

Chapter 21

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Part 1**Snow and Ice Removal****§21-101. Sidewalk Free and Clear of Snow and Ice.**

The occupant or owner or owners of any property fronting or abutting on any portion of a public street or highway within said Borough of Millbourne upon which either a temporary or a permanent sidewalk shall have been constructed, shall keep the said sidewalk free and clear of snow and ice.

(*Ord. 3, 11/8/1911, §1*)

§21-102. Enforcement and Penalty.

If any occupant or owner or owners as aforesaid shall fail to comply with the provisions of this Part and shall fail to remove or cause to be removed all snow and ice from the sidewalks within a period of 24 hours after their lodgment thereon, then the Highway Committee shall forthwith remove the snow or ice and the Borough shall collect the cost thereof with 20 percent additional from the occupant or owner or owners, and the person so offending shall be liable, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 3, 11/8/1911, §2; as amended by Ord. 274, 1/3/1978, §67-2; and by Ord. 447, 5/20/2015*)

Part 2**Storage of Building Materials****§21-201. Permit Required.**

Any person, copartnership, corporation or association desiring to use any street, highway, alley or sidewalk to place building materials thereon for use in the erection, alteration or repair of any building or structure shall apply to the Borough Secretary for a permit to so use said street, highway, alley or sidewalk.

A. The application for the permit shall state:

(1) The name and address of the person who is to be in charge of the work and responsible for the placement of such building materials.

(2) The number of the building and the location and extent of the area to be used for the placement of building materials.

(3) The type of materials to be placed on the street, highway, sidewalk or alley.

(4) The length of time for which the permit is desired.

(5) Such other relevant information as the Secretary may require for a proper determination as to whether a permit should be issued.

B. The fee for the permit shall in an amount as established, from time to time, by resolution of the Borough Council. [*Ord. 447*]

(*Ord. 15, 7/1/1912, §1; as amended by Ord. 160, 9/7/1956, Art. IV, §26; and by Ord. 447, 5/20/2015*)

§21-202. Dimensions of Area Which May Be Occupied; Location.

1. No deposit of material shall be of greater dimensions than 8 feet in width and 10 feet in height, nor shall it extend in length more than 10 feet beyond the front dimensions of the lot or lots upon which buildings are to be erected or repaired; nor shall it occupy more than 1 foot of sidewalk inside of the curblin.

2. The space to be occupied shall not exceed one-half the width of any street, road or highway within the said Borough and must be in front of the premises to be erected or altered and shall not exceed on the said street, road or highway the frontage of the lot or lots of the owner or owners of said buildings. The gutter shall at all times be kept open the width of at least 2 feet to allow the passage of water. No building material shall be placed within 20 feet of any fire hydrant or street crossing or established driveway or sidewalk. [*Ord. 160*]

(*Ord. 15, 7/1/1912, §2; as amended by Ord. 160, 9/7/1956, Art. IV, §27*)

§21-203. Period of Occupancy.

No street, alley or sidewalk shall be occupied longer than 30 working days at one time except by a special permit issued by the Highway Committee, for which permit a fee in an amount as estimated, from time to time, by resolution by the Borough Council, shall be paid.

(*Ord. 15, 7/1/1912, §3; as amended by Ord. 274, 1/3/1978, §67-5; and by Ord. 447, 5/20/2015*)

§21-204. Warning Lights.

Sufficient red lights shall be maintained on the said building material at all times from sundown to sunrise to warn those using said street, road or highway or sidewalks of the presence of same.

(*Ord. 15, 7/1/1912, §4; as amended by Ord. 160, 9/7/1956, Art. IV, §28*)

§21-205. Liability for Damages.

The owner or owners of said buildings shall and will indemnify and save harmless the said Borough from all loss, costs, charges and damages suffered by said Borough by reason of said materials being placed upon the streets, roads, highways or sidewalks of the Borough.

