

Chapter 121

STREETS AND SIDEWALKS

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

ARTICLE I Sidewalk Construction [Adopted 9-5-1944 by Ord. No. 91]

§ 121-1. Responsibility of property owners.

Upon the enactment and advertising of this article, all property owners having property abutting or adjoining any of the streets of said Borough shall build and maintain sidewalks along said streets in the manner following:

- A. Said sidewalks shall be of concrete of a minimum thickness of four inches or of flagstone of a minimum thickness of two inches.
- B. Said sidewalks shall be of a minimum width of five feet except by special permission of the Council for cause shown.
- C. Said sidewalks shall be laid upon grades and lines to be established by the Council.

§ 121-2. Failure to comply; action by Borough.

In case any property owner as aforesaid shall fail or neglect to build or repair any sidewalk as hereinbefore prescribed within 15 days after notice from the Borough so to do, the Borough may cause the sidewalk to be built or repaired, as the case may be, at the cost of such owner

and may collect the cost thereof and 10% additional, together with all charges and expenses from such owner, and may file a municipal claim therefor or collect the same by action in assumpsit.

§ 121-3. Exception.

No property owner as aforesaid shall be required to build a sidewalk where a sidewalk as prescribed in § 121-1 hereof has heretofore been built and maintained in good repair.

§ 121-4. Violations and penalties. [Amended 8-13-2003 by Ord. No. 289]

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof be sentenced to pay a fine of not more than \$600 (or \$1,000 depending on the subject), plus costs of prosecution, and, in default of payment thereof, shall be imprisoned for a term not to exceed 30 days. Every day that a violation of this chapter continues shall constitute a separate offense.

ARTICLE II

Excavations

[Adopted 11-11-1957 by Ord. No. 133]

§ 121-5. Permit required.

The opening of any portion of any Borough street for the purpose of laying, maintaining or removing any utility line or for any other purpose without a permit from the Borough of Westfield therefor is hereby prohibited.

§ 121-6. Issuance of permits; fees. [Amended 8-13-2003 by Ord. No. 289]

Permits shall be issued by the Borough Secretary and shall bear the signature of the President of the Borough Council without charge upon a signed application in which the applicant will briefly describe the location, dimensions and purpose of the proposed opening and shall agree to perform the work necessitating such opening promptly and shall agree to either repair the opening promptly after the completion of the work in a manner satisfactory to the Borough Council or to promptly pay the Borough for repairing such opening at the rate from time to time set by resolution of the Borough Council.¹ In the event of an emergency where it is impracticable to apply for a permit prior to the commencement of the work, opening may be made prior to the issuance of a permit, provided that the application for the permit is filed as soon as practicable and in any event within three days from the commencement of the work.

§ 121-7. Violations and penalties. [Amended 8-13-2003 by Ord. No. 289]

Any person who shall violate the provisions of this article shall, upon summary conviction thereof before any District Justice, be sentenced to pay a fine not exceeding the sum of \$600,

1. Editor's Note: See Ch. A137, Fees.

plus costs, and, in default of payment of such fine and costs, shall undergo imprisonment in the Tioga County Jail for a period not exceeding 30 days.

ARTICLE III

Placement of Snow or Ice**[Adopted 12-27-1979 by Ord. No. 196]****§ 121-8. Placement in streets prohibited.**

The placing or causing of placing of snow or ice by plowing, shoveling or otherwise upon any street in the Borough of Westfield is hereby prohibited.

§ 121-9. Costs of removal.

Any person who shall violate this article shall be charged with the cost of removal of such snow or ice, which charge may be collected by the Borough of Westfield by action in assumpsit or filing of a municipal claim upon the property from which the snow or ice was removed.

§ 121-10. Violations and penalties. [Amended 8-13-2003 by Ord. No. 289]

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

ARTICLE IV

Removal of Snow from Sidewalks**[Adopted 3-14-1984 by Ord. No. 221]****§ 121-11. Time limit for removal.**

All owners or occupiers of premises situate in the Borough of Westfield having sidewalks fronting or otherwise along such premises shall, after each fall of snow, remove or cause to be removed such snow from the entire width of the sidewalk within 24 hours from the end of each snowfall.

§ 121-12. Violations and penalties. [Amended 8-13-2003 by Ord. No. 289]

Any person who violates this article shall, upon summary conviction before a District Justice, be sentenced to a fine of not more than \$600 and costs of prosecution and, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

§ 121-13. Failure to comply.

In the event that an owner or occupier of premises as hereinbefore set forth shall fail to remove snow as hereinbefore set forth, the Borough of Westfield may remove such snow and

charge the owner or occupier with the reasonable cost of such snow removal, which cost may be collected by a civil action before a District Justice or by the filing of a municipal lien against the premises.