

Chapter 138

STREETS AND SIDEWALKS

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

GENERAL REFERENCES

Sewers — See Ch. 128.

Vehicles and traffic — See Ch. 155.

Subdivision and land development — See Ch. 141.

ARTICLE I
Sidewalk Regulations
[Adopted 7-11-1961 by Ord. No. 186]

§ 138-1. Definitions; word usage. [Amended 8-7-1974 by Ord. No. 262]

A. Definitions. As used in this article, the following terms shall have the meanings indicated:

PERSON — Any natural person, partnership, association, firm or corporation.

SIDEWALK COMMITTEE — Refers to the Sidewalk Committee of the Borough Council of the Borough of Mansfield or to the Borough Manager of the Borough of Mansfield.

B. Usage. The singular shall include the plural, and the masculine shall include the feminine and neuter.

§ 138-2. Construction of sidewalks by property owners.

Every owner of property in the Borough of Mansfield shall, on 20 days' notice from the Borough Council, construct or reconstruct a sidewalk, which shall conform to all applicable requirements of this article, in front of and/or alongside of such property.

§ 138-3. Giving of notice.

The notices referred to in §§ 138-2 and 138-4 may be written or printed or partly written or partly printed.

§ 138-4. Repair of sidewalks by property owners.

Every owner of property in the Borough of Mansfield shall, on five days' notice from the Borough Council, repair the sidewalk, in the manner stipulated in such notice, in front of and/or alongside such property.

§ 138-5. Sidewalk materials and specifications. [Amended 12-13-1995 by Ord. No. 376]

All sidewalks shall be constructed, reconstructed and repaired of concrete material only, which meets the following specifications:

- A. Concrete shall be a minimum of four inches and reinforced with a minimum 10 inches by 10 inches reinforcing mesh.
- B. Concrete walks on driveway entrances shall be a minimum of six inches in depth with a minimum of 10 inches by 10 inches reinforcing mesh.
- C. Concrete shall meet a twenty-eight-day compression strength of 4,000 pounds per square inch. The portland cement shall be six bags per cubic yard and containing not less than 4% or more than 6% air by volume.
- D. All edges and joints shall be tooled, with joints at a maximum of six feet and 1/2 inch expansion joints placed every 30 linear feet. The concrete shall have a medium broom finish across the lengths after tooling of the edge and joints.
- E. Sidewalks shall be sloped toward the street at a minimum of 1/4 inch per foot.
- F. All grades and slopes of sidewalks should conform with all handicap standards, regulations and laws.

§ 138-6. Sidewalk widths.

All sidewalks on Main Street between the intersection of Central Street with North Main Street and the intersection of College Avenue with South Main Street shall extend from the building line to the curb, and on all other streets the sidewalks shall be at least four feet wide.

§ 138-7. Failure to comply with notice. [Added 11-14-1961]

- A. Any owner of property in the Borough of Mansfield who shall fail or refuse to comply with the provisions of any lawful notice served by virtue of § 138-2, 138-4, 138-5 or 138-6 shall be guilty of a violation of this article. Each separate day of such failure or refusal shall constitute a separate offense. **[Amended 12-3-1975 by Ord. No. 276]**
- B. At its option in conjunction with prosecution for violation as aforesaid or without such prosecution, the Borough of Mansfield may cause the work required by said notice to be done and the costs thereof plus 10% for administrative expenses to be collected from the owner of the property in like manner as municipal claims are collected or by action in assumpsit.

§ 138-8. Excavations under sidewalks.

No permanent excavations shall be made under any sidewalk in the Borough of Mansfield unless such sidewalk shall be supported by iron or steel beams or girders or by stone or concrete arches of such design and size as shall be approved by the Sidewalk Committee.

§ 138-9. Sidewalk lines and grades.

All sidewalks shall be constructed, reconstructed and repaired and the grading thereof done only upon the line and grade obtained by the property owner from the Sidewalk Committee. Upon notice as provided in § 138-2 or 138-4, as the case may be, such work of construction, reconstruction or repair shall be done by the owner or owners of such property.

