

## **CHAPTER 21**

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**Part 1**

**Excavations in Streets and Terraces**

**§21-101. Permit Required.**

It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets in the Borough of Rutledge without first securing a permit therefor, as hereinafter provided.

*(Ord. 321, 8/24/1976, §205.1)*

**§21-102. Application for Permit.**

1. Any person who shall desire to make any opening or excavation in any of the streets or terraces in the Borough of Rutledge shall make application to the Borough Secretary in writing for the purpose. Such application shall be in triplicate and set forth the name of the applicant, the exact location of the proposed opening or excavation, and the approximate size or depth thereof, and the applicant shall agree that the work shall be done in full compliance with the ordinances of the Borough and the laws of the Commonwealth of Pennsylvania in relation thereto, and that the applicant shall well and truly save, defend and keep harmless the Borough from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.
2. The original permit shall be kept at the site of excavation at all times when any of the work is being done and shall be exhibited to the Chairman of Committee on Highways, or any police officer of the Borough of Rutledge, upon request.

*(Ord. 321, 8/24/1976, §205.2)*

**§21-103. Permit Fees.**

1. The applicant for a permit to open or excavate a paved portion of any street, highway or terrace shall pay to the Borough Secretary a permit of in an amount as established from time to time by resolution of Borough Council, to be applied to the cost of inspection and other incidental services before the issuance of the permit.
2. For the opening of a trench not on the paved or traveled portion of any street, highway or terrace or between the curb and property line of any street, highway or terrace, the applicant shall pay to the Borough Secretary an amount, as established from time to time by resolution of Borough Council.

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(*Ord. 321, 8/24/1976, §205.3; as amended by Ord. 351, 8/2/1983, §II; by Ord. 354, 12/6/1983; and by Ord. 428, 7/2/2001*)

### **§21-104. Backfilling.**

All openings or breaks in streets and terraces in the Borough shall be filled immediately by the person or entity to whom the permit has been issued. Backfilling will consist of 2A Modified Stone or 2 R.C. Stone compacted in layers each not to exceed 4 inches to within 10 ½ inches of the existing surface immediately adjoining the opening. There shall be a concrete base of H.E.S. Portland cement air-entrained concrete with a minimum 28 day compressive strength of 3,750 pounds per square inch from the top of the compacted 2A Modified Stone or 2 R.C. Stone to within 2 ½ inches of the immediately adjoining surface. The top pavement shall be 2 ½ inches bituminous concrete consisting of 1 ½ inch binder course and 1 inch wearing course. The restoration must overlap all sides of the trench by at least 6 inches. Restoration must include asphaltic cement seal coat BM-1 12 inches wide equally overlapping the restored area and the pavement immediately adjacent to the restored area. A detail of the required restoration is appended hereto and incorporated by reference<sup>1</sup>. The Borough Secretary shall be notified at least 48 hours prior to starting of the backfill operation in order that inspection of the work can be arranged. The work shall in all respect be satisfactory to the Borough Engineer and to the Highway Committee. The surface shall conform to the proper grade. All sidewalks, curbs and gutters shall be replaced in the same condition or better as existed prior to the opening or breaking of the surface of the street or terrace. If, within 2 years after the restoration of the surface as herein provided, defects shall appear resulting from defective backfilling or defective restoration, the person or entity to whom the permit has been issued must immediately correct the same or reimburse the Borough for the cost of all necessary repairs to the permanent paving and the substructure.

(*Ord. 321, 8/24/1976, §205.4; as amended by Ord. 390, 1/4/1993, §2*)

### **§21-105. Other Work.**

All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by the applicant at his expense and all such work shall be subject to the provisions of this Part and to the supervision and approval of the Highway Committee.

(*Ord. 321, 8/24/1976, §205.5*)

### **§21-106. Specifications.**

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<sup>1</sup>Editor's Note: The detail of the required restoration is on file in the Borough office.

