

## Chapter 218

### STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Borough Council of the Borough of Linesville as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Nuisances — See Ch. 150.  
Peddling and soliciting — See Ch. 157.

Property maintenance — See Ch. 178.  
Vehicles and traffic — See Ch. 240.

#### ARTICLE I Removal of Trees

[Adopted 6-8-1899 by Ord. No. 31; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

#### § 218-1. Removal of trees within limits of streets and alleys.

All trees shall be removed from within the limits of the streets and alleys in said Borough of Linesville, which may be done in whole or in part and at such time or times and in such manner as may be ordered by the Mayor and Borough Council of said Borough according to the terms and conditions of the following section of this article.

**§ 218-2. Removal upon resolution.**

Trees within the limits of any street or streets, alley or alleys or any part or parts thereof in said Borough shall be removed at any time after the Borough Council for said Borough have ordered by resolution duly adopted and passed at a regular or special meeting thereof and duly approved by the Mayor of said Borough that streets within the limits of any street or streets, alley or alleys or any part or parts thereof as aforesaid shall be removed.

**§ 218-3. Violations and penalties.**

Any person who shall violate the provisions of this article shall, in a summary proceeding before a Magisterial District Judge and upon conviction thereof, be sentenced to pay a fine of not more than \$600, plus costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

## ARTICLE II

**Construction and Maintenance of Sidewalks**

[Adopted 4-1-1985 by Ord. No. 239]

**§ 218-4. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**CROSSWALK MARKINGS** — Any printed or other materials applied to the roadway surface or sidewalk surface to delineate a pedestrian route.

**CURB CUT RAMP** — Any sloped portion of the sidewalk which permits movement from the sidewalk elevation to the street elevation by depressing the curb.

**DRIVEWAY APRON** — Any portion of the driveway extending from the edge of the street paving, or interior face of a curb, to the street edge of the sidewalk.

**MOWING STRIP** — The open area found between the property line and the edge of the pavement. [Amended 8-7-1989 by Ord. No. 247]

**SIDEWALK WIDTH** — The dimension of the sidewalk structure measured perpendicular to the edge of the sidewalk and excluding adjacent curbs.

**§ 218-5. Property owners responsible for construction, reconstruction or repair of sidewalks.**

- A. Whenever Council shall order that a sidewalk be constructed, reconstructed or repaired along any portion of any street in the Borough, and shall cause written notice to be served upon the persons affected, or posted upon the affected properties, every owner of real estate fronting or abutting upon that portion of the street shall be required, within 30 days after receiving notice from Council, to construct, reconstruct or repair the sidewalk, as the case may be. The sidewalk shall be constructed, reconstructed or repaired according to specifications adopted by the Council and in force at the time of the work

and shall conform to the proper grade and line, and crosswalk markings wherever applicable. It is the obligation of the property owner to maintain their mowing strips.

- B. All repairs, reconstruction or removal of existing sidewalks shall be subject to supervision and approval of the Borough Council or its authorized agent or representative.
- C. All new and reconstructed sidewalks shall have curb cut ramps accessible to and usable by the handicapped wherever applicable.
- D. If any property owner fails, neglects or refuses to comply with any provision of this section or with any notice given by authority of it, within the required time limit, the Borough shall have authority to construct, reconstruct or repair the sidewalk, as the case may be, or to complete any work not completed or the rectify any work not in conformity with the requirements of this section or the notice, and to collect the cost of the labor and materials, with an additional amount of 25%, with interest at the maximum rate approved for municipal claims, from the property owner in default, by filing a municipal lien against the affected property, or in any manner provided at law for the collection of municipal claims. [Amended 8-7-1989 by Ord. No. 247]
- E. In addition, in the case of required emergency repairs, the Borough shall have all the powers provided at Section 1806 of the Borough Code<sup>1</sup> and any amendments thereto.
- F. A bicycle(s) may be parked on a sidewalk, provided it is parked in such a manner that the normal and reasonable movement of pedestrian or other traffic is not impeded.
- G. No grass and/or vegetation growing in the mowing strip shall exceed a height of eight inches, nor shall it create any unpleasant or noxious odor, conceal any filthy deposit, garbage, ashes, rubbish or create or produce pollen. [Added 8-7-1989 by Ord. No. 247<sup>2</sup>]
- H. It shall be the responsibility of the owner, occupant, lessee, tenant or other person in charge of property to maintain trees, shrubs, and bushes, and insure that any and all branches do not overhang or obstruct the plane of the sidewalk area by a height of less than eight feet. [Added 8-7-1989 by Ord. No. 247]

**§ 218-6. Responsibility for removal of snow and other materials and obstructions from sidewalks.**

- A. The owner, occupant, lessee, tenant or other person in charge of any building or lot of ground in the Borough of Linesville fronting or abutting on a paved sidewalk shall not place or permit the placement of any boxes, barrels, crates, snow piles, rubbish, trash cans or dirt on any sidewalk.

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1. Editor's Note: See 53 P.S. § 46806.

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



- B. The following are excepted from the prohibition provided in the foregoing subsection: Borough-owned containers; or temporary exceptions approved by the Borough Sidewalk Committee.

**§ 218-7. Authority for Borough to remove snow, ice and other material and collect cost plus 25%. [Amended 8-7-1989 by Ord. No. 247]**

Should snow or ice piles, dirt, debris and other material be placed on any sidewalk in violation of § 218-6 of this article, the appropriate Borough officers of the Borough of Linesville may cause the same to be removed as the abatement of a nuisance and may collect the cost thereof, together with a penalty of 25% of such cost, plus interest, by filing a municipal lien or in any manner provided by law for the collection of municipal claims or by action of assumpsit or may seek relief by bill in equity.

**§ 218-8. Violations and penalties.**

- A. Any person who shall violate the provisions of this article shall, in a summary proceeding before a Magisterial District Judge and upon conviction thereof, be sentenced to pay a fine of not more than \$1,000, plus costs of prosecution, and, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.<sup>3</sup>
- B. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

ARTICLE III

**Riding Bicycles and Other Recreational Equipment on Sidewalks**

**[Adopted 5-10-1999 by Ord. No. 273]**

**§ 218-9. Riding on sidewalks prohibited in certain areas.**

It shall be unlawful for any person to ride, and/or use, any bicycle, tricycle, unicycle, skateboard, scooter, Rollerblades or roller skates, upon any sidewalk or footwalk which may now, or hereafter, exist within the right-of-way lines of any Borough streets in an area bounded on the north by the south line of Mill Street; on the east by the east wall of the Linesville Borough building (103 West Erie Street); on the south by the north line of Phoenix Alley and its extension to the east and west boundaries; and on the west by the east wall of the Linesville Fire Department building 202 Penn Street.

**§ 218-10. Exemptions.**

Excluded from this article are wheelchairs, electric scooters, or any other such devices used by the disabled as modes of transportation, in accordance with the Americans With Disabilities Act. Also exempt from this article are toddlers age four and under on wheeled

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

vehicles when accompanied by, and in control of, adults, and children in wagons when pulled by adults.

**§ 218-11. Violations and penalties.**

Any person violating the provisions of this article shall for a first offense receive a written warning; for a second offense shall receive a Borough ticket for \$5 and have the equipment involved in the offense impounded for a period not to exceed one week; for a third offense shall, upon conviction in a summary proceeding, be fined the sum of \$20 and the costs of prosecution.