

Chapter 21

Streets and Sidewalks

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Part 1**Street Excavations****§21-101. Definitions.**

1. The following words, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise.

Person—any natural person, partnership, association, firm, corporation or municipal authority.

Street—any public street, alley or other thoroughfare located in the Borough of Oklahoma, except for State highways, and established for the use of vehicles and pedestrians.

2. In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(*Ord. 166, 9/10/1979, §1*)

§21-102. Unlawful to Excavate within Right-of-Way Lines.

It shall be unlawful for any person to open or to make any excavation of any kind anywhere within the right-of-way lines of any street in the Borough of Oklahoma without securing a permit, as required by this Part, and without conforming strictly to all provisions of this Part.

(*Ord. 166, 9/10/1979, §2*)

§21-103. Application for Permit to Excavate.

Any person who desires to make any opening or excavation in any street in the Borough shall make application to the Borough Secretary in writing. The application shall be made upon forms furnished by the Borough, and shall set forth the name of the applicant, the precise location where the opening or excavation is proposed to be made, the purpose of the opening or excavation, the approximate surface area and depth of the excavation, the date when the opening or excavation work is proposed to be commenced and the maximum length of time that the opening or excavation will remain open. The application shall contain any other information that the Mayor may require. The application shall also include an agreement on the part of the applicant that the work will be done in full compliance with the applicable and pertinent ordinances of the Borough and laws of the Commonwealth, and that the applicant will save, defend and keep harmless the Borough from and indemnify it against all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening or excavation, and all damages or injuries to persons or property resulting in any manner from, or occurring in the prosecution of the work authorized by the permit or referred to in this ordinance, or from any other matter, cause or thing relating thereto, by giving the Borough a bond in whatever sum, and with those sureties that are approved by the Borough Solicitor.

(*Ord. 166, 9/10/1979, §3*)

§21-104. Permit Required.

1. Before any permit is issued under this Part:

A. The fee for every permit issued under this Part shall be in an amount as established from time to time by resolution of Borough Council, to cover or partially cover the cost of inspection and other incidental services in connection with the permit. When application is made to open or excavate where a longitudinal opening would exceed 20 feet, the applicant shall pay, at the same time that he pays the minimum permit fee, an additional permit fee at the rate of as established from time to time by resolution of Borough Council for each 100 feet or fraction thereof to be opened or excavated upon that street. [*Ord. 2015-04*]

B. The applicant shall further furnish a bond, in the amount prescribed by the Borough Engineer and with sureties approved by the Borough Solicitor, as a guarantee for any expenses, incurred by the Borough under §21-105, §21-106 or §27-107.9 of this Part.

2. In lieu of the bond required by this subsection, an applicant may deposit with the Borough a sum in cash in the amount fixed by the Borough Engineer. The deposit shall be retained by the Borough until the expiration of the 1 year period referred to in §24-105, when the deposit, or any part of it remaining after payment of the expenses referred to in the first sentence of this Section, shall be returned with interest to the permit holder who paid the deposit. In any case where the deposit is not sufficient to cover the expenses and any additional percentage due, the permit holder shall be required to pay the difference to the Borough. Any permit holder who fails to make payment of the balance due, within 30 days after notification by the Borough, shall be ineligible to be granted another permit under this Part until the amount due is paid. (*Ord. 166, 9/10/1979, §5; as amended by Ord. 2015-04, 12/14/2015*)

§21-105. Restoration of Excavation.

Every person who opens or excavates any street in the Borough shall thoroughly and completely refill the opening or excavation, puddling and ramming so as to prevent any future settling; and shall restore the surface to the same condition as it was before the opening or excavation. In the case of an improved street, restoration shall be in accordance with the specifications of the Pennsylvania Department of Transportation which are hereby adopted as specifications of the Borough for restoration of surfaces of streets in the Borough. As restored, the surface shall conform to the proper grade and be of the same surface covering as the part of the street immediately adjoining the opening. If within 1 year after the restoration of the surface, as provided in this Part, any defect appears in the surface resulting from defective backfilling by the applicant, the applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving.

