

CODE OF THE BOROUGH OF NORTHUMBERLAND

CHAPTER 50 – STREETS AND SIDEWALKS

[History: Adopted by the council of the Borough of Northumberland: Article I, 7-5-27 as Ord. No. 69; Article II, 9-17-06 as Ord. No. 37; Article III, 2-16-14 as Ord. No. 17; Article IV, 7-21-81 as Ord. No. 361; Article V, 5-4-82 as part of Ord. No. 373. Sections 50-8, 50-13, 50-17 and 50-19 amended upon adoption of Code; see Ch 1, General Provisions. Other Amendments noted where applicable.]

ARTICLE I – EXCAVATIONS

[Adopted 7-5-27 as Ord. No. 69]

50.1.01 Permit required. (50-1)

- A. It shall be unlawful for any person or persons, firm or corporation to make any opening or excavation in or under any street, alley or other thoroughfare within the limits of the Borough of Northumberland unless and until a permit therefor is secured from the Chairman of the Street Committee or, in his absence, from a designated officer, for each separate undertaking. The permit and the application therefor shall be in the form prepared by the Borough Solicitor. The police officers of the borough shall promptly prohibit any work being done without a permit.
- B. No permit shall be issued to any person or persons, firms or corporations that are in default in the payment of any costs or penalties under this Article until said costs and penalties are paid, and no further permit shall be granted to any person or persons, firms or corporations unless and until the holes or trenches opened by them have, in the opinion of the designated officer, been properly filled and the surface permanently maintained in a safe condition at the present grade of the street, alley or other thoroughfare as is required by this Article. [Added 6-7-78 by Ord. No. 341]
- C. The Borough Office shall develop a form for application for excavation of the Borough Streets, which clearly sets forth the fees charged under this Chapter and the responsibilities of the applicant. [Added 9-5-00 by Ord. No. 2000-1]
- D. All public utilities shall be charged the same rates and held to the same standards for bonding, inspection, and restoration as individual applicants. This section shall not apply to the Northumberland - Point Township Sewer Authority. [Added 9-5-00 by Ord. 2000-1]

50.1.02 Fees; duration of permit; application information; emergencies. (50-2)

[Amended 5-13-69 by Ord. No. 255; 10-5-76 by Ord. No. 309; 6-7-78 by Ord. No. 341; 7-1-86 by Ord. No. 390, 5-5-98 by Ord. No. 456; 9-5-00 by Ord. No. 2000-1; 12-18-01 by Ord. 2001-13]

The charge for said permit shall, for each separate opening, be set by resolution for the application fee. The maximum fee assessed for a street opening under this section shall be set by resolution. Each permit so granted shall be terminated at the expiration of thirty (30) days following the permit issue date. Each street opening must be closed according to Borough specifications within seventy-two (72) hours of the time of the street cut. Failure to comply with the seventy-two (72) hour deadline shall result in the imposition of a fine as set by resolution with further liability by collection against the performance bond in the amount set by resolution. Bond in acceptable amount must be posted simultaneously with the payment of the application fee at the time the permit application is submitted. Bond in the form of cash or by reputable insurance company shall be held for the benefit of the borough for five (5) years (60 months) following the date of closing the hole to be certain that the hole was repaired and usable in safety condition as though the same had not been disturbed.

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50.1.03 Safety requirements and liability. (50 -3)

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 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 disturbed surface in a safe condition.

50.1.04 Surface restoration. (50-4)

[Amended 6-7-78 by Ord. No. 341; 12-6-85 by Ord. No. 395; 5-5-98 by Ord. No. 456; 9-5-00 by Ord. No. 2000-1; 8-1-00 by Resolutions B and C]