§ 138-10. Duty of Sidewalk Committee regarding reconstruction.

It shall be the duty and responsibility of the Sidewalk Committee to determine, in the case of any individual property, whether or not the sidewalk shall be reconstructed or repaired, and, if so, the specific part or part thereof to be reconstructed or repaired. The Sidewalk Committee or a member thereof may, at any time during the course of work of constructing, reconstructing or repairing any sidewalk, visit the site of such work to ascertain whether such work is being done according to requirements; and said Committee or any one of the members shall visit any such site for such purpose whenever requested by the property owner. Within two days after the completion of the work of construction, reconstruction or repair of any sidewalk, it shall be the duty of the owner of the property where such work was done to notify the Sidewalk Committee of that fact so that it may inspect such sidewalk to determine whether the grade and line thereof have been observed and followed.

§ 138-11. Sidewalk repair on owner's initiative.

Any property owner, upon his own initiative and without notice from any Borough authority, may construct, reconstruct or repair a sidewalk in front of and/or along his property, provided that such owner shall first make application to the Sidewalk Committee and shall conform to the requirements of this article as to line and grade and as to material used, and that he shall

notify the Sidewalk Committee, as required by § 138-10, within two days after completion of the work.

§ 138-12. Sidewalk displays of goods. [Amended 8-11-1993 by Ord. No. 363]

No person shall place, set up, exhibit or display upon any of the sidewalks of the Borough of Mansfield any goods, wares or merchandise, nor shall any person set up and/or operate upon any such sidewalks any implements or fixtures used in connection with the display and/or sale of goods, wares or merchandise or the solicitation of contributions to charity by outright contributions or the sale of tokens or tickets, provided that merchants owning or occupying commercial businesses on both sides of Main Street, from the entrance to Smythe Park to Center Street, and on both sides of Wellsboro Street from Hoard Street to Railroad Street, within five feet of the building front may during normal business hours set up for sale or display on the sidewalks of the Borough of Mansfield their goods, wares or merchandise, provided that such goods, wares and merchandise are on that portion of the sidewalk, and further provided that no implements or fixtures, used for the purpose of display and/or the sale of goods, wares or merchandise shall, present a present danger to pedestrian traffic on said sidewalks. The Borough Council may by resolution suspend the operation of this section or any portion thereof from time to time for limited periods upon such conditions with regard to public liability as shall be determined by said Council.

§ 138-13. Removal of snow from sidewalks.

The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Borough of Mansfield is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside of such property all snow or ice thereon fallen or formed, within five hours after the same shall have ceased to fall or to form, provided that snow or ice which has ceased to fall or to be formed after 6:00 p.m. of any evening may be removed at any time before 10:00 a.m. of the next morning; provided further that the owner of the property shall be responsible for conforming to the requirements of this section where such property is occupied by such owner or is unoccupied, and the tenant or occupier thereof where such property is occupied by such tenant or occupier only, and the owner thereof where the property is a multiple-business or multiple-dwelling property occupied by more than one tenant or occupier.

§ 138-14. Snow removal by Borough; costs.

In any case where the owner, occupant or tenant as aforesaid shall fail, neglect or refuse to comply with any of the provisions of § 138-13 within the time limit prescribed therein, the Borough authorities may proceed immediately to clean all snow and/or ice from the sidewalk of such delinquents and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under § 138-29.

§ 138-15. Littering sidewalks. [Amended 12-3-1975 by Ord. No. 276]

No person shall place, cast or throw upon any of the sidewalks in the Borough of Mansfield any piece of glass or sharp or pointed metal or any skin of a banana or of any other fruit or any other article or substance or matter which might be a source of danger and possible accident or injury to any person walking upon such sidewalk.

