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PART 1
PAVEMENT CUTS

§ 21-101. Permits Required. [Ord. 238, 1/14/1969, § 1]

After the passage of this Part, it shall be unlawful for any person, firm or corporation to make any opening in or dig or excavate in the public highways of the Borough of Wormleysburg without first applying for and securing a permit and paying the prescribed fees. Provided, however, that in the case of an emergency, any necessary work may proceed provided a permit is obtained and the fee paid as soon as practicable.

§ 21-102. Borough Secretary to Issue Permits. [Ord. 238, 1/14/1969, § 2; as amended by Ord. 238A, 12/9/1975, § 1; as amended by Ord. 361, 4/8/1986]

1. The Borough Secretary is hereby authorized to issue permits as required herein, which permits shall show the location, size of the opening and the purpose of same upon payment of a fee as established by resolution of Borough Council.
2. Where the Borough is to replace the pavement an additional charge per square yard or part thereof shall be charged where the pavement is bituminous surface with base, or an additional cost per square yard or part thereof shall be charged for bituminous surface without base.
3. The permit may authorize owners of property within the Borough or public utility companies furnishing service to the residents of the Borough to replace any disturbed base or surface to a width of not less than 12 inches on each side of the opening. Any such base or surface shall be maintained by the permittee in a satisfactory condition for 12 months after the work is completed. Should any permittee authorized to make replacements fail to do so or neglect to properly maintain any replacement, the Borough Secretary is authorized, after 10 days notice to have any necessary work performed and to proceed to collect the actual cost of the work plus 15% thereof from the permittee.

§ 21-103. Procedures. [Ord. 238, 1/14/1969, § 3; as amended by Ord. 476, 10/14/2008, § 8]

All openings shall be cut to line without undercutting and, where necessary, shall be adequately braced and shored to prevent caving in. Tunneling shall not be permitted unless authorized by the Borough Manager. Backfilling shall be in accordance with Table 21-103 (attached to Chapter 21).¹ All work of opening, digging, backfilling, resurfacing and maintenance shall be subject to the approval of the Borough Manager or his/her representative. All openings shall be protected at all times with warning signs, amber lights or barricades as may be required. Any street that has been resurfaced less than five years prior to the date of the new pavement cut shall be repaved curb to curb.

§ 21-104. Borough to Be Held Harmless. [Ord. 238, 1/14/1969, § 1]

All persons, firms or corporations acting under the provisions of this Part shall assume all liability for any damages resulting from any work provided herein, and shall save harmless and indemnify the Borough; its officers and employees from any costs, loss, damages or expenses arising from any such work.

§ 21-105. Penalties. [Ord. 238, 1/14/1969, § 1]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to

1. Editor's Note: Table 21-103 is included at the end of this Chapter.

imprisonment for a term not to exceed 90 days. Every day that a violation of this Part continues shall constitute a separate offense.

PART 2

SIDEWALKS AND CURBS

§ 21-201. Owner Responsible for Sidewalks and Curbs. [Ord. 249, 5/12/1970, § 1]

Every owner of property in the Borough of Wormleysburg shall, on 30 days notice in writing from the Borough Secretary, construct or reconstruct the sidewalk and/or curb of the materials, dimensions and location hereinafter provided.

§ 21-202. Specifications for Sidewalks. [Ord. 249, 5/12/1970, § 2]

Sidewalks shall be of one course concrete construction, four inches thick, composed of one part cement, two parts sand and three parts crushed stone, the surface thoroughly compacted and roughened. Expansion joints shall be provided as directed by the Borough Engineer of the Borough Council.

§ 21-203. Specifications for Curbs. [Ord. 249, 5/12/1970, § 3]

Curbs shall be composed of one part cement, two parts sand and three parts crushed stone. Curbs shall be 24 inches deep, six inches wide, six inches extending above the gutter (or some other height as Council may direct) and the outside of the curb tapering from the gutter line one inch to a width of five inches at the top. Where nontapered curbs are advisable to correspond with adjoining curb, they may be so constructed. Expansion joints shall be provided as directed by the Borough Engineer of the Borough Council.