(*Ord. 15, 7/1/1912, §5; as amended by Ord. 160, 9/7/1956, Art. IV, §29*)

§21-206. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 15, 7/1/1912, §6; as amended by Ord. 274, 1/3/1978, §67-8; and by Ord. 447, 5/20/2015*)

Part 3**Construction, Reconstruction or Repair of Curbs, Gutters and Sidewalks****§21-301. Notice to Construct or Repair.**

1. Every owner of property in the Borough of Millbourne shall, in 60 days written notice from the Borough Council, construct a curb, gutter or sidewalk along the abutting street, as specified in said notice, in accordance with the provisions of this Part.

2. Every owner of property abutting a curb, gutter or sidewalk shall, on 30 days written notice, reconstruct or repair said curb, gutter or sidewalk, as specified in said notice, in accordance with the provisions of this Part.

(*Ord. 271, 1/3/1978, §1*)

§21-302. Permit Required.

1. No person shall construct or reconstruct any curb, gutter or sidewalk in the Borough without first obtaining a permit from the Building Inspector. Applications for permits shall specify:

- A. The location of the property abutting which the curb, gutter or sidewalk is to be constructed or reconstructed.
- B. The name and address of the owner of said property.
- C. The name of the person to perform the work.
- D. The dates when said work is to be done.

2. No permit shall be required for the performance of normal maintenance or repairs not involving the taking up and/or relaying of any portion of a curb, gutter or sidewalk.

(*Ord. 271, 1/3/1978, §2*)

§21-303. Duty of Owner.

The owner of any premises in the Borough of Millbourne abutting a curb, gutter or sidewalk shall, at his own cost and expense, keep and maintain such curb, gutter or sidewalk in good condition and state of repair and shall not permit the same to fall into a state of disrepair or to become unfit or unsafe to walk upon or hazardous to public use. In the event that any such curb, gutter or sidewalk, or any part thereof, becomes unsafe or hazardous to the public or unfit to walk upon, the abutting owner, at his own cost and expense, shall, with all expeditious speed, reconstruct or repair, as the facts may require, such curb, gutter or sidewalk or that part thereof which requires reconstruction or repair. In the event that the property owner does not comply with the requirements of this Section, notice shall be served as provided in §21-301.2.

(*Ord. 271, 1/3/1978, §3*)

§21-304. Noncompliance by Property Owner; Performance of Work by Borough.

In the event that a property owner fails to construct, reconstruct or repair any curb, gutter or sidewalk after notice given as provided in §21-301, the Borough Council may cause the required work to be done under the supervision of the Borough Engineer or other designated agent, or may award a contract therefor, and the cost thereof shall be assessed upon the property of the abutting owner in accordance with the law in such case made and provided.

(*Ord. 271, 1/3/1978, §4*)

§21-305. Line and Grade Requirements.

All new curbs, gutters and sidewalks constructed by an abutting owner shall be constructed in accordance with the line and grade established by the Borough Engineer; provided, however, that unless otherwise directed by the Borough Council or Borough Engineer, all sidewalks shall be laid at a grade of ¼-inch raise to the foot from the curb line to the building line. All old and existing curbs, gutters and sidewalks reconstructed or repaired by an abutting owner shall be reconstructed or repaired in accordance with the existing line and grade, unless such line or grade is changed by the Borough Engineer or Borough Council. It shall be the duty of the abutting owner, in all instances, to make inquiry of the Borough Engineer respecting such line and grade.

(*Ord. 271, 1/3/1978, §5*)

§21-306. Specifications.

Every curb, gutter or sidewalk constructed, reconstructed or repaired shall be in accordance with specifications prepared by the Borough Engineer and approved by the Borough Council, but in all cases the following requirements shall be observed:

A. Construction of new curbs, gutters and sidewalks, and reconstruction or replacement of existing curbs, gutters and sidewalks, shall be of concrete only unless the Borough Council shall determine that some other material is acceptable in specified instances. In no case, however, shall asphalt or blacktop be used for such construction or reconstruction.

