

CHAPTER 21

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Part 1

Road Excavations

§101. Definitions.

The following words and phrases, when used in this Part shall have the meanings set forth below, except in those instances where the context clearly indicates otherwise:

CITY – City of St. Marys.

EMERGENCY – any condition constituting a clear and present danger to life or property by reason of escaping gas, exposed wires or other breaks or defects in a user's facilities.

OPENING – any activity within a City street which results in the disturbance, excavation or removal of any part of the surface, base, berm or drainage facilities within or serving said street.

PERSON – any natural person, partnership, firm, association, corporation or other entity.

PUBLIC UTILITY – any utility company regulated by the Public Utility Commission of the Commonwealth of Pennsylvania.

RESURFACE – a process which provides a new wearing surface on the paved area of any street with the same or similar material that was existing prior to any excavation.

STREET – the entire right-of-way of any public street or road within the City limits.

USER – the public utility, municipal corporation, municipal authority or other person who owns or uses an underground facility to provide service to one or more consumers.

WORK DAY – a normal business day for the City government including Monday through Friday, except designated holidays.

(Ord. 117, 2/21/2000, §101)

§102. Prohibitions.

1. Except in the case of emergency, no person shall cause or permit the opening of any street without first obtaining a street opening permit from the City in the manner required under this Part.

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2. Where the opening of a street occurs under an emergency, the person performing the opening shall obtain a street opening permit on the next work day and such permit shall be retroactive to the date when work was begun. A person performing a street opening in an emergency shall verify the emergency nature of the circumstance in writing to the City Street Superintendent within five (5) days after the opening work is begun.
3. Street opening permits are not required for persons excavating within a street for the express purpose of installing or replacing sidewalks, provided that the excavation does not involve the street surface, berms, curb or drainage facilities located within or serving the street.

(Ord. 117, 2/21/2000, §102)

§103. Limitations on Openings After Reconstruction or Resurfacing Projects.

1. When the City or the Pennsylvania Department of Transportation proposes to reconstruct or resurface any street, the City may serve written notice by certified mail of such proposed improvements to the users of all underground facilities located within the street.
2. Within ninety (90) calendar days from the receipt of such notice, the users shall cause to be completed all necessary repairs and replacements of utility mains, service connections, laterals or other facilities existing under the street and designated curb and sidewalk areas.
3. The users so notified shall not, for a period of two (2) years after the street reconstruction or resurfacing is completed, be permitted to make any opening in the street except to make a repair resulting from interruption in service to a customer.

(Ord. 117, 2/21/2000, §103)

§104. Application Procedure.

1. An application or a street opening permit shall be filed with the City Manager on a form designated by the City and shall be signed by the person desiring the permit. All information required in the application shall be provided before the City will process the application. An applicant shall furnish a drawing of the proposed opening site upon request of the City. All applications must contain the PA One Call I.D. Number.
2. No permit shall be issued by the City until the applicant has paid the opening permit fee in full and, where required by §105 of this Part, a performance bond and certificate of insurance.

(Ord. 117, 2/21/2000, §104)

§105. Bond and Insurance.

1. Every applicant, except for a municipal authority or public utility company, shall file with the City prior to the issuance of an opening permit a performance bond a form provided by the City, with a corporate surety or other form of security satisfactory to the City. The performance bond shall be in an amount at least equal to one hundred twenty (120) percent of the cost for labor, equipment, materials, fringe benefits and over head to fully repair any opening contemplated by the application, as well as any remedial work which may be necessary for a period of one calendar year after the applicant completes the work. The amount of the bond shall be determined by the City. The bond shall be for a period of one (1) year from the date of completion of the work.
2. Prior to the issuance of an opening permit, the applicant shall provide to the City a certificate of liability insurance in an amount not less than three hundred thousand dollars (\$300,000.00) per person and one hundred thousand dollars (\$100,000.00) for property damages. In appropriate circumstances, the City Manager may require additional insurance.

(Ord. 117, 2/21/2000, §105)

§106. Indemnification.

The acceptance of a permit by an applicant shall constitute an covenant by the applicant to indemnify and save harmless the City, its officers and employees, from any and all costs, damages and liabilities which may accrue by reason of any work performed by the applicant under the permit. (Ord. 117, 2/21/2000, §106)

§107. Fees.

The opening permit fee shall consist of the following components:

- A. An application fee, set by resolution of City Council.
- B. An inspection fee, to cover the reasonable cost of inspection of the work, as determined by the City at a rate set by resolution of City Council.
- C. A degradation fee, representing the depreciation in the overall condition of a street as a result of street openings, as determined by the City, at a rate set by City Council by resolution.

(Ord. 117, 2/21/2000, §107)

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§108. Cancellation of Permit.