- A. Any person or persons, firms or corporations to whom a permit is issued to open and excavate in or under any street, alley or other thoroughfare of the borough shall, at his, her, their or its expense, completely fill such opening or excavation and replace the surface thereof as it was before the opening and at the proper grade and with the same surface covering as the part thereof adjoining the opening, place a two-foot seal coat around all abutting edges of the excavation to seal the old and new surfaces together and thereafter, for a period of five (5) years, maintain the surface in a safe and useable condition as though the same had not been disturbed. No filling shall be performed unless an inspector appointed by the borough is present to observe the filling. The fees charged to pay the inspector shall be at the rate set by resolution. If the excavation is filled without an inspector being present, the borough maintains the right to have the excavation dug up and refilled in the presence of an inspector. All fill must be compacted according to Pennsylvania Department of Transportation specifications and according to the posted requirements in the Borough office as amended by the Engineer.
- B. All street cuts that are not completely back filled, but are up to within 1.0" from finish grade, must be brought up to finish grade with 1.0" of cold patch the next day. In case of an emergency, the street cut may be plated and completed the following day as per above. Weather permitting, it will be finished with BC.BC (base course bituminous concrete) or binder of a minimum depth of four and one-half (4.5") inches to a maximum depth that shall be determined in the field by the supervising street inspector. All street cuts must be backfilled in four-inch or eight-inch lifts, depending upon compaction equipment used, compacted to 98% to 100% compaction, or no movement under compaction equipment as approved by the supervising street inspector. One and one-half (1½") inches of a top wearing course (top course) is to be placed and compacted to 98% to 100% compaction, or no movement under compaction equipment as approved by the supervising street inspector.
- C. The top ID2 wearing course will not be placed over BC.BC. or binder until this material is compacted and cooled down. Then the top one and one-half (1½") inches of ID2 wearing course is to be placed and compacted to no movement under compaction equipment. All street cut joints must be sealed with (AC).
- D. After this is done, a ten (10.0') foot inspecting straight edge is to be straight edged throughout the project, repeating within one half the distance of the length of the straight edge, longitudinally and transversed. The deviation should not exceed one-fourth (¼") inch of the deviation according to Penn DOT specifications form 408. (Latest edition)
- E. All backfilling or replacement of material over a pipe trench shall substantially conform to the specifications contained within Exhibit "A". [Adopted 10-3-00 by Resolution H, Amended 8-18-2003 by Resolution M-2003]
- F. All street cuts must be signed by the SUPERVISING STREET INSPECTOR or other authorized Borough representative.

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50.1.05 Work completed by borough; costs. (50-5)

[Amended 6-7-78 by Ord, No, 341]

If the work in opening or excavating or in the filling or maintaining of the surface shall be unskillfully or improperly or incompletely done, the designated officer may cause the same to be done in the manner he deems proper, and the expense of doing the same shall be charged to and paid by the person or persons, firms or corporations by whom the holes or excavations were made, together with twenty-five percent (25%) additional as a penalty.

50.1.06 Resurfacing; function of Engineer. (50-6)

[Amended 10-3-00 by Resolution H]

In cases where the surface disturbed is in the driveway of a paved thoroughfare, the person, firm or corporation making an opening or excavation shall resurface the excavation, when properly filled, with new material of the kind and composition approved by the designated officer as suitable and sufficient, or may arrange with the designated officer for the resurfacing of the paving so as to conform with the other paving on the thoroughfare, in which case an additional twenty-four (24) inches on each side in order to assure a neat and complete job; provided, however, that in the doing of this work the borough does not, and the designated officer is not authorized to, in any way assume liability for the opening or its proper filling or resurfacing or the proper maintenance of the opening or excavation after the surface has been re-laid, but in doing the work the designated officer shall act as agent for, and for the convenience of, the party opening the thoroughfare, and the work shall be in the designated officer's charge only during the actual time of its performance and while the workmen are under his charge as such agent.

50.1.07 Permit exemptions. (50-7)

[Amended 9-5-00 by Ord. No. 2000-1]

- A. It shall not be necessary for the designated officer for the Borough of Northumberland, or their employees acting under their direction, to secure the permit herein required for the borough purposes only.
- B. No person, firm or corporation, however, shall be exempted from the provisions of this Article by the securing of a sewer tap permit or a building permit, but such person, firm or corporation must secure the permit required by this Article under the terms and conditions herein set out before any excavation can be made in, upon or under any of the said streets, alleys or thoroughfares in said borough.
- C. All construction, excavation, or other work which occurs within the Borough of Northumberland and which disturbs the surface or subsurface of any Borough or State roads, alleys, streets, or improved rights of way shall be performed according to the construction standards of the Pennsylvania Department of Transportation (PennDOT). These standards address, but are not limited to, the material used for backfilling, the depth of excavations and the method of inspection. A copy of the relevant PennDOT standards shall be available for inspection at the Borough Office.

50.1.08 Violations and penalties. (50-8)

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

50.1.09 Enforcing agent. (50-9)

If for any reason the duties prescribed cannot be promptly performed by the Borough Engineer, they may be performed by or under the direction of the designated officer for the Borough of Northumberland.

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ARTICLE II – GRADES AND CONSTRUCTION SPECIFICATIONS

[Adopted 9-17-06 as Ord. No. 37; Other amendments noted where applicable.]

50.2.01 Authority for establishment. (50-10)

The grades of the streets of the Borough of Northumberland shall be as laid down in the plat and in the "Grade Book" made by O. H. Ostrander, surveyor and engineer, during the months of August and September 1893, and adopted by Council on January 7, 1901, and supplemented and amended by Council since that date, and the grades so fixed are hereby established as the grades of the streets and alleys of the Borough.

