

ORDINANCE NO. 94-05-02

AN ORDINANCE OF THE BOROUGH OF LANGHORNE MANOR
REGULATION STREETS AND SIDEWALKS, STREET EXCAVATIONS,
CLEANING OF STREET GUTTERS, REMOVAL OF TREES FROM
STREETS, PROVIDING FOR INSPECTIONS, ISSUANCE OF PERMITS
AUTHORIZING FEES FOR INSPECTIONS AND PERMITS AND
PRESCRIBING PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

BE IT ORDAINED AND ENACTED and it is hereby ORDAINED and ENACTED by
the Council of the Borough of Langhorne Manor as follows:

STREETS AND SIDEWALKS

Chapter 68

STREETS AND SIDEWALKS

ARTICLE I

Street and Sidewalk Obstructions

§68-1. Obstruction; dumping, snow removal.

ARTICLE II

Sidewalk Construction

- §68-2. Responsibility of owners.
- §68-3. Widths of sidewalks.
- §68-4. Paving and maintenance of sidewalks.
- §68-5. construction and maintenance of gutters.
- §68-6. Construction, maintenance and grading of curbs.
- §68-7. Grading of sidewalks.
- §68-8. Pavement specifications.
- §68-9. Curb specifications.
- §68-10. Gutter specifications.
- §68-11. Service of notice to owner.
- §68-12. Time limit on commencement and completion of work.
- §68-13. Failure to comply; collection of costs.
- §68-14. Supervision and approval.

ARTICLE III
Street Excavations

- §68-15. Fee, deposit and permit required.
- §68-16. Separate fee, deposit and permit for each excavation.
- §68-17. Disposition of deposit.
- §68-18. Refilling excavations.
- §68-19. Obstruction; guarding of excavation.
- §68-20. Liabilities where excavation made without permit.
- §68-21. Highway Occupancy Permits.

ARTICLE IV
Cleaning of Street Gutters

- §68-22. Obstructions in gutters prohibited.
- §68-23. Failure to remove; collection of costs.

ARTICLE V
Removal of Trees from Streets

- §68-24. Public nuisance declared.
- §68-25. Notice to remove.
- §68-26. Failure to comply; collection of costs.

ARTICLE VI
General Provisions

- §68-27. Administration.
- §68-28. Severability.
- §68-29. Conflicting Ordinances.
- §68-30. Enforcement and Violations.
- §68-31. Declaration of Purpose.
- §68-32. Repealer.

ARTICLE VII
Effective Date

- §68-33. Effective Date.

ARTICLE I
Street and Sidewalk Obstructions

§68-1. Obstruction; dumping; snow removal.

No person shall be allowed to obstruct with building materials or deposit such materials on any street or highway or any sidewalk unless he has first obtained a written permit from the Building Inspector, and no person shall be permitted to throw or deposit, on any of the public streets or sidewalks within the limits of the borough, wood or coal ashes, shavings, paper, hay, straw, vines, oyster shells or other debris, nor permit the footwalks to be obstructed by snow for a longer period than six (6) hours after the same shall have ceased to fall, except when it shall cease falling between the hours of 12:00 midnight and 7:00 a.m., in which event the same shall be removed within four (4) hours after sunrise.

ARTICLE II
Sidewalk Construction

§68-2. Responsibility of owners.

The owner or owners of any and all premises abutting on public streets or avenues of the Borough of Langhorne Manor, shall, from and after the approval of this Article, at their respective cost and expense, grade, pave, curb, gutter and maintain the sidewalk or footwalk on the part of the said streets or avenues abutting their respective properties.

§68-3. Widths of sidewalks.

The width of sidewalks throughout the Borough is hereby ordained and established as four (4) feet and sidewalks shall on adjoining blocks be located in direct line with each other.

§68-4. Paving and maintenance of sidewalks.

Said sidewalks or footwalks shall be paved with concrete of a good and durable quality as hereinafter set forth and shall be maintained and kept continuously hereafter in good repair at the proper cost and expense of the respective abutting owners.

§68-5. Construction and maintenance of gutters.