§ 138-16. Additional littering prohibition; exceptions. [Amended 6-5-1973 by Ord. No. 257; 12-3-1975 by Ord. No. 276]

No person shall place, cast or throw upon any of the sidewalks in the Borough of Mansfield any substance or material or article not within the purview of § 138-15, provided that nothing in this section shall apply to any refuse placed in proper containers or bundled as permitted by any other applicable ordinance of the Borough¹ and placed upon the sidewalk while awaiting collection; provided further that nothing in this section shall apply to any article placed for immediate loading or unloading, removal or storage or to any building material stored upon a sidewalk under a valid permit issued in conformity with the provisions of any other applicable ordinance of the Borough, or to any material to be used in laying or repairing such a sidewalk; provided further that nothing in this section shall prohibit the placing upon the sidewalks of the Borough of benches or containers holding flowers, shrubs or trees, the type and location of which have been approved by the Borough Council.

§ 138-17. Bicycles and other toy vehicles prohibited on certain sidewalks. [Amended 12-13-1995 by Ord. No. 376]

No person shall operate any bicycle, tricycle, skateboard, coaster, scooter, roller skates, roller blades or any other nonmotorized toy device with wheels or rollers upon which a person may ride upon the following sidewalks within the Borough at any time:

- A. West side of North Main Street from Center Street to West Wellsboro Street.
- B. East side of North Main Street from Sherwood Street to East Wellsboro Street.
- C. South side of West Wellsboro Street from Besanceney Drive to South Main Street.
- D. North side of West Wellsboro Street from Railroad Street to North Main Street.
- E. West side of South Main Street from the entrance to Symthe Park to West Wellsboro Street.
- F. East side of South Main Street from East Main Street to East Wellsboro Street.
- G. Both sides of East Wellsboro Street from St. James Street to North Main Street.

1. Editor's Note: See Ch. 132, Solid Waste.

§ 138-18. Bicycles and other toy vehicles prohibited on sidewalks during certain times. [Added 12-13-1995 by Ord. No. 376]

No person shall operate any bicycle, tricycle, skateboard, coaster, scooter, roller skates, roller blades or any other nonmotorized toy device with wheels or rollers upon which a person may ride on any sidewalk of the Borough:

- A. Between sunset and sunrise on any day.
- B. At any other time when, due to insufficient light or unfavorable atmospheric conditions, persons are not clearly discernible from a distance of 100 feet.

§ 138-19. Obedience to traffic control personnel and devices. [Added 12-13-1995 by Ord. No. 376]

Any person operating any bicycle, tricycle, skateboard, coaster, scooter, roller skates, roller blades or any other nonmotorized toy device with wheels or rollers shall obey the instructions of a police officer or other person authorized to direct, control or regulate traffic and all traffic control devices and signs.

§ 138-20. Right-of-way to pedestrians. [Added 12-13-1995 by Ord. No. 376]

Any person operating any bicycle, tricycle, skateboard, coaster, scooter, roller skates, roller blades, or another non-motorized toy device with wheels or rollers shall yield the right-of-way to any pedestrian and may not overtake or pass a pedestrian while riding or propelling such device.

§ 138-21. Horses or other vehicles on sidewalks. [Amended 12-13-1995 by Ord. No. 376]

No person shall ride, lead or drive any horse or operate any motor vehicle or horse-drawn vehicle upon any sidewalk in the Borough of Mansfield, except that nothing herein contained shall prohibit the operation of a motorized wheelchair by a physically handicapped individual or prohibit any person from operating any motor vehicle or horse drawn carriage across any sidewalk with due regard and care for the safety of pedestrians and other persons lawfully using such sidewalk, further provided that a driveway or alleyway or a portion of such sidewalk where the curb shall have been cut down is used for the purpose and the crossing is made in order to gain entrance to or egress from any property adjacent to such sidewalk or to such alleyway or driveway.

§ 138-22. Other vehicles on sidewalks.

No person shall operate any motor vehicle or horse-drawn vehicle upon any sidewalk in the Borough of Mansfield, except that nothing herein contained shall prohibit any person from operating any such vehicle across any sidewalk, with due regard and care for the safety of pedestrians and other persons lawfully using such sidewalk, provided that a driveway or alleyway or a portion of such sidewalk where the curb shall have been cut down is used for

the purpose and the crossing is made in order to gain entrance to or egress from any property adjacent to such sidewalk or to such alleyway or driveway.

