

ARTICLE 909

Sidewalks, Curbs, Gutters and Driveways

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CROSS REFERENCES

- Power to require sidewalk construction - See 3rd Class §3001 (53 P.S. §38001)
- Construction by City - See 3rd Class §3002 (53 P.S. §38002)
- Department of Public Works - See ADM. Art. 107
- Streets and sidewalks - See GEN. OFF. Art. 721
- Street Improvements - See S.U. & P.S. Art. 905

909.01 **EXISTING DEVELOPMENT WITH EXISTING
SIDEWALKS – CURB, GUTTER AND
SIDEWALK REQUIREMENTS.**

(a) Every owner of property abutting any public street or public alley in the City shall reconstruct, repair and/or replace sidewalk and/or curb and/or gutter upon service of a written notice to do so by the Director of Public Works.

(b) Every owner of property abutting any public street or public alley in the City shall reconstruct, repair and/or replace such sidewalk and/or curb and/or gutter within thirty (30) days after service of the written notice

from the Director of Public Works as herein provided, unless said notice or a subsequent notice shall specifically provide for a longer period.

(c) All sidewalks and/or curbs and/or gutters shall be constructed, reconstructed, repaired and/or replaced in conformity with city standards and specifications, and in conformity with the line and grade established by the Department of Public Works Engineering Bureau.

(d) All sidewalks and/or curbs and/or gutters, when formed, shall be inspected by the Department of Public Works Engineering Bureau before the pouring of concrete. A minimum of twenty-four (24) hours advance notice shall be given to the Department of Public Works Engineering Bureau before the start of concrete placement. Upon completion of construction, reconstruction, repair and/or replacement, the Department of Public Works Engineering Bureau shall be notified in order to schedule a final inspection for approval. If approval is denied due to non-compliance with the line and grade established by the Engineering Bureau or non-compliance with city standards and specifications, the Engineering Bureau will serve written notice to the owner of the land to reconstruct, repair and/or replace the sidewalks and/or curbs and/or gutters.

(e) Every owner of land abutting any public street or alley in the city shall have the responsibility to maintain existing sidewalks, curbs, and gutters on such land or abutting such land in a good and safe condition.

909.02 **EXISTING DEVELOPMENT WITHOUT EXISTING
SIDEWALKS – CURB, GUTTER AND SIDEWALK
REQUIREMENTS.**

(a) At locations where no sidewalks and/or curbs and/or gutters exist on the effective date of this Article, the Director of Public Works may, from time to time, direct the construction of sidewalks and/or curbs and/or gutters by property owners, but only if the Director of Public Works has made a determination that a serious and well documented pedestrian safety issue exists, which cannot be remedied by any other means other than to direct the construction of sidewalks and/or curbs and/or gutters.

(b) The cost of sidewalks, curbs and gutters to be constructed, reconstructed, repaired and/or replaced under this ordinance, shall be borne and paid for by the abutting property owners, except that in the case of double frontage lots which cannot be further subdivided in accordance with

the Zoning Ordinance at the time of notification, and where the Director of Public Works decides that sidewalk is necessary on the rear, the cost of the rear sidewalk shall be borne and paid for by the City.

(c) If a property owner desires to appeal from a decision of the Director of Public Works pertaining to action taken by the Director of Public Works pursuant to Article 909.02(a) of the Codified Ordinances of the City of Bethlehem, an appeal shall be filed under and pursuant to the rules and procedures set forth at Article 150 of the Codified Ordinances of the City of Bethlehem, pertaining to the Board of Appeals, upon which is conferred the jurisdiction to hear and decide such an appeal.

909.03 WARRANT OF SURVEY.

The property owner, after notification as provided in Section 909.01 or 909.02, shall obtain the line and grade from the City Engineer and pay to the City Treasurer a fee for the warrant of survey according to the schedule of fees established by Section 909.04. If construction has not been started within ninety days after issuance of a warrant of survey, a new warrant of survey shall be procured.