B. Sidewalks shall be, constructed at a minimum depth of 4 inches, except under driveways and curbcuts, where the minimum depth shall be 6 inches.

C. Gutters shall be constructed at a depth of not less than 4 nor more than 9 inches, with such backing and in such form as shall be directed by the Borough Council.

(*Ord. 271, 1/3/1978, §6*)

§21-307. Nonconforming Construction.

If any curb, gutter or sidewalk shall be constructed or reconstructed in a manner not conforming to the provisions of this Part or specifications approved by the Borough Council, Council shall have the authority to have such curb, gutter or sidewalk taken up and relayed at the expense of the abutting property owner.

(*Ord. 271, 1/3/1978, §7*)

§21-308. Supervision of Work; Inspections.

The construction, reconstruction and repair of curbs, gutters and sidewalks shall

be under the supervision of the Highway Committee, and all such work shall be subject to inspection by the Borough Engineer, Building Inspector or other official designated by the Borough Council.

(Ord. 271, 1/3/1978, §8)

§21-309. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 271, 1/3/1978, §9; as amended by Ord. 447, 5/20/2015)

Part 4**Road Openings and Driveways****A. Road Openings****§21-401. Title.**

This Subpart A may be cited as the “Millbourne Borough Road Opening Ordinance.”
(*Ord. 448, 8/12/2015, §21-401*)

§21-402. Permit Required.

No road or road right-of-way within the Borough shall be opened, cut, excavated, bored or otherwise disturbed prior to obtaining a permit issued by the Borough.
(*Ord. 448, 8/12/2015, §21-402*)

§21-403. Application for Permit; Fee.

The application for a permit required by §21-402 above shall be made on a form prescribed by the Borough and submitted to the Borough, along with a plan depicting the location of the intended opening, the width of the traveled roadway, all right-of-way lines, applicable property addresses, the estimated cost of the work to be performed, and a dimension to the nearest intersecting road or other nearby landmark so as to allow the Borough to easily ascertain the location of the proposed work. The Borough Engineer shall be responsible for review and administration of the permit. The application shall be accompanied by the professional services escrow required by §21-405 below, the performance bond required by §21-405 below, the insurance certificate required by §21-406 below, and a non-refundable fee in an amount established by resolution of Borough Council in its fee schedule, which fee may be revised from time to time by resolution of Borough Council.
(*Ord. 448, 8/12/2015, §21-403*)

§21-404. Payment of Professional Services Costs.

The applicant shall be responsible for the payment of all costs incurred by the Borough for the services of its professionals, including but not limited to, the Borough Engineer and the Borough Solicitor, in reviewing, approving and issuing permits pursuant to this Subpart A, and for performing the inspections and other professional work required by this Subpart A. At the time of filing an application, the applicant shall post a cash escrow with the Borough in the amount of 20 percent of the estimated cost of the work to be performed, which monies shall be held by the Borough in a non-interest bearing account, and used to pay for professional services rendered to the Borough based on work performed under the permit issued pursuant to this Subpart A. At the conclusion of the 1-year guarantee period required by §21-421 below, any remaining escrow will be returned to the applicant. If at any time during the work or during the 1-year guarantee period the escrow is depleted, the Borough shall notify the applicant in writing to post an additional 10 percent of the estimated cost of the overall project with the Borough to be used in accordance with this Section, and the applicant

shall do so within 5 business days of receiving such written notice. If the applicant fails to post additional professional services escrow, the Borough may revoke the permit and issue a stop work order until the escrow is posted.

(Ord. 448, 8/12/2015, §21-404)

§21-405. Performance Bond.

At the time of permit application, the applicant shall provide the Borough with a performance bond from a surety company licensed to issue performance bonds in the Commonwealth of Pennsylvania, with an office located within a 25-mile radius of the Borough, in the amount of the full cost of the work to be performed. This security shall be held by the Borough and shall be effective until the end of the 1-year guarantee period required by §21-421 below, and may be used by the Borough to complete unfinished work or perform other required work in case of default, non-performance or non-completion by the applicant.