(*Ord. 166, 9/10/1979, §5*)

§21-106. Other Work Connected with Openings in Streets.

All other work in connection with openings in any street, including excavation, protection, refilling and temporary, paving, shall be done by the permit holder at his expense, and all such work shall be subject to the provisions of this Part and to the supervision and approval of the Borough Engineer. The Engineer may require that

cutting of the surface of improved streets and the backfilling of all excavations in those streets be done by the Borough, and the charge for that work shall be paid by the permit holder on the basis of actual cost of the work plus 10 percent.

(*Ord. 166, 9/10/1979, §6*)

§21-107. Specifications of Openings and/or Excavations.

1. No opening or excavation in any street shall extend from the curb line into the roadway a distance greater than 1 foot beyond the center line of the street before being refilled and the surface of the street restored to a condition safe and convenient for travel.

2. No more that 450 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 water mains, gas mains, sewers or their connections or appurtenance, or any other subsurface lines or constructions, until permission of the proper authorities in connection with those subsurface lines or connections has been obtained.

4. No tunneling shall be allowed without the express approval of the Borough Engineer and permission for the tunneling has been endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Engineer and shall be done only in accordance with the specification of the Pennsylvania Department of Transportation.

5. All openings and excavations shall be backfilled promptly with suitable materials and thoroughly compacted with an approved mechanical back tamper in layers, each of which shall not exceed 6 inches in depth. On improved streets, the backfilling shall be placed to within 10 inches of the surface.

6. On improved streets, a temporary paving of suitable stony materials, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving. Permanent paving shall be completed at such time as the Engineer directs.

7. During the making of any excavation in any street, every necessary and reasonable protection shall be taken by the permit holder and the persons making the excavation to keep the street in a safe and passable condition both day and night by guards, barriers, lanterns and other devices, and all excavating permits are granted under and subject to the express condition that the person to whom the permit 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 excavation, or by any leak, explosion or other injury from any pipe, apparatus, conduit or any other matter placed in the excavation.

8. The applicant shall notify the Borough Secretary when the opening or excavation is ready for backfilling and before any backfilling is done, and when the work is completed by the proper backfilling in the case of unimproved streets, and by temporary paving in the case of improved streets.

9. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Engineer, be unsatisfactory and the deficiency is not corrected in accordance with the Engineer's instructions within the time fixed by him, or in the

event that the work for which the permit was granted is not completed within the time specified on the permit, the Borough may proceed to correct the unsatisfactory work or complete any such work not completed, and charge the cost of the work, plus 10 percent, to the permit holder.

(Ord. 166, 9/10/1979, §7)

§21-108. Leak, Explosion or Other Accident Procedures.

In case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for that pipe, line, construction or apparatus) to commence an excavation to remedy that condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter, and that all other provisions of this ordinance are complied with. If any such emergency condition is immediately attended to by the owner or person responsible for that pipe, line, construction or apparatus, the Borough, after whatever notice it deems necessary under the circumstances of the particular case, shall proceed to have the work necessary and required by that emergency done at the cost of, and charge the work on the basis of the cost plus 10 percent to that owner or other person.

(Ord. 166, 9/10/1979, §8)

§21-109. Notice of Excavation to Property Owners.

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

(Ord. 166, 9/10/1979, §9)

§21-110. Payment for Work Performed by the Borough.

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

(Ord. 166, 9/10/1979, §10)

§21-111. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon

conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 166, 9/10/1979, §11; as amended by Ord. 204A, 2/13/1989, §23; and by Ord. 2015-04, 12/14/2015*)

§21-112. Borough Engineer Duties may be Performed by the Mayor.

If for any reason any of the duties prescribed by this Part cannot be performed promptly by the Borough Engineer, those duties may be performed by or under the direction of the Mayor or the chairman of the Street Committee as specified by Council.

