

Chapter 71
STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Board of Supervisors of the Township of Haines: Art. I, 8-7-1978 by Ord. No. 11; Art. II, 11-5-1984 by Ord. No. 12. Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 80.

ARTICLE I
Street Construction
[Adopted 8-7-1978 by Ord. No. 11]

§ 71-1. Submission and approval of plans required.

No person, partnership, association or corporation shall construct, open or dedicate any road, street, lane or alley, or any sewer or drainage facilities in connection therewith, for public use or travel in the Township of Haines, without first submitting plans therefor to the Township Supervisors for their approval, and no road, street, lane or alley, nor sewer or drainage facilities in connection therewith shall be opened, laid or constructed except in strict accordance with plans approved by the Township Supervisors.

§ 71-2. Plan requirements; design standards; approval required.

- A. Such plans shall be prepared in duplicate, in accordance with such rules and regulations as may be prescribed from time to time by the Board of Supervisors, and shall show the profiles of such roads, streets, lanes or alleys; the course, structure and capacity of any drainage facilities; the method of drainage of the adjacent or contiguous territory; and drainage profiles of the streets and plans showing drainage of the whole property; and such other details as may be required from time to time by rules and regulations adopted by the Board of Supervisors.
- B. Design standards.
- (1) All roads and streets where possible, shall connect with existing roads and streets or proposed roads and streets so as to form as near as possible through roads and streets and a harmonious and systematic development of the township.
 - (2) The names of the roads and streets shall not conflict with the names of existing roads and streets, and all roads and streets shall be designated by the names of existing roads and streets with which they connect as extensions thereof.
 - (3) The right-of-way for all roads and streets shall conform to the Township Road and Street Construction Standards to be adopted by the Board from time to time.
- C. No work shall be started until one set of plans bearing the written approval of the Board of Supervisors as hereinafter provided shall be returned to the applicant.

§ 71-3. Submission of plans; public hearing.

All such plans shall be filed with the Township Secretary at least 10 days prior to the regular meeting of the Township Supervisors at which it is desired to seek approval thereof. Before acting upon any such plans, the Township Supervisors may, in their discretion, arrange for a public hearing, after giving such notice as may seem desirable in each case.

§ 71-4. Modification of plans; conditional approval.

The Township Supervisors reserve the right to alter such plans and to specify any changes or modifications of any kind which they may deem necessary with respect thereto and to make their approval of such plans subject to any such alterations, changes or modifications.

§ 71-5. Signing of plans; filing of duplicate.

Any and all plans, when so approved, shall be signed by the Supervisors, and one duplicate copy shall be filed in the office of the Secretary of the township, where the same shall be available for public inspection.

§ 71-6. Recording of approved plan.

The action of the Township Supervisors in approving any such plans shall be recorded by the person applying for such approval.

§ 71-7. Improvements to conform to township specifications.

All roads and streets shown on said plan shall be improved in accordance with the plans and specifications prescribed by the Township Supervisors.

§ 71-8. Installation of utilities prior to paving.

All gas, sewer and water mains, where water, sewer and gas is available, and all service connections shall be laid before paving of the streets, where water and gas is available, and all other mains, pipes and conduits and the like shall be installed before paving of the cartway, where it is proposed to install any such service mains in the streets.

§ 71-9. Application for plan approval; bond or cash deposit.

- A. All applications for the approval of such plans shall be in writing, on a blank form to be furnished for that purpose by the Township Supervisors and signed by the owners of the property, which application must be filed with the Secretary of the township, setting forth in detail the character of the improvements to be made on the property shown on said plan, in accordance with the provisions of this article, and in such application the applicant shall agree to open, lay out and improve the roads, streets, lanes or alleys and to construct all of the improvements, including sewers and drainage facilities upon the property, shown on the plan within the time or times therein specified, and agree to enter into a contract, in writing, prepared by the Township Solicitor to install, erect and construct said improvements.
- B. The applicant shall furnish a bond in such amount, under such conditions and form, and with surety as shall be approved by the Township Supervisors, to guarantee the performance of said contract and to secure the completion of said improvements within the times therein specified. In lieu of a bond, the applicant may deposit cash to guarantee performance of said contract and to secure completion of the improvements upon an escrow agreement to be prepared by the Township Solicitor and approved by the Township Supervisors. The escrow agent for the deposits of such cash shall be designated and selected by the Township Supervisors.

§ 71-10. Inspection costs; plan filing fee.

All applicants shall bear all costs of inspection of roads, streets, lanes or alleys and shall deposit with the Township Treasurer such sum as the Board of Supervisors shall determine to guarantee

payment of such costs; and the applicant shall deposit a filing fee of such sum as the Supervisor shall, by resolution, decide.¹

§ 71-11. Dedication not implied by plan acceptance.

Action by the Township Supervisors in accepting any plan submitted in accordance with this article shall not be construed to require the township to accept dedication of any road, street, lane or alley.

§ 71-12. Violations and penalties.²

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

ARTICLE II
Construction and Maintenance of Sidewalks
[Adopted 11-5-1984 by Ord. No. 12]

§ 71-13. Construction of sidewalks and curbs.

- A. Authority for Township Supervisors to construct. The Township Supervisors may construct sidewalks or curbs, or sidewalks and curbs, of suitable material along the roads or highways in the Township of Haines pursuant to the ordinance authorizing said construction.
- B. Construction without petition. Except in such instances when petitions are presented to the Board of Supervisors, signed by owners of property representing a majority in number of feet fronting on the properties abutting on roads or highways and such, sidewalks and sidewalks and curbs are to be constructed in accordance with Section 1402, Article XIV, of the Second Class Township Code.³
- C. Payment of cost by property owners; maximum liability. The cost of said sidewalks or curbs, or sidewalks and curbs, shall be paid by the abutting property owners in proportion to their frontage, but in no instance shall any abutting property owner be liable for the construction of such sidewalks in an amount greater than 10%, nor for the construction of such curbing in an amount greater than 10%, of the assessed valuation of the abutting

¹ Editor's Note: The Fees Resolution is on file in the township offices and may be examined there during regular office hours.

² Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

³ Editor's Note: For current statutory provisions, see 53 P.S. § 67301 et seq.

property owned by him, in accordance with the Act of 1933, May 1, P.L. 103 Article XIV Section 1402, as amended. Any expense above such maximum liability of the abutting property owners shall be paid by the Township of Haines.

- D. Unpaid assessment constitutes lien. If any owner or owners of property against which an assessment shall have been made shall refuse or neglect to pay such an assessment within 60 days after service of the assessment bill has been made, the Supervisors of Haines Township, within the time permitted by law, shall file a municipal claim or lien therefor, together with interest at the rate of 6% per annum, from the date of completion of the improvement contemplated. All unpaid assessments shall be certified to the Solicitor, and said Solicitor shall file municipal claims or liens therefor in the proper office of Centre County, Pennsylvania, as provided by law against the property or properties with respect to which such assessment or assessments shall have been charged. Such Solicitor, thereupon, shall proceed to collect all assessments under general law relating to the collection of municipal liens in accordance with the Act of 1947, July 10, P.L. 1481, Section 17, as amended.⁴

§ 71-14. Removal of snow, ice and other obstructions.

- A. Responsibility of owner or occupier of property. It shall be the duty of the owners or occupiers of properties, as hereinafter provided, and the owners of unoccupied lots along whose premises sidewalks have been laid, or may hereafter be laid under the authority of the township, to cause said paved sidewalks along their respective properties to be cleared to the width of said sidewalk of snow, ice and other obstruction within 24 hours after the same shall have ceased to fall, in the case of snow, or shall have occurred, in the case of ice or other obstruction, provided that the owner shall be responsible for conforming to the provisions of this section in the case of unoccupied property or property occupied by him or a property containing more than one dwelling or business unit and the occupant shall be responsible therefor in the case of property containing a single dwelling or business unit.
- B. Responsibility of owners of multiple-family dwellings and apartments. It shall be the duty of all owners of multiple-family dwellings or apartments to cause sidewalks leading from said buildings to the streets, parking lots or other sidewalks located along the respective property to be cleared of snow, ice and other obstructions within 24 hours after the same shall have ceased to fall, in the case of snow, or shall have occurred, in the case of ice or other obstruction.
- C. Further responsibilities of owners of multiple-family dwellings and apartments. It shall be the duty of all owners of properties containing apartments or multiple-family dwellings to cause dedicated paved streets along the respective properties to be cleared of snow, ice and other obstruction within 24 hours after the same shall have ceased to fall, in the case of snow, or shall have occurred, in the case of ice or other obstruction, which duty shall continue until said streets shall have been accepted as public rights-of-way of the township.

⁴ Editor's Note: For current statutory provisions, see 53 P.S. § 67301 et seq.

- D. This section shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this section shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this section that is violated shall also constitute a separate offense.⁵
- E. Township may remove obstructions and collect expenses and additional amount. Whenever any owner or occupier of any property shall refuse or neglect to clear said streets and sidewalks as provided in this section, the Township Supervisors or their agents or employees may clear or cause the same to be cleared, and the costs of clearing them, with 10% additional, shall be collected by the township from said owner or occupier of the property involved, and such amount may be charged in addition to any fine or penalty imposed under Subsection D hereof.

§ 71-15. Maintenance, repair and reconstruction of sidewalks.

- A. Title. This section shall be known and may be cited as the "Haines Township Sidewalk Maintenance and Repair Ordinance."
- B. Duty of property owners. It shall be the duty of owners of property abutting any public street, lane, road or alley within the township to maintain, keep in good repair and keep free from obstruction any sidewalks along such property which are regularly available for the use of the public, whether such sidewalks are located on the owner's property or within the boundaries of the street abutting such property.
- C. Notice to property owners to repair or maintain or to remove obstructions from sidewalks. In the event that the condition of any such sidewalk or walkway requires maintenance, repair or the removal of obstructions therefrom, the Supervisors shall cause a notice, in writing, to be sent to the owners of the property, requiring said owners to effect such repair, maintenance or removal of the obstruction from the sidewalk. In the event that the repair or maintenance or the removal of any obstruction requires the removal of any portion of the existing sidewalk, such sidewalk shall be replaced in the same location as existed prior to such removal.
- D. Time limit for property owners to do work after notice. Upon receipt of the notice required under Subsection C of this section, the owners shall perform the required construction, as the case may be, within a period of 30 days from the date of the receipt of the notice or within such other period, not less than 30 days, as shall be authorized by the Supervisors upon application of the property owner.
- E. Effect of permitting dangerous condition to exist. After 30 days from receipt of written notice by township, the offending property owner shall be guilty of a separate violation of this section for every five-day period during which the violation continues to exist and may be subject to separate prosecutions and separate fines for each such violation.

⁵ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- F. Authority for township to do certain work and collect cost from property owner. Upon failure of any property owner to make the necessary repairs required by the notice provided for hereinabove within the time fixed by this section, the township is hereby authorized and empowered, through its duly authorized agents, servants or employees, to enter upon the premises and make the necessary repairs or remove the offending obstructions, and the expense thereof shall be levied against the property and collected from the owners in the manner provided for the collection of municipal liens. Any claims entered against the owners shall be a lien upon the premises dating from the time of the commencement of the work.
- G. Violations and penalties. This section shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this section shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days.⁶

⁶ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).