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**PART 1**

**STREET OPENING**

**§21-101. Prohibiting Opening of Streets.**

No person, firm or corporation shall dig or open any sidewalk, street, alley or other public highway within the Borough of East McKeesport for the purpose of making, inspecting or repairing connections to, or with, any gas, oil, water, sewer main, pipe line or conduit, or for the purpose of laying, inspecting or repairing any gas, oil, water or sewer main, pipe line or conduit, or for any other purpose whatsoever, without having first secured a permit therefor in accordance with the provisions of this Part. Any person, firm or corporation that opens any sidewalk, street, alley or other public highway without said permit having been applied for and received, unless in an emergency situation, shall be subject to paying double the fees set forth in this Part.

(*Ord. 766, 12/8/1994, §2*)

**§20-102. Application.**

1. Any owner or owners of property fronting or abutting on any of the public highways of the Borough of East McKeesport, who shall desire to open or dig up any of said highways for the purpose of making, inspecting or repairing any of said connections, shall make application to the Borough Secretary on forms prepared by the Borough, giving the lot number, if a house is erected thereon, the name or names of the owner or owners, the name and address to which all notices shall be mailed, the nature of the work to be done and the probable length of time required to do the same.
2. Any firm, corporation or company owning or controlling any pipe line, underground wires, cables or conduits, and desiring to open said public highways, except at manholes, for the purpose of laying, removing, extending, repairing or inspecting the same shall make application to the Borough Secretary in writing, signed by an authorized person, unless the work has been ordered by Council, giving the location, nature of the work to be done and the probable length of time required to do the work.
3. All applicants shall agree in their application to refill and mechanically tamp in 4 inch layers with 2B Slag or other approved material, any trench, hole or opening made in said highway, replace the surface in kind and leave the same in as good condition as the highway was found before said work was commenced, and if said highway is improved, to install 6 inches of BC BC bituminous paving. Any street

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which has been resurfaced within 5 years of the opening shall be replaced and/or restored according to the following guidelines, to-wit, the patch shall be restored according to the above subsection, and the width shall be, at the minimum, ½ of the said road, or equal to the width of one passing lane. Should said opening be in the center of the road, then the entire width of the road shall be restored.

4. The said applicants shall further agree to repair and maintain said highway free from defects caused by the work done by them for a period of 1 year next ensuing after the date of the permit.
5. The Borough shall furnish an inspector for said work, the expense thereof to be borne solely by the applicant. The amount of the inspector's fee shall be in an amount established from time to time by resolution of Borough Council. Said inspector shall be notified by the applicant when backfilling procedures are about to be performed so that an inspection can be made at that time, and before backfilling is performed and completed. [Ord. 828]

(Ord. 766, 12/8/1994, §3; as amended by Ord. 828, 6/12/2003, §1)

### §21-103. Issuance of Permit.

1. The Borough Secretary shall submit all applications to the Borough Engineer, which shall investigate the same and if the Engineers finds it necessary to do said work in the manner described therein, and that the same can be done without closing the highway to public travel, the said Engineer shall approve the application in writing and fix the amount to be charged as hereinafter provided.
2. If said application is approved in writing by the Engineer, the Borough Engineer shall issue a permit to the applicant upon the payment, by the applicant, of the amount hereinafter fixed, or the furnishing of a bond in the amount of \$1,000. The fee for issuance of a permit by the Borough Engineer is to be established from time to time by resolution of Borough Council. [Ord. 828]

(Ord. 766, 12/8/1994, §5; as amended by Ord. 828, 6/12/2003, §1)

### §21-104. Permit Fees.

1. If the application shows said work to be done on a highway which has not been improved by curbing, paving, macadamizing or other improved driveway, the applicant shall pay the sum in an amount to be established from time to time by resolution of Borough Council. If the highway is curbed, paved, macadamized or otherwise improved with a hard surface driveway, the applicant shall pay the sum in an amount to be established from time to time by resolution of Borough Council. The foregoing charges shall be in addition to the fee for the issuance of the permit provided in §21-103 of this Part. [Ord. 828]

2. Provided, however, the applicant for a permit may, with the consent of Council, furnish and file with the Borough Engineer a bond in an amount of \$1,000, and with surety approved by Council, conditioned upon the faithful performance of the requirements of this Part. Providing further, that the consent of Council to the furnishing and filing of such bond by any applicant may be revoked by Council at any time upon 30 days written notice mailed to the address of such applicant given his or its application.

(*Ord. 766, 12/8/1994, §6; as amended by Ord. 828, 6/12/2003, §1*)

**§21-105. Failure to Make Repairs.**

If any applicant to whom a permit has been issued shall fail or neglect to make repairs to the highway, which has been made necessary by the work done under said permit, within 10 days after written notice mailed to the applicant by the Borough Engineer to the address given in said application, the Borough shall make said repairs and charge the same to the account of the applicant.