§ 21-204. Repairs Required Upon Notice. [Ord. 249, 5/12/1970, § 4]

Every property owner shall repair any sidewalk and/or curb upon receiving 30 days notice in writing from the Borough Secretary to make such repairs. Council may, on 24 hours notice, cause emergency repairs to be made to the sidewalks where a proper officer of the Borough deems it necessary.

§ 21-205. Violations. [Ord. 249, 5/12/1970, § 5]

Failure to comply with the aforesaid notice and the requirements of this Part to construct or reconstruct the sidewalk and/or curb as aforesaid and the aforesaid notice and the requirements of this Part to repair any sidewalk and/or curb as aforesaid shall be a violation of this Part, and each day's neglect and refusal to comply with the terms of said notice shall constitute a separate offense.

§ 21-206. Penalties. [Ord. 249, 5/12/1970, § 6; as amended by Ord. 361, 4/8/1986]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days.

PART 3

REMOVING SNOW AND ICE

§ 21-301. Owner, Occupant or Tenant to Remove Snow and Ice. [Ord. 181, 8/9/1960, § 1; as amended by Ord. 370, § 301, 4/12/1988]

The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Borough of Wormleysburg is hereby required to remove or cause to be removed for all of the sidewalks in front of or alongside of such property all snow or ice thereon fallen or formed, within 24 hours after the same shall have ceased to fall or to form. The owner of a property shall be responsible for conforming to the requirements of this section if such property is occupied by such owner or is unoccupied; the tenant or occupier thereof, if such property is occupied by such tenant or occupier only; and the owner thereof if the property is a multiple business or multiple-dwelling property, occupied by more than one tenant or occupier.

§ 21-302. Borough May Clear Sidewalks. [Ord. 181, 8/9/1960, § 2]

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of § 21-301 of this Part within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk 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 § 21-303 of this Part.

§ 21-303. Penalties. [Ord. 181, 8/9/1960, § 3; as amended by Ord. 181A, 4/10/1979, § 1; and by Ord. 361, 4/8/1986]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part continues shall constitute a separate offense. Such fine and/or costs shall be in addition to any expenses and additional amounts authorized by law, imposed as provided by § 21-302, above.

PART 4

DIRT AND WASTES ON STREETS

§ 21-401. Unlawful to Accumulate or Dump Dirt or Waste on Streets; Violations and Penalties. [Ord. 191, 3/13/1962; amended by Ord. No. 515, 4/10/2018]

1. No person, association, firm or corporation shall cause to accumulate or be dumped upon any street or alley within the limits of the Borough of Wormleysburg, any dirt, soil or waste materials. For the purposes of this section, the term "waste" shall include, but not be limited to, any and all fluids or injurious substances emanating from a motor vehicle, whether intentionally, inadvertently, or otherwise.
2. Any person violating this section may also be subject to any penalties prescribed under § 3709 of the Motor Vehicle Code, 75 Pa.C.S.A. § 3709, as amended.

§ 21-402. Police to Notify Offender. [Ord. 191, 3/13/1962]

The Chief of Police of the Borough of Wormleysburg shall notify the said person, association, firm or corporation of this said accumulation or dumping, and if said person, association, firm or corporation shall fail within 24 hours after said notification to restore the said street or alley to its condition prior to said accumulation or dumping, then said person, association, firm or corporation shall be deemed to be in violation of this Part.

§ 21-403. Penalties. [Ord. 191, 3/13/1962; as amended by Ord. 361, 4/8/1986]

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part continues shall constitute a separate offense.

PART 5

STREET ACCEPTANCE PROCEDURE**§ 21-501. Policy. [Ord. 361, 4/8/1986]**

The Borough of Wormleysburg hereby adopts the policy of accepting as many existing roads and/or streets as is possible into the road system.