50.2.02 Specifications. (50-11)

All persons owning or occupying property in the borough along streets on which the grades have been established or may hereafter be established and accepted shall have their curbs set, pavements made and gutters cobbled or paved in accordance with the following regulations and requirements, which are hereby declared to be general:

- A. The outside of the curbstones shall be placed on the line established for the width of the pavement on the several streets and shall be at least two (2) feet long, two (2) feet, six (6) inches wide or in depth and not less than two (2) inches thick at the top. The front and end of said stones shall be dressed smooth for a breadth of nine (9) inches from the top. The top of the curb must also be dressed straight and smooth and shall be beveled so as to have the same rise as the pavement, and the stones set so that the front shall lean back one and one-half (1½) inches to the foot rise, provided that this Article shall not prevent anyone from using iron or cement instead of stone curbing.
- B. The sidewalks and footways between the curbstone and building line shall be cut down or filled up so as to correspond with the rise and fall thereof and shall be paved with well-burned brick, cement or flagstone, squared and dressed and containing in each tone not less than four (4) square feet. Said pavements shall be as follows: on Water Street between Westway and Orange Streets, to be paved full width: on Front Street between Westway and Orange Streets, to be paved full width: on Queen Street between Water and Second Streets, and Market Square and King Street between Water and Second Streets, to be paved full width. The pavement on all other streets shall be at least five (5) feet wide and be laid two (2) feet from the curb line; the rise in the pavement shall be one-third (1/3) inch to the foot from the curb line to the building line.
- C. No person shall set or cause to be set any curbstones or make or cause to be made any pavement in any streets on which the grades have been established by the Council until the grade and place thereof shall be given by the Borough Engineer or a person appointed by the Council for that purpose the expense thereof shall be borne by the property owner in front of whose lot the same shall be given or by the person requesting the work to be done.
- D. All water stops and plugs must be placed immediately inside of all curbstone or curb line, and all awning posts must be placed on or just inside of the curbstone. The top of the water stops must be on a level with the pavement.
- E. In all of the streets of the borough, the sidewalks from the house line to the curb line shall be twelve (12) feet, and not more than five (5) feet shall be allowed for porches and steps from the building line, leaving seven (7) feet of pavement. Pavement in alleys shall be not more than three (3) feet in width.
- F. All areas and steps leading below the level of the pavement shall be protected by railings, and all gratings and vaults shall be securely fixed and covered in such a manner as to render the passage of the streets safe at all times.

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- G. No drain shall be made from cesspools or privy vaults into any of the culverts, ditches, drains or highways of the borough, and no person shall be allowed to deposit any refuse in any of the watercourses or public drains of the borough.
- H. All property owners shall be and hereby are required to cobble or pave all gutters in front of their several properties, where the same may be necessary or required, to a width of four (4) feet.

50.2.03 Construction to meet standards; supervision. (50 -12)

- A. All streets of the borough shall be curbed, sidewalks paved and streets guttered by the owners of lots of ground respectively fronting on said streets in conformity with these regulations and the grades so established, and all such curbing and paving is required to be done in a good and workmanlike manner under the supervision of the Borough's designated officer.
- B. Technical requirements for sidewalk construction. [Added on December 4, 2001 by Ordinance 2001-12. Amended 8-2-05 by Ord. No. 2005-4.]
 - 1. All sidewalks shall be at least five (5) feet or the width of any abutting sidewalk and at least four (4) inches thick. The thickness where a sidewalk crosses a driveway shall be at least six (6) inches thick.
 - 2. Except as provided in Section 3, all sidewalks shall be constructed of concrete, 3500# type. No design shall be etched into the concrete and all sections shall have a light broomed finish. No sidewalks shall be constructed or replaced with slate or blacktop or other asphalt mixture.
 - 3. Concrete sidewalks must extend through a driveway area at the established grade of the adjoining sidewalks.
 - 4. The surface of the sidewalk shall have the transverse slope of one-quarter inch per foot, with a low side adjacent to the roadway, and shall not exceed a grade slope of one-half inch to the foot and shall contain no steps.
 - 5. All sidewalks shall be placed in an excavation made to the required depth and to a width to permit the installation of bracing of forms. The subgrade shall be shaped and compacted to a firm surface conforming to the established grade. The subgrade shall be filled with four (4) inches of clean $\frac{3}{4}$ inch stone. All forms shall be of wood or metal and extend for the full depth of the concrete and of sufficient strength to resist the pressure of the concrete without springing.
 - 6. Sidewalks shall have expansion joint fillers $\frac{1}{2}$ inch thick at a maximum of every twenty (20) feet and between the walk and any fixed structures, extending the full depth of the concrete.
- C. Sidewalk replacement standards. [Added on December 4, 2001 by Ordinance 2001-12.]
 - 1. Any sidewalk section has more than one significant crack.
 - 2. Any sidewalk which has one significant crack and one of the pieces on either side of the crack has risen or fallen one (1) inch or more than any of the adjoining sidewalk sections. Said sidewalk may also be repaired provided the sections in question are within one (1) inch of finished grade of the adjoining sidewalk sections.
 - 3. Any section of sidewalk, which has risen or fallen one (1) inch or more above or below an adjoining sidewalk section or curb. Said sidewalk may also be repaired provided the sections in question are within one (1) inch of finished grade of the adjoining sidewalk sections.
 - 4. Any section of sidewalk which has spider-webbed cracks such that the crack pieces can be removed.
 - 5. Any section which has surface deterioration enabling pieces to be removed.

