

ORDINANCE NO. 2018 -

**BOROUGH OF PHOENIXVILLE
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF
THE BOROUGH OF PHOENIXVILLE FOR THE PURPOSE OF
REPEALING AND REPLACING THE CURRENT CHAPTER 21 (STREETS AND
SIDEWALKS).**

WHEREAS, the Borough Council of the Borough of Phoenixville finds that it is necessary to revise the current Streets and Sidewalks Ordinance and to replace that Ordinance in its entirety.

WHEREAS, Borough Council has determined that it is appropriate and in the best interests of the Borough of Phoenixville to repeal the existing Streets and Sidewalks Ordinance and to replace that Ordinance in its entirety.

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Borough Council of the Borough of Phoenixville, Chester County, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

SECTION I. SHORT TITLE

This Ordinance shall be known and may be cited as the “Streets and Sidewalks Ordinance.”

SECTION II. AMENDMENT TO PHOENIXVILLE BOROUGH CODE

The Phoenixville Borough Code is amended to repeal Chapter 21 in its entirety and replace Chapter 21 with the following new Chapter 21:

Chapter 21 Streets and Sidewalks

PART 1 TITLE AND AUTHORITY.

§21.101. Title.

This chapter shall be known and may be cited as the “Borough of Phoenixville Streets and Sidewalks Ordinance.”

§21.102. Statutory Authority.

This chapter has been enacted in conformance with the provisions of the Borough Code, Act No. 37 of 2014.

PART 2 DEFINITIONS.

§21.201. Word Usage; Definitions.

1. Word usage. For the purposes of this chapter, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense include the future tense.
- B. The singular shall include the plural, and the plural shall include the singular.
- C. The masculine gender shall include the feminine and the neuter and vice-versa.
- D. The words "shall" and "must" are always mandatory, and the words "may" or "should" are always permissive.
- E. The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be occupied."
- F. The word "person" includes "individual," "company," "unincorporated association," "corporation" or other similar entities.
- G. The words "Cartway," "street," "road" and "highway" shall have the same meaning.
- H. The word "structure" includes "building"; both terms shall be construed as if followed by the phrase "or part thereof."
- I. The words "such as," "includes," "including" and "specifically" shall provide examples which shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- J. Unless stated otherwise, the male gender is neutral and includes the female gender.
- K. The word "lot" includes the word plot or parcel.
- L. The word "abut" shall include the words "directly across from," "adjacent" and "next to."
- M. Whenever a governmental or nongovernmental agency is cited, it shall be construed to be followed by the words "or successor agency."
- N. If a word or term is not defined by this chapter, but is defined in the Borough Subdivision and Land Development Ordinance (SALDO) or Zoning Ordinance, then the SALDO or Zoning definition shall apply. If a word or term is not defined in this chapter, the SALDO or the Zoning Ordinance, then the word or term shall have its plain and ordinary meaning within the context of the section. In the latter case, a standard reference dictionary should be consulted.

2. Definitions. The following words and phrases, as used herein, shall have the meanings hereby ascribed to them, except in those instances when the context clearly indicates a different meaning:

ALLEY

A public or private right-of-way, for vehicular access to the rear or side of properties.

BOROUGH

The Borough of Phoenixville.

BOROUGH MANAGER

The Borough of Phoenixville Borough Manager or his or her designee.

CARTWAY

The paved width of a street, bounded between the face-of-curb or edge-of-pavement, as applicable, on either side of the street.

COUNCIL

The Council of the Borough of Phoenixville.

CURB

The edge of a roadway surface which has been raised to contain, protect or form a gutter and is usually made of concrete or cut stone.

CURB RAMP

A short pedestrian ramp cutting through a curb or built up to a curb from a lower level. As used in this Part, a curb ramp is considered to be a component of the sidewalk.

CROSS SLOPE

The slope that is perpendicular to the direction of travel.

DETECTABLE WARNING SURFACE (DWS)

A standardized truncated dome grid surface built in or applied to the pedestrian access route to warn visually impaired people of hazards. The surface is placed where pedestrians will encounter the presence of hazards in the line of travel, such as the edge of roadway and railroads, indicating that they should stop and determine the nature of the hazard before proceeding further.

DRIVEWAY

A thoroughfare that provides vehicular access on a lot to a building or use.

EMERGENCY

A failure of utility service or a condition likely to be dangerous to person or property.

FACE FORMING

A construction method where concrete curb is formed directly against the street pavement section.

GARBAGE

Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.

LANDING

An approximately level (having a two percent (2%) maximum in longitudinal slope and cross slope) part of a pedestrian accessible route or walkway that provides a space for performing turning maneuvers, resting or accessing pushbuttons.

LITTER

Garbage, refuse and rubbish, as defined herein, and all other waste material, which, if thrown or deposited as herein prohibited, tends to create a danger to the public health, safety, and welfare.

PATH

A paved surface that is intended for use by pedestrians.

PAVEMENT RESTORATIONS

Repairing an opening or excavation made in existing pavement.

PAVEMENT RESURFACING

Removing the top layer of existing pavement to a specified depth and installing a new surface layer of pavement.

PEDESTRIAN

A person traveling on foot or using assistive devices, such as wheelchairs, for mobility.

PEDESTRIAN ACCESS ROUTE (PAR)

A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility. Pedestrian accessible routes may include parking access aisles, sidewalks, paths, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts.

PRIVATE STREET

A thoroughfare serving two or more lots held in single and separate ownership and not dedicated or deeded to the Borough which is designed and built to Borough standards.

PROPERTY OWNER

The owner of record of a parcel of land.

PUBLIC SERVICE CORPORATIONS

A corporation or other non-governmental business entity possessing the legal right to do work requiring the opening or excavation of streets, lanes and alleys of the Borough of Phoenixville whose operations serve the needs of the general public or facilitate the comfort and convenience of an entire community, such as railroads, gas, water, and electric light companies.

REFUSE

All putrescible and non-putrescible solid waste, except body waste, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RIGHT-OF-WAY (ROW)

A line or lines delineating the extent or dimensions (usually expressed in feet) of the width of a public or private street or alley and which abuts two or more lots or property lines. The total width of any land used, reserved or dedicated as a street, alley, driveway, sidewalk or utility easement.

RUBBISH

Non-putrescible solid wastes consisting of both combustible and noncombustible waste, such as paper, gum, wrappings, cigarettes, cardboard, tin cans, grass, leaves, yard clippings, wood, glass, bedding, crockery and similar materials.