At the request of an applicant who has not yet performed the work authorized under a street opening permit, the City shall cancel the permit and refund to the applicant any unused portions of the inspection fee and degradation fee, but not the application fee. (Ord. 117, 2/21/2000, §108)

§109. Revocation of Permit.

1. The City shall have the right to revoke a street opening permit for:
 - A. Violation of any condition of the permit.
 - B. Violation of any provision of this Part or any other applicable ordinance or law relating to the work.
 - C. The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives of property of others.
2. Before revoking a permit, the City shall provide the applicant with reasonable written notice so the applicant will have an opportunity to cure the violation. The notice shall contain a brief statement of the reasons for revoking the permit and shall state the time granted to cure the violation prior to revocation of the permit. Notice shall be given either by personal service on the applicant or by certified United States mail, return receipt requested, addressed to the applicant at the address set forth in the application.
3. Upon revocation of a permit, any unused portions of the inspection fee and degradation fee shall be refunded to the applicant.

(Ord. 117, 2/21/2000, §109)

§110. Extension of Time.

Each application shall specify a time for completion of the street opening work. If the applicant can not complete the work within the time specified, the applicant shall file a written application with the City for an extension of time. The application for extension shall explain the reasons for the extension plus the additional length of time required. The City may require the payment of any additional inspection or degradation fees necessitated by the extension of time. The granting of an extension of time is discretionary with the City.

(Ord. 117, 2/21/2000, §110)

§111. Backfilling and Paving Standards.

1. The applicant shall be responsible for backfilling and paving the opening and restoring the street surface. All work shall be performed in accordance with all specifications established, from time to time, by resolution of the City.
2. In the event that the applicant fails to complete the work within the time granted under the permit, or such extension as may be granted, the City shall have the right to complete the backfilling, paving and restoring. The applicant shall be responsible for all costs incurred by the City in the performance of this work which may be collected by a claim against the applicant's performance bond or in such other manners as the City may determine.

(Ord. 117, 2/21/2000, §111)

§112. Test Holes.

A street opening permit shall be obtained for any test hole work. No tests holes shall be made in or upon a greater surface of the street than is specified in the permit and no excavation or test holes shall interfere with any of the underground facilities within the street. (Ord. 117, 2/21/2000, §112)

§113. Safety.

1. The applicant shall follow Work Zone Traffic Control Publication 203, issued by the Pennsylvania Department of Transportation or any successor standards.
2. All drainage facilities shall be kept open so as to not to obstruct the free passage of water and all sidewalks must be kept in a safe and passable condition.
3. All work areas must contain sufficient lights and barricades to identify them from all directions during the day and after dark. If the City deems it necessary to install additional warning devices such as lights, barricades or signs, the applicant shall be notified and shall receive instructions on the installation. If the applicant fails to install such devices, the City may do so and the applicant shall be responsible for the reasonable cost thereof. In cases of emergencies, the City may install any additional warning devices deemed necessary by the City, the cost for which the applicant shall also be responsible.

(Ord. 117, 2/21/2000, §113)

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§114. Additional Work.

1. In no case shall an applicant open or remove a greater area of street surface than specified in the original application or open any street area at any location not specified in the original application.
2. If the applicant determines during construction that an additional area of street must be opened, he shall notify the City and secure permission from the City for the additional opening. The City may require the filing of a supplementary application and the payment of additional fees appropriate to the additional work.

(Ord. 117, 2/21/2000, §114)

§115. Guarantee of Work.

1. The applicant shall guarantee and maintain his work for a period of thirty-six (36) months from the date of completion of the work. Within this thirty-six (36) month period, upon notification from the City of the need for correction of the work, the applicant shall correct or cause to be corrected all restoration work within five (5) work days of the receipt of the notification. The City shall determine the extent of restoration required and the method of correction.
2. If the applicant fails to correct any defect in the work after notice from the City, the City may complete the work at its discretion and the applicant shall be responsible to pay the City for the cost of performing such work.

(Ord. 117, 2/21/2000, §115)

§116. Penalty.

1. Any person who violates any provision of this Part shall be subject, in a summary proceeding, to a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for each offense, and in default of payment of the fine, to undergo imprisonment for a period not exceeding thirty (30) days. Each day that a violation continues shall constitute a separate offense.
2. The City shall have the right to deny the issuance of future street opening permits to any person who has committed a violation of the provisions of this part.
3. The remedies specified under this Part are in addition to and not in limitation of any other remedies available to the City under law.

(Ord. 117, 2/21/2000, §116)

Part 2

Roadway Drainage

§201. Title.