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6. Any sidewalks made of slate, subject to the right to request an exception under Section F.
 7. Any sidewalks made of brick, subject to the right to require an exception under Section F.
 8. Any sidewalk which has flush edges but have risen or fallen by one (1") inch or more over a twelve (12') foot span.
- D. Sidewalks required. [Added on December 4, 2001 by Ordinance 2001-12.]
1. The Borough Council may, after public hearing, designate by resolution a list of locations and addresses in the Borough of Northumberland where sidewalks are required to be installed. This resolution shall be made available to the public. The Borough Council may require that property owners located within the designated area install sidewalks within ninety (90) days. If any property owner refuses to install sidewalks after receipt of written notice from the Borough, then the Borough may enter into the property in question and install a sidewalk at its expense. The Borough may then charge the property owner for the cost of installation. The Borough's costs may also be imposed as a municipal lien in accordance with the laws of the Commonwealth of Pennsylvania.
 2. Streets on which sidewalks are required. [Added on January 22, 2002 by Resolution B-2002.]
 - a) Water Street from Barry King Memorial Bridge to C Street. Both sides.
 - b) Front Street from Duke Street to C Street. Both sides.
 - c) Second Street from Duke Street to Prince Street. Both sides.
 - d) Third Street from Duke Street to Prince Street. Both sides.
 - e) Fourth Street from Duke Street to Hanover Street. Both sides.
 - f) Fifth Street from Duke Street to Strawbridge Road. Both sides. Exception: Prince Street to Strawbridge Road even numbered side.
 - g) Sixth Street from Duke Street to Prince Street. Both sides.
 - h) Seventh Street from Duke Street to Prince Street. Both sides.
 - i) Eighth Street from Duke Street to Orange Street. Exception: Along the curve going from the stop sign at Eighth Street and Orange Street to Jolly Hollow.
 - j) Duke Street from Seventh Street to Water Street. Both sides.
 - k) Queen Street from Eighth Street to Priestley Avenue. Both sides.
 - l) King Street from Eighth Street to Priestley Avenue. Both sides.
 - m) Orange Street from Seventh Street to Priestley Avenue. Both sides.
 - n) Hanover Street from Seventh Street to Priestley Avenue. Both sides.
 - o) Prince Street from Seventh Street to Front Street. Both sides. Exception: Washington Avenue to Front Street (east side). Second Street to Front Street (west side).
 - p) Wheatley Avenue from Seventh Street to Sixth Street. Both sides.
 - q) Wallace Street from Seventh Street to Pond Avenue.
 - r) North Avenue from Seventh Street to Pond Avenue.
 - s) Priestley Avenue from Queen Street to Hanover Street.
 - t) Property owners may obtain exclusions by petitioning Borough Council on the basis of impracticality due to building placement or where the contour of the land so inhibits the installation of a sidewalk.

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- u) This code applies to all existing sidewalks in the Borough. No existing sidewalk may be removed even if not included in the required sidewalks list.

E. Enforcement. [Added on December 4, 2001 by Ordinance 2001-12.]

This Code shall be enforced by the Code Enforcement Officer or other agent designated by the Borough Council. The Borough may commence a civil action in any court of competent jurisdiction to enforce compliance with this Ordinance.

F. Exceptions for unique property conditions, unique design requirements and hardship. [Added on December 4, 2001 by Ordinance 2001-12.]

The Council recognizes that some properties may not be appropriate for the application of the uniform sidewalk specifications set forth due to unique topographic conditions, drainage problems, special design and architectural conditions, including but not limited to the desire to install historically correct sidewalks (brick, cobblestone, or slate) or other conditions which would render the application of Section B a severe hardship upon the property owner. If a property owner believes that he or she should be granted an exception from the application of this Code, then he or she shall submit a written application to council with supporting evidence and Council shall upon voice vote grant or deny the request for exception. A negative vote shall be considered a final action of the local government agency and may be appealed to the Court of Common Pleas with thirty (30) days.