§ 138-23. Riding or coasting on sidewalks.

No person shall ride or coast upon any sidewalk in the Borough of Mansfield in or upon any sled.

§ 138-24. Obstruction of sidewalks.

No person shall in any manner obstruct any sidewalk in the Borough of Mansfield so as to endanger any person or property or to hinder or delay public travel; provided, however, that nothing herein contained shall prohibit any person from making use of any sidewalk in the manner provided in §§ 138-21 and 138-22 and in strict conformity with the conditions and requirements of such sections.

§ 138-25. Temporary placement of goods on sidewalks.

Any person engaged in delivering any goods, wares or merchandise to any property abutting upon any sidewalk, or in removing any personal property of any nature or character whatever from such property, may temporarily, for a total period of not more than one hour, place any such goods, wares or merchandise or any other personal property upon such sidewalk, as close as possible to the curb, to facilitate the loading or unloading of the same. The occupant of such property, or the owner thereof where such property is not occupied, shall be responsible for adhering to the requirements of this section, and any failure to conform to such requirements shall constitute a violation of this article.

§ 138-26. Storage of building materials on sidewalks.

Under special circumstances where, in the opinion of the Sidewalk Committee of the Borough Council, there shall be no other practicable means for the temporary storage thereof, a permit may be granted by the Mayor upon recommendation of such Committee for the storage of building materials upon a limited portion of the sidewalk abutting upon the property where such materials are to be used. Such permit shall be issued for a fee of \$1, payable to the Borough Secretary, for the use of the Borough by the owner or occupant of such property by the authority of whom such materials are to be used. Such permit shall be issued upon the following conditions, which shall be strictly adhered to by the holder thereof:

- A. Such permit shall be valid for a limited time, not in excess of 30 days, which shall be determined by the Sidewalk Committee on the basis of the scope of the work being undertaken and the inconvenience to the public involved, and such time shall be stated upon such permit.
- B. Such building materials shall occupy no more than 1/2 the width of the sidewalk.
- C. Such building materials shall be placed so as not to interfere with drainage of the sidewalk or with access to any fire hydrant.

- D. Such building materials shall be arranged in regular, neat, compact form so as to occupy a minimum of space and to present the least risk of falling.
- E. The holder of such permit shall place lights and guards in the vicinity of or around such materials so as to prevent injury to persons and property.
- F. The holder of such permit shall file with the Borough Secretary a bond, in such sum as shall be determined by the Sidewalk Committee, to indemnify the Borough against all damages, losses, costs or expenses that are or may be occasioned by reason of placing or storage of such materials upon such sidewalk.
- G. All such materials shall be removed from the sidewalk and the sidewalk shall be restored to the condition in which it was immediately prior to such storage on or before the date of expiration of such permit. If the holder of such permit shall fail to comply with the provisions of this condition, such materials may be removed by order of the Sidewalk Committee and shall be placed upon the property where such materials are to be used, outside the limits of the sidewalk; in such case the expense of such removal and any additional charge authorized by law shall be collected by the Borough from the holder of such permit, provided that nothing herein contained shall be construed to interfere with the grading of sidewalks or streets or the placing of material for such purpose under the direction of the Borough official in charge thereof.

§ 138-27. Protection of sidewalks and pedestrians during building construction operations.

Every person erecting or repairing any building shall keep the sidewalk adjacent thereto clear and open except as may be authorized under a permit provided for in § 138-26. Whenever necessary for the protection of the users of such sidewalk during the course of such building construction or repairing, such person shall erect a suitable shed or other protective covering over such sidewalk.

§ 138-28. Structures overhanging sidewalks; wires.

No person shall install, erect or maintain any structure whatsoever, except wires and equipment of public utility companies, overhanging any sidewalk in the Borough of Mansfield; provided, however, that the Mayor of the Borough of Mansfield may grant permission for such overhanging structure upon resolution of the Council of the Borough of Mansfield and the payment of such reasonable permit and inspection fee, not to exceed \$10, as said Borough Council may determine.