(*Ord. 166, 9/10/1979, §12*)

Part 2**Use of Streets****A. Sledding Restricted****§21-201. Sledding Restricted on Streets and Alleys.**

No person shall coast or ride upon any sled or similar conveyance upon any street or alley in the Borough of Oklahoma, unless such street or alley shall have been especially set apart and designated by the Mayor as a “play highway,” and shall have been blocked off or adequately protected from vehicular traffic. Any person who shall violate any of the provisions of this Part, upon conviction thereof in a summary proceeding commenced under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days.

(Ord. 113, 8/19/1966; as amended by Ord. 2015-04, 12/14/2015)

B. Repair of Vehicles on Streets Prohibited**§21-221. Unlawful to Repair or Work on Vehicles on any Street, Alley or Roadway within the Borough.**

It shall be unlawful for any person to repair or work upon any motor vehicle or other vehicle while that vehicle is standing on any street, alley or roadway in the Borough of Oklahoma, except that the following repairs or types of repairs shall not be prohibited:

- A. Emergency repairs necessary to prevent obstruction of traffic.
- B. Emergency repairs necessary to permit removal of a vehicle from a street, alley or roadway.
- C. Minor repairs, such as tire changes.

(*Ord. 184, 9/12/1983*)

§21-222. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$25 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 184, 9/12/1983; as amended by Ord. 204A, 2/13/1989, §24; and by Ord. 2015-04, 12/14/2015*)

Part 3**Driveways****§21-301. Title.**

The Part shall be known and may be cited as the “Driveway Ordinance.”
(*Ord. 2014-04, 12/8/2014, §1*)

§21-302. Definitions.

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

Borough—Council of Oklahoma, Westmoreland County, Pennsylvania.

Contractor—the party, person, firm, partnership or corporation who or which installs a driveway, including all agents, officers or employees of said party, person, firm, partnership or corporation.

Driveway—any area of land designated or used as a means of ingress and/or egress for either vehicles or pedestrian traffic from a public road to a piece, parcel of tract of land.

Owner—the owner of the land upon which a driveway is located within Borough premises.

Person—any natural person, firm, partnership, association, corporation, society, group, entity, company or organization of any kind.

Public road—any road, street, alley or public thoroughfare whether actually maintained by Oklahoma Borough as part of its road system, or whether shown on a subdivision or land development plan and intended to be offered or dedicated Oklahoma Borough in the future as part of the Oklahoma Borough road system.

(*Ord. 2014-04, 12/8/2014, §2*)

§21-303. Permit Required.

No person, owner or contractor shall hereafter install, initiate any work or allow the installation or initiation of any work toward the installation of a driveway without first obtaining a permit therefor from the Borough Secretary.

(*Ord. 2014-04, 12/8/2014, §3*)

§21-304. Application.

Any person, owner or contractor shall, prior to obtaining a driveway permit, file an application, on an application form supplied by a Borough Secretary, reflecting and showing the location of the driveway relative to the premises and designating the course, grade, structure, materials and drainage facilities, if any, involved in the construction of the driveway.

(*Ord. 2014-04, 12/8/2014, §4*)

§21-305. Application Processing Procedures Scope.

1. The application shall be reviewed by the Engineer.
2. The Engineer shall determine if the proposed method of constructing or making said connection, as reflected on the application, is such that it will:
 - A. Minimize the adverse effect of stormwater and runoff resulting from said connection.
 - B. Not cause damage to the road to which the driveway is to be connected.
 - C. Not create or increase hazardous driving conditions for those persons using the road to which the driveway is to be connected.
 - D. Not obstruct the roadside ditches or cause stormwater to divert onto the improved portion of the roadway.
 - E. Be of the same elevation as compared to the elevation of the road surface.
 - F. Demonstrate drainage facilities of adequate size to carry all stormwater under the driveway with the drainage pipe to be of a minimum diameter of 15 inches.
 - G. Result in adequate sight distance for vehicles entering and leaving the public road.
3. If found satisfactory by the Engineer, he shall so advise the Borough Secretary and the Borough Secretary will issue, or caused to be issued, the permit.
4. If the plan is found to be deficient, or if in the opinion of the Borough Engineer the plan can be improved so as to more adequately address the items reviewed in subsection .2 above, the Engineer shall, by written communication to the applicant, notify the applicant of the changes to be made.
5. The applicant shall immediately make such changes and return the revised plan to the Borough Secretary.
6. When such plan is in acceptable form, the Borough Engineer shall approve or cause the same to be approved and the permit issued by the Borough Secretary.