§ 21-502. Investigation of Existing Private Roads. [Ord. 361, 4/8/1986]

Where a given road which has been heretofore classified or referred to as a "private road" is to be considered for acceptance into the road system, an initial investigation shall be conducted by the Borough to determine whether or not the road has ever been formally accepted by resolution of the Borough Council; whether the road or street is part of a subdivision which has been recorded in the Recorder's Office of Cumberland County with dedications and/or releases of damages, or whether the road or street has, in fact, been used on a regular basis by the public, giving rise to an acceptance by implication and by public use. After this investigation has been completed, a recommendation shall be made as to whether or not the road can be incorporated into the road system. If the investigation establishes that legal impediments exist which prevent the acceptance of the road or street or which may give rise to damages in the event the road or street is accepted, the Borough Council may, if it feels such action is appropriate, authorize and allocate funds necessary to acquire the necessary consents, waivers, rights-of-way, or releases which will alleviate the legal impediments and enable the Borough to accept the road or street into the road system.

§ 21-503. Petition Must Precede Acceptance Procedure. [Ord. 361, 4/8/1986]

The Borough shall not consider accepting a private road into the road system effectuating the procedure outlined in § 21-502, unless it shall receive a petition which requests the acceptance of the street involved into the road system and which was executed by a majority of the property owners who abut on the street or portion of street which is being considered for acceptance.

§ 21-504. Justification of Expenditure of Municipal Funds. [Ord. 361, 4/8/1986]

Even though the acceptance of private roads as public roads may ultimately result in the expenditure of Borough funds, the overall objective is of such importance to the growth of Borough that the Borough Council shall be authorized to allocate from the General Funds, such amounts as may be necessary to implement the project and such funds may be used, to acquire deeds of dedication, easements and rights-of-way, to obtain releases and waivers of damage in order to remove the legal impediments preventing the acceptance of a given street, or for any other purpose so required.

§ 21-505. Investigations; Legal Report by Solicitor; Estimate of Costs involved. [Ord. 361, 4/8/1986]

The Borough shall treat the proposed street or road which is to be incorporated into the road system on an individual basis and shall investigate the facts surrounding the issue of whether the Borough has a legal basis for accepting the road and/or street into its road system. The Borough Council shall then request the Solicitor to make a recommendation as to the appropriate legal approach which can be utilized to accomplish this objective, together with an estimate of the possible damages and costs involved in taking over specific individual roads and/or streets involved.

§ 21-506. Decision by Borough Council. [Ord. 361, 4/8/1986]

Upon receipt of the information, secured pursuant to § 21-505 above, the Borough Council shall make a definitive decision whether, in light of the legal problems and the estimated costs involved, the road and/or street shall be further considered for acceptance. If an affirmative decision is reached, the Borough Council shall establish the procedure to be followed and shall authorize the expenditure of such funds as may be necessary to carry out this procedure.

§ 21-507. Review by Engineer and Solicitor. [Ord. 361, 4/8/1986]

In arriving at its decision, the Borough Council may authorize the Borough Engineer and the Borough Solicitor to review each proposed road, considering, among other things, the costs of improving the street and/or road and of acquiring the necessary deeds of dedication, easements, rights-of-way, releases and waivers of damages.

§ 21-508. Cost Responsibility. [Ord. 361, 4/8/1986]

Whenever appropriate, all of the costs of accepting the road and/or street into the road system, including, but not necessarily limited to, the legal fees, the engineering charges, the costs of securing and recording appropriate deeds of dedication, easements, rights-of-way, releases and waivers of damages, together with such other administrative expenses as may result, shall be apportioned equitably against all involved property owners pursuant to law and consistent with the Borough's established policy. If this is not possible because of legal impediments or otherwise not feasible, then and in that event, such amounts as may be necessary may be appropriated out of the General Fund to accomplish these objectives.

§ 21-509. Implied Acceptance by Public User. [Ord. 361, 4/8/1986]

When the acceptance of a particular road and/or street may be based upon an implied acceptance by public user, the appropriate municipal officials shall determine such facts as are available and the Borough Council shall either hold a public hearing or place the matter on the agenda of one of its regular meetings, at which time documentation and evidence may be introduced into the record on the issue. Borough residents and interested parties may offer such evidence as appropriate, and an overall determination shall be made as to whether there has been an implied dedication of acceptance by public user which will authorize legal acceptance of the road and/or street into the road system.