50.2.04 Petition for sidewalk paving or repaving. (50-13)

Where there are no paved sidewalks, or the sidewalks already laid so differ from the established grade and the other adjacent pavements as to render them dangerous to life and limb or inconvenient for public travel, a verified petition may be filed with the Borough Council by five (5) or more residents of the borough stating these facts and stating that the petitioners labor under great inconvenience by reason thereof, and, thereupon, the Council shall have the Borough Secretary cause precepts to be issued and served upon the owners and occupiers of lots fronting on the streets named in the petition, which precepts shall direct and require that sidewalk pavements be laid or re-laid, as the case may be, within thirty (30) days after said notice in accordance with the specifications herein provided. Upon the failure of any owner or occupier of any lot of ground so notified to have the curbing and paving of the sidewalks made and done as required within the time prescribed in said notice, the Secretary of the Council shall certify said failure to the Borough Council, which is hereby authorized, directed, and empowered and required to have the pavement, sidewalk or footwalk paving and curbing to be made and done in accordance with the Act of Assembly in such case made and provided and under the direction and control of the Borough Engineer, and the Borough Council is hereby directed and required to collect the cost of the work and material required, with ten percent (10%) advance thereon, from the owner or owners, by filing a lien after the completion of said work in the manner directed by the provisions of the Act of Assembly in such case made and provided.

50.2.05 Petition to repair sidewalks. (50-14)

Whenever it shall be made to appear to the satisfaction of the Council by petition or affidavit of one (1) or more persons that any sidewalk of the borough is out of repair, it shall be the duty of the Secretary to issue his precepts to the owners and occupiers of the premises in front of which the pavement or sidewalk to be repaired within the time prescribed in said notice, then the Secretary shall immediately certify such failure to the Borough Council, which is hereby authorized, directed, empowered and required to cause the pavement or sidewalk to be repaired in accordance with the Act of Assembly in such case and provided.

50.2.06 Posting of danger signals. (50-15)

It shall be the duty of the Council upon being notified of the dangerous condition of any sidewalk of the borough to cause a danger signal to be placed in a conspicuous position in close proximity thereto.

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50.2.07 "Grade Book" (50- 16)

The "Grade Book" shall be placed in the hands of the Borough Secretary and shall be open to the public, but under no circumstances shall the "Grade Book" be taken out of the possession of the Borough Secretary except by an order of majority of the Borough Council.

50.2.08 Violations and penalties. (50-17)

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

ARTICLE III – SNOW AND ICE REMOVAL

[Adopted February 15, 1914 as Ord. No. 17, Amended March 3, 2020 by Ord. No. 2020-2]

50.3.01 Removal required. (50-18)

It shall be unlawful for the owner or occupant of any property in the Borough of Northumberland to allow snow and ice to remain on the sidewalks abutting or pavements abutting their several premises and a property for a longer period than twenty-four (24) hours after snow has fallen or ice has accumulated.

50.3.02 Violations and penalties. (50-19)

Any officer or employee of the Borough designated for the purpose of enforcing this Ordinance ("Enforcement Officer"), is hereby authorized to issue a quality of life ticket, by personal service or by mail, to the owner or occupant, as the case may be, of any premises whereon snow and ice have accumulated and remained on the sidewalks abutting or pavements abutting the premises for a period longer than twenty-four (24) hours after snow has fallen or ice has accumulated in violation of Section 50.3.01 of the Code of the Borough of Northumberland, or for violation of any other prohibition itemized in Chapter 50, Article III of the Code of the Borough of Northumberland, assessing a fine of \$25.00 due to be paid to the Borough within ten (10) days, and ordering and directing that the owner or occupant, as the case may be, immediately remove the snow and/or ice. Each day a violation remains unremedied following the issuance of the quality of life ticket shall constitute a separate and independent violation for which a quality of life ticket may be issued. Northumberland Borough Council may designate any Enforcement Officer charged with enforcement of this provision by resolution. Should any person, firm or corporation fail to pay any quality of life ticket or appeal said ticket in the manner set forth in Section 42.1.07, upon conviction thereon, shall be sentenced to pay a fine of not less than \$50.00 nor more than \$300.00 for each violation, plus costs of prosecution, with each day's violation constituting a separate offense, and notice to the offender of subsequent violations shall not be necessary in order to constitute an offense. Borough Council may amend the fines and penalties established herein by resolution. [Amended by Ord. No. 2020-2]

50.3.03 Removal by borough; lien for costs. (50-20)

If the said owners or occupants of the several premises shall fail to remove the said snow or ice as aforesaid, it shall be lawful for the borough to remove the said snow and ice or to have removed the snow and ice, and the cost shall be charged against the owner of the premises and the same shall be collected as debts are now by law collected.