909.04 WARRANT OF SURVEY; LINE AND GRADE; FEES.

Any person applying to the City Engineer for a warrant of survey establishing lines and grades in connection with the construction of curbs, gutters and sidewalks, shall pay to the City Treasurer, for each warrant of survey issued by him, a fee based upon the front foot rule of one hundred dollars (\$100.00) for the first fifty feet or fraction thereof; for each front foot in excess of the first fifty feet, the applicant shall pay to the City Treasurer an additional fee of sixty cents (\$.60) per front foot.
(Ord. 2010-33 - Passed 12/21/10.)

909.05 CITY MAY PERFORM WORK; OWNER TO PAY.

Upon failure of the property owner to comply with the provisions of Section 909.01 or 909.02, the City may lay and construct such curb, gutter and/or sidewalk and charge the costs thereof against the property owner, together with such penalties as may be authorized by law, and file any municipal liens authorized by law in the event of failure of the property owner to pay, subject however to the following limitation: during the first

twenty-four (24) months following the date of completion of such work, interest charged shall be limited to 3% simple interest.

909.06 DRIVEWAY AND SIDEWALK CONSTRUCTION
 PERMIT AND FEE.

(a) Driveway. Any person desiring to construct a private driveway within a public right-of-way from the paved cartway to his property line (street line) shall obtain a permit from the Department of Public Works and pay to the City Treasurer a fee of fifty dollars (\$50.00). Plans and specifications for such work shall be approved by the City Engineer, and all work shall be subject to his inspection and approval. All work shall conform to City standards. This permit shall be valid for a period of ninety (90) days from the date of issue and no work shall be done after the permit has expired.

(b) Sidewalk. Any person desiring to construct sidewalks within any public area of the City shall obtain a permit from the Department of Public Works and pay to the City Treasurer a fee of fifty dollars (\$50.00). This permit shall be valid for a period of ninety (90) days from date of issue and no work shall be done after any period has expired unless a new permit has been obtained. All work shall be done in accordance with line and grade established by the City Engineer and in conformity with the plans and specifications of the City Engineer.

(c) Curb. Any person desiring to construct curb within any public area of the City shall obtain a permit from the Department of Public Works and pay to the City Treasurer a fee of fifty dollars (\$50.00). This permit shall be valid for a period of ninety (90) days from date of issue and no work shall be done after any period has expired unless a new permit has been obtained. All work shall be done in accordance with line and grade established by the City Engineer and in conformity with the plans and specifications of the City Engineer.

(d) Any such driveway, sidewalk and/or curb permit shall only be issued to the owner of the property on which the work is to be performed or to an applicant who shall have the expressed approval of the property owner. (Ord. 2010-33 - Passed 12/21/10.)

909.07 INSURANCE REQUIRED.

The property owner or applicant shall deposit or show evidence of a public liability insurance policy insuring the City, as well as the person doing the work, against any loss or damage to persons or property resulting from the acts or work being done, in such amounts as shall be deemed adequate by the Director of the Department of Public Works.

909.08 OWNER RESPONSIBLE FOR SAFETY DEVICES.

The property owner or applicant shall provide such barriers and lighting devices to make the excavation safe at all times.

909.09 OBSTRUCTIONS IN PUBLIC RIGHT-OF-WAY.

No person shall place, construct or build any obstructions such as pipes, ramps, metal plates, etc. which will impede the flow of water or cause any inconvenience to the general public in the public right-of-way. Should any person need to provide a temporary obstruction, it shall require the approval of the Director of Public Works, or his designee.

909.99 PENALTY.

Any person who violates any provision of this Article shall be subject to the following penalties:

(a) First violation - A fine of \$200.00, or thirty days imprisonment, or both;

(b) Second violation - A fine of \$500.00, or sixty days imprisonment, or both;

(c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both. (Ord. 3038. Passed 10/22/85; Ord. 3242-Passed 2/7/89)

(Ord. 4155 – Passed 11/6/2002; Ord. 2010-33 – Passed 12/21/10.)