(Ord. 2014-04, 12/8/2014, §5)

§21-306. Fees.

The application shall be accompanied by an application processing fee, a post-construction inspection fee and a security deposit will be refunded to the applicant under completion of the post-construction inspection and approval of the driveway connection. The amounts of said application processing fee, post-construction inspection fee and security deposit shall be as set, from time to time, by resolution of the Borough Council.

(Ord. 2014-04, 12/8/2014, §6)

§21-307. Sight Distance.

1. Sight distance shall be adequate to safely allow each permitted movement to be made into or out of the driveway.
2. Minimum acceptable sight distance shall be computed from the following chart:

Posted Speed (mph)	Safe Sight Distance–Left (feet)	Safe Sight Distance–Right (feet)
25	250	195
35	440	350
45	635	570
55	845	875

(Ord. 2014-04, 12/8/2014, §7)

§21-308. Construction.

All construction in any way incidental to the installation of the driveway shall be performed in strict conformance with the approved plans.

(Ord. 2014-04, 12/8/2014, §8)

§21-309. Separate Permits.

Each driveway, whether serving the same premises or not, shall require an individual permit.

(Ord. 2014-04, 12/8/2014, §9)

§21-310. Inspection.

1. Upon completion of the work, the applicant shall give written notice thereof to the Borough Secretary.

2. The Borough Engineer shall inspect the construction and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit and by this Part.

3. Where any defect or lack of compliance is discovered, the applicant shall rectify the discrepancy within 60 days written notice from the Borough to do so and, in default thereof, the Borough may do the work and shall impose upon the applicant the cost thereof together with an additional 20 percent of such cost.

(Ord. 2014-04, 12/8/2014, §10)

§21-311. Notice of Violation.

1. In the event that a Borough represent or agent authorized to issue a citation in the Borough, determines that a person is in violation of this Part, the Borough shall notify the violator of the offense under this Part, where possible, by regular first-class mail and by certified mail.

2. The notice shall provide the violator with a copy of this Part, and a period of 5 days from the date of the notice to either abate the abandoned vehicle by removing it or placing it indoors where the public cannot see it. The notice shall advise the violator to notify the Borough within 5 days of the date on the notice of the disposition of any of the abandoned vehicle.

3. If, within 5 days of the date of the notice provided above, the violator does not contact the Borough to report the disposition of the abandoned vehicle, a citation may

be issued.

(*Ord. 2014-04, 12/8/2014, §11*)

§21-312. Enforcement Against Persons.

1. Any owner, person or contractor who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall 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 a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense, and each Section of this Part that is violated shall also constitute a separate offense. All fines collected for the violation of this Part shall be paid to the Treasurer of the Borough for the general use of the Borough. [*Ord. 2015-04*]

2. Each day that the violation continues past the date that the citation was issued constitutes a new and separate offense, unless the court determines otherwise, and further notice to the offender shall not be necessary in order to constitute such an offense.

3. In the enforcement of this Section, the Code Enforcement Officer of Oklahoma Borough may, at his/her sole discretion, utilize a citation notice, in a form to be approved by Council of Oklahoma, notifying the persons responsible as to the violation of this Part and providing that person an opportunity to remedy said violation within 5 days of the date of that notice and to impose a fine not to exceed \$1,000 payable to the Borough of Oklahoma, without the necessity of a court proceeding and the imposition of attorney fees and court costs. [*Ord. 2015-04*]

(*Ord. 2014-04, 12/8/2014, §12; as amended by Ord. 2015-04, 12/14/2015*)