50.3.03.1 Shoveling snow onto street prohibited; penalty. (50-20.1)

[Added 5-4-82 by Ord. No. 373]

- A. For purposes of this section, a "street" shall be any public way or public thoroughfare having a right-of-way in excess of twenty (20) feet.

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- B. It shall be unlawful for any person to shovel or place any snow or cause any snow to be shoveled or placed onto or upon any portion of any street in the Borough of Northumberland except that portion of the street extending four (4) feet centerward from the curb or from the edge of the paved portion of the street if there is no curb.
- C. It shall be unlawful for any person in shoveling, moving or removing snow or causing any snow to be shoveled, moved or removed from any portion of any street in the Borough of Northumberland to place said snow or to cause said snow to be placed upon any portion of any street in the borough except that portion of the street extending four (4) feet center ward from the curb or from the edge of the paved portion of the street if there is no curb.
- D. [As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

50.3.04 Appeal from Quality of Life Ticket

Any person, firm or corporation to which the Borough Enforcement Officer issues a quality of life ticket for violation of this Chapter may appeal the ticket and finding of violation by submitting a written request to appeal to the Borough Manager within ten (10) days of the date of violation ticket, stating their reasons for appeal, and accompanied by the fine amount. The Board of appeals shall meet within fifteen (15) days of the filing of an appeal to consider the merits of the appeal. The meeting shall be public and the appellants, his representatives, the enforcing officer and any other person whose interests may be affected by the matter shall be heard. Within thirty (30) days of the submission of the appeal, Northumberland Borough, through a determination made by the Board of Appeals appointed by Borough Council pursuant to Chapter 30 of the Code of the Borough of Northumberland, may decide to uphold the appeal, deny the appeal, or may modify the violation ticket and/or any associated costs, fines, or penalty amounts as deemed appropriate, and shall issue written notice of its decision along with any refunds applicable. **Failure to timely appeal the violation ticket will be deemed an admission of liability for the violation and shall render the violation ticket final.** An appeal from the violation ticket and/or notice of violation issued under this Chapter shall act as an automatic stay of the violation appealed. Any person, firm or corporation aggrieved by the final decision of the Board of Appeals following a timely appeal may obtain judicial review by filing with the Court of Common Pleas of Northumberland County, within 30 days from the date of the Board of Appeal's determination, a petition praying that the decision be set aside in whole or in part. The stay provided in this section shall remain in effect during the pendency of the appeal before the Board of Appeals and during the pendency of any subsequent appeals from the Board of Appeal's decision to the courts of this commonwealth. [Amended by Ord. No. 2020-2]

ARTICLE IV– RULES AND REGULATIONS FOR THE REMOVAL AND REPLACEMENT FOR DEPRESSED CURBS FOR DRIVES ADJACENT TO THE STREETS AND ROADWAYS OF THE BOROUGH

[Adopted 12-5-00 as Ord. No. 2000-4 to replace Ord. No. 361]

50.4.01 Definitions. (50-21)

As used in this Article, the following terms shall have the meanings indicated:

CURB For purposes of this Article only, a concrete curb and an amesite watercourse retaining mound.

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PERSON Any individual(s), firm(s), association(s), partnership(s), corporation(s), or any other entity or entities.

50.4.02 Legislative Intent. (50-22)

The curbs, which are adjacent to the public streets, roads, and thoroughfares of the Borough of Northumberland, are a valuable resource to the community. The Borough has a vital interest in the maintenance of the curbs in safe, working order. The improper making of cuts into the curbs causes the degradation of existing curbing, increases traffic hazards, and creates visual pollution. Therefore, the Borough shall establish rules and regulations for removal and replacement of the Borough's curbs.

50.4.03 Removal and Replacement. (50-23)

Conditions for removal and replacement for depressed curbs for drives adjacent to the streets and roadways of the Borough

- A. A permit must be approved by the street inspection supervisor.
- B. There is to be proof that all fees and charges established by this Article are paid.

50.4.04 Application; issuance of permit (50-24)

The form of application may be obtained from the Borough Office. The fees charged under this Chapter are set by resolution.

50.4.05 Cost; payment; inspection fee. (50-25)

(Adopted 11-21-00 by Resolution K; amended 12-18-01 by Ord. 2001-13.)

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

50.4.06 Standards of Construction for portion of Driveway and Curb Removal and Replacement for Depressed Curbs and Drives. (50-26)

The portion of any driveway located between the property line and the curb line shall be constructed of concrete six (6") inches in depth with expansion joints at the curb line and the sidewalk.