(*Ord. 766, 12/8/1994, §7*)

**§21-106. Penalty.**

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 less than \$100 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 766, 12/8/1994, §9; as amended by Ord. 828, 6/12/2003, §1*)



**PART 2**

**SNOW AND ICE REMOVAL**

**§21-201. Responsibility of Owner, Occupant or Tenant.**

The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Borough of East McKeesport 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 12 hours after the same shall have ceased to fall or to form. Provided, that snow or ice that has ceased to fall or to be formed after 6 p.m. of any evening may be removed at any time before 10 a.m. the next morning. Provided, further, the owner of a property shall be responsible for conforming to the requirements of this Section where such property is occupied by such owner or is unoccupied; the tenant or occupier thereof, where such property is occupied by such tenant or occupier only; and the owner thereof where the property is a multiple-business or multiple-dwelling property, occupied by more than one tenant or occupier.

*(Ord. 491, 3/13/1958, §1)*

**§21-202. Violation.**

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of §21-201 within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquents, and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under §21-203.

*(Ord. 491, 3/13/1958, §2)*

**§21-203. Penalty.**

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 \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 491, 3/13/1958, §3; as amended by Ord. 828, 6/12/2003, §1)*



**PART 3**  
**OBSTRUCTIONS**

**§21-301. Prohibiting Obstruction.**

It shall not be lawful for any person or persons to encroach upon any of the sidewalks, streets or highways within the Borough of East McKeesport or to place or maintain any obstruction of any kind whatsoever thereon except as hereinafter provided.

*(Ord. 129, 6/10/1913, §1)*

**§21-302. Storage of Building Materials.**

1. A portion of any street or highway not exceeding  $\frac{1}{3}$  thereof between the curb lines immediately in front of any lot or tract of ground upon which a building or buildings are to be erected may be used for the purpose of keeping or storing material to be used in the erection of such building or buildings for a period not exceeding 90 days. Provided, however, that any material so kept or stored shall be piled in a neat and workmanlike manner so as not to interfere with the travel or use of such street or highway and that a passageway equal to  $\frac{2}{3}$  the width of such street or highway shall, at all times, be maintained. Provided, further, that any person or persons using the street or highway for the storage of material, as aforesaid, shall place and maintain red lights upon such material from sunset to sunrise and shall take such other precautions as may be necessary to prevent injury to any person or persons by reason of keeping or storing said material upon the street or highway.
2. Upon the completion of any building it shall be the duty of the contractor who has erected such building or the owner thereof, to remove all material remaining upon the street or highway and all the debris that has accumulated thereon by reasons of the keeping or storing of said material thereon for the erection of said building and to leave said street or highway in a clean and passable condition.

*(Ord. 129, 6/10/1913, §2)*

**§21-303. Mortar and Cement.**

No person or persons shall deposit, throw or mix any mortar, cement or a mixture thereof on the cartway of any paved street or highway within the Borough.

*(Ord. 129, 6/10/1913, §3)*

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### **§21-304. Prohibiting Vehicles on Sidewalks.**

It shall be unlawful for any person or persons to skate, slide, coast or ride upon any skates, sleds, wagon or other vehicle upon any sidewalks within the Borough.

*(Ord. 129, 6/10/1913, §4)*

### **§21-305. Snow or Dirt.**

The owners or tenants of property shall remove any accumulations of snow or dirt from the sidewalks in front thereof within the space of 24 hours after the same shall have accumulated, or the same may be removed by the Street Commissioner at the expense of the owner or tenant of said property, or both, in addition to the penalty inflicted for violation of this Part, the Street Commissioner is authorized to bring suit against said tenant or owner to recover the expense of such removal with an addition of 20% thereto.

*(Ord. 129, 6/10/1913, §5)*

### **§21-306. Penalty.**

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 \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 129, 6/10/1913, §6; as amended by Ord. 828, 6/12/2003, §1)*

**PART 4**

**LITTERING IN STREET**

**§21-401. Prohibiting Littering.**

The spilling, throwing, sweeping, placing or depositing of any oil, grease, dirt, snow, ice, mud or water, or accumulations of filth of the street taken from the cartway or car tracks thereof, upon the side or foot walks of any public street or highway in the Borough of East McKeesport is hereby prohibited.

*(Ord. 143, 2/9/1915, §1)*

**§21-402. Penalty.**

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 \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 143, 2/9/1915, §2; as amended by Ord. 828, 6/12/2003, §1)*



**PART 5**

**MOTOR VEHICLE REPAIR**

**§21-501. Prohibiting Repair.**

It shall be unlawful for any person to repair any motor vehicle upon the streets or alleys of the Borough of East McKeesport, except for emergencies, and then only to the extent that such vehicle be repaired to permit removal therefrom.

