

# OFFICIAL

## Borough of Turtle Creek

### ORDINANCE No. 832

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION OF: THE REPAIRS; THE MAINTENANCE AND USE OF SIDEWALKS IN THE BOROUGH OF TURTLE CREEK. THE BOROUGH OF TURTLE CREEK HEREBY ORDAINS AS FOLLOWS:

#### A. SIDEWALK CONSTRUCTION AND REPAIR

**SECTION 1. Specifications for New Sidewalks.** New sidewalks constructed on streets of the Borough of Turtle Creek shall be of one-course or two-course concrete construction. Sidewalks shall be built as a series of independent sections in general not more than six feet in length. Sections of all sidewalks shall be separated by a vertical joint for the full width of slab and for the full thickness of the sidewalk. A one-half inch expansion joint shall be provided at least once in every fifth foot length of sidewalk, and shall be filled with approved joint filler. A joint shall be provided where the sidewalk meets a curb and at such other places as may be directed by the Borough Manager or other persons designated by Council.

The thickness of all finished walks shall be at least four inches.

**Two-Course Sidewalks.** The concrete base shall be composed of cement, sand and stone in the following proportions: One part of cement; two parts of sand and four parts of stone.

The base shall be completed at one pouring. The wearing course shall be one-half inch thick and mixed in proportions of one part of cement and one part of sand of fine aggregate. Special wearing surfaces may be used upon approval of the Borough Manager or other person designated by Council. The wearing course shall be placed as soon as mixed and before the concrete base has hardened. In no case shall more than forty-five minutes lapse between the time of mixing concrete base and wearing course.

**One-Course Sidewalks.** One-course sidewalks shall be composed of cement, sand and

stone in the following proportions: One part cement and two parts of sand and four parts stone. Proper means of compacting and removing surplus water shall be used to the satisfaction of the Borough Manager or other persons designated by Council.

**Provided.** Existing sidewalks, lawfully constructed of brick, stone or other material than concrete may be continued to be maintained and may be repaired with the material of which such sidewalks are constructed, but if the condition of any such sidewalk becomes such that in the judgment of the Borough Manager, reconstruction would be necessary in order to restore such walk to safe condition, such sidewalk shall be reconstructed of concrete and shall conform in every respect to the provisions of this section applicable to new sidewalks.

**SECTION 2. Time Limit for Construction or Repair by Property Owners; Emergency Repairs by Borough.** Sidewalks shall be built by property owners upon thirty days notice to the owner and shall be repaired upon ten days' notice. Council may upon twenty-four hour notice cause emergency repairs to be made to sidewalks where a proper officer of the Borough deems it necessary.

**SECTION 3. Property Line to be Marked on Sidewalks if Solid Surface Extends Beyond Property Line.** Where property owners have constructed a solid surface from curb line to point on his property beyond the property line, said owner shall by an appropriate marking, which marking should be legible and distinct at all times, show the property line on the surface of the sidewalk. Said line shall be indicated in concrete walks by a vertical joint and should be indicated by a white or yellow painted line which must be at all times kept in such a condition as to be clear and distinct.

**SECTION 4. Construction or Repair of Sidewalks by Borough at Expense of Property Owner.** If any property owner shall fail to construct or repair the sidewalk abutting his property, or to cause the same to be done, within the time limit specified in the notice, as herein provided, the Borough Manager shall have the necessary new walk constructed or the existing walk repaired either by independent contractor or by Borough employees, and the Borough shall collect the cost

of such work, together with any additional amount allowed by law, from such property owner.

**SECTION 5. Property Owners not Prevented From Construction or Repairs of Curbs and Sidewalks on Own Initiative.** Nothing in this ordinance shall be construed so as to prevent any owner or owners of property from personally laying or repairing curb and/or sidewalk in front of or along side of their property, provided that they comply with the terms of this ordinance and all other ordinances of the Borough, and provided that every such property owner notify the Borough Manager and obtain a permit from him before tearing up any existing sidewalk.

#### B. OBSTRUCTIONS AND ENCROACHMENTS ON SIDEWALKS.

**SECTION 1. Owners and Occupants of Property to Remove Snow and Ice From Sidewalks.** The owner, occupant or tenant of every property fronting upon or along side of any streets in the Borough of Turtle Creek 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 five (5) hours after the same shall have ceased to fall or to form: **Provided:** snow or ice that has ceased to fall or to be formed after six o'clock of any evening may be removed at any time before ten o'clock of the next morning. **Provided further:** the owner of a property shall be responsible for conforming to the requiring of this section where such property is occupied by the owner, or is vacant or unoccupied, or is a multiple-dwelling property, designed for occupancy by more than one occupant or tenant; the tenant or occupier thereof shall be responsible therefor if such property is occupied by more than one tenant or occupier.

