

Chapter 126

STREETS AND SIDEWALKS

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

GENERAL REFERENCES

Subdivision and land development — See Ch. 128.
Vehicles and traffic — See Ch. 142.

Junked or abandoned vehicles — See Ch. 143.
Street openings and vacations — See Ch. A153.

ARTICLE I

Acceptance of Streets

[Adopted 12-14-1981 as Sections 7.61 through 7.64 of the 1981 Code of Ordinances]

§ 126-1. Streets to be fully improved.

From and after the passage of this article, any person, persons, partnership, association or corporation laying out or opening any development or housing project within the corporate limits of the Borough of Manchester shall, before petitioning said Borough of Manchester to adopt the streets and alleys in the said development or housing project, improve, grade and pave the said streets and alleys, in accordance with the specifications for the same adopted by the Borough.

§ 126-2. Borough acceptance or refusal.

The Borough may adopt the aforementioned streets and alleys, if, but only if, the same have been improved, graded and paved according to the specifications for the same adopted by the Borough, and if the same have not been so improved, graded and paved, then the Borough may refuse to adopt said streets and alleys until the same has been done.

§ 126-3. Specifications to be obtained from Borough.

Any person, persons, partnership, association or corporation shall, before laying out new streets and alleys in any development or housing project within the said Borough of Manchester, secure from the Borough the proper grades for said streets and alleys and the specifications for the improvement and paving of said streets and alleys.

ARTICLE II

Street Openings

[Adopted 12-14-1981 as Sections 7.71 through 7.80 of the 1981 Code of Ordinances;
amended in its entirety 3-13-2000 by Ord. No. 2000-24]

§ 126-4. Permit required.

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 Manchester, including those streets which are maintained by the Commonwealth of Pennsylvania Department of Transportation (PennDOT) unless and until a permit be secured from the Borough Secretary for each separate undertaking, such permit and the application therefor to be in the form supplied by the Borough Secretary and shall contain a statement that the applicant agrees to the terms of this article. The local police shall have the authority to prohibit any work being done without a proper permit or contrary to the terms of this article.

§ 126-5. State highway restrictions.

No opening shall be made in the surface of any improved highway or street which is maintained by PennDOT or any other street, alley, thoroughfare, or sidewalk within the Borough of Manchester, until and unless a permit has been obtained under this article and until a cash deposit or bond conditioned upon the proper restoration of the surface in accordance with the adopted standards of this article for the particular type of construction has first been supplied and filed with the Borough Secretary of the Borough of Manchester. This requirement shall be at the discretion of the Borough of Manchester and may be waived in any proper case. The Borough may provide, by regulation, for the amount and form of said bond.

§ 126-6. Fees.

Fees and charges for said permit shall be established or modified as necessary by resolution of the Borough Council. Borough Council shall establish fees and charges of no less than the following:

- A. Permit fee: \$25 per permit, with each cut requiring a permit. The permit shall allow applicant to close portions of the Borough's street for a period not to exceed three days per opening, or as required, upon written receipt of a request by the Borough Secretary.
- B. Inspection fee. The inspection fee for work completed shall be in the amount per square yard calculated, based on the following fee schedule:

Total Square Yards to be Excavated	Inspection Fee: No less than (dollars)
1 to 10	\$12
11 to 15	\$15
16 to 20	\$20
21 to 25	\$25
26 to 30	\$30
31 to 50	\$40
51 to 100	\$50
101 or greater	\$50 (plus \$0.50 per square yard over 100)

Permittee shall notify the Borough Secretary a minimum of 24 hours in advance of final restoration to schedule an appointment to have a representative of the Borough inspect the excavation prior to final restoration.

- (1) The number of square yards of excavation shall be computed to the nearest whole square.
- (2) Minimum fee shall be equal to the fee for one to 10 square yards.
- C. Degradation fee. The degradation fee for work completed, calculated by actual measurement, is set at no less than \$10 per square yard.

- D. Bonding amount for project over \$5,000. The amount of the proposed restoration base to be restored shall be no less than \$30 per square yard.