*(Ord. 536, 8/16/1962, §1)*

**§21-502. Penalty.**

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 less than \$10 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

*(Ord. 536, 8/16/1962, §2; as amended by Ord. 828, 6/12/2003, §1)*



**PART 6**

**CONSTRUCTION OR RECONSTRUCTION OF SIDEWALKS**

**§21-601. Definitions.**

**OWNER -**

- A. In the case of land, any person who is recorded on the tax records as the owner of land.
- B. In the case of property other than land, any person who is in lawful possession thereof.

**OCCUPANT -**

- A. A person who is in physical possession of a property.
- B. A person who has responsibility for, and control over, the condition of a property, the activities conducted on that property, and the persons allowed to enter that property.

**PERSON** - any individual, corporation, society, association, partnership or firm, and the successor or the heir, executors, administrators or other legal representative of a person.

**SIDEWALK** - that part of a highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of the highway between the curb line (or the edge of the roadway where there is no curb line) and the adjacent property line, whether or not paved or improved.

*(Ord. 827, 3/13/2003, §1)*

**§21-602. Duties of Property Owners.**

1. **Construction or Reconstruction of Sidewalks.** Every owner of property in the Borough shall, on 30 days written notice, construct or reconstruct a sidewalk, which shall conform to all applicable requirements of this Part in front of and/or alongside such property.
2. **Duty to Repair.** Every owner of property in the Borough shall, on 30 days written notice from the Borough Council, repair the sidewalk in the manner stipulated in such notice in front of and/or alongside such property. Provided, where a nuisance results from the condition of a sidewalk and the safety of pedestrians is immediately

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jeopardized, the Borough may abate the nuisance, with or without notice, and may collect the cost thereof in the same manner and to the same extent as in other cases of the abatement of nuisances. Provided, further, the Borough shall also have the power to make emergency repairs to sidewalks, where such repairs can be made by an expenditure of not more than \$250 following 48 hours notice, as authorized in the Borough Code.

*(Ord. 827, 3/13/2003, §2)*

### **§21-603. Determination of Necessity for Reconstruction or Repair.**

It shall be the duty and responsibility of the Code Enforcement Officer to determine, in the case of any specific property, whether or not the sidewalk shall be reconstructed or repaired and, if so, the specific part or parts thereof to be reconstructed or repaired. The members of Council on the Street Committee may, at any time during the course of work of constructing, reconstructing or repairing any sidewalk, visit the site of such work to ascertain whether such work is being done according to requirements, and he or she shall visit any such site for such purpose whenever requested by the property owner. Within 2 days after completion of the work of construction, reconstruction or repair of any sidewalk, it shall be the duty of the owner of the property where such work was done to notify the Code Enforcement Officer of such fact, so that an inspection may be held to determine whether the property line and grade has been observed and followed.

*(Ord. 827, 3/13/2003, §3)*

### **§21-604. Material and Specifications for Sidewalks.**

All sidewalks shall be constructed, reconstructed and/or repaired of concrete only according to specifications provided through the BOCA Code available through the Code Enforcement Officer.

*(Ord. 827, 3/13/2003, §4)*

### **§21-605. Authority for Borough to do Work and Collect Cost and Additional Amount.**

If any property owner shall fail or neglect to construct, reconstruct or repair any sidewalk within the time stated in the notice from the Borough, or if any such work shall not conform in every way to the requirements of this Part and the specifications, lines and grades adopted or provided by the Code Enforcement Officer, the Borough may, after notice, cause the work of construction, reconstruction or repair, as the case may be, to be

done at the cost of such owner and may collect the cost thereof and 10% additional, together with all charges and expenses, from such owner, and may file a Municipal Claim therefor or collect the same by action in assumpsit.

*(Ord. 827, 3/13/2003, §5)*

**§21-606. Liability.**

Every occupant, owner or person of every house, shop, building, lot, parcel of land, or other property that adjoins or is abutting to or on a sidewalk in the Borough of East McKeesport shall be charged with the responsibility to keep such sidewalk in a good state of repair and free from defects and debris. Failure to maintain will result in the Borough of East McKeesport undertaking such repair or remedy and charging back to the property owner as indicated in §21-605. On any claim presented for bodily injury or property damage on the sidewalk, the adjoining or abutting property owner shall be held liable in tort for such damage to another. Alternatively, should the Borough of East McKeesport be called upon to make such a payment to a third party, the Borough will look to the adjoining/abutting land owner for contributions and indemnity.

*(Ord. 827, 3/13/2003, §6)*

**§21-607. Penalty.**

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 \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 827, 3/13/2003; as added by Ord. 828, 6/12/2003, §1)*