(Ord. 448, 8/12/2015, §21-405)

§21-406. Insurance and Indemnification.

As part of the permit application, the applicant shall provide the Borough with an insurance certificate for general liability and vehicle coverage in a minimum amount of \$1,000,000 naming the Borough and the Borough Engineer as additional insureds. In addition, the applicant shall indemnify, defend and hold harmless the Borough for any liability or damages, including negligence, associated with the work performed by the applicant or the applicant's contractors, agents, assigns, workmen, employees or any other person or entity performing work on behalf of the applicant, and shall assume the costs of defense of the Borough and all costs of lawsuits and awards.

(Ord. 448, 8/12/2015, §21-406)

§21-407. Issuance of Permit.

The permit application submitted pursuant to §21-403 above shall be approved or denied within 10 business days of its complete submission to the Borough. If the application and required documents do not conform to the requirements of this Part and other applicable ordinances, rules and regulations, the Borough Engineer shall deny the application in writing, stating the reasons therefor. If the Borough Engineer is satisfied that the proposed work conforms to the foresaid requirements, the Borough Engineer shall issue a permit.

(Ord. 448, 8/12/2015, §21-407)

§21-408. PA One-Call.

At least 3 business days prior to the proposed start of work, the applicant shall contact the PA One-Call system, report the proposed work, obtain a serial number, and provide the serial number to the Borough. No work shall begin until such date and time as authorized by PA One-Call.

(Ord. 448, 8/12/2015, §21-408)

§21-409. Traffic Control.

At least one lane of vehicular traffic shall remain open at all times during work performed pursuant to this Part. The applicant shall comply with all applicable rules and regulations of the Pennsylvania Department of Transportation (PennDOT) during the performance of work pursuant to this Part.

(*Ord. 448, 8/12/2015, §21-409*)

§21-410. Detours.

Under extremely unusual circumstances, the Borough may allow a road to be closed and traffic to be detoured while work is performed pursuant to this Part. No road shall be closed without the applicant giving the Borough at least 72 hours prior written notice to allow time to notify 9-1-1, police, fire, emergency services and school districts. No road shall be closed without the applicant submitting a detour plan to the Borough and having it approved by the Borough. No road shall be closed without the proper detour signs, as approved by the Borough, having been installed by the applicant. All detour signs shall be maintained for the entire work period, and shall be removed when work is complete.

(*Ord. 448, 8/12/2015, §21-410*)

§21-411. Erosion Control.

All proper erosion control measures shall be taken by the applicant to ensure compliance with all applicable Borough, County, State and Federal laws, rules and regulations governing erosion and sedimentation control. If required, the applicant shall obtain erosion and sedimentation control plan approval from the Delaware County Conservation District prior to starting work.

(*Ord. 448, 8/12/2015, §21-411*)

§21-412. OSHA Requirements.

The applicant shall comply with all OSHA safety requirements and procedures, including without limitation all enclosed space requirements. All trenches over 5 feet in depth shall be shored or protected with a trench box.

(*Ord. 448, 8/12/2015, §21-412*)

§21-413. Notification.

The applicant shall notify the Borough at least 24 hours prior to starting work, and upon completion of temporary and permanent restoration.

(*Ord. 448, 8/12/2015, §21-413*)

§21-414. Backfill.

All backfill used to fill in any road opening performed pursuant to this Subpart A shall be 2A crushed stone of optimum moisture content. There shall be a minimum of 2 inches of bedding under the installed pipe or utility line. Crushed stone backfill shall be mechanically compacted in maximum 6 inch lifts. Where work is done outside the paved cartway or shoulder, the last 6 inches of backfill shall be topsoil. No trench opening shall be left open for a distance of more than 200 feet at any one time, unless authorized by the permit. Temporary or permanent restoration shall be placed at the

end of each working day.

(*Ord. 448, 8/12/2015, §21-414*)

§21-415. Overnight Requirements.