1. No opening or excavation in any street shall extend from the curblin into the highway a distance greater than the centerline of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.
2. No more than 200 feet longitudinally shall be opened in any street at any one time.
3. The work of excavation shall be so conducted as not to interfere with the gas and water mains, sewers or their connections with the houses or any other subsurface lines or construction, until permission of the proper authorities in connection with such subsurface lines or construction shall have been obtained.
4. No tunneling shall be allowed without the express approval of the Borough Highway Committee and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Highway Committee Chairman or an inspector designated by him, and shall be done only in a method approved by him.
5. On improved streets, temporary paving of suitable stony materials, thoroughly bound and compacted shall be installed flush with the surface of the adjoining paving.
6. During the making of any excavation in any street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street safe and passable, both day and night, by guards, barriers, lanterns and other devices, and all excavation permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Borough from any loss in damages, or otherwise whatsoever, which may or shall be occasioned at any time by the said excavation, or by any leak, explosion or other injury from any pipe, apparatus, conduit or any other matter placed in the said excavation.
7. In event that any work performed by or for a permit holder shall, in the opinion of the Highway Committee be unsatisfactory and the same shall not be corrected in accordance with their instructions within the time fixed by them, or in the event that the work for which the permit was granted is not completed within the time fixed by the Borough Secretary, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 25% to the applicant.

(*Ord. 321, 8/24/1976, §205.6; as amended by Ord. 390, 1/4/1993, §1*)

**§21-107. Emergency Work.**

In the case of a leak, explosion or other accident on any subsurface pike, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus to commence an excavation to remedy such condition before securing a permit, provided the application for a permit shall be made immediately

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thereafter, and that all other provisions of this Part are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Highway Committee, after such notice as they deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus 25% to such owner or person.

*(Ord. 321, 8/24/1976, §205.7)*

### **§21-108. Notice.**

The Borough Secretary shall give timely notice to all persons owning property abutting on any street or terrace within the Borough about to be paved or improved, and to all public utility companies operating in the Borough, and all such persons and utility companies shall make all water, gas, electric, telephone or sewer connections as well as any repairs thereto which would necessitate excavation of the said street, or terrace within 30 days from the giving of such notice, unless such time is extended in writing for cause shown by the Borough Secretary. New paving shall not be opened for a period of 5 years after the completion thereof, except in case of emergency, the existence of which emergency and the necessary for the opening of such paving to be determined by the Highway Committee. If it is sought to excavate upon or open a street within 2 years after the completion of the paving thereof for any other reason than an emergency as above stated, the applicant shall make written application to the Borough Council and a permit for such opening shall only be issued after express approval of Council.

*(Ord. 321, 8/24/1976, §205.8)*

### **§21-109. Approval by Borough.**

No new water, gas, electric or telephone main shall hereafter be laid or constructed and no existing water, gas, electric or telephone main shall be extended in any of the streets or terraces of the Borough until the exact location thereto and the plan therefor shall have been first approved by the Borough Council.

*(Ord. 321, 8/24/1976, §205.9)*

### **§21-110. Payment.**

Payment for all work done by the Borough under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within 30 days after a bill therefor is sent to such person by the Borough. Upon failure to pay such charges within such time, the same shall be collectible by the Borough in the manner provided by law for the collection of municipal claims.

*(Ord. 321, 8/24/1976, §205.10)*

**§21-111. Nonapplicability.**

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

*(Ord. 321, 8/24/1976, §205.11)*

**§21-112. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, or cause or help other to violate it shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day in which a violation of this Part continues shall constitute a separate offense.

*(Ord. 321, 8/24/1976, §205.12; as amended by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001)*





**Part 2**

**Befouling of Streets**

**§21-201. Proper Operation of Vehicles.**

Any vehicle transporting or carrying soil, sand, stone, dirt, debris, refuse, litter, leaves, branches, grass or yard clippings or other substance of any kind, including liquids and chemicals, over streets, alleys and thoroughfares shall be so operated as to prevent said materials from being scattered, spilled, dropped or blown from the vehicle or from the wheels, tires or undercarriage thereof.

*(Ord. 383, 4/1/1991, §1206.1)*

**§21-202. Befouling of Streets Unlawful.**

It shall be unlawful to scatter, spill, dump, drop, rake or deposit in any manner or to permit to be scattered, spilled, dumped, dropped, raked or deposited in any manner, any soil, sand, stone, dirt, debris, refuse, litter, leaves, branches, grass or yard clippings or other substance of any kind, including liquids and chemicals, upon streets, alleys and thoroughfares.