RUNNING SLOPE (or LONGITUDINAL SLOPE)

The slope that is parallel to the direction of travel.

SIDEWALK

A paved surface between the curb line or the lateral line of a roadway and the adjacent property line or easement of private property that is intended for use by pedestrians.

STREET

Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.

PART 3 ENTRANCES ON STREETS OR ALLEYS.**§21.301. Conformity.**

1. The construction, reconstruction or repair of entrances within the Borough of Phoenixville shall conform with the requirements set forth in this Part.
2. In all other respects, the construction, reconstruction or repair of entrances within the Borough of Phoenixville shall conform to all other general ordinances of the Borough of Phoenixville.

§21.302. Permits.

1. Permit Required.
 - A. No private or public entrance to or from any streets or alleys of the Borough of Phoenixville may be constructed without a permit being first obtained from the Borough Manager of the Borough of Phoenixville.
 - B. The only exception(s) to this requirement shall be the following:
 - (1). Private Streets (or Alleys). For entrances to or from a private street or alley, a permit is not required from the Borough of Phoenixville. However, if the entrance is not being constructed by the owner of the private street or their agent, then written authorization shall be obtained from the owner of the private street.
 - (2). State Routes. For entrances to or from a state route, a permit is not required from the Borough of Phoenixville. However, any entrance construction to or from a state route shall be subject to authorization by the Commonwealth of Pennsylvania Department of Transportation.
 - (3). Land Development. For entrances that are part of a land development plan duly approved by the Borough of Phoenixville, a permit is not required from the Borough of Phoenixville.

2. Permit Application.

A. Applications for permits shall be prepared in writing using a blank form furnished for that purpose by the Borough of Phoenixville and shall contain the following minimum information: the purpose for which the said entrance is to be constructed, the location of the proposed entrance, the proposed use of the private or public entrance, the presence of any pedestrian routes, the width of the proposed entrance, the distance thereof from the nearest intersecting curb lines of any streets or alleys and the dates when the proposed work will occur.

B. Permit Fees.

All applicants for permits to construct a private or public entrance shall pay, before the issuance of said permit, such application fees as may be set by the Master Fee Schedule of the Borough of Phoenixville. Permit application fees paid to the Borough of Phoenixville shall be non-refundable.

3. Issuance of Permit; Denial; Appeal.

A. Within 30 days after receipt of such application for construction of a public or private entrance, the Borough Manager shall either approve the same and issue a permit therefore, provided that the proposed construction conforms with the laws of the Borough, or if the proposed construction does not conform with the laws of the Borough or if upon reasonable investigation and knowledge of fact the Borough Manager determines that the proposed construction would constitute a traffic hazard or a hazard to the safety of pedestrians, the application shall be denied by notice, in writing, setting forth therein the reasons for denial.

B. Upon receipt of notice denying the issuance of a permit, any property owner or person adversely affected, may appeal the Borough Manager's decision within 30 days by written application to the Borough Council, shall make inquiry into the causes for denial, shall afford all parties an opportunity to be heard and shall subpoena witnesses and administer oaths. Said hearing shall be held not later than 30 days after the receipt of the application of appeal, and the Committee's decision shall be rendered not later than 30 days thereafter, which decision shall be final. Any person aggrieved by the decision of the Committee shall have the right of appeal to the Court of Common Pleas as in other cases provided.

§21.303. Design and Construction Requirements; Inspections.

1. Location.

No entrance intended to serve residential, commercial or other uses shall be less than 20 feet from any intersecting curblines of any streets, alleys or other entrances.

2. Width.

A. No entrance intended to serve a single-family residential use shall be greater than twenty feet (20') in width.

- B. No entrance intended to serve multi-family residential, commercial or other public uses shall be greater than thirty feet (30') in width unless, in the judgment of the Borough Engineer, a width greater than thirty feet (30') is needed to properly facilitate the intended use or emergency vehicle access, in which case only the minimum necessary additional width shall be permitted.
3. Construction.
- A. Any entrance intended to serve a single-family residential use shall be constructed with concrete driveway aprons, except where other driveway types are authorized in advance by the Borough Engineer.
 - B. Any entrance intended to serve multi-family residential, commercial or other public uses shall be constructed with concrete driveway aprons or bituminous concrete paving.
 - C. Wherever an entrance intersects with a Pedestrian Access Route, the driveway shall be constructed to maintain the Pedestrian Access Route across its width.
 - D. Entrances intended for multi-family residential, commercial or other public uses shall be constructed with curb ramps at intersections with the Pedestrian Access Route.
4. Signage and Striping.
- A. Any entrance intended for multi-family residential, commercial or other public uses shall be constructed with stop bar striping, twenty-four inches (24") wide, and a stop sign.
 - B. Entrances intended for multi-family residential, commercial or other public uses shall be constructed with marked crosswalks.
 - C. All signage and striping shall be furnished and installed in accordance with the following standards:
 - (1). Manual on Uniform Traffic Control Devices (MUTCD).
 - (2). Commonwealth of Pennsylvania Department of Transportation Publication No. 111 "Traffic Control – Pavement Markings and Signing Standards."
5. Standards for Entrance Construction.
- A. All entrances within the Borough of Phoenixville shall be designed and constructed in accordance with the following standards:
 - (1). Borough Standard Construction Details.
 - (2). Commonwealth of Pennsylvania Department of Transportation Publication No. 72M "Standards for Roadway Construction."
 - (3). Commonwealth of Pennsylvania Department of Transportation Publication No. 408 "Specifications."
6. Inspections.

- A. The applicant shall notify the Borough Manager at least twenty-four (24) hours prior to beginning work. The Borough Manager or their designee shall have the right to inspect any portion of the work associated with openings or excavations in any street, lane or alley within the Borough of Phoenixville.
- B. Completion of work must be reported to the Borough Manager or their designee within twenty-four (24) hours thereof. The Borough Manager or their designee shall conduct an inspection of the completed work and, if the work is satisfactory, shall issue a Certification of Completion attesting to the same. If the work is determined not to be satisfactory, then the applicant will be required to address any deficiencies prior to issuance of a Certificate of Completion or any release of escrow or other form of security held by the Borough of Phoenixville for the work.

§21.304. Violations and Penalties; Abatement.

1. Any person, firm or corporation who or which shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution, or, in default of payment of such fine and costs, to undergo a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.
2. In addition to the above penalty the Borough may proceed in manner and form provided by law to abate any construction or proposed construction in violation of the tests of this Part as a public nuisance.