Except for emergency repairs of utility facilities or as set forth on the permit, work shall be stopped prior to peak traffic hours that exist on a particular street on a particular day. All trenches shall be backfilled at the end of each day. If work cannot be completed within one work day, proper barricades, flashing lights, steel plates or other methods shall be used to secure the site and insure the safety of travelers on the roads in the Borough until the next work day. Steel plates or bridging may be placed over all openings which are less than 6 feet in length or width when work is stopped. The plates or bridging shall be extended a minimum of 18 inches from each edge of the opening and secured in a safe manner.

(*Ord. 448, 8/12/2015, §21-415*)

§21-416. Clean-Up.

The work area shall be swept clean, cleaned of debris and otherwise policed at the end of each work day and at the end of the project. Mud shall not be tracked onto the streets at any time. All mud shall be cleaned up within 1 hour of verbal or written notice from the Borough or its agents. All loads and stockpiles shall be tarped.

(*Ord. 448, 8/12/2015, §21-416*)

§21-417. Installation.

Conduits, pipes and any other objects being installed in or under a road in the Borough shall be installed with a minimum of 18 inches of cover. In no case shall conduits pipes or any other objects being installed be allowed to be placed in or bond to the bottom of the paving, especially in the case of concrete paving. Separation shall be obtained by at least 3 inches of screenings, to allow paving to be milled in the future without damage to installed objects.

(*Ord. 448, 8/12/2015, §21-417*)

§21-418. Temporary Restoration.

The last 2 inches of the excavation shall be backfilled with compacted “cold patch.” All excavations shall be temporarily restored prior to allowing traffic on them. All settlement shall be brought back to grade within 4 hours of verbal or written notice from the Borough or its agents. The Borough may require the temporary restoration to remain in place for a minimum of 2 months to allow for final settlement to occur through the actions of rain and traffic, but in no case shall it remain in place more than 4 months. The applicant shall notify the Borough in writing indicating the date of completion of the temporary restoration.

(*Ord. 448, 8/12/2015, §21-418*)

§21-419. Permanent Restoration.

All ragged or broken edges and undermined areas shall be saw-cut straight; the minimum cutback shall be 1 foot and the minimum depth shall be 6½ inches. The

existing top wearing coat of adjacent pavement shall be saw cut and milled an additional 1 foot for a depth of 1½ inches. Permanent restoration shall match existing thicknesses and materials, except in the case of asphalt paving where the minimum requirements shall be 5 inches of HMA Superpave Asphalt Mixture Base Course, 0.3 to 3.0 million ESALS, 25 MM and 1½ inches HMA Superpave Asphalt Mixture Wearing Course, 0.3 to 3.0 million ESALS, 9.5 MM. All edges shall be sealed a minimum of 12 inches wide with PG64-22 liquid asphalt, or equivalent product approved by the Borough Engineer. All non-paved areas shall be restored with 6 inches of topsoil, seeded and straw mulch. The applicant shall notify the Borough in writing indicating the date of completion of the permanent restoration.

(Ord. 448, 8/12/2015, §21-419)

§21-420. Identification.

All excavations shall be marked after both temporary and permanent restoration. The following information shall be spray-painted on the existing road surface (not on patch where it will quickly soak in): name of applicant, exact date of restoration, and emergency contact number to be called in case of problems day or night. This information shall be painted in 6 inch letters in the direction of travel, prior to the excavation, and in the proper APWA color based on the installation being performed. The dates of temporary restoration and permanent restoration shall both appear. If the markings become worn prior to the end of the 1-year guarantee period, they shall be repainted by the applicant.

(Ord. 448, 8/12/2015, §21-420)

§21-421. Guarantee.

All work shall be guaranteed for a period of 1 year from the date of final inspection and certification by the Borough Engineer that the work has been completed in accordance with the permit. All defects shall be corrected by the applicant within 4 hours of verbal or written notice from the Borough or its agents.

(Ord. 448, 8/12/2015, §21-421)

§21-422. Prohibited Locations.