§ 126-7. Billing for work completed by Borough.

Where the work must be completed by the Borough after the roadway, alley, sidewalk, etc. is restored, the permittee shall be billed for the total cost, including but not limited to repairs, labor, materials, equipment rental and all other proper charges for the resurfacing plus an additional cost of 10% of the total cost, plus an additional 20% thereof to cover future repairs caused by the excavation, which bill must be paid by the permittee within 15 days of the mailing thereof by the Borough.

§ 126-8. Fee for streets closed for work.

An additional charge of no less than \$50 shall be paid by the permittee for each day that the street is closed for traffic by reason of said excavation or work on the street by said applicant.

§ 126-9. Safety requirements.

It shall be the duty of any person or persons, firm or corporation to whom a permit is issued or by whom any opening or excavation is made as aforesaid to provide and maintain proper and adequate guard, barriers and lights to prevent accidents, and they shall assume all risks and be liable for all damages by reason of the openings and the excavations and by reason of any failure to properly fill the hole or trench and maintain the surface disturbed in a safe condition.

§ 126-10. Restoration requirements.

- A. Temporary restoration. It shall be the duty of any person, firm or corporation causing an opening or excavation to be made to thoroughly and completely backfill the same (see Figure 1¹). The permittee will temporarily pave the opening immediately after backfill is complete and shall maintain said opening for a period not to exceed six months, at which time the opening shall be permanently restored.
- (1) The permittee is responsible for providing a smooth riding surface at all times over the trench or opening and shall make required repairs as directed by the Borough Engineer or his representative.
 - (2) The maximum length of unsurfaced trench shall not exceed 100 feet at any time.
- B. Permanent restoration.

1. Editor's Note: Figure 1 is included as an attachment to this chapter.

- (1) All streets or public ways are to be restored permanently with a minimum of:
 - (a) Six inches of bituminous concrete base course and 1 1/2 inches of ID-2 bituminous wearing course (see Figure 1²).
 - (b) If on a state route, restoration shall be as directed by PennDOT.
 - (2) All edges must be sawed in a suitable manner and are to be coated with hot AC-20 asphalt cement or an approved emulsion prior to placing the ID-2. After the wearing surface has been placed and thoroughly compacted, the cut or surface where old and new meet will again be sealed with AC-20 asphalt cement or an approved emulsion.
- C. Additional restoration requirements. If the permittee opens any roadway pavement having a bituminous concrete surface, whether to install a new facility or to modify an existing facility, the permittee shall be bound to the following requirements:
- (1) When a longitudinal opening longer than 10 feet and wider than three feet is made in the roadway pavement, the permittee shall overlay the entire traffic lane in which the opening was made for the entire length of the roadway that was opened, as directed by the Borough Engineer.
 - (2) When two or more transverse trench openings are made in the roadway pavement less than 30 feet apart, the permittee may be required to overlay all traffic lanes in which the openings were made for the entire length of roadway between such opening, as directed by the Borough Engineer.
 - (3) When five or more square-type openings have been made by the same permittee in the roadway pavement less than 50 feet apart, the permittee may be required to overlay all traffic lanes in which the openings were made for the entire length of roadway between such openings.
 - (4) When two or more square-type openings are made within 10 feet of each other, the Borough Engineer may require the permittee to connect all holes and treat such as one opening.
 - (5) Where disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lane shall be saw cut to a depth of 1 1/2 inches for the length of the opening and the detached material removed in order to ensure a smooth joint. A full-width overlay may be performed instead of saw cutting and stripping the disturbed lane or lanes.
- D. Cleanup. Streets and alleys shall be kept free of mud, dust, and aggregate material at all times. Sweeping shall occur when required.

2. Editor's Note: Figure 1 is included at the end of this chapter.

§ 126-11. Change for correcting improper filling.

If the work in opening or in filling does not conform to the requirements of this article, the Borough Engineer, or any other person designated by Council, may cause the same to be done in the manner he deems to be 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 50% additional. This charge shall also be a claim under the bond as specified above. No permit shall be issued to any person, firm or corporation in default under this section until the cost 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 filled as aforesaid, in a safe condition and at the proper grade, of which said Engineer or other persons designated by Council shall be the judge.