This Part shall be known as the "City of St. Marys Drainage Ditch Ordinance." (Ord. 4, 1/31/1994)

§202. Prohibitions.

1. No person, firm or corporation shall divert or obstruct the natural flow of surface water in any ditch, sewer or culvert along or leading from any City road in such manner as to damage public or private property.
2. No person, firm or corporation shall grade or landscape property abutting any City road in such manner to cause surface water to flow onto the traveled portion or berm of the City road.

(Ord. 4, 1/31/1994)

§203. Permit Required for Alterations in Drainage.

No drainage ditch along or leading from any City road shall be covered, enclosed, altered or relocated unless a permit is first obtained from the City. The City may require catch basins or cleanouts where necessary. (Ord. 4, 1/31/1994)

§204. Permit Required for Connections.

No drain pipe, culvert or storm sewer shall be installed so as to project into any drainage ditch along any City road or be connected to any culvert or storm sewer along any City road, unless a permit is first obtained from the City. (Ord. 4, 1/31/1994)

§205. Sketch to Accompany Application.

All applications shall be filed with the City Manager, who shall take action upon the application within thirty (30) days from receipt thereof. If the application is refused, the reasons shall be set forth in writing and delivered to the applicant. (Ord. 4, 1/31/1994)

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§206. Action on Application.

The application shall be filed with the City Manager, who shall take action upon the application within thirty (30) days from receipt thereof. If the application is refused, the reasons shall be set forth in writing and delivered to the applicant. (Ord. 4, 1/31/1994)

§207. Construction; Commencement, Completion, Inspection.

No excavation or construction shall commence until the applicant has received a permit. The applicant shall notify the City Manager immediately after the permitted culvert or drain pipe is laid. Within fifteen (15) days after receipt of notice, the City Manager, or other authorized representative, shall inspect the culvert or drain pipe and either issue a certificate of compliance or require such corrections and adjustments as may be specified in writing. No culvert or drain pipe shall be covered until it has been inspected by the City. (Ord. 4, 1/31/1994)

§208. Fees.

Before issuance of the permit, the applicant shall pay a fee as established by resolution of the City Council. (Ord. 4, 1/31/1994)

§209. Appeals.

Any party aggrieved by the action of the City Manager may file a written appeal with the City Council within fifteen (15) days after the application is denied or the certificate of compliance is issued, as the case may be. The City Council may in their sole discretion conduct a hearing on the appeal. (Ord. 4, 1/31/1994)

§210. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation continues shall constitute a separate offense. (Ord. 4, 1/31/1994)

Part 3

Driveways, Sidewalk Construction, Mailbox Placement and Landscaping

A. Driveways.

§301. Permit Required.

No person, firm or corporation shall cause or permit any driveway or private road to enter onto the right-of-way for, or connect with, any City street without first obtaining from the City a driveway permit. (Ord. 4, 1/31/1994)

§302. Construction Requirements.

Every driveway or private road entering onto the right-of-way for, or connecting with, any City street shall be constructed to the following standards:

- A. Any surface water drainage sewer installed in any ditch running along the City street shall be of a size and type determined and approved by the City prior to installation. The City shall be the sole judge of the necessity of installing any such surface water drainage sewer. No such sewer shall have an inside, cross-sectional area of less than one hundred ten (110) square inches, although a larger sewer may be required in the sole judgment of the City.
- B. No driveway or private road shall be sloped so as to cause or permit surface water from the driveway or private road to flow onto the traveled portion or berm of the City street.
- C. The slope of all driveways shall end at the following points:
 - (1) In the case of an unpaved road, at the ditch line on the property side of the property side of the driveway sewer.
 - (2) On a paved road, at a point at least three (3) feet from the edge of the pavement.
 - (3) On a paved road which is also curbed, at the curb gutter.
- D. Driveways shall be designed to conform with the roadway. The roadway shall not be altered to conform with the driveway.

(Ord. 4, 1/31/1994; as amended by Ord. 220, 6/19/2006, §1)

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§303. Maintenance.

1. Each property owner shall be responsible for maintaining every driveway or private road intersecting with the right-of-way for any private street or road according to the following standards:
 - A. There shall be no restrictions in the flow of surface water in the ditch line or along the curb line of the public street or road.
 - B. The use or condition of any driveway or private road shall not cause any damage to any sidewalk or public property.
2. The property owner shall be solely responsible for the maintenance of that portion of any driveway or private road intersecting with any public street or road and located within the right-of-way for such public street or road.
3. Each property owner shall be responsible for maintaining all driveway and storm sewers along his/her property on uncurbed streets. This also includes replacement sewers when required. Property owners requesting the placement of storm sewers along their property on uncurbed streets must obtain a permit from the City for proper size determination. When deficiencies in storm drainage are recognized by the City, a notice will be filed with the property owner as to what remedies shall be required. The property owner shall have 30 days to correct the drainage deficiency. If the property owner fails to correct the drainage deficiency, the City shall address the problem and invoice the property owner for all costs.