§ 138-29. Compliance required; violations. [Amended 12-3-1975 by Ord. No. 276]

Any person who shall fail to comply with any of the provisions of § 138-20, 138-21, 138-22, 138-23 or 138-24 shall, upon conviction thereof, be guilty of a violation of this article, provided that each day's continuance of a violation after notice thereof shall constitute a separate offense.

§ 138-30. Installation of gasoline pumps or tanks on sidewalks.

From and after the final enactment of this article, no persons shall erect, construct or locate any pump or tank or other device for supplying motor vehicles with gasoline, oil or air upon any sidewalk or curb in the Borough of Mansfield, provided that the provisions of this section shall not be construed to prevent the replacing of any pump, tank or other device now in place with a new or improved pump, tank or other device.

§ 138-31. Existing pumps or tanks.

Any pump, tank or other device of the type referred to in § 138-30, located upon any sidewalk or curb at the time of final enactment of this article, shall be permitted to remain at such location and to be replaced as provided in § 138-26 for so long as the same shall be maintained in a safe condition and in good repair and for so long as the same shall continue to be used for the purpose for which it is intended. If the use of any such pump, tank or other device shall be discontinued over a period of 30 days, the owner of the property abutting the sidewalk or curb upon which such pump, tank or other device is located shall forthwith remove the same.

§ 138-32. Removal of certain pumps or tanks.

Any pump, tank or other device constructed, erected, located or maintained upon any sidewalk or curb in violation of any of the provisions of this article shall, after 10 days' notice to the owner of the property abutting such sidewalk or curb, be removed or made safe by such property owner, as may be necessary in order to comply with this article. In case such property owner shall fail to comply with the requirements contained in such notice, the Borough shall have authority to cause the removal of such pump, tank or other device and to correct the cost and any additional penalty authorized by law from such property owner.

§ 138-33. Violations and penalties. [Amended 12-3-1975 by Ord. No. 276]

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be punishable by a fine of not more than \$300 and costs of prosecution, and each day's continuance of a violation of any of the provisions of this article shall constitute a separate offense. The penalty imposed under this section may be in addition to any expenses and penalties in connection therewith authorized by any other section of this article.

ARTICLE II**Poles and Wires**

[Adopted 1-4-1955 by Ord. No. 164]

§ 138-34. Definitions; word usage.

A. Definitions. As used in this article, the following terms shall have the meanings indicated:

PERSON — Any natural person, partnership, association, firm or corporation.

- B. Usage. The singular shall include the plural, and the masculine shall include the feminine and neuter.

§ 138-35. Permission by ordinance or franchise required.

In the absence of permission specifically granted by ordinance or franchise, it is and shall be unlawful, and it is hereby declared to be a nuisance, to maintain in, on, under or across any street in the Borough of Mansfield, including the sidewalks thereof, any pole, wire, conduit or line for the transmission of electrical energy or communication signals.

§ 138-36. Violations of terms of franchise.

It shall be unlawful, and it is hereby declared a nuisance, for any person or persons, the grantees of any franchise for the transmission of electrical energy or communication signal by means of poles, wires, conduits or lines, to erect, construct or maintain such poles, wires, conduits or lines in violation of the terms of such franchise.

§ 138-37. Abatement of nuisances.

From and after the first day of February 1955, the Street Committee of the Borough Council of the Borough of Mansfield is empowered to abate such nuisances as are defined in this article at the cost of the maintenance of said nuisance, with 10% added to the reasonable cost of the same, and to collect said costs and additions as municipal claims are collected.

§ 138-38. Violations and penalties. [Amended 12-3-1975 by Ord. No. 276]

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and costs of prosecution, provided that each day's continuance of a violation shall constitute a separate offense; and provided further that such fine and costs may be in addition to the costs and expense of abatement of any nuisance created or maintained as a result of such violation, and any penalty authorized to be charged in addition to such costs and expenses in cases where abatement thereof is caused to be done by the Street Committee of said Borough.

