feet, except in the case of a driveway giving access to a fire house or other building used for the storage of fire equipment or ambulances in which case the maximum width of the driveway shall be determined by the Borough Manager but shall be no wider than is necessary to facilitate the use of such emergency equipment, the max-

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imum width thereof to be specified in the permit. (Ord. 5/20/1946, §2; as amended by Ord. 112, 6/13/1968, §1; by Ord. 841-71, 3/8/1971; and by Ord. 998-82, 5/10/1982)

§21-213. Restrictions Affecting Driveways Within 10 Feet of Other Driveway Entrances.

It shall be unlawful to construct any such driveway with an entrance thereto within a distance of 10 feet from the entrance of another driveway, when the combined width of said driveways and the intervening distance between the same exceeds 30 feet. (Ord. 5/20/1946, §3)

§21-214. Slope of Driveway.

1. It shall be unlawful to construct, build, make or maintain a driveway with a slope extending into any street, or with the slope from the street grade to the sidewalk grade extending into the sidewalk for a distance exceeding 42 inches from the curb line, or extending into the sidewalk line from the property line.
2. It shall be unlawful to construct, build or make any such driveway with a grade below that of the adjacent sidewalk unless the same shall be specifically authorized by the permit; provided, however, that such authorization shall be granted only where the driveway is to be used for nonresidential purposes only.

(Ord. 5/20/1946, §4; as amended by Ord. 802-68, 3/11/1968, §1)

§21-215. Necessity for Driveway.

It shall be unlawful to construct, build or make any such driveway unless same is necessary for the lawful uses of the premises entered thereby and it has been determined that the owner or occupant of said premises has no other adequate access thereto sufficient for the lawful uses of said premises, the property and necessity for said driveway to be determined in the first instance by the Borough Manager before a permit therefor is issued. (Ord. 5/20/1946, §5; as amended by Ord. 112, 6/13/1968, §1; and by Ord. 998-82, 5/10/1982)

§21-216. Driveways Prohibited on Lincoln Square.

It shall be unlawful in any event to construct, build or make a driveway over, on, across or through any curb line or sidewalk in Lincoln Square in the Borough, or to issue a permit therefor. (Ord. 5/20/1946, §6; as amended by Ord. 112, 6/13/1968, §2)

§21-217. Responsibility for Maintenance of Driveways.

It shall be unlawful for any property owner to fail to maintain the driveways entering his premises in accordance with the provisions of this Part 2, and to fail to maintain them in a condition that will not endanger the safety of pedestrians, motorists and other users of the streets and sidewalks of the Borough. (Ord. 5/20/1946, §7)

§21-218. Permit Fee.

No permit fee for any driveway provided for in this Part shall be issued by the Borough Manager excepting upon the payment in advance of a permit fee equal to the sum of \$1 for each foot in width thereof, or until the owner of the premises entered by said driveway has filed with the Borough Manager a bond for the benefit of the Borough of Gettysburg, conditioned upon keeping said driveway in proper repair. (Ord. 5/20/1946, §8; as amended by Ord. 112, 6/13/1968, §1; by Ord. 998-82, 5 10 1982; and by Ord. 1028-85, 8/12/1985)

§21-219. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 2 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 2 continues shall constitute a separate offense. (Ord. 5/20/1946, §9; as amended by Ord. 112, 6/13/1968, §3; by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §1)

C. Sidewalk Obstructions and Encroachments

§21-221. Conditions for Placing and Maintaining Flower Boxes over Sidewalk.

Any person, partnership, firm or corporation, owning or leasing real estate in the Borough of Gettysburg, may place and maintain flower boxes, with plants therein not of a noxious variety, upon or extending over the sidewalk abutting upon such real estate, so long as such flower boxes do not extend more than two feet from the wall of the building to which they are attached over the public sidewalk. (Ord. 6112-4, 12/6/1961, §1; as amended by Ord. 122, 6/13/1968, §1)

§21-222. Standards for Maintenance of Flower Boxes over Sidewalk.

Any person, partnership, firm or corporation placing flower boxes upon or extending over public sidewalks shall maintain them in a good state of order, security and preservation so as not to constitute a nuisance, hazard or litter to or upon sidewalks or footwalks. (Ord. 6112-4, 12/6/1961, §2; as amended by Ord. 122, 6/13/1968, §1)

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§21-223. Obstruction of Sidewalks and Gutters Prohibited; Exceptions.