PART 4 - OPENINGS AND EXCAVATIONS IN STREETS OR ALLEYS

§21.401. Conformity.

1. Openings or excavations in streets or alleys within the Borough of Phoenixville shall conform with the requirements set forth in this Part.
2. In all other respects, openings or excavations in streets or alleys within the Borough of Phoenixville shall conform to all other general ordinances of the Borough of Phoenixville.

§21.402. Permits.

1. Permit and Escrow Required.
 - A. No opening or excavation in any street or alley of the Borough of Phoenixville may be performed without a permit being first obtained from the Borough Manager of the Borough of Phoenixville.
 - B.. No opening or excavation in any street or alley of the Borough of Phoenixville may be performed without an escrow being provided to the Borough of Phoenixville as security guaranteeing the performance of pavement restorations required in said street or alley.
 - C. The only exceptions to this requirement shall be the following:
 - (1). Private Streets (or Alleys). For openings or excavations in a private street or alley, a permit will not be required from the Borough of Phoenixville. However,

if the opening or excavation is not being constructed by the owner of the private street or their agent, then written authorization shall be obtained from the owner of the private street.

- (2). State Routes. For openings or excavations in a state route, a permit will not be required from the Borough of Phoenixville. However, any openings or excavations in a state route shall be subject to authorization by the Commonwealth of Pennsylvania Department of Transportation.
- (3). Land Development. For openings or excavations that are part of a land development plan duly approved by the Borough of Phoenixville, a permit will not be required from the Borough of Phoenixville.
- (4). Emergency. In the event of an emergency, a permit must be submitted to the Borough Manager of the Borough of Phoenixville within fifteen (15) calendar days after start of any work. Documentation must be provided to describe and substantiate the emergency. All applicable fees and escrows are still required.

2. Permit Application.

A. Applications for permits shall prepared in writing using a blank form furnished for that purpose by the Borough of Phoenixville and shall contain the following minimum information: the purpose for which said street or alley is to be opened or excavated, the location of said proposed work, the estimated dimensions and area of the proposed opening or excavation planned and the dates when the proposed work will occur.

- (1). For openings or excavations in any street or alley made principally for the use, service or benefit of a property abutting said street or alley, a permit shall only be issued to the owners of said property and shall not be issued to contractors or public service corporations.
- (2). For openings or excavations in any street or alley made principally for the use, service or benefit of a public service corporation, and not for any particular property abutting said street or alley, a permit shall be issued to the public service corporation under the terms and conditions as hereinafter provided.

B. Permit Fees.

All applicants for permits to open or excavate any street or alley shall pay, before the issuance of said permit, such application fees as may be set by the Master Fee Schedule of the Borough of Phoenixville. Permit application fees paid to the Borough of Phoenixville shall be non-refundable

C. Escrow.

- (1). All applicants, except for public service corporations, for permits to open or excavate in any street or alley shall furnish a cash escrow to the Borough of Phoenixville as security guaranteeing the satisfactory performance of pavement restoration work required in said street or alley before the issuance of any permit for opening or excavating the same.

- (2). The amount of the required escrow shall be the greater of the following amounts:
 - (a). An amount equal to the area of the opening or excavation multiplied by the unit cost for pavement restorations set by the Master Fee Schedule of the Borough of Phoenixville. For the purposes of determining the area of any planned opening or excavation, the minimum width of any opening or excavation shall be five (5) feet; or
 - (b). An amount equal to two thousand five hundred dollars (\$2,500.00).
- (3). The Borough of Phoenixville shall return the full amount of the escrow to the applicant only after completion of the work, including completion of all pavement restorations in the street or alley, and only after said work has been inspected and certified to be satisfactory by the Borough Manager or their designee.

3. Issuance of Permit; Denial; Appeal.

- A. Within 30 days after receipt of such application to open or excavate any street or alley, the Borough Manager shall either approve the same and issue a permit therefore, provided that the proposed construction conforms with the laws of the Borough, or if the proposed construction does not conform with the laws of the Borough or if upon reasonable investigation and knowledge of fact the Borough Manager determines that the proposed construction would constitute a traffic hazard or a hazard to the safety of pedestrians, the application shall be denied by notice, in writing, setting forth therein the reasons for denial.
- B. Upon receipt of notice denying the issuance of a permit, any property owner or person adversely affected, may appeal the Borough Manager's decision within 30 days by written application to the Borough Council, shall make inquiry into the causes for denial, shall afford all parties an opportunity to be heard and shall subpoena witnesses and administer oaths. Said hearing shall be held not later than 30 days after the receipt of the application of appeal, and the Committee's decision shall be rendered not later than 30 days thereafter, which decision shall be final. Any person aggrieved by the decision of the Committee shall have the right of appeal to the Court of Common Pleas as in other cases provided.

§21.403. Design and Construction Requirements; Inspections; Corrective Action.

1. The person, firm, contractor or corporation making the opening or excavation in any street or lane or alley within the Borough of Phoenixville shall perform all work, including backfill and surface restorations, in accordance with the following standards:

- A. Borough Standard Construction Details.
- B. Commonwealth of Pennsylvania Department of Transportation Publication No. 72M “Standards for Roadway Construction.”
- C. Commonwealth of Pennsylvania Department of Transportation Publication No. 408 Specifications.”

2. Inspection.
 - A. The applicant shall notify the Borough Manager at least twenty-four (24) hours prior to beginning work. The Borough Manager or their designee shall have the right to inspect any portion of the work associated with openings or excavations in any street, lane or alley within the Borough of Phoenixville.
 - B. Completion of work must be reported to the Borough Manager or their designee within twenty-four (24) hours thereof. The Borough Manager or their designee shall conduct an inspection of the completed work and, if the work is satisfactory, shall issue a Certification of Completion attesting to the same. If the work is determined not to be satisfactory, then the applicant will be required to address any deficiencies prior to issuance of a Certificate of Completion or any release of escrow or other form of security held by the Borough of Phoenixville for the work.
3. Corrective Action.
 - A. Failure to complete the work to the satisfaction of the Borough Manager or failure to complete the work within a reasonable time period, as determined by the Borough Manager, shall, upon written notice to the applicant, result in corrective action being taken by the Borough of Phoenixville and all costs of the same being taken from the escrow or other form of security held by the Borough of Phoenixville for the work.
 - B. If the costs incurred by the Borough of Phoenixville to perform the corrective action exceed the amount held in escrow or other form of security, then the applicant shall be responsible for those additional costs.
 - C. The cost to perform the corrective actions shall be in addition to the penalties provided for elsewhere under this Part.