**SECTION 2. Authority for Borough to Remove Snow and Ice and Collect Cost and Additional Amount.** 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 section of this ordinance within the time limit prescribed therein, the Borough authorities will proceed immediately to clear all snow and/or ice from the sidewalks of such delinquent, and to col-

lect the expenses thereof, with an additional charge of ten per cent (10%) from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under the third section of this ordinance.

**SECTION 3. Penalty for Failure to Remove Snow and Ice.** Any owner, occupant or tenant who shall fail to remove any snow or ice from any sidewalk as required by the first section of this ordinance shall, upon conviction thereof before the Burgess or any Justice of the Peace of the Borough, be sentenced to pay a fine of not more than ten dollars (\$10.00) and costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than ten (10) days. **Provided:** such fine and costs or prosecution may be in addition to any expenses and additional charges imposed as provided in the second section of this ordinance.

**SECTION 4. Awnings Prohibited Over Streets and Alleys; Clearance Over Sidewalks Regulated.** It shall be unlawful for any person, firm or corporation to erect or maintain any awning, either movable or stationary, any portion of which extends over any part of the cartway of any street or alley in the Borough of Turtle Creek or any portion of which is less than seven (7) feet above the level of the sidewalk directly below the same. If any awning shall be erected or maintained in violation of any of the provisions of this ordinance, the same shall be removed or brought into conformity with the requirements hereof by the person, firm or corporation maintaining the same, within five (5) days after notice thereof from the Borough Council, in default of which the Borough may cause the same to be removed or so altered and may collect the cost of such work, with any additional amount allowed by law, from the person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof before the Burgess or any Justice of the Peace of the Borough, be sentenced to pay a fine of not more than twenty-five (\$25.00) dollars and costs of prosecution for each and every violation and, in default of payment of such fine and costs, to imprisonment in the County Jail for not more than five (5) days. **Provided:** each day's violation of any of the provisions of this ordinance

shall constitute a separate offense.

**SECTION 5. Definition and Interpretation.** The word "person," defined in this ordinance, shall mean any natural person, partnership, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

**SECTION 6. Obstructions of Streets, Alleys and Sidewalks Prohibited Except Under Permit.** No person shall in any manner obstruct any street, public alley or sidewalk in the Borough of Turtle Creek so as to endanger any person or property or to hinder or delay public travel. **Provided:** nothing herein contained shall prohibit any person from making use of any street, public alley or sidewalk, in manner provided in the third section of this ordinance, and in strict conformity with the conditions and requirements thereof.

**SECTION 7. Permit Required to Store Building Material on Street, Alley, or Sidewalk; Conditions Thereof.** Under special circumstances, where, in the opinion of the Borough Manager, there shall be no other practicable means for the temporary storage thereof, a permit may be granted by the Manager for the storage of building materials upon a limited portion of the street, alley and/or sidewalk abutting upon the property where such materials are to be used. Such permit shall be issued for a fee of one dollar (\$1.00) payable to the Borough Manager, for the use of the Borough, by the owner or occupant of such property by the authority of 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: (1) Such permit shall be valid for a limited time, not in excess of thirty (30) days, which shall be determined by the Borough Manager, on the basis of the sort of work being undertaken, and the inconvenience to the public involved, and shall be stated upon such permit. (2) Such building materials shall occupy no more than one-half ( $\frac{1}{2}$ ) the width of the sidewalk and/or one-third ( $\frac{1}{3}$ ) the width of the street or alley. (3) Such building material shall be placed so as not to interfere with drainage of any street or alley or sidewalk or with access to any fire hydrant. (4) Such building material shall be arranged

in regular, neat compact form so as to occupy a minimum of space and to present the least risk of falling. (5) The holder of such permit shall place lights and guards in the vicinity of or such material so as to prevent injury to persons and property. (6) The holder of such permit shall save the Borough harmless from all damages, losses, costs and expenses that are or may be occasioned by reason of the placing or storage of such material upon the street, alley and/or sidewalk. All such material shall be removed from the street, alley and/or sidewalk, and the street, alley and/or sidewalk shall be restored to the condition in which it was immediately prior to such storage, on or before the expiration of such permit. If the holder of any such permit shall fail to comply with any of the above conditions, such material may be removed by order of Borough Council and shall be placed upon the property where such material is to be used, outside the limits of the street, alley and 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 any street, alley or sidewalk, or the placing of material for such purpose under the direction of the Borough official in charge thereof.