All gutters along said sidewalks shall be constructed of concrete of a good and durable quality as hereinafter set forth and shall be at all times kept in good repair at the proper cost and expense of the respective abutting owners.

§68-6. Construction, maintenance and grading of curbs.

All curbs shall be constructed of concrete of a good and durable quality as hereinafter set forth and shall be at all times kept in good repair at the proper cost and expense of the

respective abutting owners. The curbs shall be set so that the top thereof is on the same grade as the established grade of the middle of the said street.

§68-7. Grading of sidewalks.

The paving of said sidewalks or footwalks and the curbing and guttering shall be upon the lines and grades adopted and approved by the Borough of Langhorne Manor, said grades to be supplied by the Borough Engineer. Said sidewalks shall be graded to conform to said grade so established or hereafter to be established and all obstructions within the line of said sidewalks or footways shall be removed, and the said sidewalks or footways shall be graded and put in proper condition for paving, curbing and guttering at the proper cost and expense of the respective owners of the abutting properties.

§68-8. Pavement specifications.

All pavements shall be four (4) feet in width, at least four (4) inches thick, made of a good quality of concrete of a mixture of one (1) part portland cement, two and one-half (2½) parts of clean, washed sharp sand and four (4) parts of clean gravel or crushed stone for the body thereof, with a topcoating of one (1) part cement and two (2) parts of clean, washed sand. The said pavements shall be laid at a grade or fall of one-fourth (1/4) inch per foot toward the center of the street. The center of the pavement shall be in the center of the sidewalk.

§68-9. Curb specifications.

All curbs along the sidewalks shall be constructed of concrete of the same composition as above set forth in §68-8 and required for the pavements and shall be five (5) inches thick and set six (6) inches above the gutter, and where the gutter is not also concreted, shall be set twenty (20) inches underground. In cases where the gutter is concreted, the curb may be attached thereto and built as one (1) continuous construction.

§68-10. Gutter specifications.

The gutters along said sidewalks shall be constructed of concrete of the same composition as above set forth in §68-8 and required for pavements and shall be five (5) inches thick and twenty-four (24) inches in width. There shall be no obstructions in the gutters for driveway entrances.

§68-11. Service of notice to owner.

No owner shall be required to construct any sidewalk, curb or gutter or do said grading as hereinbefore provided for until the grades and lines of said curbs and sidewalks or parts proposed to be improved have been supplied by the Borough Engineer or other proper officer of Borough Council, nor until the owner or owners thereof have been notified to cause the same to be done, by written notice thereof served on the owner or owners thereof, if resident in said borough, personally, or on an adult member of his, her or their family; or if a nonresident, same

may be served on the occupant of the premises if the premise are occupied, or on the agent or person in charge, and in the case of vacant premises, by posting written or printed notice of the same on said premises.

§68-12. Time limit on commencement and completion of work.

It shall be the duty of the abutting owner or owners of premises as aforesaid to grade, pave, curb and gutter the said sidewalks or footwalks abutting their respective premises upon said information being given and notice served as aforesaid, and to commence said work within thirty (30) days after the notice hereinbefore provided for shall have been given and to fully complete the same within ninety (90) days after said notice has been given.

§68-13. Failure to comply; collection of costs.

In the event of the failure of any abutting property owner within the said Borough of Langhorne Manor to comply with the provisions of preceding sections hereof and to commence the construction of said grading, paving, curbing and guttering within thirty (30) days after the service of said notice hereinbefore provided for and to fully complete it within ninety (90) days after the service of said notice as aforesaid, the said Borough of Langhorne Manor, through its Building Inspector or other proper officer or officers, may cause the said grading, paving, curbing and guttering of said sidewalks to be done by general or special contract, with or without preceding bids, at the cost of the said abutting owner or owners, and may collect the cost thereof with a penalty of ten percent (10%) from the owner or owners thereof and enforce the payment thereof by suit or municipal lien.

§68-14. Supervision and approval.

All grading, paving and curbing of said sidewalks and gutters of the said Borough of Langhorne Manor shall be under the supervision and subject to the approval and reasonable direction of the Building Inspector of said Borough of Langhorne Manor.