All construction, excavation, or other replacement of depressed curbs for drives which are adjacent to the public streets and roadways of the Borough of Northumberland shall be performed according to the construction standards of the Pennsylvania Department of Transportation (PennDOT) as set forth in the most recent edition of PennDOT Standards for Roadway Construction RC-64 (Exhibit B). These standards require that all depressed curbs for single driveways be a minimum of ten (10') feet in width in the main to a maximum of fifteen (15') feet in the main. All depressed curbs for a double driveway are to be a minimum of fifteen and one-hundredth (15.01') feet in the main. The rise shall be within eighteen (18") inches on each side of the depressed curb which shall rise from one and one-half (1 ½") inches to the height of the existing curb as per standard drawings in RC-64, section A-A (Exhibit C). A copy of the relevant PennDOT standards shall be available for inspection by the public at the Borough Office.

50.4.07 Standards of Construction for Newly-constructed Roadways or Streets

Any newly-constructed roadways or streets in the Borough shall have a minimum width of not less than thirty-two (32') feet including a twenty (20') foot wide cartway and a six (6') foot paved berm on either side when measured between the facing curbs on opposite sides of the roadway or street. For purposes of this section, "roadway or street" shall be defined to mean any roadway which is designed to permit vehicular traffic and which the developer intends, at any time, to dedicate to the Borough. All newly-constructed roadways or streets shall be edged by rolled berms located at the edge of the street with said berms to be not less than six

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(6") inches high and not less than eight (8") inches wide. The street shall be constructed in all respects pursuant to prevailing PENNDOT construction regulations. [Adopted 10-5-2004 by Ord. No. 2004-2]

50.4.08 Violations and penalties. (50-27)

[As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

ARTICLE V – REFUSE UPON STREETS

[Adopted 5-4-82 as part of Ord. No, 373]

50.5.01 Definitions. (50-28)

The following words, when used in this Article, shall have the meanings indicated:

Garbage All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

Person Any individual, partnership, association, corporation or any other entity.

Refuse Garbage, rubbish, waste and trade waste.

Rubbish Solids, including but not limited to rags, old clothes, leather, rubber, carpets, wood excelsior, paper, plastics, ashes, tree branches, leaves, grass, yard trimmings, furniture, cans, glass, crockery, masonry and any other similar materials.

Trade Waste All solid or liquid material, rubbish and waste resulting from construction, building operations or the prosecution of any business trade or industry.

Waste Paint, chemicals and petroleum products, including but not limited to grease, oil, diesel fuel, gasoline, kerosene and all other similar materials.

50.5.02 Prohibition. (50-29)

[Amended 10-29-86 as Ord. No. 392]

It shall be unlawful for any person to throw, dump or place in any manner whatsoever any refuse upon any streets or alleys in the Borough of Northumberland, or for any person to permit or allow his agent or anyone under his control or supervision to do the same.

50.5.03 Notice. (50-30)

[Amended 10-29-86 as Ord. No. 392]

- A. Except in the circumstances set out in B below, any person violating this ordinance for the first time shall be given twenty-four (24) hours to remove the refuse.
- B. In those instances where the refuse creates an emergency situation or hazardous condition, the person in violation shall be directed to remove the refuse immediately.
- C. Should any person fail to remove the refuse after being notified to do so, the Borough may remove the same and bill the violator for the cost thereof.

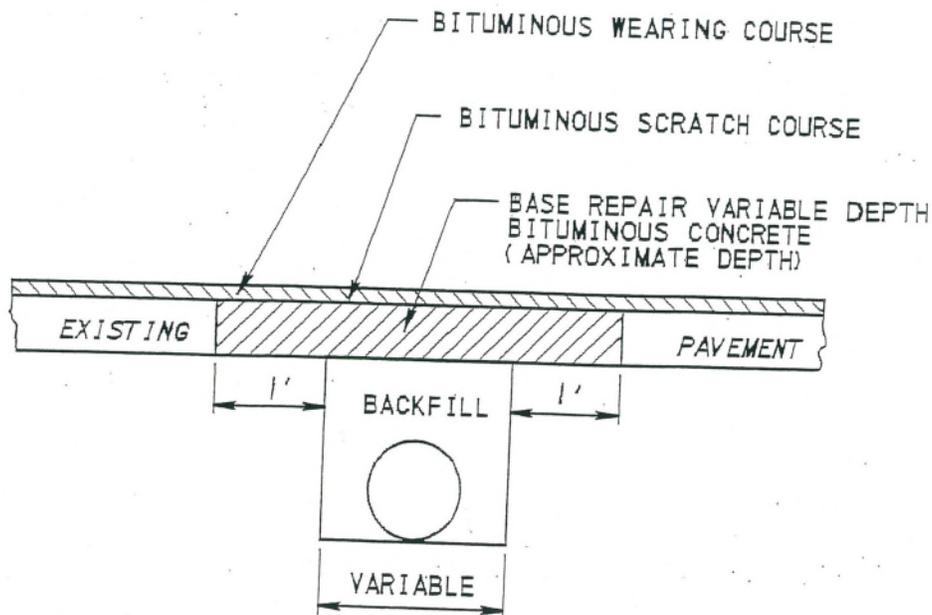
50.5.04 Violations and penalties. (50-31)