**SECTION 8. Shed May Be Required Over Sidewalk During Construction Work.** In every case where any building is erected or altered so near to the street line that persons traveling upon the abutting sidewalks may be endangered by falling material, the person in charge of such work shall erect over the sidewalk a shed of sufficient strength and size so as to permit those using the sidewalk, a free unobstructed and safe use of the same.

**SECTION 9. Penalty for Violation of Regulations on Storage Building Material and Protection of Sidewalk During Construction Work.** Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof before the Burgess or any Justice of the Peace of the Borough, be sentenced to pay a fine of not less than five dollars (\$5.00) or not more than one hundred dollars (\$100.00) and costs of prosecution, for each and every such violation and, in default of pay-

ment of such fine and costs, to imprisonment in the County Jail for not more than ten (10) days. **Provided:** each day's violation of any of the provisions of this ordinance shall constitute a separate offense. **Provided further:** the penalty imposed under this section may be in addition to any expenses and additional charges in connection therewith imposed under any other sections of this ordinance.

**SECTION 10. Location of Gasoline Pumps and Similar Devices; Servicing of Vehicles on Street or Sidewalk Prohibited:** It shall be unlawful for any person or persons, partnership, firm or corporation to erect or install any gasoline pump, or device for the servicing of motor vehicles with gasoline, oil or air upon any of the streets, public alleys or sidewalks in the Borough of Turtle Creek or upon private property within fifteen (15) feet of the street line; or to service any motor vehicle from any such pump or device hereafter erected or installed while such vehicle is standing upon the street, alley or sidewalk adjacent thereto.

**SECTION 11. Removal and Relocation of Certain Gasoline Pumps and Devices.** Any person or persons, firm or corporation erecting or installing any gasoline pump or device contrary to the provisions of the first section of this ordinance shall, within ten (10) days after notice from the Borough Council, remove and/or relocate the same so as to conform therewith, in default of which the Borough may cause the same to be removed and may, collect the expenses thereof, with additional charge of ten per cent (10%) from such person or persons, firm or corporation.

**SECTION 12. Penalty for Violating Regulations on Placement of Gasoline Pumps and Similar Devices and Servicing of Motor Vehicles.** Any person or persons, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof before the Burgess or any Justice of the Peace of the Borough, be sentenced to pay a fine of not more than one hundred dollars (\$100.00) and costs of prosecution, for each and every such violation. **Provided:** each day's violation of any of the provisions of this ordinance shall constitute a separate offense.

**SECTION 13. Signs not to be Placed within Street Line.** Exception. On and after the

passing of this ordinance it shall be unlawful to erect or place any type of sign within the street line of any street of the Borough of Turtle Creek, Allegheny County, Pennsylvania, unless otherwise provided by law.

**SECTION 14. Overhanging Signs Regulated.** Overhead signs overhanging the sidewalks or streets of the Borough of Turtle Creek shall have a clearance of twelve feet from the sidewalk. All such overhead signs shall be securely anchored to the building or shall be secured placed on a concrete base inside the property line, and at all time be in a safe condition.

**SECTION 15. Unlawful to Place or Erect Sign Without Permit.** It shall be unlawful to erect or place any sign over any street, alley or sidewalk without first having a permit thereof, which shall be issued by the Borough Manager if he is satisfied, upon examination of the plans and specifications thereof, that such conform to all requirements of this ordinance.

**SECTION 16. Sign Regulations Apply to Future Installations Only.** This ordinance shall affect in no way the present signs erected, but shall govern all future installations and replacements.

**SECTION 17. Penalty for Violation of Sign Regulations.** Any person or persons, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof before the Burgess or any Justice of the Peace of the Borough, be sentenced to pay a fine of ten dollars (\$10.00) and costs of prosecution, for each and every violation thereof. **Provided:** each day's continuance of a violation of any of the provisions of this ordinance shall constitute a separate offense.

**SECTION 18.** Any ordinance or parts of ordinance conflicting herewith are hereby repealed.

Ordained and enacted into law this 1st day of August, 1960.

BOROUGH OF TURTLE CREEK

By DANIEL L. HARPER,  
President of Council

ATTEST:

By ALFRED A. DYBIEC,  
Borough Manager and  
Secretary

APPROVED:

L. W. WHISNER,  
Burgess

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