(Ord. 4, 1/31/1994; as added by Ord. 70, 8/18/1997, §1; and as amended by Ord. 220, 6/19/2006, §2)

§304. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000, plus costs incurred. In default of payment of said fine and costs, said violator shall be sentenced to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 220, 6/19/2006, §3)

B. Sidewalks.

§311. Permit Required.

No sidewalk shall be constructed, reconstructed or repaired within the right-of-way of any City street unless a permit is first obtained from the City Manager. No sidewalk shall be constructed, reconstructed or repaired within the right-of-way of any State

highway unless a permit is first obtained from the City Manager and from the Department of Transportation. (Ord. 29, 6/19/1995, §1)

§312. Construction Standards.

1. In residential zoning districts of the City, no sidewalk shall be constructed or reconstructed less than four (4) feet in width.
2. In industrial and commercial zoning districts of the City, no sidewalk constructed or reconstructed shall be less than five (5) feet in width.
3. No sidewalk shall extend more than five (5) feet into the public right-of-way.
4. All sidewalks hereafter constructed or reconstructed shall be reinforced with wire mesh having a minimum gauge of ten (10) and minimum openings of six (6) inches by six (6) inches.
5. All sidewalks hereafter constructed or reconstructed shall have a minimum thickness of four (4) inches; provided, however, that any portion of a sidewalk which also serves as part of a driveway shall have a minimum thickness of six (6) inches and shall be composed of a minimum three thousand five hundred (3,500) pound concrete mix.
6. No sidewalk shall be constructed with the use of division or expansion plates to establish joints. Dummy joints may be made with a groove and shall be placed at interval distances equal to the width of the sidewalk.
7. All sidewalks shall be constructed, reconstructed and repaired upon a line and grade established by the City.
8. In place of a poured concrete sidewalk, a property owner may install concrete pavers according to the following specifications:
 - A. Base Preparations. Gravel subbase under sidewalk must be a minimum of four (4) inches of compacted limestone gravel. Excavation must be seven (7) inches below the finished grade and the soil must be compacted. Base preparation under driveway areas shall have a gravel subbase with a minimum depth of eight (8) inches, in which case excavation shall be eleven (11) inches below finished grade of the sidewalk and the soil then compacted. Limestone gravel shall be placed in two (2) four (4) inch lifts with compaction after each lift. All compaction shall be done with a plate tamper or better.
 - B. The perimeter of the paver area shall be edged with a manufactured paver edging system or treated lumber. The perimeter shall be staked at a minimum of every four (4) feet.

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- C. A one (1) inch layer of sand shall be placed over the gravel subbase and shall be screened smoothly and uniformly.
 - D. Pavers shall be placed over the sand in tight joints and must be compacted after installation. Dry sand shall then be swept into cracks and joints to tighten the pavers.
 - E. Pavers may be installed only where consistent with the materials used in abutting sidewalks, so that some uniformity is maintained within each block between City streets. Pavers shall have a consistent color, texture and shape and shall be installed in a uniform and consistent pattern. [Ord. 58]
9. Variances from the standards set forth in this Section may be granted by the City Manager upon good cause shown.

(Ord. 29, 6/19/1995, §1; as amended by Ord. 58, 11/18/1996)

§313. Certain Sidewalks Declared to be Nuisances.

Any sidewalk which contains any one (1) or more of the following conditions shall be deemed a nuisance:

- A. A sidewalk which has a rise of one-half (1/2) inch or more to an abutting sidewalk.
- B. A sidewalk which contains crevices or openings of more than one (1) inch in width.
- C. A sidewalk with more than five (5) percent of its surface being spalled.
- D. A sidewalk which slopes more than one-half (1/2) inch per foot from side to side.
- E. A sidewalk which, because of the smoothness of its surface, becomes unreasonably slippery when wet.
- F. A sidewalk which has any other condition which renders it unsafe for pedestrian use.

(Ord. 29, 6/19/1995, §1)

§314. Notice to Repair.

When the City Manager determines a sidewalk, or portion thereof, to be a nuisance in violation of the foregoing Section of this Part, the City Manager shall notify the property owner in writing of the nuisance. The notice shall specify the nature of the nuisance and

the minimum repairs required to eliminate the nuisance. The property owner shall, within sixty (60) days after receipt of such notice, repair the sidewalk in a manner equal to or better than stipulated in the notice. (Ord. 29, 6/19/1995, §1)

§315. Inspection of Repairs and Construction.