§ 126-12. Responsibility for openings.

In no case shall any opening or excavation made by any person, firm or corporation be considered in the charge or the care of the Borough or any officer or person employed by the Borough, and no officer or employee 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 advantage to employ the same workmen who are employed by the Borough in the workers' off time, he may do so.

ARTICLE III

Paving, Guttering and Curbing

[Adopted 12-14-1981 as Sections 7.91 through 7.98 of the 1981 Code of Ordinances]

§ 126-13. Responsibility of property owner.

Each and every property owner of the said Borough be and the same hereby are required to pave, curb and gutter in front of their respective properties whenever so directed by the Mayor and Council of the Borough of Manchester.

§ 126-14. Notice to install. [Amended 7-14-1997 by Ord. No. 1997-12]

Whenever the Mayor and the Council of the Borough of Manchester, by resolution, shall direct any property owner in the Borough to pave, curb or gutter in front of property of such property owner, and shall give notice of such requirement, it then shall be the duty of such property owner to install gutter or curb, as directed by the notice, within 30 days from the date of the service of such notice, and it shall be the duty of the property owner to install sidewalks 30 days from the date of the service of such notice, which notice shall be typewritten, printed or partly written and partly printed and shall specify what action is required and shall be served by the Mayor or a member of the Borough Council upon the property owner by handing him a copy of such notice personally or by leaving the same at the residence, if there is one on such property, and, if there is no residence on such property, or no person occupying the same, then by posting a copy of the notice upon the said property; provided, however, that before proceeding to pave, gutter or curb as directed by such notice,

the property owner shall apply to the Mayor for a permit, which shall be furnished by the Mayor upon the payment of a fee as set by resolution of the Borough Council from time to time³ for the use of said Borough.

§ 126-15. Construction specifications. [Added 7-14-1997 by Ord. No. 1997-12]

The material to be used, the style or design of the installation and the minimum width and thickness of such installation shall be in accord with the requirements set forth for new construction in the current edition of the Construction and Materials Specifications for Land Development of the Borough of Manchester.⁴ Where a sidewalk shall constitute an extension of the sidewalk of an adjacent property, the width of the proposed installation shall be in conformity with the adjacent sidewalk of which it shall be an extension, subject to the aforesaid subdivision regulations; but in no event shall the property owner be required to install a sidewalk of a width greater than five feet.

§ 126-16. Grade requirements.

The paving, guttering or curbing shall be laid to the grade as given by the Council of the Borough of Manchester, or its duly authorized engineer, and no pavement, curb or gutter shall be laid without securing such grade from the Borough, nor shall any pavement, curb or gutter be laid at any grade other than that given by the Borough or its engineer.

§ 126-17. Duty to repair.

It shall be the duty of the owner of lots abutting on sidewalks, curbs and gutters in the Borough of Manchester to keep the same in repair. In the event that such owner shall fail to properly maintain such facilities, the Borough Council of Manchester shall serve notice, as provided in § 126-14, upon the owner of such premises. If, within 30 days after the service of such notice, the property owner has not effected the directed repairs of such sidewalk, curb or gutter, Borough Council may provide such repairs, at the expense of the owner.

§ 126-18. Property owner to bear expenses.

All materials and labor for paving, guttering and curbing, or the repair thereof, shall be furnished and provided by and at the expense of the property owner.

§ 126-19. Failure to comply; lien. [Amended 6-14-1982]

Should any property owner fail to pave, curb or gutter, or repair the same, as directed, within the time limit hereinabove provided, the Borough Council of Manchester may, at the expiration of such specified time, provide such curbing, guttering and paving, or repair, or any of them, at the expense of the property owner. The Borough Council then shall collect from the property owner the costs thereof, together with the maximum percentage of said costs, as

3. Editor's Note: See Ch. A152, Fees.

4. Editor's Note: Such manual is on file and available for inspection in the office of the Borough Secretary.

the law shall permit, as an accommodation, or similar, fee. If the property owner shall not have paid such assessment within 60 days after the mailing of notice of such assessment, the Borough Council of Manchester shall file such liens and begin such proceedings as may be necessary or proper to enforce payment thereof.