§ 21-510. Acceptance Procedure. [Ord. 361, 4/8/1986]

The procedure which shall be adopted for considering whether to accept a particular street and/or road into the road system shall conform in all respects, except as otherwise specifically outlined herein, to the procedure utilized in considering curative amendments submitted to the Borough Council pursuant to § 609.1 of the Pennsylvania Municipalities Planning Code, 55 P.S. § 10609.1 et seq., as far as hearings, the production of documents, the taking of testimony and the submission of evidence are concerned.

§ 21-511. Record of Testimony. [Ord. 361, 4/8/1986]

In the event a hearing is held, or the matter is placed on the agenda, a verbatim record will be made of all testimony and comments, and all documentation shall be appropriately marked as exhibits and kept in a separate file pertaining to the road and/or street involved.

§ 21-512. Liquid Fuel Tax Requirements to be Met. [Ord. 361, 4/8/1986]

Any street, road or part thereof, dedicated for acceptance under this Part into the road system, shall comply with the minimum requirements of the Pennsylvania Department of Transportation covering the allocation of liquid fuel tax receipts and the standards promulgated therewith.

§ 21-513. Improvements. [Ord. 361, 4/8/1986]

The Borough, upon appropriate action by the Borough Council, may grade, curb, gutter, pave or otherwise improve with suitable materials, any public street, road or part thereof, laid out and opened in the Borough, accepted by formal resolution or declared in appropriate proceeding to be a public road by virtue of public user. Such work may be done by Borough employees or by contract, as the Borough Council shall determine. No street, road, or any part thereof shall be improved under the provisions of this Part except by petitions of a majority of the owners of property abutting on the street or road, or part thereof proposed to be improved.

§ 21-514. Improvement Cost Assessments. [Ord. 361, 4/8/1986]

The costs and expenses of any such improvement may be collected from the owners of the real estate abutting on such street, road, or part thereof by an equal assessment on the feet front. Such assessment shall be estimated by the Borough Engineer. If this standard of assessment is impracticable, or for any reason inequitable, the Borough Engineer, shall adopt such other method of assessment as may be legally acceptable and equitable in the premises.

§ 21-515. Utility Line Considerations. [Ord. 361, 4/8/1986]

Prior to improving any street, road, or part thereof, an investigation shall be conducted by the Borough Engineer to determine the possible existence of utility lines under the street, road, or part thereof, proposed to be improved and the said street, road or part thereof, shall not be improved unless or until appropriate steps are taken to either remove the utility lines or to otherwise alleviate the problem in a manner satisfactory to the Borough Engineer.

§ 21-516. Additional Regulations. [Ord. 361, 4/8/1986]

The Borough Council shall also establish such other procedures and adopt such regulations as may be appropriate in the premises to effectuate the general intent of this Part.

PART 6
TRAFFIC SIGNALS

§ 21-601. Traffic Signal Preemption Required. [Ord. 476, 10/14/2008, § 8]

Where a developer is required by either the Borough or the Pennsylvania Department of Transportation to install a traffic signal, the traffic signal shall be equipped with an emergency vehicle preemption device compatible with the Borough's preemption system to provide emergency vehicles priority passage through the intersection.


STREETS AND SIDEWALKS

21 Attachment 1

Borough of Wormleysburg

Table 21-103

Standards for Temporary and Final Road Restorations

TEMPORARY RESTORATION	
ROAD SURFACE	
	2" COLD PATCH
	2A MODIFIED COMPACTED IN 1' LIFTS
	UTILITY 
	TRENCH WIDTH

This item shall include the backfilling of all excavations with 2A modified compacted in 1' lifts, to within 2" of road surface. The final 2" will be filled in with 2" of cold patch compacted with a vibratory plate tamper.

WORMLEYSBURG CODE