Before the installation of any concrete which is required in the constructing, reconstructing or repairing of any sidewalk, the owner of the property shall notify the City Manager of the fact that concrete is to be installed and the City Manager shall, prior to the pouring thereof, inspect the site to determine whether the work is being done in accordance with this Part. (Ord. 29, 6/19/1995, §1)

§316. Failure to Report.

1. If a property owner neglects to repair or reconstruct a sidewalk or portion thereof, after receiving a notice from the City Manager under §314 above, the City shall have the right to reconstruct or repair the sidewalk and to charge the cost of such repair against the property benefited by a municipal claim or a civil action. In addition to the actual cost of reconstruction or repair, the City shall be entitled to a municipal claim penalty of (10) percent an court costs.
2. The City shall not proceed with the reconstruction or repair of a sidewalk or portion thereof under this Section until the City Manager first serves a written notice on the owner of the property stating that the City intends to make the reconstruction or repair, together with an estimate of the cost of doing so, and the property owner is allowed thirty (30) days from the date of such notice in which to complete the reconstruction or repair on his own. No further notice shall be required before the City proceeds with the work.

(Ord. 29, 6/19/1995, §1)

§317. Maintenance of Sidewalks.

1. The owner of every property along any public street within the City shall remove or cause to be removed from the sidewalk abutting such property all snow, ice, stones and other debris deposited thereon. Snow or ice shall be removed within twelve (12) hours after the snowfall has stopped or the owner is notified by the City to remove the snow or ice, whichever event shall first occur. In the case of stones or other debris, the owner shall remove the same within twelve (12) hours after the stones or debris are deposited on the sidewalk.
2. Where the owner has failed or refused to comply with the removal of snow, ice, stones or other debris as required above, the City Manager may proceed immediately to remove the snow, ice, stones or debris with the use of City personnel or

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contracted service. In such event, the City shall have the right to collect the cost thereof, together with a municipal claim penalty imposed under this Part.

(Ord. 29, 6/19/1995, §1)

§318. Penalties.

Any person, firm or corporation who violates any provision of this Part shall be liable in a civil enforcement proceeding for a fine or penalty not exceeding six hundred dollars (\$600.00). Each day that a violation continues shall constitute a separate offense. (Ord. 29, 6/19/1995, §1)

C. Mailbox and Newspaper Tube Placement.

§321. Standards for Placement of Mailboxes and Newspaper Tubes.

1. No mailbox or newspaper tube may extend over the edge of the paved or main traveled portion of any roadway.
2. The vertical support post for any mailbox or newspaper tube shall be installed:
 - A. On the property owner's side of the ditch line, storm sewer or curb. [Ord. 139]
 - B. In such manner that it will not impede the City in maintenance of the roadway or ditches (whether covered or uncovered).
3. The mailbox or newspaper tube shall be installed at a height of not less than forty-two (42) inches nor more than forty-eight (48) inches above the surface of the roadway. [Ord. 139]
4. The face of the mailbox or newspaper tube shall be:
 - A. In the case of an unpaved road, or a paved road with an open ditch, no further than six (6) inches from the ditch on the roadway side. [Ord. 139]
 - B. In the case of an unpaved or paved road with storm sewers, no further than the center line of the storm sewer. [Ord. 139]
 - C. In the case of a paved road with curbing, two (2) inches minimum back from the gutter side of the curb. [Ord. 139]
5. Where the U.S. Postal Service provides mail carrier service by foot, no mailbox nor newspaper tube may be placed along the street.

(Ord. 4, 1/31/1994; as amended by Ord. 139, 6/18/2001)

D. Landscaping.

§331. Standards for Landscaping.

1. No trees, shrubs, fences, posts or other structures of any sort (except mailbox structures) shall be installed or erected within sixteen and one-half (16 1/2) feet of the center line of the travelled portion of any unpaved road or the center line of the pavement of any paved road.
2. No grass shall be planted within twelve (12) feet of the center line of the travelled portion of any paved road without curbing.
3. No grass shall be planted within three (3) feet of the edge of the pavement of any paved road unless the street or road is curbed.

(Ord. 4, 1/31/1994)

E. Encroachments and Obstructions.

§341. Awnings Above Sidewalks.

The lowest part of any awning projecting over any of the sidewalks in the City shall be not less than seven (7) feet from the highest point of the sidewalk beneath. (Ord. 4, 1/31/1994)

§342. Trees and Other Plants Extending Over Sidewalks.

Each and every owner of real estate fronting on any of the streets in the City shall trim and keep trimmed all trees, hedges, shrubbery or plants of any kind along the sidewalks in front of such real estate in such manner that all the branches, limbs or foliage extending over said sidewalks shall at all times be at least eight (8) feet above the highest point of the sidewalk beneath. (Ord. 4, 1/31/1994)

§343. Violation Constitutes Nuisance.