ARTICLE III

Street Drains

[Adopted 5-12-1890 by Ord. No. 21]

§ 138-39. Regulation of drains along streets; penalty. [Amended 12-3-1975 by Ord. No. 276]

If any person shall change the course of any ditch, gutter or drain or passage which has been constructed or may hereafter be constructed by the Borough authorities for drainage purposes, or if any person shall build or construct any blind ditch or drain along or across any of the streets, lanes or alleys within the limits of this Borough without the consent of the Mayor and

Council first had and obtained, upon conviction thereof he shall be sentenced to pay a fine not exceeding \$300 and costs of prosecution.

ARTICLE IV
Coasting on Streets
[Adopted 12-8-1891 by Ord. No. 23A]

§ 138-40. Coasting on certain streets prohibited; penalty. [Amended 12-3-1975 by Ord. No. 276]

Any person who shall hereafter coast or ride downhill on College Avenue or Academy Street north of College Avenue or on any other street, lane or alley within the Borough that shall be designated by public notice by the Mayor and Council shall, upon conviction thereof, be subject to a fine of not less than \$5 nor more than \$10 and costs, to be collected as provided by law.

ARTICLE V
Street Excavations
[Adopted 12-6-1938 by Ord. No. 123]

§ 138-41. Permit required. [Amended 12-3-1975 by Ord. No. 276]

It shall be unlawful for any person, firm or corporation to make any opening or excavation in or under any street, alley or thoroughfare within the limits of the Borough of Mansfield, Pennsylvania, unless and until a permit therefor is secured from the Borough Manager for each separate undertaking, such permit and the application therefor to be in the form prepared by the Borough Secretary and to contain a statement that the applicant agrees to the terms of this article. Permits herein required include a permit to connect with the sanitary sewer system of the Borough or to open or to make an excavation in connection therewith. Any police officer of the Borough shall promptly prohibit any work being done without a proper permit or contrary to the terms hereof.

§ 138-42. Application for permit; fee; surety; emergencies. [Amended 12-3-1975 by Ord. No. 276; 5-9-2001 by Ord. No. 409]

- A. The charge for any permits issued pursuant to this article within the Borough for whatever purpose shall, for each separate undertaking, be \$50 for each permit. Each separate opening shall require a separate application and fee. For an opening longer than 50 feet, the applicant shall pay an additional fee of \$1 per foot in length of opening.
- B. Upon submission of a completed application and payment of the proper fee, the Borough Manager or designee may issue a permit, provided that the Borough Manager or designee is satisfied that the permit will not cause or result in a risk to the public.
- C. If the applicant has in the past failed to repair an opening, the Borough Manager or designee will require a surety bond for an amount to be determined by the Borough Engineer.

- D. Permits shall remain valid for a period of 90 days.
- E. An opening must be closed and repaired within 10 days of the opening.
- F. The application for the excavation permit and every such permit shall specify the time when said opening or excavation may be made, together with the probable length, width and depth thereof and such further information as the Borough Manager or designee may require, provided that in case of emergencies repairs may be made and a permit thereof secured within 24 hours of the same.

§ 138-43. Guarding excavations; liability for damages. [Amended 5-9-2001 by Ord. No. 409]

It shall be the duty of any person or persons, firms or corporations to whom a permit is issued or by whom any opening or excavation is made as aforesaid to provide and maintain proper and adequate guards, barriers and lights to prevent accidents, and they shall assume all risks and be liable for all damages by reason of the openings and excavations and by reason of any failure to properly fill the hole or trench and maintain the surface disturbed in a safe condition. Sections 901, 1103 and 1104 of the Commonwealth of Pennsylvania DOT's Specifications, 1994, Publication 408, as modified or amended, from time to time, shall be adhered to. All applicable OSHA requirements shall also be adhered to.