*(Ord. 383, 4/1/1991, §1206.2)*

**§21-203. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. In addition thereto, upon conviction, the responsible person, firm and/or corporation shall be responsible for all costs and expenses associated with correcting the violation.

*(Ord. 383, 4/1/1991, §1206.3; as amended by Ord. 428, 7/2/2001)*



**Part 3**  
**Snow and Ice Removal**

**§21-301. Removal of Snow and Ice Required.**

The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Borough of Rutledge 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 24 hours after the same shall have ceased to fall or to form. Provided, the owner of a property shall be responsible for conforming to the requirements of this Section where such property is occupied by such owner or is unoccupied; 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.

*(Ord. 321, 8/24/1976, §703.1)*

**§21-302. Borough May do Work.**

In any case where the owner, occupant or tenant, as aforesaid shall fail, neglect or refuse to comply with any of the provisions of the first §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 of such delinquents, and to collect the expenses thereof, with any additional amount allowed by law, from the owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under §21-303 and §21-305 of this Part.

*(Ord. 321, 8/24/1976, §703.2)*

**§21-303. Notice.**

Any owner, occupant or tenant who shall fail to remove the snow or ice from any sidewalk as required by §21-301 of this Part shall be issued a notice of violation setting forth the alleged failure and advising that they are in violation of this Part. This notice shall:

- A. Be in writing.
- B. Set forth the alleged violation.
- C. Describe the location of violation.
- D. State time and penalty or fine for violation.

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- E. Provide an alternate fine or penalty, permitting violator to plead guilty without a formal hearing before a District Justice of the Peace.
- F. Be served upon the owner, occupant, operator or agent of the dwelling, dwelling unit or other property personally, or by registered mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator or agent.
- G. Provide provision for appeal before Borough Council.

*(Ord. 321, 8/24/1976, §703.3)*

### **§21-304. Complaint.**

Any owner, occupant or tenant who shall fail to answer the said notice described in §21-303 shall have a complaint signed against him before the Borough District Justice of the Peace.

*(Ord. 321, 8/24/1976, §703.4)*

### **§21-305. Penalties.**

Any owner, occupant or tenant who shall fail to remove the snow or ice from any sidewalk as required by §21-301 and is also in violation of §21-303 shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. Provided, such fine and costs may be in addition to any expenses and additional amounts authorized by law, imposed as provided in §21-302 of this Part.

*(Ord. 321, 8/24/1976, §703.5; as amended by Ord. 330, 4/4/1978; by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001)*

**Part 4**

**Installation of Sidewalks and Curbs**

**§21-401. Property Owners Required to Pave Sidewalk.**

It is hereby enacted and ordained by the authority of the same, that every property owner shall grade and lay, the sidewalk and curb belonging to his premises within 30 days after being notified to do so by resolution of the Borough Council, which resolution shall be spread upon the minutes of the Council in full and shall specify the manner in which the work shall be done and the kind of materials to be used in each particular case; with which specifications the property owner shall comply by having the said work done, provided, that before any sidewalk or curb shall be graded and laid, the owner shall procure the services of the Borough Engineer to give and mark the grades, according to the Borough plans and the side lines of said pavement and curb, as may be designated in the said resolution of Council (paying the reasonable charge therefor) to which grades and lines the said pavement and curb, shall be laid to conform.

*(Ord. 321, 8/24/1976, §701.1)*

**§21-402. Maintenance of Sidewalk.**

1. Every property owner shall be required to keep his sidewalk pavement and curb in good condition and repair, and in case of neglect or refusal to do so upon notification by the Borough Secretary under resolution of Council within 30 days from receipt of said notice the Borough may proceed to have the work done by contract or otherwise, and collect the cost thereof by due process of law.
2. Any person, firm or corporation failing by neglect or refusal to repair or replace his sidewalk, pavement. or curb within 30 days from the receipt of said notice as required by subsection (1), above, shall, upon conviction thereof, be sentenced to pay a fine of not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a period not exceeding 30 days. [*Ord. 428*]

*(Ord. 321, 8/24/1976, §701.2; as amended by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001)*

**§21-403. Expense.**

All sidewalks for use of pedestrians shall be built and maintained at the expense of the owners of the abutting premises and shall be kept in thorough repair and in safe condition, free of snow or ice or other obstruction. Sidewalk pavements shall be laid of a uniform width of 5 feet unless otherwise authorized by a resolution of the Borough Council.