All violations of this subpart shall be unlawful and are declared to be nuisances and removable as such. In addition to the cost of removal, the penalties shall be collected by municipal lien or in any other manner authorized by law. (Ord. 4, 1/31/1994)

§344. Penalty.

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Any person, firm or corporation violating any provision of this subpart shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day on which a violation of this subpart shall be continued shall be deemed a separate offense. (Ord. 4, 1/31/1994)

Part 4

Procedure for Petitioning and Assessment of Paving

A. Petitions.

§401. Petition of Property Owners.

The owners of property fronting on any City road may file a petition with the City Council, on a form provided by the City, for the curbing or paving of any part or all of any City road. The petition shall be first filed with the City Manager. (Ord. 4, 1/31/1994)

§402. Authentication of Petition.

Upon receipt of the petition, the City Manager shall immediately furnish a copy thereof to the City Solicitor in order to determine that the petition meets all the requirements of the Home Rule Charter to allow assessment of the improvement. The City may require proof of the genuineness of signatures and of the authority of persons who sign on behalf of business or organizations or multiple owners. (Ord. 4, 1/31/1994)

§403. Obligation of the City.

The receipt and acceptance of a petition shall not obligate the City to carry out the improvements requested in the petition. The completion of such improvements is within the sole discretion of the City Council. (Ord. 4, 1/31/1994)

§404. Performance of Improvements.

The City shall not perform the requested improvements until an ordinance authorizing said improvements and assessment of the costs thereof has been passed by the City Council. (Ord. 4, 1/31/1994)

§405. Assessment Procedures.

1. The cost and expense of any such improvement shall be collected from the owners of the real estate abutting on such road or part thereof, by an equal assessment on the front.
2. Such assessment shall be estimated by the City Engineer or by the City Solicitor in consultation with the City Street Superintendent.

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3. Immediately upon completion of the improvement, such assessments shall be filed with the City Manager, who shall provide notice of assessments to the property owner as required by law.

(Ord. 4, 1/31/1994)

§406. Assessment for Corner Lots.

1. Where both roads abutting a corner lot are to be paved and the cost of paving on both roads is to be assessed against the abutting owner, thirty (30) percent of the foot frontage on the shorter side or the first seventy-five (75) feet of the shorter side, which ever is the greater, shall be exonerated from paving assessment.
2. Where the road abutting one (1) side of a corner lot has previously been paved and the costs thereof assessed against the owner thereof, and the road abutting the second side is to be paved, thirty (30) percent or the first seventy-five (75) feet, whichever is greater, of the foot frontage on the second side shall be exonerated from paving assessment.
3. Where either side has been or is to be paved without assessment, there shall be no exoneration for the other side.

(Ord. 4, 1/31/1994)

§407. Deferred Assessments.

1. City Council may permit deferred assessments for vacant property involved in any project for the installation of street paving, curbing, street lights, sanitary sewers, sidewalks or stormwater sewers by the City, provided that:
 - A. The petition of property owners required under §1701 of the St. Marys Home Rule Charter specifically requests that the deferred assessment procedure be available for the project; and,
 - B. There is attached to the petition a copy of the rules and regulations for deferred assessments developed by the City Manager.
2. The City Manager shall develop a uniform set of rules and regulations for deferred assessments and shall submit the same for approval by City Council. Any amendments to the rules and regulations must also be approved by City Council.
3. No vacant property is eligible for a deferred assessment unless the frontage of the vacant property on the improvement exceeds two hundred (200) feet.
4. All properties for which a deferred assessment is made available shall be assessed in the same manner as are other properties in the same project.

5. A municipal lien shall be filed against the properties for which a deferred assessment is granted. No interest or penalties shall accrue on properties for which a deferred assessment is granted until thirty (30) days after the property becomes occupied or payment on the deferred assessment is due.
6. Ownership of properties subject to a deferred assessment may be transferred without affecting the assessment. If a property is subdivided, the deferred assessment shall be apportioned between the subdivided lots and the deferred assessment shall be paid at the time each subdivided lot is conveyed.

(Ord. 4, 1/31/1994; as amended by Ord. 88, 11/16/1998, §§2, 3)

§408. Collection by Solicitor; Penalty.

Assessments which are not paid within thirty (30) days after payment is due, as specified in the notice of assessment, shall be referred to the City Solicitor according to law. All such assessments unpaid after thirty (30) days shall have added to them a penalty of five (5) percent of the amount of said assessment and shall bear interest at the rate of any debt incurred by the City to fund the improvement or at the legal rate, whichever is greater. (Ord. 4, 1/31/1994; as added by Ord. 88, 11/16/1998, §3)

B. Deferred Assessments Rules and Regulations.

§411. Deferred Assessment Procedure.