1. No person shall obstruct any sidewalk except as permitted by subsections (1) and (2) of this Section or by other Sections of this Part of Chapter 21 of the Code of Ordinances of the Borough of Gettysburg.
2. Any merchant or other person engaged in business may occupy the innermost portion of the sidewalk directly adjacent to the property line of such business with displays of merchandise.
3. Any restaurant licensed by the Pennsylvania Liquor Control Board to serve liquor and/or malt or brewed beverages may, so long as the following conditions are observed, occupy an adjacent area of such sidewalk physically defined in a manner approved by the Borough Code Enforcement Officer extending no more than eight feet from the property line; provided, that the outermost portion of the sidewalk, at least four feet in width, remains free and clear for the passage of pedestrians. This privilege is conditioned on observance of the following conditions:
 - A. Only nontransparent plastic beverage containers are used in such area.
 - B. All tables chairs, area markers and other property shall be removed from such area each day and stored in the interior of the establishment.
 - C. Such area shall at all times be maintained in an orderly condition and all refuse shall be removed therefrom.
 - D. No disorderly conduct, no loud or boisterous noise, no offensive language, no obstruction of the remainder of the sidewalk and no musical, electronic or other entertainment of any kind is permitted in such area.
 - E. No violations of any Federal, State or local laws or ordinances are permitted in such area.
4. No person shall obstruct the free flow of water in any gutter.

(Ord. 2/7/1905, §2; as amended by Ord. 5/21/1914; by Ord. 104, 6/13/1968, §1; by Ord. 1028-85, 8/12/1985; and by Ord. 1166-94, 8/8/1994)

§21-224. Vending Machines in Right-of-Way; Permit Required.

Any person, owner, corporation or otherwise desiring to place a vending machine on the outside of their property, which machine would extend into the sidewalk right-of-way, must first apply to the Borough Manager for a permit. Such application shall include the type of machine, product to be dispensed, actual location on the property proposed, and its overall dimensions.

In granting said permit the Borough Manager shall consider the need for such machine in the area, the extent to which it may interfere with pedestrian traffic, and whether or not it detracts from the appearance of the immediate neighborhood. Applications for vending machines in the Historic District must meet the approval of the Historical Architectural Review Board.

(Ord. 1028-85, 8/12/1985)

§21-225. Steps, Platforms, Porch Enclosures, Cellarways, Cellar Doors and Similar Encroachments.

No step, platform, porch enclosure, opening for cellar or cellar door, or similar obstruction shall be erected, built or placed which shall extend into any alley and no step, platform, porch, enclosure, or similar obstruction shall be erected, built or placed so as to extend into any pavement or sidewalk for a greater distance than four feet from the property or building line on streets (other than Lincoln Square) where the street is of the width of 66 feet or more, and on streets of less than 66 feet in width, no such obstruction shall extend into any pavement or sidewalk for a greater distance than three feet from the property or building line and in no case shall any such obstruction (other than on Lincoln Square) extend into any pavement or sidewalk to such distance as to prevent there being four feet of clear space for the passage of pedestrians on the pavement or sidewalk. On Lincoln Square no such obstruction shall be erected, built or placed so as to hinder access to, or unreasonably obstruct the view of, any sidewalk for a greater distance than eight feet from the property or building line and in no case shall any such obstruction extend into the pavement or sidewalk to such a distance as to prevent there being 12 feet of clear space for the passage of pedestrians on such pavement or sidewalk.

No porch shall extend into the pavement beyond the building line on Carlisle, Baltimore, Chambersburg or York Streets within one block of Lincoln Square.

No cellar door or entrances into cellars shall be raised above the level of the pavement or sidewalk, nor be allowed to remain open after dark.

(Ord. 2/7/1905, §8; as amended by Ord. 4/10/1911, §1; by Ord. 3/5/1928, §1; by Ord. 6264, 6/4/1962; and by Ord. 104, 6/13/1968, §2)

§21-226. Encroachment by Bulk, Jut or Bay Windows.

It shall be unlawful for any person, partnership, firm or corporation to erect, set up or reset any bulk, jut or bay window in the first story of any building, which shall project beyond the building line of any street, and any such window erected on any story above the first shall not extend beyond the building line more than 30 inches. (Ord. 2/7/1905, §9; as amended by Ord. 4/10/1911, §1; and by Ord. 104, 6/13/1968, §3)

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§21-227. Encroachment for Purpose of Refacing Buildings May be Permitted.

If it is determined by the Building Official that it is impractical for structural reasons, or impossible for any other reason, or if it is determined to be undesirable for historical reasons by the Historical Architectural Review Board, to tear down and rebuild the front wall of an existing building, the Building Official may issue a building permit for construction entailing an encroachment on a street up to a distance of not more than five inches beyond the street line for the purpose of refacing the front of such building. (Ord. 911-76, 3/9/1976, §1)

§21-228. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 2C shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 2C continues shall constitute a separate offense. (Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §1)

D. Snow and Ice Removal from Sidewalks

§21-241. Definitions.