**ARTICLE III
Street Excavations**

§68-15. Fee, deposit and permit required.

No person or persons, firm or firms, corporation or corporations, shall from and after the passage of this Article, make or cause to be made any excavation or excavations whatsoever in any of the public roads, streets, lanes, highways, right-of-ways or alleys of the Borough of Langhorne Manor, for the purpose of laying, repairing, or improving water, gas, electric, telephone, cable TV or other pipes, mains or conduits therein, or for any other purpose whatsoever, without having:

- A. Paid to the Borough of Langhorne Manor Borough the following fees:

1. For excavations to be made in a dirt surfaced road or berm of a macadam or other hard surfaced road the fee shall be Fifty (\$50.00) Dollars.
 2. For excavations to be made in a macadam or other hard surface of any public road, street, lane, highway or alley of the said Borough, the fee shall be Fifty (\$50.00) Dollars.
 3. Fifteen (\$15.00) Dollars per square yard additional fee for each of the first five (5) square yards of surface to be excavated.
 4. Twelve (\$12.00) Dollars per square yard for each of the second five (5) square yards of surface to be excavated.
 5. Nine (\$9.00) Dollars per square yard for each square yard over and above the initial ten (10) square yards to be excavated.
- B. Deposited with the Borough of Langhorne Manor the sum of Five Hundred (\$500.00) Dollars by certified check for the purposes and upon the conditions hereinafter set forth.
- C. Obtained from the Borough of Langhorne Manor an Excavation Permit to make the excavation.

§68-16. Separate fee, deposit and permit for each excavation.

A separate fee shall be paid, a separate permit shall be obtained and a separate deposit shall be made, as set forth in §68-15 of this Article, for each and every excavation to be made.

§68-17. Disposition of deposit.

- A. If the person, firm or corporation to whom a permit to excavate any of the roads, streets, lanes, highways, right-of-ways, or alleys has been issued shall make or cause to be made an excavation in a macadam, dirt or other surface of any public road, street, lanes, highways, right-of-ways or alleys, of the said Borough of a greater area than that stated in the application for the permit and for which the additional fee heretofore provided for has been paid, and/or shall fail to refill, in accordance with the provisions of this Article, any excavation made under the authority of this Article then and in either event the sum of Five Hundred (\$500.00) Dollars or such part thereof as may be necessary, required to be deposited with the Borough of Langhorne Manor under the foregoing sections of this Article, shall be applied by the said Borough towards the difference between the amount of fee actually paid and the amount of fee that would have been paid had the application for the excavation permit stated the actual area of square yards excavated and/or towards the cost or expense including an additional twenty (20%) percent to which the Borough shall be put in refilling the excavation and

restoring the surface in the event that the said sum of Five Hundred (\$500.00) Dollars shall be insufficient to cover any additional funds that are required, shall be obtained directly from the applicant, or recovered by an action in assumpsit in the Court of Common Pleas of the County or the filing of a municipal lien.

- B. If the person, firm or corporation making any excavation in a macadam, dirt, or other surface of any public road, street, lane highway, right-of-way, or alley of the Borough shall not make or cause to be made an excavation of a greater area than that stated in the application for the permit, and shall, in accordance with the terms of this Article, refill the excavation and restore the surface, then the Borough Secretary shall return any portion remaining of the Five Hundred (\$500.00) Dollar deposit of escrow to the person, firm or corporation making the same upon notification from the Building Inspector of the Borough.

§68-18. Refilling excavations.

- A. All persons, firms or corporations making or causing to be made any excavation or excavations under the provisions of this Article shall, under the direction and supervision and subject to the approval of the Building Inspector of the Borough, where the excavation or excavations are made in a dirt-surfaced road or in the dirt shoulder or berm of a macadam or other hard-surfaced road, street, lane, highway or alley, refill all such excavations and thoroughly pack the dirt in refilling the same, and where the excavation or excavations are made in a macadam or other hard surface of any road, street, lane, highway or alley of the said borough, refill such excavation to a depth of not less than six (6) inches from the surface of the road, street, lane, highway or alley with dirt and loose stones and shall pack the same firmly, and shall fill the balance of the excavation to the surface of the road, street, lane, highway or alley with stone and pound the same firmly in place.
- B. All persons, firms or corporations making any excavation or excavations in any road, street, lane, highway or alley of the said borough shall, as soon as the purpose for which such excavation or excavations shall be made shall have been accomplished, refill such excavation or excavations in accordance with the terms of this Article.