§21.404. Opening of Newly Improved Streets Restricted.

1. Permits shall not be issued for opening or excavating any public street or alley of the Borough of Phoenixville that has been newly improved within a period of less than five (5) years, such period to be taken from the date when the street surface was completed. Newly improved streets shall include those which have been constructed, reconstructed or resurfaced with a new surface layer of bituminous asphalt paving.
2. The only exception(s) to this requirement shall be the following:
 - A. In the event of an emergency which affects the public safety. The routine replacement of service lines or installation of new services shall not be deemed sufficient cause for granting a permit on an emergency basis.
3. Where this restriction is violated, a fee shall be paid to the Borough of Phoenixville as damages for decreasing the life of the street surface. This fee shall be paid in addition to any other permit fees or escrows required by other provisions of this Part. The amount of said fee shall be determined as follows:
 - A. For surfaces aged up to two (2) years, the fee shall represent the cost to resurface the full width of the cartway along the frontage of the property or properties receiving benefit.

The area of which shall be calculated by multiplying the full width of the cartway by the frontage thereon of the property or properties receiving benefit. The fee shall be an amount equal to the area multiplied by the unit cost for pavement resurfacing set by the Master Fee Schedule of the Borough of Phoenixville.

- B. For surfaces aged more than two (2) years and up to five (5) years, the fee shall represent the cost to resurface half of the width of the cartway along the frontage of the property or properties receiving benefit. The area of which shall be calculated by multiplying the half width of the cartway by the frontage thereon of the property or properties receiving benefit. The fee shall be an amount equal to the area multiplied by the unit cost for pavement resurfacing set by the Master Fee Schedule of the Borough of Phoenixville.

§21.405. Requirements for Public Service Companies.

1. All public service companies shall provide written notice to the Borough of Phoenixville at least ninety (90) days before making any opening or excavating any street or alley, except in the case of emergency which affects the public safety.
2. All public service companies shall furnish a performance guarantee to the Borough of Phoenixville for the restoration of the street before the issuance of any permit for opening or excavating the same. The performance guarantee shall be provided in the form of a cash escrow, irrevocable letter of credit or performance bond. The amount of the performance guarantee shall be the greater of the following amounts:
 - A. An amount equal to the area of the opening or excavation multiplied by the unit cost for pavement restorations set by the Master Fee Schedule of the Borough of Phoenixville. For the purposes of determining the area of any planned opening or excavation, the minimum width of any opening or excavation shall be five (5) feet; or
 - B. An amount equal to twenty-five thousand dollars (\$25,000.00).
3. All public service companies shall be responsible for pavement resurfacing of the streets and alleys where opening or excavation work is performed. The pavement resurfacing work shall be performed to the limits prescribed by the applicable Borough Standard Construction Details.
 - A. In lieu of the public service company performing the pavement resurfacing work, the Borough of Phoenixville may require the public service company to pay the Borough a fee in an amount equal to the cost of performing pavement resurfacing work. The area of pavement resurfacing work used for the determination of this fee shall be prescribed by the Borough Construction Details. The fee shall be calculated by multiplying the area by the unit cost for pavement resurfacing set by the Master Fee Schedule of the Borough of Phoenixville.
 - B. In the event that a fee is required by the Borough of Phoenixville for the cost of pavement resurfacing work, the public service company will remain responsible for performing pavement restorations (excavation, backfill, temporary pavement restorations, permanent pavement restoration, etc.) in accordance with the Borough Standard Construction Details.
4. All public service companies shall be required to furnish a maintenance guarantee to the Borough of Phoenixville in the form of a cash escrow, irrevocable letter of credit or maintenance bond to

secure the structural integrity and function of the pavement restoration and pavement resurfacing work performed. The guaranty must be furnished to the Borough of Phoenixville before the release of escrow or other form of security.

- A. The amount of the guarantee shall be fifteen percent (15%) of the value of the pavement restoration and pavement resurfacing work performed.
- B. The term of the guarantee shall be eighteen (18) months from the date of completion.

§21.406. Protection of Work; Road Closure Restriction.

- 1. Any openings or excavations made in the streets or alleys of the Borough of Phoenixville shall be adequately protected. All traffic controls devices, including barricades, traffic cones, signage, flaggers and any other temporary devices, shall be provided by the applicant through the duration of the work. Traffic controls shall be provided in accordance with the following standards:
 - A. Commonwealth of Pennsylvania Department of Transportation Publication No. 213 “Temporary Traffic Control Guidelines.”
 - B. Supplemental instructions given by the Borough of Phoenixville.
- 2. Except where specifically authorized in advance by the Borough Manager of the Borough of Phoenixville, all streets or alleys shall be re-opened to traffic at the end of each workday.
 - A. The use of steel plates as temporary covers for openings or excavations is permitted. Bituminous material must be installed as a transition between the existing paved surface and the steel plate.
 - B. The use of cold patch material, placed two inches (2”) thick, as a temporary pavement restoration is acceptable for durations of up to one (1) week, after which time pavement restorations must be completed in accordance with the Borough Standard Construction Details.

§21.407. Days and Hours for Work Restricted.

- 1. Except in the case of an emergency, openings or excavations made in any street or alley of the Borough of Phoenixville shall be restricted to the certain days and hours, as follows:
 - A. Weekdays (Monday through Friday), beginning at 7:00 AM and concluding no later than 5:00 PM each day.
 - B. Saturdays, only when authorized in advance by the Borough Manager, beginning at 8:00 AM and concluding no later than 5:00 PM each day.
 - C. Work is prohibited on Sundays and on any legal holidays recognized by the Borough.

§21.408. Violations and Penalties, Abatement.

- 1. Any person, firm or corporation who or which shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution,

or, in default of payment of such fine and costs, to undergo a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

2. In addition to the above penalty the Borough may proceed in manner and form provided by law to abate any construction or proposed construction in violation of the tests of this Part as a public nuisance.

PART 5 - CURBS AND SIDEWALKS

§21.501. Conformity.

1. Curbs and sidewalks within the Borough of Phoenixville shall conform with the requirements set forth in this Part.
2. In all other respects, curbs or sidewalks within the Borough of Phoenixville shall conform to all other general ordinances of the Borough of Phoenixville.