ARTICLE IV

Snow and Ice Removal

[Adopted 12-14-1981 as Sections 6.61 through 6.64 of the 1981 Code of Ordinances]

§ 126-20. Declaration of necessity.

It is hereby declared to be a legislative finding of the Borough Council of Manchester Borough that snow and ice on the streets constitutes an obstruction of the streets of the Borough for traffic purposes and poses a safety hazard for all pedestrians. Therefore, it is declared that the following regulations are necessary for the safety and welfare of the Borough, its trade, commerce and manufactures.

§ 126-21. Removal of snow and ice required.

- A. From this date forward, all property holders in this Borough, whether as owners, tenants, lessees or otherwise, shall maintain the sidewalks on or adjacent to their premises free and clear of ice, snow and similar obstructions, the full width of such sidewalk, or a width of 36 inches, whichever is the lesser. Snow shall be removed from sidewalks within eight hours after the cessation of snowfall or, if the snowfall ceases during the hours of darkness, then within eight hours after sunrise.
- B. If such removal of ice is not practical, said property holder shall place salt, ashes, sand or similar material over the ice on sidewalks. **[Added 7-14-1997 by Ord. No. 1997-12]**

§ 126-22. Violations and penalties. [Amended 7-14-1997 by Ord. No. 1997-12]

Failure, neglect or refusal to conform to the requirements of this article shall constitute an unlawful act, under penalty of up to \$600, plus costs of prosecution; and, in default of payment of said fine and costs, a term of imprisonment not exceeding 30 days, for each and every such occurrence; said penalty to be collected for the use of this Borough.

ARTICLE V

Street Obstructions

[Adopted 3-12-1990 by Ord. No. 1990-149]

§ 126-23. Purpose.

This article is to protect and promote the public health, safety and welfare, by reducing or eliminating polluted air, excessive noise, trash and refuse caused by oversized vehicles; increasing the availability of parking spaces for the use of the general public; preserving the character of residential areas; promoting efficiency in the maintenance of the streets in a clean

and safe condition; and by preserving the safety of children and other pedestrians, as well as traffic safety.

§ 126-24. Vehicles and other obstructions prohibited. [Amended 8-9-2010 by Ord. No. 2010-69]

- A. During the time period hereinafter set forth, it shall be a violation of this article to:
- (1) Park or leave any commercial vehicle, tractor, truck, semitrailer, trailer, camper, canopy, boat, motor home, and all vehicles identified in § 126-27, Definitions, in any Borough right-of-way for a period in excess of 24 hours.
 - (2) Leave any trash bin, pile or stack of supplies or trash or refuse in any Borough right-of-way for a period in excess of 24 hours.
 - (3) Leave or place any other items, including but not limited to mobile basketball hoops or other sporting equipment, ramps, trampolines, pools, nets, and furniture, in any Borough right-of-way, including culs-de-sac, for any period of time.
- B. Exception. Application can be made for a permit under § 126-30 in order to obtain permission from the Borough for use of street parking area for temporary storage of construction equipment, containers for temporary storage or waste disposal, or bulk materials used in the construction or renovation of the abutting property.

§ 126-25. Exceptions.

This article shall not restrict passenger vehicles, designed to seat eight or fewer persons, nor does it prohibit the parking of pickup trucks, provided that they meet the length, width and height standards set forth above. Moving vans actually involved in loading or unloading are not included in the restrictions to four hours; they are limited to one day, being permitted in such locations during the hours of 6:00 a.m. until 11:00 p.m.

§ 126-26. Repair or maintenance of vehicles.

It shall be a violation of this article to use any street parking areas for the repair and/or maintenance of any and all types of vehicles and items, except where such repair can be, and is, completed on the day that it has been commenced.