§68-19. Obstruction; guarding of excavation.

During the time any excavation is being made and until the road, street, lane, highway or alley shall be restored as aforesaid, the roads, streets, lanes, highways and alleys shall be as little obstructed as possible, and the portion excavated and obstructed shall be guarded by the display of danger signs or signals by day, and at night wooden or metal guards with flashing amber lights attached thereto shall be erected on all sides thereof to protect public travel against any danger from such excavation.

§68-20. Liabilities where excavation made without permit.

Any person, firm or corporation which shall make or cause to be made any excavation or excavations in any road, street, lane, highway or alley of the borough without having obtained the permit and paid the fees heretofore provided for in §68-15 of this Article shall, in addition to the penalty hereinafter provided for in §68-30 of this Article, be liable to the borough for the fee or fees which it would have been required to pay to the said borough had it made application for and received the permit heretofore provided for in §68-15 of this Article, as well as any cost to which the borough may be put in refilling the excavation so made or in enforcing this Article.

§68-21. Highway Occupancy Permits.

The Building Inspector is empowered to issue Highway Occupancy Permits for the installation of utilities, driveways, and other purposes as follows:

A. Paid to the Borough of Langhorne Manor the following fees:

1. Application fees:

- a) Utility \$50.00
- b) Driveways
 - 1) Minimum use (e.g., single family dwellings) \$15.00
 - 2) Low Volume (e.g., office buildings, apartments) \$30.00
 - 3) Medium Volume (e.g., motels, restaurants) \$40.00
 - 4) High Volume (e.g., nursing homes, schools or colleges, churches) \$50.00
 - 5) Other (e.g., sidewalks, curbs) \$25.00

2. General Permit Inspection Fees:

- a) Driveways
 - 1) Each minimum use driveway \$10.00
 - 2) Each low volume driveway \$20.00
 - 3) Each medium volume driveway \$35.00
 - 4) Each high volume driveway \$50.00
 - 5) Other (e.g., sidewalks, curbs) \$25.00
- b) Above ground facilities (e.g., poles, guys and/or anchors if installed independently of poles) for each \$20.00

**ARTICLE IV
Cleaning of Street Gutters**

§68-22. Obstructions in gutters prohibited.

It shall be unlawful from and after the passage of this Article, for any person, firm or corporation owning or having a present interest in any real estate in the Borough of Langhorne Manor to suffer or allow grass, weeds, or other vegetation, dirt, mud, loose stones, gravel, leaves, sticks or other matter to grow or accumulate in any of the gutters along the street or highway that bounds the real estate over which he has control, so as to obstruct the flow of water along said gutter. All such growths, accumulations and obstructions are hereby declared to be public nuisance and detrimental to the health, safety and comfort of the inhabitants of the Borough.

§68-23. Failure to remove; collection of costs.

If the owner or occupier of such real estate does not remove such growths, accumulations or obstructions so as to permit the proper flow of water, the same shall be removed by or under the direction of the Building Inspector of the Borough or other persons designated by Council, and the cost thereof, together with a penalty of ten (10%) percent of such cost, shall be collected from the owner or occupier of such real estate in the manner provided by law for the collection of municipal claims or by action of assumpsit, or the Borough may seek relief by bill in equity.

ARTICLE V
Removal of Trees from Streets

§68-24. Public nuisance declared.

All trees or parts thereof at any time growing or standing in or upon, or projecting over, above or into, the right-of-way of any road, street, lane, avenue, alley or highway of the Borough of Langhorne Manor, which are or shall be or become, wholly or partially, in a dead, decayed, dying, blighted, broken, split or otherwise damaged condition, and which are, in the opinion of the Building Inspector of the Borough, an obstruction of the right-of-way or dangerous to persons and vehicles using, passing along, upon or over the said right-of-way, are hereby declared to be a public nuisance and detrimental to the health, safety and comfort of the inhabitants of the borough and of the traveling public generally.