As used in this Part 2D, the following terms shall have the meanings indicated:

CARTWAY — portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

HIGHWAY — any State highway of the Commonwealth of Pennsylvania.

PERSON — natural person, partnership, corporation, association, or any other legal entity.

SIDEWALK — portion of a street between the curblines, or the lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians.

STREET — the entire width between the boundary line of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Any street, road, lane, court, cul-de-sac, alley, public way and public square.

(Ord. 1/16/1952; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1369-09, 11/9/2009, §1)

§21-242. Responsibility for Removal of Snow and Ice from Sidewalks.

Every person who owns or is otherwise in charge or control of any building or lot of land fronting or abutting on a sidewalk, whether as owner, tenant, occupant, lessee or licensee, shall remove and clear away or cause to be removed or cleared away snow and/or ice in order to create a path for the reasonably safe passage of pedestrians of at least 30 inches in width within so much of said sidewalk as is in front of or abuts on said building or lot of land.

- A. Except as provided in §21-242B and C hereof, snow and ice shall be removed from sidewalks within 12 hours after the cessation of any fall of snow, sleet or freezing rain in the following areas of the Borough of Gettysburg:

Street	Between
Baltimore Street	Lincoln Square and Steinwehr Avenue
Buford Avenue	Chambersburg Street and West Race Horse Alley
Carlisle Street	Lincoln Square and Water Street
Chambersburg Street	Lincoln Square and Bream Alley
East High Street	Baltimore Street and South Stratton Street
East Middle Street	Baltimore Street and South Stratton Street
Lincoln Square	
North Stratton Street	York Street and Railroad Street
North Washington Street	Chambersburg Street and Railroad Street
South Stratton Street	York Street and East High Street
South Washington Street	Chambersburg Street and West High Street
Steinwehr Avenue	Baltimore Street and South Washington Street
West High Street	Baltimore Street and South Washington Street
West Middle Street	Baltimore Street and South Washington Street
York Street	Lincoln Square and Liberty Street

- B. Except as provided in §21-242A and C hereof, snow and ice shall be removed from sidewalks within 24 hours after the cessation of any fall of snow, sleet or freezing rain in all remaining areas of the Borough of Gettysburg.
- C. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without the likelihood of damage to the sidewalk, the person charged with its removal, within the time provided for in §21-242A or B hereof, as applicable, shall cause enough sand or other abrasive material to be applied to the sidewalk in order to make pedestrian travel reasonably

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safe; and shall, as soon thereafter as weather permits, cause to be cleared a path within said sidewalk of at least 30 inches in width.

(Ord. 1/16/1952; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1369-09, 11/9/2009, §2)

§21-243. Responsibility for Removal from Roofs.

Every person who owns or is otherwise in charge or control of any building or other structure, whether as owner, tenant, occupant, lessee, or licensee 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 likely to fall on any sidewalk, street or highway. Such work shall be completed within a reasonable time after the cessation of any fall of snow, sleet or freezing rain, but not later than the time frames provided for in §21-242A and B above, as applicable.

(Ord. 1/16/1952; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1369-09, 11/9/2009, §3)

§21-244. 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 street, highway, or sidewalk or any public loading or unloading areas, except that any person who is removing snow or ice from sidewalks in an area identified in §21-242A hereof may deposit such snow and ice in the gutter area immediately adjacent to the curb of a street or highway or except that snow and ice may be mounded by the Borough of Gettysburg or the Commonwealth of Pennsylvania within the cartway of a street, highway, or sidewalk incident to the clearing and removal of snow or ice from streets, highways, or sidewalks thereof.

(Ord. 1/16/1952; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1369-09, 11/9/2009, §4)

§21-245. Authority for Borough to Remove Snow and Ice and Collect Cost and Additional Amount.

In the event any person fails to remove snow and/or ice as required by §21-242 hereof or unlawfully deposits snow and/or ice in or on any sidewalks, streets or highways in violation of §21-244 hereof, said snow and/or ice may be removed by the employees of the Borough and the cost thereof shall be paid by said person and collected as a municipal claim or as otherwise authorized by the Borough Code or any other statute of the Commonwealth of Pennsylvania, said costs to be in addition to any penalties hereinafter provided for in §21-246.

(Ord. 1/16/1952, §3; as amended by Ord. 1369-09, 11/9/2009, §5)

§21-246. Penalties.

In addition to any costs §21-245, any person who shall violate any provision of this Part 2D shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000. Every day that a violation of this Part 2D continues shall constitute a separate offense.

(Ord. 1/16/1952; as amended by Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §1; and by Ord. 1369-09, 11/9/2009, §6)