Pursuant to §407, the City has adopted the following rules and regulations relating to deferred assessments:

- A. The deferred assessment procedure was adopted by City Council to encourage the installation of public improvements in rural areas of the City. Deferred assessments are a matter of privilege and not of right. The City always reserves the right to decline to provide deferred assessments where they would be inequitable or would not conform to the spirit and intent of this Part.
- B. Deferred assessments are available only for vacant property having a frontage on the improvement of more than two hundred (200) feet. A property is considered to be "vacant" if:
 - (1) There are no dwellings, commercial or industrial buildings or other occupied structures on the land.
 - (2) In cases of large properties (such as farms), where there are occupied structures, all of the occupied structures are at least two hundred (200) feet distant from the right-of-way boundary for the public im-

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provement and the land fronting on the improvement is capable of future subdivision or future residential, commercial or industrial use.

- (3) If there is an occupied building on the property, the property is capable of being subdivided into two (2) or more usable lots, in which event, the deferred assessment will be applied only to those subdividable lots on which there is no occupied building.
- C. Where a deferred assessment is offered to only part of a property and no subdivision map is of record, the municipal claim filed at the Elk County Courthouse shall reflect that the assessment is partially deferred. This may be accomplished by attaching a map or property description to the municipal claim.
 - D. Payment shall become due on a deferred assessment whenever:
 - (1) The owner makes application for a building permit on the property.
 - (2) Where a property subject to a deferred assessment has been subdivided, whenever a lot is sold or transferred, in which case a proportionate share of the deferred assessment shall be due for that lot.
 - E. In the event of a situation not covered by these regulations, the City Manager shall have discretion to determine whether and on what terms a deferred assessment will be made available to a particular property.

(Res. 11/16/1998)

Part 5

Snow and Ice Removal

§501. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

ANTI-SKID MATERIAL – sand, gravel, cinders or similar material intended to provide a nonslippery traveling surface.

PERSON – any natural person, partnership, corporation, association or any other legal entity.

SIDEWALK – any concrete, paved, bricked or other hard-surfaced pathway located within the rights-of-way of any street and intended for use by pedestrians.

STREET – any public street or road located within the City.

(Ord. 103, 10/18/1999)

§502. Removal of Snow and Ice.

Every person in charge or control of any parcel of land fronting or abutting on a sidewalk, whether as owner, tenant, occupant or otherwise, shall cause to be removed or cleared away all snow and ice on such sidewalk for a minimum width of thirty (30) inches according to the following standards:

- A. Except as provided in subsection (B) below, snow and ice shall be removed from sidewalks within twelve (12) hours after the cessation of any fall of snow, sleet or freezing rain.
- B. In the event that snow or ice on a sidewalk has become so hard that it can not be removed without likelihood of damage to the sidewalk, then the person charged with its removal shall, within the time mentioned in subsection (A) above, cause enough anti-skid material to be placed on the sidewalk so as to make pedestrian travel reasonably safe and shall, as soon thereafter as weather permits, cause to be cleared a path as required in subsection (A) above.

(Ord. 103, 10/18/1999)

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§503. Removal From Roofs.

Every person in charge or control of any building or other structure shall cause to be removed and cleared away any accumulation of snow or ice on said building or other structure which is liable to fall on any sidewalk or street. Such work shall be completed within a reasonable time but not later than twelve (12) hours after the cessation of any fall of snow, sleet or freezing rain. (Ord. 103, 10/18/1999)

§504. Depositing of Snow and Ice Restricted.

No person shall cause or permit any snow or ice to be deposited on or immediately next to a fire hydrant or on any sidewalk or street, except that snow and ice may be mounded by the City of St. Marys on streets and sidewalks incident to making said streets safe for public travel. (Ord. 103, 10/18/1999)

§505. Removal of Debris.

No later than May 15 of each year, every person in charge or control of any land on which a sidewalk is located shall cause said sidewalk to be cleared over its entire width of any anti-skid material, erosion or any other debris which may have accumulated during the preceding winter months so that said sidewalk is fully safe for pedestrian travel. (Ord. 103, 10/18/1999)

§506. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of fifty dollars (\$50.00), plus costs, and in default of payment of said fine and costs, to be imprisoned for a term not exceeding thirty (30) days. Each day that a violation continues shall constitute a separate offense. (Ord. 103, 10/18/1999)

Part 6

Curb Cuts

§601. Specifications.