§21.502. Responsibility of Property Owners; Default by Property Owners.

1. Maintenance.
 - A. The owner of a property within the Borough of Phoenixville shall be responsible to maintain the curbs and sidewalks in a safe condition, including on their property or wherever their property abuts a street or alley of the Borough of Phoenixville.
 - B. Curbs and sidewalks shall be maintained in accordance with the standards referenced by this Part, other ordinances of the Borough of Phoenixville and any additional requirements which may be issued by the Borough Council of the Borough of Phoenixville by resolution.
2. Other Responsibility of Property Owners.
 - A. Upon receipt of a written notice from the Borough Manager, property owners shall be required to reconstruct or repair curbs and sidewalks wherever their property abuts a street or alley of the Borough of Phoenixville. Said notice shall stipulate the limits of the work required and the nature of the reconstruction or repair that is required. All required work shall be completed by the property owner within a time period to be stipulated by said notice, said period not to be less than 30 days.
 - B. Upon resolution of the Borough Council of the Borough of Phoenixville, property owners shall be required to construct new curbs and sidewalks wherever their property abuts a street or alley of the Borough of Phoenixville. Said resolution shall stipulate the limits of the work required. All required work shall be completed by the property owner within a time period to be stipulated by said resolution, said period not to be less than 60 days.
3. Default by Property Owner.
 - A. If any property owner shall fail, neglect or refuse to maintain, construct, reconstruct or repair any sidewalk, curb or gutter within the time stated in the notice or resolution from the Borough directing such work to be done, the Borough shall have the authority to

cause such work to be done and to collect the cost of such work, with 10% additional, from such property owner by municipal lien or action of assumpsit.

§21.503. Permits.

1. Permit and Escrow Required.

- A. No curbs or sidewalks in or along any street or alley of the Borough of Phoenixville may be constructed or reconstructed, whether required by notice or by a property owner's own initiative, without a permit being first obtained from the Borough Manager of the Borough of Phoenixville.
- B. No curbs or sidewalks in or along any street or alley of the Borough of Phoenixville may be performed without an escrow being provided to the Borough of Phoenixville as security guaranteeing the performance of pavement restorations required in said street or alley.
- C. The only exception(s) to this requirement shall be the following:
 - (1). State Routes. For curbs or sidewalks within a state route, a permit is not required from the Borough of Phoenixville. However, any curb or sidewalk construction to or from a state route shall be subject to authorization by the Commonwealth of Pennsylvania Department of Transportation.
 - (2). Land Development. For curbs or sidewalks that are part of a land development plan duly approved by the Borough of Phoenixville, a permit is not required from the Borough of Phoenixville.

2. Permit Application.

- A. Applications for permits shall be prepared in writing using a blank form furnished for that purpose by the Borough of Phoenixville and shall contain the following minimum information: the location of the curb and sidewalk, the type of curb and sidewalk, a dimensioned sketch of the work (including any curb ramps), the width of the sidewalk, cost of the work, and the dates when the proposed work will occur.
- B. Permit Fees.

All applicants for permits to construct or reconstruct curbs or sidewalks shall pay, before the issuance of said permit, such application fees as may be set by the Master Fee Schedule of the Borough of Phoenixville. Permit application fees paid to the Borough of Phoenixville shall be non-refundable.
- C. Escrow.
 - (1). All applicants for permits to construct or reconstruct curbs or sidewalks in the Borough of Phoenixville shall furnish a cash escrow to the Borough of Phoenixville as a security guaranteeing the satisfactory performance of the work in accordance with all requirements before the issuance of any permit for the same.

- (2). The amount of the required escrow shall be the greater of the following amounts:
 - (a). An amount equal twenty-five percent (25%) of the value of the curb and sidewalk work and any restorations.
 - (b). An amount equal to two thousand five hundred dollars (\$2,500.00).
- (3). The Borough of Phoenixville shall return the full amount of the escrow to the applicant only after completion of the work, including completion of all pavement restorations, and only after said work has been inspected and certified to be satisfactory by the Borough Manager or their designee.

3. Issuance of Permit; Denial; Appeal.

- A. Within 30 days after receipt of such application for construction or reconstruction of curbs or sidewalks, the Borough Manager shall either approve the same and issue a permit therefore, provided that the proposed construction conforms with the laws of the Borough, or if the proposed construction does not conform with the laws of the Borough or if upon reasonable investigation and knowledge of fact the Borough Manager determines that the proposed construction would constitute a traffic hazard or a hazard to the safety of pedestrians, the application shall be denied by notice, in writing, setting forth therein the reasons for denial.
- B. Upon receipt of notice denying the issuance of a permit, any property owner or person adversely affected, may appeal the Borough Manager's decision within 30 days by written application to the Borough Council, shall make inquiry into the causes for denial, shall afford all parties an opportunity to be heard and shall subpoena witnesses and administer oaths. Said hearing shall be held not later than 30 days after the receipt of the application of appeal, and the Committee's decision shall be rendered not later than 30 days thereafter, which decision shall be final. Any person aggrieved by the decision of the Committee shall have the right of appeal to the Court of Common Pleas as in other cases provided.

§21.504. Design and Construction Requirements; Inspections; Corrective Action.

1. All curbs, sidewalks and curb ramps within the Borough of Phoenixville shall be designed and constructed in accordance with the following standards:
 - A. Borough Standard Construction Details.
 - B. 2010 ADA Standards for Accessible Design.
 - C. Commonwealth of Pennsylvania Department of Transportation Publication No. 72M "Standards for Roadway Construction."
 - D. Commonwealth of Pennsylvania Department of Transportation Publication No. 408 "Specifications."
2. Curbs.