§ 126-27. Snow on street. [Added 6-11-2007 by Ord. No. 2007-54]

It shall be a violation of the article for any property holder to throw, blow, push, plow or otherwise place snow or ice on the streets of the Borough.

§ 126-28. Definitions.

As used in this article, the following words shall have the meanings ascribed to them, unless the context clearly indicates that a different meaning is intended:

CAMPER — A separate vehicle, designed for human habitation, and which can be attached to or detached from a pickup truck.

CANOPY — A structure designed to be mounted on a vehicle, usually a truck, which provides security or shelter for things or persons, under the structure that is the canopy.

HARDSHIP — A condition, which would be reasonable, were it not a violation of this chapter, the prohibition of which constitutes an unfair burden upon the person or persons involved, and is so acknowledged by the Borough's designated officer.

MOTOR HOME — A self-contained vehicle, designed for human habitation, with its own motor power and with a passageway from the body of the home to the driver's and front passenger's seats.

PARK — To stand a vehicle, whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading and unloading thereof.

PARKING SPACE — A permanently surfaced area of not less than 180 square feet, contained on any street of the Borough, as herein defined.

PERSON — Any individual person, group of persons, firm, agency, corporation or other entity.

PICKUP TRUCK — A motor vehicle designed primarily for the transportation of property and equipped with a permanently fixed, open box frame, and with a gross weight not to exceed 1 1/2 tons.

RECREATIONAL VEHICLE — Any motor vehicle or trailer designed and used as a travel trailer, camper, motor home, tent trailer, boat, boat trailer, snowmobile, snowmobile trailer, camping trailer and for any similar purposes. **[Amended 7-14-1997 by Ord. No. 1997-12]**

STREET — The entire width, between property lines, which is publicly maintained, when any part of which is open to the use of the public, as a matter of right, for the purposes of vehicular traffic; the term shall include ways, alleys, avenues, rights-of-way or places of whatever nature, open to such use.

TRAILER — A vehicle, without motor power, designed for carrying persons or property on its own structure, and to be drawn by a vehicle with motor power. The term "trailer" shall include trailer coach, semitrailer, travel trailer or utility trailer.

TRUCK TRACTOR — Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load, other than a part of the weight of the vehicle and the load so drawn.

VEHICLE — Any device, including a trailer, capable of being moved upon a public street and in, on or by which persons or property may be transported or drawn on a public street.

§ 126-29. Violations and penalties. [Amended 7-14-1997 by Ord. No. 1997-12]

Any person violating any provision of this article shall be subject to a fine of not less than \$5 nor more than \$500 for each such offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

§ 126-30. Extension of time in hardship cases.

In the event that the anticipated use of parking space would be in violation of this article and would constitute a hardship upon the persons involved and is so acknowledged by the Borough's designated officer, an extension of time may be granted by the designated officer. Such extension shall not exceed one week from the commencement of the act which constitutes the violation.

§ 126-31. Permit for fifteen-day period.

- A. In the event that an intended use of public parking space shall require use beyond the normally permitted time, a permit may be obtained from the Borough's designated officer, or from the Mayor, upon payment of a fee in an amount as shall be set from time to time by resolution of the Borough Council.⁵ Such parking permit shall terminate 15 days after the date that the parking commenced. Failure to remove the violating vehicle or item within the fifteen-day period shall involve a penalty as above provided. [Amended 7-14-1997 by Ord. No. 1997-12]
- B. No permit shall be issued for any vehicle or item that will impede or obstruct traffic or cause a hazard to pedestrians or other persons.
- C. Permits may be obtained for the placement of construction materials and items of like nature in parking areas, where there is no other reasonable means of access to the premises on which they will be used.

§ 126-32. Posting of signs.

The Borough Council may cause signs to be posted in all areas where parking is limited or prohibited, indicating such limitations or prohibitions.

§ 126-33. Effect on other provisions.

Nothing in this article shall repeal any other ordinance concerning parking.

5. Editor's Note: See Ch. A152, Fees.

STREETS AND SIDEWALKS

126 Attachment 1

Borough of Manchester

Figure 1
Restoration Detail