[Amended 2022-12 as Ord. No 2022-A] [Amended 10-29-86 as Ord. No. 392] [As passed 12/18/2001 as part of Ordinance 2001-13, all penalties for this and subsequent parts of borough code are determined by council resolution]

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Any officer or employee of the Borough designated for the purpose of enforcing this Ordinance ("Enforcement Officer"), is hereby authorized to give notice, by personal service or by mail, to the owner or occupant, as the case may be, of any premises found to be in violation of Article V of this Chapter, directing and requiring such owner or occupant to remediate the violation within an established reasonable period of time, given the violation and circumstances. Should any person, firm or corporation neglect, fail or refuse to comply with such notice within the period of time stated therein, the Borough Enforcement Officer shall be empowered to issue a quality of life ticket to said individual assessing a fine of \$25.00 due to be paid to the Borough within ten (10) days. Each day a violation remains unremedied following the expiration of the period of time stated in the notice shall constitute a separate and independent violation for which a quality of life ticket may be issued. Northumberland Borough Council may designate any Enforcement Officer charged with enforcement of this provision by resolution. Should any person, firm or corporation fail to pay any quality of life ticket or appeal said ticket in the manner set forth in Section 50.3.04, upon conviction thereon, shall be sentenced to pay a fine of not less than \$50.00 nor more than \$300.00 for each violation, plus costs of prosecution, with each day's violation constituting a separate offense, and notice to the offender of subsequent violations shall not be necessary in order to constitute an offense. Borough Council may amend the fines and penalties established herein by resolution.

EXHIBIT A – DETAIL OF BASE REPLACEMENT OVER PIPE TRENCH



DETAIL OF BASE REPLACEMENT
OVER PIPE TRENCH

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TRANSITION

TRANSITION

PLAIN CEMENT CONCRETE CURB - TRANSITIONS

PLAIN CEMENT CONCRETE CURB

TYPICAL CROSS SECTION 8" HEIGHT

TYPICAL CROSS SECTION 6" HEIGHT

TYPICAL CROSS SECTION 4" HEIGHT

TABLE 1

CURB HEIGHT	A
8" CURB TO 6" CURB	2'-0"
8" CURB TO 4" CURB	3'-6"
6" CURB TO 4" CURB	2'-0"

TABLE 2

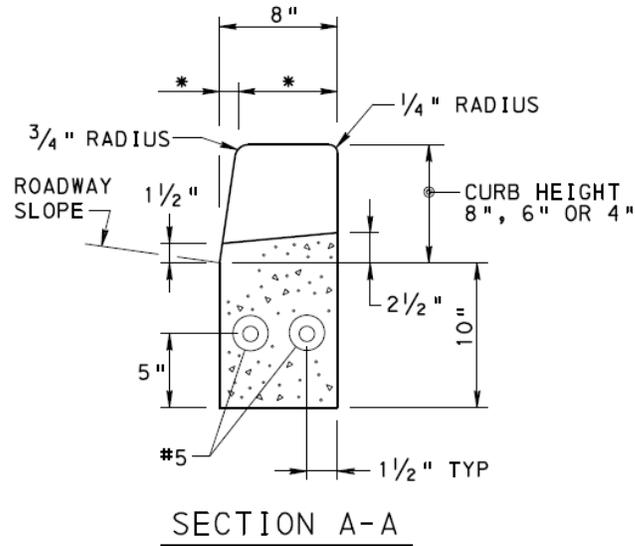
CURB HEIGHT	B
8" CURB TO 0" CURB	7'-0"
6" CURB TO 0" CURB	5'-0"
4" CURB TO 0" CURB	3'-6"

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION
BUREAU OF PROJECT DELIVERY

RECOMMENDED FEB. 19, 2021
SHT. 2 OF 2
RC-64M

CURBS AND GUTTERS

EXHIBIT C – DETAIL DIAGRAM OF DEPRESSED CURB FOR DRIVES



* VARIES BASED ON CURB HEIGHT