*(Ord. 321, 8/24/1976, §701.3)*

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### **§21-404. Trees, Poles, Pipes or Signs in Sidewalk.**

Trees, poles and pipes or signs now or hereafter placed or maintained as the sidewalk limitations are herein provided, shall be so placed or maintained so as to prevent injury to persons or property, shall be removed, changed or trimmed whenever Council by motion decides that it is for the present interest of the Borough or the particular section, all costs to be borne by the owner thereof.

*(Ord. 321, 8/24/1976, §701.4)*

### **§21-405. Bidding.**

The Borough Secretary or other person designated by Council, shall, upon resolution of Council, advertise for bids for laying sidewalk pavements and curbs in the highways of the Borough, and Council shall award the contract to the lowest responsible bidder, reserving the right to reject any or all bids. The contractor shall furnish bond in the sum and with such security as Council may fix and approve.

*(Ord. 321, 8/24/1976, §701.5)*

### **§21-406. Specifications.**

The use of any materials for new sidewalk pavements and curbs, other than those herein specified, is hereby forbidden:

#### **A. Walks and Curbs.**

- (1) All new sidewalk pavements shall have ½ inch fall to the foot outwardly toward the curb and all corners to be modified as directed by the Borough Engineer and shall be of one course concrete construction, and shall be built as a series in length. Sections of all sidewalks and curbs shall be separated by a vertical joint for the full length of slab and for the full thickness of the sidewalk and curb. The thickness of all finished walks shall be 4 inches.
- (2) The sidewalk pavements shall be composed of concrete made of one part Portland Cement, two parts sand and four parts of crushed stone or pebbles measured by volume. The walk shall be laid in one course. After the concrete has been placed, the concrete shall be spaded to fill all surface voids with grout, worked, and struck off in such a way as to bring to the surface an amount of grout, and will be finished with a wood float. Dry cement or dry cement and sand shall not be placed on the surface to hasten hardness. Edges of walks shall be rounded. The surface shall be roughened and in no case shall a smooth trowel surface be used. The outer top edge of the sidewalk pavement shall be at least

2 inches higher than the top of the curb and in no case shall the surface of the ground between the sidewalk pavement and the curb be higher than the outer edge of the sidewalk pavement. Council may, by resolution, permit the use of flagstones in lieu of concrete for sidewalk pavement.

**B. Curbs.**

- (1) Curbs shall be 6 inches in thickness and 22 inches in depth and shall be composed of one part cement, two parts sand and four parts stone or pebbles, and shall be built as a series of independent sections in general not more than 10 feet in length. While the concrete is being placed it shall be spaded against the forms sufficiently to bring the grout to the surface against the forms and fill all surface voids. Forms shall be removed before the concrete has hardened and the front and top floated to a uniform surface. Top edge shall be rounded to a ½ inch radius. Finishing curbs by plastering over porous concrete shall not be permitted.
- (2) Council may, by resolution, permit or prescribe at definite locations curbs composed entirely of stone or of stones set in 1-2-4 concrete, provided that said shall be equal in strength as certified by the Borough Engineer, to the concrete curb specified in the preceding subsection.

**C. Intersections.** At streets, alleys or driveways, curbs shall be built at a radius specified by resolution of the Borough Council.

**D. Permits and Fees.**

- (1) Before any curb may be broken, sidewalk installed or replaced, driveways and approaches crossing Borough sidewalks installed or removed, a permit must be secured from the Secretary of the Borough. The permit fee shall be in an amount as established from time to time by resolution of Borough Council, and shall accompany the application.
- (2) Where work for which a permit is required by this Part is started prior to obtaining the required permit, and additional fee is to be paid, in an amount as established from time to time by resolution of Borough Council. The payment of such fee shall not relieve any persons from fully comply with the requirements of this Part in the execution of the work or from any other penalties prescribed herein.

[Ord. 428]

**E. Cement.** All cement must be fresh American Portland Cement meeting the requirements of the standard specifications of the American Society for Testing Materials.