No utilities or other pipes, conduits or objects, except for transverse laterals, shall be placed in the planted area between the face of curb and the sidewalk, or within 5 feet of the edge of cartway or paved shoulders. This area is reserved for Borough storm sewers, traffic signs, streetlights and other Borough uses.

(Ord. 448, 8/12/2015, §21-422)

§21-423. Recently-Paved Roads.

Except for emergencies, excavations will not be permitted in roads that have been built or overlaid within the previous 3 years, unless the applicant agrees to overlay the full width of the excavated road with 1½ inches of ID-2 or equivalent Superpave. In the case of transverse crossings, the overlay shall extend a distance of 100 feet on either side of the excavation. Overlays shall be placed within 1 week of permanent restoration of the excavation.

(Ord. 448, 8/12/2015, §21-423)

§21-424. Additional Restoration Following an Excavation Where the Wearing Course Is less than 7 Years Old.

1. All disturbed portions of the street, including all appurtenances and structures, such as guiderail or drain pipes, shall be restored to a condition equal to or better than that which existed before the start of any work authorized by the permit.

2. When a longitudinal opening longer than 8 feet and wider than 2 feet is made in the street pavement, the permittee shall mill out 1½ inches and overlay the traffic lane(s) which the opening was made, for the entire length of the street that was opened.

3. When two or more transverse openings are made by the permittee in the street less than 100 feet apart, the permittee shall mill out 1½ inches and overlay the traffic lane(s) which the opening was made, for the entire length of the street that was opened.

4. When four or more transverse openings or one continuous longitudinal opening have been made within 100 linear feet of street pavement. Permittee shall complete permanent pavement restoration as proved herein for the entire length of the street between the ends of the furthest openings extending from curb line to curb line.

5. If the Borough Manager or Borough Engineer or a representative thereof finds that the paving surfaces adjacent to the street excavation is damaged, or where a number of cross cut trenches are laid in proximity to one another, or where equipment used by the applicant causes damage to the street or adjacent streets, the Borough Manager or Borough Engineer or their representative may order the permanent restoration as provided herein to the damaged street from curb line to curb line.

6. Regardless of the age of the wearing course, when both longitudinal and traverse trench openings are made in the street pavement the Borough may require the permittee to overlay all traffic lanes, curb line to curb line, for the entire length of the street that was opened, if the Borough determines that the present serviceability of the street has been impaired by the openings.

(Ord. 448, 8/12/2015, §21-424)

§21-425. Emergencies.

In the case of an emergency threatening property or lives, the applicant may proceed with the work after notifying the Borough and 9-1-1. The applicant shall remain responsible for applying for and obtaining the permit required by §21-403 above, and satisfying all requirements of this Subpart A. The application shall be made within 24 hours of verbal or written notice to the Borough and 9-1-1. If the emergency occurs over a holiday, a weekend, or at night, the application shall be filed the morning of the next business day.

(Ord. 448, 8/12/2015, §21-425)

§21-426. Other Regulations.

In addition to the requirements of this Subpart A, all work is subject to all applicable Federal, State and local laws, ordinances and regulations.

(Ord. 448, 8/12/2015, §21-426)

B. Driveways**§21-427. Title.**

This Subpart B may be cited as the “Millbourne Borough Driveway Ordinance.”
(*Ord. 448, 8/12/2015, §21-427*)

§21-428. Driveway Permits.

Permits shall be required for all new or widened driveways within the Borough. Permits for driveways intersecting Borough roads shall be obtained from the Borough. Permits for driveways intersecting State roads shall be obtained from PennDOT, with a copy provided to the Borough upon receipt.

(*Ord. 448, 8/12/2015, §21-428*)

§21-429. Driveway Dimensions.