1. No driveway cut in any curb shall have a greater width than 24 feet. Where the driveway serves other than residential property and unusual conditions (such as traffic safety or topography) require it, the Manager may authorize a wider driveway cut.
2. Each driveway cut in any curb shall be done under the supervision and direction of the City Manager or his designee.
3. All existing curbing shall be removed and a new, recessed curb at a height of two (2) inches shall be repoured and formed along the entire width of the driveway. All replacement curbing shall conform to City specifications.
4. It shall be unlawful for a driveway entrance to be constructed by a chiseling or hammering of an existing curb.
5. All driveway cuts and curb replacements shall be done at the entire expense of the permittee.

(Ord. 43, 5/20/1996, §601)

§602. Permit Required.

1. No cut shall be made in the curb of any City street without a permit.
2. An application for a permit shall be submitted to the City Manager on a form provided by the City and shall be accompanied by the permit fee.
3. The City Manager shall act on the application within five (5) days after the application is received by the City Manager. Mutually acceptable arrangements for the date and time of performance of the work must be arranged with the City Manager before a permit is issued.

(Ord. 43, 5/20/1996, §602)

§603. Permit Fee.

The fee for a curb cut permit shall be determined from time to time by resolution of City Council. (Ord. 43, 5/20/1996, §603)

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§604. Appeals.

Appeals from the grant or denial of a curb cut permit shall be made in writing to City Council no more than thirty (30) days after action on the permit is taken by the City Manager. (Ord. 43, 5/20/1996, §604)

§605. Penalties.

Any person violating any of the provisions of this Part shall, upon conviction thereof in a summary or civil enforcement proceeding, pay a fine or penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and costs of prosecution, and, in default of payment of such fine and costs, undergo imprisonment for a term not exceeding thirty (30) days. Such person shall also be responsible for the actual costs of repairing the curb. (Ord. 43, 5/20/1996, §605)

Part 7

Numbering of Streets, Street Name Signs and Street Address Numbering System

§701. Purpose.

The purpose of this Part is to better enhance the County of Elk E-9-1-1/Emergency Communications System and to provide for a uniform County-wide addressing system with respect to naming of streets and roadways, fabrication, erection and maintenance of street naming signs, address posting requirements, enforcement procedures and assigning street or house numbers to all residences and principal buildings and businesses to assist fire, rescue, ambulance companies, law enforcement agencies, the United States Postal Service and the public in the time and efficient provision of services to residents and businesses of Elk County. (Ord. 85, 10/19/1998, §I)

§702. Implementation and Administration.

The implementation of the uniform standards for naming streets and an addressing system is in conjunction with the County of Elk and the Elk County "9-1-1 Emergency Communications System." This Part is established in conjunction with the County of Elk in implementing and developing a "Master Street Address Guide" and coordinating, designating and naming of addresses pursuant to the street naming and address policy. Enforcement of the Part shall remain the responsibility of the City; however, the County of Elk shall coordinate and assist the City in enforcement. (Ord. 85, 10/19/1998, §II)

§703. Guidelines and Standards.

The City shall establish street names as chosen by the City or land developer or land owner and street or house numbers in accordance with the guidelines as set forth and described in Appendix "A", the "County of Elk Street Naming and Addressing Policy."¹ Establishment of any street names and addresses will be coordinated with the County of Elk pursuant to the street naming and addressing policy. The designation of street names and addresses by the City shall require the approval of the County of Elk so as to coordinate such designations and to comply with the "County of Elk Street Naming and Addressing Policy." (Ord. 85, 10/19/1998, §III)

§704. Enforcement.

1. Whenever the City has reason to believe there has been a violation of any provision of this Part, the City, or the designee of the City, shall give notice to the per-

¹ Editor's Note: Appendix "A," the "County of Elk Street Naming and Addressing Policy," is on file in City hall.

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son or party failing to comply and order said person or party to take corrective action or measures within thirty (30) days from the date of notification.

2. If such person or party fails to comply with the duly issued order, the City, or the designee of the City, shall initiate necessary actions to terminate the violation through criminal and/or civil measures.
3. Penalties. Any violation of any provision of this Part, pursuant to any criminal section, shall constitute a summary offense punishable by a maximum fine of three hundred dollars (\$300.00) per offense. Subsequent to the thirty (30) day period following a notification of violation, each day of violation shall constitute a separate violation. Should, pursuant to this Section, enforcement be by civil measures, any civil sanctions to be imposed shall be at a similar rate to the criminal in the amount of a maximum three hundred dollars (\$300.00) per offense with each day of violation constituting a separate violation.
4. The City shall have the authority and option, per agreement with Elk County, should both parties choose to do so, to designate Elk County as designee for purposes of enforcement.

(Ord. 85, 10/19/1998, §IV)