- A. The construction or reconstruction of curbs shall conform to the requirements of the Phoenixville Borough Zoning Ordinance of 2013.
- B. Curb Type. In general, the reconstruction or repair of curbs shall be designed to match the materials and patterns of the surrounding curb and sidewalk features. For new construction of curbs, the following requirements shall apply:
- (1). Curbs along streets or alleys of the Borough of Phoenixville shall be concrete or granite.
 - (2). Curbs on private properties or along private streets shall be concrete, granite, or Belgian block curb.
 - (3). Bituminous concrete curb is prohibited, except where authorized in advance by the Borough Engineer.
 - (4). The reconstruction or repair of a section of combination curb and gutter shall also be combination curb and gutter, except where other curb types are authorized in advance or directed by the Borough Engineer.
- C. Concrete Curbs.
- (1). Face forming concrete curb is not permitted, except where authorized in advance by the Borough Engineer.
 - (2). Depressed concrete curb for driveways or other locations subjected to vehicular traffic shall be reinforced with two (2) #5 reinforcing steel bars.
- D. Granite Curbs.
- (1). The nominal curb reveal for granite curbs shall be six inches (6").
 - (2). The minimum thickness and height of granite curb pieces shall be six inches (6") and fourteen inches (14"), respectively.
 - (3). Granite curb pieces shall be set to the required line and grade using masonry setting blocks before pouring the required concrete foundation.
 - (4). Granite curbs shall be installed with an eighteen inch (18") wide concrete foundation along the entire length of each piece. The concrete foundation shall be a minimum of four inches (4") thick beneath the granite curb.
 - (5). The minimum length of straight granite curb pieces shall be three feet (3'). At least eighty percent (80%) of the straight granite curb pieces shall be six feet (6') or greater.
- E. Belgian Block Curbs.
- (1). The nominal curb reveal for Belgian block curbs shall be six inches (6").
 - (2). The nominal size of Belgian block units shall be 4" x 4" x 10".

- (3). Belgian block curbs shall be installed with a twelve inch (12") wide concrete foundation. The concrete foundation shall be a minimum of six inches (6") beneath the Belgian block units.
- (4). Joints between Belgian block units shall be pointed with non-shrink cement mortar.

3. Sidewalks.

- A. The construction or reconstruction of sidewalks shall conform to the requirements of the Phoenixville Borough Zoning Ordinance.
 - (1). The measured sidewalk width shall not include the top of curb.
- B. Sidewalk Type. In general, the reconstruction or repair of sidewalks shall be designed to match the materials and patterns of the surrounding sidewalk features. For new construction of sidewalks, the following requirements shall apply:
 - (1). Sidewalk along streets or alleys of the Borough of Phoenixville shall be concrete or brick.
 - (2). Sidewalk on private properties or along private streets shall be concrete or brick.
 - (3). Paths on private properties may be concrete, brick or bituminous concrete pavement.
- C. The minimum area of concrete sidewalk reconstruction shall be determined by the nearest sidewalk joints. A clean edge shall be saw cut at the nearest sidewalk joints.
- D. All sidewalks and paths shall be constructed with a minimum width of five feet (5'), except where a greater width is required by other ordinances of the Borough of Phoenixville.
- E. Sidewalk shall be constructed separately from concrete curbs, except where monolithic construction is authorized in advance by the Borough Engineer.
- F. Wherever a pedestrian turning movement is required on a sidewalk or curb ramp, a landing shall be constructed, having minimum dimensions of 4' x 4' and having a two percent (2%) maximum longitudinal slope and cross slope.
- G. Curb Ramps.
 - (1). Curb ramps with detectable warning surfaces shall be provided in conjunction with the construction or reconstruction of any sidewalk or path that crosses a paved surface used by vehicular traffic.
 - (2). Curb ramps shall be concrete, except where other materials are authorized in advance by the Borough Engineer.

4. Inspection.
 - A. The applicant shall notify the Borough Manager at least twenty-four (24) hours prior to beginning work. The Borough Manager or their designee shall have the right to inspect any portion of the work associated with new curbs or sidewalks within the Borough of Phoenixville.
 - B. Completion of work must be reported to the Borough Manager or their designee within twenty-four (24) hours thereof. The Borough Manager or their designee shall conduct an inspection of the completed work and, if the work is satisfactory, shall issue a Certification of Completion attesting to the same. If the work is determined not to be satisfactory, then the applicant will be required to address any deficiencies prior to issuance of a Certificate of Completion or any release of escrow or other form of security held by the Borough of Phoenixville for the work.
5. Corrective Action.
 - A. Failure to complete the work to the satisfaction of the Borough Manager or failure to complete the work within a reasonable time period, as determined by the Borough Manager, shall, upon written notice to the applicant, result in corrective action being taken by the Borough of Phoenixville and all costs of the same being taken from the escrow or other form of security held by the Borough of Phoenixville for the work.
 - B. If the costs incurred by the Borough of Phoenixville to perform the corrective action exceed the amount held in escrow or other form of security, then the applicant shall be responsible for those additional costs.
 - C. The cost to perform the corrective actions shall be in addition to the penalties provided for elsewhere under this Part.

§21.505. Violations and Penalties; Abatement.

1. Any person, firm or corporation who or which shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution, or, in default of payment of such fine and costs, to undergo a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.
2. In addition to the above penalty the Borough may proceed in manner and form provided by law to abate any construction or proposed construction in violation of the tests of this Part as a public nuisance.

Part 6 DRAINS

§ 21-601 Drains Crossing Sidewalk to be Covered and Made Level.

Hereafter no iron or other metallic channel drains shall be constructed across or along the sidewalks of public streets, lanes and alleys of the Borough of Phoenixville unless the top of such channel drains shall be completely covered and in level with the surface or the sidewalk across or along which such drains are constructed.

§ 21-602 Time Limit for Covering Drains After Notice; Borough Work if Owner Defaults.

Any such drain now or hereafter constructed or maintained shall within 30 days after notice from the Borough Secretary to do so, be covered by the owner or owners of the real estate thereby drained, and, in the event of failure of any such owner or owners to do so within such time limit in the manner hereinbefore directed, the Borough authorities may cause such work to be done and may collect the cost thereof from such defaulting owner or owners, with any additional amount allowed by law, by filing a municipal claim or in an action of assumpsit.

Part 7 OBSTRUCTIONS ON SIDEWALKS

§ 21-701 Objects Prohibited from Public Sidewalks and Building Accessways.