§ 138-44. Refilling of excavations; resurfacing. [Amended 12-3-1975 by Ord. No. 276; 5-9-2001 by Ord. No. 409]

- A. It shall be the duty of any person, firm or corporation causing an opening or excavation to be made to thoroughly and completely backfill and compact, so as to prevent any settling thereafter. Refer to the Borough of Mansfield's Standard Specifications, as modified or amended, from time to time.
- B. In addition, said person, firm or corporation causing an opening or excavation shall also be responsible for repairing and repaving the trench opening, in accordance with the Borough's Standard Details and the following specifications from Publication 408 of Pennsylvania DOT's Specifications 1994, as modified or amended, from time to time.
 - (1) Section 305, Bituminous concrete base course.
 - (2) Section 350, Subbase.
 - (3) Section 401, Conventional specifications, plant-mixed bituminous concrete course.
 - (4) Section 420, Wearing course ID-2.
 - (5) Section 460, Bituminous tack coat.
 - (6) Section 482, Slurry seal.
 - (7) Section 630, Plain cement concrete curb.
 - (8) Section 701, Cement.

- (9) Section 702, Bituminous material.
 - (10) Section 703, Aggregates.
 - (11) Section 704, Cement Concrete.
 - (12) Section 802, Topsoil.
- C. All construction, restoration and stabilization shall be completed in a neat and workmanlike manner.
- D. Furthermore, if the width of the trench pavement cut in relation to the overall street pavement width is 20% or more, a full pavement overlay with a two-inch thick (compacted) layer of ID-2 wearing course shall be provided.
- E. The maximum length of open trench (at any one time) is 100 feet. The maximum length of unrestored trench (at any one time) is 400 feet.

§ 138-45. Performance of work by Borough. [Amended 12-3-1975 by Ord. No. 276]

If the work in opening or in filling or maintaining the surface shall not be promptly done or shall be unskillfully or improperly or incompletely done, the Borough Superintendent or any other person designated by Council may cause the same to be done in the manner he deems proper, and the expense thereof, including any overhead expense, shall be charged to the person, firm or corporation by whom the opening or excavation was made, together with an additional 25% as a penalty. No permit shall be issued to any person, firm or corporation in default under this section until the costs and penalty herein provided are paid, and no further permit shall be granted to any person, firm or corporation unless and until the openings or excavations already caused by them have been properly fined and the surface maintained as aforesaid in a safe condition and at the proper grade, of which the said Borough Superintendent or other person designated shall be the judge.

§ 138-46. Employment of workmen.

In no case shall any opening or excavation made by any person, firm or corporation be considered in the charge or care of the Borough or any officer or person employed by the Borough, and no officer is authorized to in any way take or assume any jurisdiction over any such opening or excavation. However, if the person, firm or corporation causing the opening to be made deems it to his or its advantage to employ the same workmen as do similar work for the Borough, such person, firm or corporation may do so.

§ 138-47. Violations and penalties. [Amended 12-3-1975 by Ord. No. 276]

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be fined not more than \$300 and costs of prosecution for each offense, to be collected as fines and penalties are by law collectible.

§ 138-48. Performance of duties. [Amended 12-3-1975 by Ord. No. 276]

If for any reason the duties prescribed cannot be promptly performed by the Borough Superintendent, they may be performed by or under the direction of the Borough Manager or the Chairman of the Street Committee.

ARTICLE VI**Street Numbers; Private Street Name Signs
[Adopted 2-9-2005 by Ord. No. 425]****§ 138-49. Display of street numbers required.**

The owners of all buildings or structure/property within the Borough to which street numbers have been assigned shall have the street number prominently displayed at all times in accordance with the following standards. For purposes of this article, a "street number" is an address number established in accordance with the countywide 911 public safety system with reference to the adjacent road or street, assigned and given to a particular building or structure/property by Tioga County 911 and the United States Postal Service. For specific sections of roadways with an existing addressing system that is approved by Tioga County 911, the "street number" is the retained street number in the existing addressing system that is established in conjunction with the county addressing project.