The minimum width of a driveway shall be 10 feet unless otherwise approved by the Borough Engineer. In areas where a driveway is approved for access to multiple lots or uses, the minimum width of the driveway shall be 16 feet unless otherwise approved by the Borough Engineer. The maximum width of a driveway serving a residential use shall be 20 feet unless otherwise approved by the Borough Engineer. The maximum width of a driveway serving a nonresidential use shall be determined by engineering analysis performed by the applicant and submitted to the Borough Engineer for a determination prior to starting work. All review work performed by the Borough Engineer shall be paid for by the applicant.

(*Ord. 448, 8/12/2015, §21-429*)

§21-430. Driveway Locations.

The centerline of driveways shall be located at least 40 feet from the centerline of the right-of-way line of the closest intersection, or directly across from 3-way intersections.

(*Ord. 448, 8/12/2015, §21-430*)

§21-431. Number of Driveways.

Not more than two driveways shall be permitted to any single property, tract or business establishment. Residential lots and lots with frontages of 100 feet or less shall be limited to one driveway.

(*Ord. 448, 8/12/2015, §21-431*)

§21-432. Visibility.

All driveways shall meet the visibility requirements of PennDOT Chapter 201. The clear-sight triangle shall be maintained clear of all obstructions at all times. Any obstruction that blocks the clear-sight triangle of any driveway may be removed by the Borough at the owner’s cost.

(*Ord. 448, 8/12/2015, §21-432*)

§21-433. Drainage.

Driveways shall be depressed to match the existing roadside swale or shoulder so as to allow above-ground drainage over the driveway and to direct driveway runoff into said swale or shoulder. Pipes shall not be installed under driveways, except under unusual circumstances and with prior Borough approval.

(*Ord. 448, 8/12/2015, §21-433*)

§21-434. Grades and Paving.

The portion of a driveway within the street right-of-way shall not exceed 4 percent grade. The remainder of the driveway shall not exceed 15 percent grade. Driveways shall be paved from the cartway to a minimum of 25 feet back from the right-of-way line. Paving shall consist of 6 inches of 2A crushed stone and 2 inches of ID-2 or equivalent quality product per PennDOT Publication 408, latest edition.

(*Ord. 448, 8/12/2015, §21-434*)

§21-435. Erosion.

Driveways shall be designed to avoid erosion and excessive runoff by grading, interception swales and/or drainage systems. If erosion products are deposited on the cartway, shoulders or swales, the property owner shall remove them within 4 hours of verbal or written notice from the Borough or its agents. In addition, the property owner shall take necessary measures to avoid reoccurrence of the problem.

(*Ord. 448, 8/12/2015, §21-435*)

§21-436. Private Streets.

Borough Council shall have the authority to approve driveways intended for the use of two or more families, multiple-family developments, and nonresidential users where such usage constitutes a private street. Driveways serving as private streets shall not be dedicated to the Borough nor does the Borough assume any responsibility for maintenance, snow and ice removal, or repair of such driveways used as private streets.

(*Ord. 448, 8/12/2015, §21-436*)

§21-437. Flag Lots.

When flag lots abut each other at a common street line, or in other situations considered appropriate by the Borough, a common driveway shall be utilized for access to the lots.

(*Ord. 448, 8/12/2015, §21-437*)

§21-438. Unnatural Water Sources.

Discharge from any roof drains, downspouts, sump pumps, foundation drains, disposal fields, etc., shall not be permitted onto a right-of-way or onto a driveway or driveway drainage system that directs runoff toward a street. Such discharge may be connected to underground systems in the street, if available, preferably into an inlet for accessibility.

(*Ord. 448, 8/12/2015, §21-438*)

C. Violations and Penalties**§21-439. Violations and Penalties.**

Any person or entity that violates or permits the violation of Subpart A or Subpart B above shall, upon being found guilty therefor in a criminal enforcement proceeding, pay a fine of not less than \$300 nor more than \$1,000 plus court costs and attorneys' fees, and in default of the payment thereof, shall be imprisoned for no more than 30 days. Each day that a violation continues shall constitute a separate violation, and each provision of Subpart A or Subpart B that is violated shall constitute a separate violation.

(Ord. 448, 8/12/2015)