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- F. **Sand and Stone.** All sand must be natural sand clean, hard and coarse grained and subject to test and approval of the Borough Engineer. All crushed stone or gravel must be cleaned, hard, and free from dirt.

(*Ord. 321, 8/24/1976, §701.6; as amended by Ord. 364, 12/8/1986, §I; and by Ord. 428, 7/2/2001*)

### **§21-407. Penalties.**

Any person or persons, executing any work contrary to the terms of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 321, 8/24/1976, §701.7; and amended by Ord. 428, 7/2/2001*)



**Part 5**

**Encroachments and Obstructions Upon Sidewalks**

**§21-501. Obstructing Sidewalk Prohibited.**

No person shall in any manner obstruct any sidewalk in the Borough of Rutledge so as to endanger any person or property or to hinder or delay public travel. Provided, however; nothing herein contained shall prohibit any person from making use of any sidewalk, in the manner provided in §21-503 and §21-504 of this Part, and in strict conformity with the conditions and requirements of such Sections.

*(Ord. 321, 8/24/1976, §702.1)*

**§21-502. Delivery of Materials.**

Any person engaged in delivering any goods, wares or merchandise to any property abutting upon any sidewalk, or in removing property of any nature or character whatever from such property may temporarily, for a total period of not more than 1 hour, place any such goods, wares or merchandise or 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 Part.

*(Ord. 321, 8/24/1976, §702.2)*

**§21-503. Temporary Storage.**

Under special circumstances where, in the opinion of the Highway Committee of the Borough Council there shall be no other practicable means for the temporary storage thereof, a permit may be granted by such Committee for the storage of building materials upon limited portion of the sidewalk abutting upon the property where such materials are to be used. Such permit shall be issued for a fee, in an amount as established from time to time by resolution of Borough Council, payable to the Borough for the use of the Borough to the owner or occupant of such property by the authority to 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: [*Ord. 428*]

- A. Such permit shall be valid for a limited time, not in excess of 30 days, which shall be determined by the Highway Committee Chairman on the basis of the scope of the work being undertaken, and the inconvenience to the public involved, and shall be stated upon such permit.

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- B. Such building materials shall occupy no more than ½ the width of the sidewalk.
- C. Such building material 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 (if necessary), in the vicinity of or around such material 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 Highway Committee Chairman to indemnify the Borough against all damages, losses, costs or expenses that are or may be occasioned by reason of the placing or storage of such materials upon such sidewalk.
- G. All such material 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 material may be removed by order of the Highway Committee and shall be placed upon the property where such material is 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, nothing herein contained shall be construed to interfere with the grading of sidewalks or streets, or the placing of material for such purpose under direction of the Borough official in charge thereof.

*(Ord. 321, 8/24/1976, §702.3; as amended by Ord. 351, 8/2/1983, §III; and by Ord. 428, 7/2/2001)*

### **§21-504. Building Materials.**

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 §21-503 of this Part. 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.

*(Ord. 321, 8/24/1976, §702.4)*

### **§21-505. Penalties.**

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. Provided, further, the penalty imposed under this Section may be in addition to any expenses and penalties in connection therewith authorized to be collected under this Part.

*(Ord. 321, 8/24/1976, §702.5; as amended by Ord. 374, 7/11/1988; and by Ord. 428, 7/2/2001)*



**Part 6**

**Removal of Trash and Rubbish From Sidewalks**

**§21-601. Sidewalk to be Clear of Trash and Rubbish.**

All owners and/or occupiers of land containing a public sidewalk abutting upon a public street or a highway in the Borough of Rutledge shall have the joint responsibility of keeping and maintaining the full width of the paved surface of said sidewalk and area between the sidewalk and curb free and clear of all trash and rubbish.

*(Ord. 321, 8/24/1976, §704.1)*

**§21-602. Remedies and Penalties.**

1. Any owner or occupant failing to comply with or violating the provisions of §21-601 of this Part shall, within 24 hours after receipt of written notice of such violation from the Borough Council, remedy such violation by removing all trash and rubbish on said public sidewalk and area between the sidewalk, and curb.
2. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not less than \$10 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 321, 8/24/1976, §704.2; as amended by Ord. 428, 7/2/2001)*