- A. Each building to which a street number has been assigned shall have a street number displayed upon the building except for buildings which are located a distance greater than 200 feet from the nearest edge of the cartway of the public roadway or upon which signage cannot be attached which would be readable from the nearest public roadway by reason of natural or man-made obstructions. The owner of said structure/property shall be required to provide posted street number signage at least 20 feet and not more than 30 feet from the nearest edge of the cartway of the public or private roadway, which post shall have affixed thereon the street number which has been assigned to the building.
- B. The assigned street numbers shall be either affixed directly to the building or post or displayed on a sign affixed to the building or post. The street number shall be displayed in such a manner that the numbers will contrast in color with the background and will be observed and readable from the nearest public or private roadway. All numbers shall be in standard Arabic numerals, not less than four inches in height and not less than one-half inch in width. It is recommended that the numbers be reflective for greater nighttime visibility.
- C. If for any reason the street number of a particular building is not readily identifiable by posted signage along the roadway, whether due to the proximity of multiple buildings with different street numbers or some other reason, the street number should be affixed to the building as well as posted by the road. Similarly, if a single building has multiple street numbers or apartment numbers, such as professional buildings or apartments, a building directory should be posted at the main entrance of the building.

§ 138-50. Private road name signs.

The owner of all private drives, roadways or easements used for vehicle access to multiple properties where the drives and roadways are not recognized as Borough roads and which are referenced in the address of the structure/property owner whose residence or business abuts said private drive or roadways shall, in addition to the other requirements set forth in this article, install a sign, if not installed by the Borough, which identifies the private road or private drive name as adopted by the Borough, with said signage to be placed at the entrance where the private road or private drive intersects with the public roadway, but not creating an obstruction to visibility of motorists. The road sign shall meet Pennsylvania Department of Transportation regulations for size and placement and be brown with white reflective letters.

§ 138-51. Prohibited activities.

It shall be unlawful to cover, conceal, obstruct, destroy, remove, deface or vandalize any street number or road/street name sign or placard, installed or displayed pursuant to and in accordance with the requirements of this article.

§ 138-52. Enforcement.

Once determined that a building or structure/property owner has not complied with the street numbering or road name signage regulations of this article the Borough Council or its designated representative, with Borough Council consent, may pursue any of the following enforcement remedies:

- A. The Borough Council may provide written notice to the owners, occupants, and other persons in possession of a building or structure/property which has not been numbered in accordance with these regulations of the violation and the need to comply.
- B. In the event that persons persist in refusing to comply with these regulations despite notices to do so, the Borough Council may issue a written order directing the owners, occupants or others in possession of the building or structure/property in violation of this article to comply with the applicable requirements of this article. Any person who is aggrieved by any order issued pursuant to this article may appeal to the Borough Council by filing a written notice of appeal to the office of the Borough Secretary within 10 days of the date of the subject order or notice.
- C. In the event the structure/property owners or occupants or possessors fail or refuse to take action in accordance with the notices and an order issued pursuant to this article, the Borough Council may provide the signage, as necessary, in order to bring the structure/property owner into compliance with the standards promulgated in this article. The Borough may recover the cost of materials and labor for the purchase and installation of signage from the structure/property owners, occupants or possessors, reasonable administrative fees, interest or other charges allowed by law. In the event the owners, occupants or possessors of the subject structure/property fail to pay the loss of such installation as determined and approved, then the Borough may institute proceedings at law to collect the full cost, together with all penalties, interest, fees, and other charges against the premises and the owners thereof, and collect same as a

municipal lien or may take other action to collect these sums as may be permitted by law.

§ 138-53. Violations and penalties.

Any person who shall be found to have engaged in the prohibited unlawful conduct as set forth in § 138-51 of this article or who shall willfully fail to comply with any order to comply with the street numbering regulations, shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of no less than \$100 and no more than \$300, together with court costs, and upon default in payment of the fine shall be sentenced to imprisonment for not more than 90 days.

§ 138-54. Implementation and enforcement.

The proper officers of the Borough are hereby authorized to take necessary and proper action to establish, implement and enforce the standardized system of structure/property address numbering and street/road name sign placement as provided for in the article and to comply with the requirements of the automatic location information needs of the Tioga County Public Safety System.

