

Chapter 218

Streets and Sidewalks

Article 1 – Removal of Trees

§ 218 - 1. Removal of trees within right of ways of streets and sidewalks

§ 218 - 2. Removal upon resolution

§ 218 - 3. Planting prohibited

§ 218 - 4. Violations and Penalties

§ 218 – 1. Removal of trees within right of ways of streets and sidewalks.

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

§ 218 – 2. Removal upon resolution.

Upon request by an owner of property abutting a street or alley requesting a tree removal, Borough Council may request an Arborist to examine said tree. Upon the arborist's recommendation, Borough Council may have the tree trimmed or removed.

Trees within the right of way of any street or alley shall be removed at any time after the Borough Council has ordered by resolution duly adopted and passed at a regular or special meeting thereof and duly approved by the mayor of said Borough that trees within the limits of any street or alley right of way be removed.

§ 218 – 3. Planting Prohibited.

Any person planting any tree or bush within any street or alley right of way shall be in violation of this article.

§ 218 – 4. Violations and Penalties.

Any person who shall violate the provisions of this article shall, in a summary proceeding before a Magisterial District Judge and upon conviction thereof, be sentenced to pay a fine of \$100.00, plus cost of prosecution, and if in violation of §218 – 3, the removal of the tree and/or bush. In default of payment such fine and costs, the person shall undergo imprisonment for not more than thirty (30) days.

Article 2

Construction and Maintenance of Sidewalks

{Adopted 4/1/1985 by Ord. No. 239}

§ 218 – 5. Definitions.

§ 218 – 6. Property owners responsible for construction, reconstruction, or repair of sidewalks.

§ 218 – 5. Definitions.

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

Crosswalk Markings – any printed or other materials applied to the roadway surface or sidewalk surface to delineate a pedestrian route.

Curb Cut Ramp – any sloped portion of the sidewalk which permits movement from the sidewalk elevation to the street elevation by depressing the curb.

Driveway Apron – any portion of the driveway extending from the edge of the street paving, or interior face of a curb, to the street side edge of the sidewalk.

Mowing strip – The open area found between the property line and the edge of the pavement.

Sidewalk width – the dimension of the sidewalk structure measured perpendicular to the edge of the sidewalk and excluding adjacent curbs.

§ 218 – 6. Property owners responsible for construction, reconstruction, or repair of sidewalks.

- A. Whenever Council shall order that a sidewalk be constructed, reconstructed, and/or repaired along any portion of any street or alley in the Borough, and shall cause written notice to be served upon the owner(s) affected, or posted on affected properties, every owner of real estate fronting or abutting upon that portion of the street or alley shall be required, within 365 days after receiving notice from Council, to construct, reconstruct, and/or repair the sidewalk as the case may be. The sidewalk shall be constructed, reconstructed, and/or repaired according to specifications adopted by the Council and in force at the time of the work and shall conform to the proper grade and line and crosswalk markings wherever applicable.
- B. All reconstruction and/or repairs of existing sidewalks shall be subject to supervision and approval of the Borough Council or its authorized agent or representative.
- C. All new or reconstructed sidewalks shall have curb cut ramps accessible to and usable by the handicapped wherever applicable. All new and/or reconstructed sidewalks shall meet ADA requirements.
- D. If any property owner fails, neglects, or refuses to comply with any provision of this section or with any notice given by authority of it, within the required time limit, the Borough shall have authority to construct, reconstruct, and/or repair the sidewalk, as the case may be, or to complete any work not completed or to rectify any work not in conformity with the requirements of this Ordinance or the notice, and to collect the cost of materials and labor, with an additional amount of 25%, with interest at the maximum rate approved for municipal claims, from the property owner in default, by filing a municipal lien against the affected property, or in any manner provided at law for the collection of municipal claim. [Amended 8/7/1989 by Ord. No. 247]
- E. In addition, in the case of required emergency repairs, the Borough shall have all the powers provided in Section 1806 of the Borough Code and any amendments thereto.

§ 218 – 7. Violations and Penalties.

- A. Any person who shall violate the provisions of this Article shall, in a summary proceeding before a Magisterial District Judge and upon conviction thereof, be sentenced to pay a fine of not less than \$200.00 and not more than \$1,000.00 plus cost of prosecution, and, in default of payment of such fine and costs, the person shall undergo imprisonment for not more than thirty (30) days.
- B. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

ORDAINED and ENACTED this 11th day of October, 2022.



Kevin McGrath - Council President

Attest:



Amanda Harper - Borough Secretary

APPROVED:



David Hoogstad Sr. - Mayor