1. Except as specifically authorized in this section, no person or legal entity including, but not limited to, any corporation, partnership, association or religious society, shall place or cause to be placed, upon any public sidewalk ("public sidewalk") and/or any building ingress or egress (collectively "building access way"), in the Borough, any object ("object") including, but not limited to, any merchandise, stand, receptacle, public mailbox, newspaper dispenser, planter, statue, freestanding architectural object, seating, table, sign and/or display, and no property owner or occupant of the premises shall permit any object to remain on any such building access way and/or public street which they own or occupy or which they or any of them are responsible for maintaining under the Pennsylvania Borough Code and/or Borough ordinance. Provided, however, that:
 - A. Goods, wares and/or merchandise may be place temporarily on the public sidewalk, in the course of delivery or transfer, but only in a manner that does not interfere with the safe public use of such public sidewalk, does not obstruct access from the curb to the unobstructed public sidewalk and/or allows the public sidewalk to be used in compliance with the Americans with Disabilities Act.
 - B. Merchandise, mailboxes, newspaper dispensers, planters and benches may be placed in front of buildings, but only within three feet of the front facade of the building; merchandise may be so displayed only by the occupant of the premises, and only when the premises is open for business and mailboxes and newspaper dispensers may be so placed only pursuant to Borough permit and nothing may be so placed unless placed in a manner that is safe, does not violate any other applicable regulation and does not block easy access to firefighting equipment.
 - C. Seating, tables and umbrellas may be placed in front of outdoor cafes, provided that seating and tables do not encroach on the minimum pedestrian walkway of 36 inches clear, which is required to be maintained in front of the outdoor cafe.
2. As used in this section, building access way is the are from any doorway to the public sidewalk, which building access way is bounded by two parallel lines, perpendicular to the street center line, one line extended from each side of the doorway opening.

§ 21-702 Removal of Unlawful Obstructions.

The Borough Code Enforcement Department shall have the authority to remove any object placed on the public sidewalk in violation of § 21-701 and to collect the cost of such removal, with an additional amount of 10% of such costs from the property owner and/or occupant of the premises.

§ 21-703 Violations and Penalties.

Any person, firm, corporation, association or organization who or which shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution, or in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

Part 8 OBSTRUCTIONS OVER CURBS AND GUTTERS

§ 21-801 Bridges, Platforms and Other Obstructions Restricted; Violations and Penalties.

1. It shall be unlawful for any person or persons, partnership, firm or corporation to construct or cause to be constructed any bridge, platform or other obstruction in, on or over any of the curbs or gutters along any of the streets or alleys in the Borough, except in cases where a permit therefore shall have been issued by the Borough Manager for and on behalf of the Borough. No such permit shall be issued until plans and specifications for the proposed bridge, platform or other obstruction shall have been approved by the Borough Manager, and every such bridge, platform or other obstruction shall conform strictly to such plans and specifications. The Borough Manager shall not issue any such permit unless he shall deem such bridge, platform or other obstruction to be necessary and the only feasible and practicable means of achieving the purpose for which it is proposed to be constructed. Any such bridge, platform or obstruction hereafter constructed otherwise than in strict conformity to approved plans and specifications, shall be removed within 10 days after notice from the Borough by the owner of the premises in front of which such bridge, platform or other obstruction shall be constructed, in default of which the Borough may cause the same to be removed and shall collect the cost of removal, with an additional amount of 10% from such property owner, in the manner provided by law.
2. Any person or persons, firm or corporation who or which shall violate or fail to conform to any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution, or, in default of payment of such fines and costs, to imprisonment for not more than 30 days. Such fine and costs may be in addition to the cost of removal of any unlawful bridge, platform or other obstruction and the additional amount, as herein provided.

Part 9 SNOW AND ICE REMOVAL

§ 21-901 Responsibility for Removal; Time Limit; Placing onto Street.

1. The owner, occupant or tenant of every property fronting upon or alongside any of the streets in the Borough of Phoenixville is hereby required to remove or cause to be removed from all of the sidewalks in front of or alongside such property all snow or ice thereon fallen or formed, within 24 hours after the same shall have ceased to fall or to form. The following persons shall be responsible for conforming to the provisions of this section in the following instances: the owner of a property, 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 such property is a multiple business or multiple-dwelling property, occupied by more than one tenant or occupier. In the Town Center District, the minimum cleared width of the sidewalks shall be 48 inches. In all other districts, the minimum cleared width of sidewalks shall be 30 inches. In cases of declared emergencies, the Mayor and/or the Borough Manager may extend the period for snow and/or ice removal beyond that herein set forth.

2. It shall be unlawful to place, throw or cause to be placed or thrown, snow and/or ice onto any public street within the Borough of Phoenixville.

§ 21-902 Removal by Borough; Costs.

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of § 21-901 of this Part 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 § 21-903 of this Part.

§ 21-903 Violations and Penalties.

Any owner, occupant or tenant who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than five days. Such penalty may be in addition to any expenses and additional amounts provided under § 21-902 of this Part.

Part 10 INSTALLATION OF PIPELINES

§ 21-1001 Plans and Specifications to be Submitted.

From and after the effective date hereof, it shall be unlawful for any person or corporation to construct or commence construction of any pipeline for the transmission of any substance within the Borough of Phoenixville without having first submitted to the Borough Council of the Borough of Phoenixville plans and specifications therefore showing in detail the route of such lines, the public improvements and property owners whose lands the same shall cross, the methods of construction, the proposed use of said line including the pressures at which products will be transmitted, the proposed methods of restoration of land surface and such other information relating to the project as the Borough Council shall deem relevant.

§ 21-1002 Notification of Landowners Affected; Public Hearing on Plans.

The Borough Council of the Borough of Phoenixville upon receipt of such plans, specifications and other information shall conduct a public hearing giving prior written notice thereof to all property owners through whose land the line shall pass and by advertisement in one newspaper of general circulation in the locations of the line. At said hearing, all persons interested shall be entitled to examine such plans and to be heard with regard to the same.

§ 21-1003 Report on Council's Decision; Publication.

Within 30 days after said hearing the Borough Council of the Borough of Phoenixville shall render its decision as to the suitability of the said plans, together with its requirements as to changes, if any, which should be made in such plans and methods of construction or in the location of the lines with particular reference to safety of persons and property and the orderly development of the areas affected. Notice of the filing of said report, together with information as to where copies may be obtained, shall be published by the Secretary of the Borough of Phoenixville in a newspaper of general circulation in the said Borough and copies of said report shall be sent by the Borough Secretary to such State or Federal regulatory

commissions or bodies having jurisdiction with a request that such recommendations shall be made on requirements for construction.

§ 21-1004 Applicability.

The provisions of this Part shall not apply to pipelines to be constructed and located wholly within the owner's lands or connecting the owner's buildings with existing water, sewer, gas or other utility facilities.

§ 21-1005 Violations and Penalties.

Any person or corporation who or which shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

Part 11. SLEDDING

§ 21-1101 Sledding Prohibited on Sidewalks, Restricted on Streets and Alleys; Violations and Penalties.