§68-25. Notice to remove.

Whenever the Building Inspector of the Borough shall be of the opinion that any tree or part thereof, in §68-24 of this Article designated, is dangerous as aforesaid or an obstruction of the right-of-way, then and in that event written notice shall be given to the owner and/or occupier, if any, of the premises upon which or in front of which the tree or trees constituting such nuisance stand or grow to remove and abate said nuisance within twenty (20) days of the giving of such notice. If the owner or occupier cannot be found within the Borough of Langhorne Manor, then posting said notice conspicuously upon the premises and mailing a copy of said notice to the owner or occupier at his last known address, if any address for said owner and occupier is known, shall be deemed a sufficient giving of notice to comply herewith.

§68-26. Failure to comply; collection of costs.

Upon the giving of notice as aforesaid, it shall be the duty of the owner or occupier of said premises to abate said nuisance within twenty (20) days of the giving of such notice. In the event that the owner or occupier shall neglect or fail to abate said nuisance within the time aforesaid then the Council of Langhorne Manor shall cause the same to be abated, with full right of entry upon the premises to do so; and the Borough shall collect the cost of such abatement, together with a penalty of ten (10%) percent of such cost, from the owner or occupier of the premises upon or in front of which the tree or trees constituting such nuisance stand or grow, in the manner provided by law for the collection of municipal claims or by action of assumpsit. The provisions of this section shall not be construed to deprive the borough of the right to seek relief by bill in equity.

**ARTICLE VI
General Provisions**

§68-27. Administration.

The Building Inspector of the Borough or his authorized representatives shall administer and enforce the provisions of this Ordinance.

§68-28. Severability.

In the event any provision, section or part of this Ordinance or the application of any of the provisions hereof shall be judicially determined to be invalid, such invalidity shall not effect or impair any of the remaining provisions, sections or part of this Ordinance. It is the intent of the Borough that such remaining provisions, sections and parts of this Ordinance shall be and shall remain in full force and effect as if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included in this Ordinance.

§68-29. Conflicting Ordinances.

Whenever the requirements of this Ordinance are in conflict with other requirements of this Ordinance or with the requirements of other Ordinances of the Borough, the most restrictive and those imposing the highest standards shall govern.

§68-30. Enforcement and violations.

Any person, firm or corporation which violates a provision or fails to comply with the requirements of this Ordinance shall be subject upon summary conviction for each violation a fine of not more than One Thousand (\$1,000.00) Dollars, plus costs of prosecution and default of payment of such fine and cost shall be subject to imprisonment for a term of not more than thirty (30) days in the Bucks County Prison.

Each violation of any provision of this Ordinance and each day that a violation shall continue shall constitute a separate offense and each such separate violation shall be punishable and subject to the fines and imprisonment set forth in this Article.

Fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable by the Borough in the manner provided under then applicable law.

§68-31. Declaration of Purpose.

It is necessary in order to promote the public health, safety and general welfare of the residents of the Borough that streets and sidewalks within the Borough be constructed and maintained as provided in this Ordinance and that persons, firms and corporations performing work on, upon, underneath and adjacent to the sidewalks and streets of the Borough be responsible and be subject to the requirements of this Ordinance.

§68-32. Repealer.

All ordinances or parts of ordinances inconsistent with this Ordinance shall be and the same are hereby expressly repealed.

**ARTICLE VII
Effective Date**

§68-33. Effective Date.

This Ordinance shall be effective immediately upon adoption.

ORDAINED and ENACTED this 3rd day of May, 1994.

ATTEST:

Dorothy E. Davidson
Dorothy E. Davidson, Secretary

**COUNCIL OF THE BOROUGH OF
LANGHORNE MANOR**

By: Francis J. Farmer
Francis J. Farmer, President

APPROVED this 3rd day of May, 1994.

Gerald Seader
Gerald Seader, Mayor