No person or persons shall coast or ride upon any sled or similar conveyance upon any of the sidewalks in the Borough of Phoenixville, or upon any of the streets or alleys in the Borough unless such a street or alley shall have been especially set apart in the Borough and designated by the Mayor as a "play highway" for the purpose of sledding and shall have been blocked off or otherwise adequately protected from vehicular traffic. Any person who shall violate any of the provisions of this Part shall upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution for each and every such violation.

Part 12 LITTER, REFUSE, RUBBISH AND GARBAGE ON SIDEWALKS

§ 21-1201 Declaration of Purpose.

1. The Council finds that litter, refuse, rubbish, and garbage on sidewalks is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Unless the Borough acts to ensure the removal of litter, refuse, rubbish, and garbage on sidewalks, the litter, refuse, rubbish, and garbage on sidewalks tends to remain, all to the detriment of the Borough.
2. The Borough Council intends, through the adoption of this Part 12, to provide additional enforcement tools to ensure the removal of litter, refuse, rubbish, and garbage from its sidewalks. The Council does not intend for this Part 12 to conflict with any existing criminal state laws; and to the extent such conflict may exist, state law shall supersede this Part 12.

§ 21-1202 Removal of Litter, Refuse, Rubbish, and Garbage from Sidewalks.

The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Borough is hereby required to remove or cause to be removed from all of the walkways, private alleys, private lots, sidewalks, curbs and gutters in front of or alongside of such property all litter, refuse, rubbish and garbage within 24 hours after it has thereon fallen or been deposited, provided that litter, refuse, rubbish and garbage that has thereon fallen or been deposited after 6:00 p.m. of any Saturday evening may be removed at any time before 10:00 a.m. of the next Monday morning; provided, further, that 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 or vacant or is a multiple-business or multiple-dwelling property, designed to be occupied by more than one tenant; and the tenant or occupier shall be responsible therefor where such property is occupied by such tenant or occupier only.

§ 21-1203 Authority for Borough to Remove and Collect Costs and Additional Amount.

In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of § 21-1203 of this Part within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all litter, refuse, rubbish and garbage from the sidewalk of such delinquent 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 § 21-1205 of this Part.

§ 21-1204 Violations and Penalties.

Any owner, occupant or tenant who shall fail to remove any litter, refuse, rubbish, or garbage from any sidewalk as required by § 21-1203 of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$100 and costs of prosecution and, in default of payment of such fine and costs, to imprisonment in the county jail for not more than 10 days, provided that such fine and costs of prosecution may be in addition to any expenses and additional amounts authorized by law, imposed as provided in § 21-1204 of this Part.

PART 13 DRIVEWAYS

§21.1301. Conformity.

1. Driveways within the Borough of Phoenixville shall conform with the requirements set forth in this Part.
2. In all other respects, driveways within the Borough of Phoenixville shall conform to all other general ordinances of the Borough of Phoenixville.

§21.1302. Design and Construction Requirements, Inspections.

1. The construction or reconstruction of sidewalks shall conform to the requirements of the Phoenixville Borough Zoning Ordinance.
2. Width.
 - A. Any driveways intended to serve a single-family residential use shall be constructed with a minimum width of nine feet (9').
 - B. Any driveway intended to serve multi-family residential, commercial or other public uses shall be constructed with a minimum width of eleven feet (11') per lane for ingress and egress.
3. Grading.
 - A. Driveways shall be constructed with adequate surface drainage to an appropriate discharge location. To the extent feasible, said discharge shall be directed on the owner's property.

- B. Any driveway intended for a single-family residential use shall be constructed with a grade of not more than fifteen percent (15%).
 - C. Any driveway intended for multi-family residential, commercial or other public uses shall be constructed with a grade of not more than seven percent (7%).
 - D. Wherever a driveway intersects with a Pedestrian Access Route, the driveway shall be constructed with a crosswalk area. The crosswalk area may not exceed a two percent (2%) cross slope perpendicular to the direction of pedestrian travel or a five percent (5%) running slope parallel to the direction of pedestrian travel.
4. Construction.
- A. Driveways shall be constructed either of concrete or bituminous concrete paving.
 - B. Driveways constructed of gravel, pavement millings or other such materials are prohibited, except where authorized in advance by the Borough Engineer.
 - C. Driveways intended for multi-family residential, commercial or other public uses shall be constructed with curb ramps at all intersections with Pedestrian Access Routes.
5. Standards for Driveway Construction.
- A. All driveways within the Borough of Phoenixville shall be designed and constructed in accordance with the following standards:
 - (1). Borough Standard Construction Details.
 - (2). Commonwealth of Pennsylvania Department of Transportation Publication No. 72M "Standards for Roadway Construction."
 - (3). Commonwealth of Pennsylvania Department of Transportation Publication No. 408 "Specifications."
6. Inspections.
- A. The applicant shall notify the Borough Manager at least twenty-four (24) hours prior to beginning work. The Borough Manager or their designee shall have the right to inspect any portion of the work associated with openings or excavations in any street, lane or alley within the Borough of Phoenixville.
 - B. Completion of work must be reported to the Borough Manager or their designee within twenty-four (24) hours thereof. The Borough Manager or their designee shall conduct an inspection of the completed work and, if the work is satisfactory, shall issue a Certification of Completion attesting to the same. If the work is determined not to be satisfactory, then the applicant will be required to address any deficiencies prior to issuance of a Certificate of Completion or any release of escrow or other form of security held by the Borough of Phoenixville for the work.

§21.1303. Violations and Penalties; Abatement.

1. Any person, firm or corporation who or which shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution, or, in default of payment of such fine and costs, to undergo a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.
2. In addition to the above penalty the Borough may proceed in manner and form provided by law to abate any construction or proposed construction in violation of the tests of this Part as a public nuisance.

SECTION III. ABROGATION AND GREATER RESTRICTIONS

This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

SECTION IV. SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION V. ENACTMENT

This Ordinance shall become effective upon enactment as provided by law and shall remain in force until modified, amended or rescinded by Borough Council of the Borough of Phoenixville, Chester County, Pennsylvania.

PASSED by the Borough Council this 10th day of April, 2018.

By: _____
James C. Kovaleski
Council President

APPROVED by the Mayor, this 10th day of April, 2018..

By: _____
Peter J. Urscheler, Mayor

ENACTED, this 10th day of April, 2018.

By: _____
E. Jean Krack, Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 10th day of April, 2018..

By: _____
E. Jean Krack, Borough Manager/Secretary