

Chapter 515, STREETS AND SIDEWALKS

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

ARTICLE I, Sidewalks, Curbs, Gutters and Driveways

[Adopted as Art. 903 of the 1965 Codified Ordinances]

§ 515-1. Sidewalks and curbs to be constructed.

[Amended 10-14-1971 by Ord. No. 2111; 4-27-2011 by Ord. No. 5308]

It shall be the duty of owners of lots or other real property abutting streets now or hereafter laid out, opened, dedicated and graded to public use, to grade and construct, at their own expense, convenient sidewalks on each side of such street as well as curbs and, where specifically required or permitted, curb ramps, tree wells, grass strips and driveway crossovers described elsewhere under this article.

§ 515-2. Sidewalks, curbs and gutters to be kept in repair; compliance with ADA and UFAS.

[Amended 10-22-1975 by Ord. No. 2320; 2-11-2009 by Ord. No. 5185; 4-27-2011 by Ord. No. 5308]

- A. It shall be the duty of the owners of lots or real estate abutting on any street to keep the sidewalks, curbs, curb ramps, tree wells, grass strips, driveway crossovers and gutters in front of the property in good and sufficient repair at all times, except as follows: From and after October 14, 1971, in such cases where the owner or owners of abutting property have replaced curbs, or where the City has replaced gutter areas along such curb replacements with bituminous materials, or in areas where streets have been reconstructed and new paving has been placed curb to curb, it shall thereafter be the duty of the Department of Public Works of the City to keep such areas from curb to curb in good and sufficient repair at all times.
- B. Changes in level between adjacent sidewalk slab elevations shall comply with the Americans with Disabilities Act (ADA) guidelines and Uniform Federal Accessibility Standards (UFAS.)
- C. Tree wells, grass strips and planting areas adjacent to sidewalks shall be maintained in a manner which does not constitute a tripping hazard.

§ 515-3. Notice to repair; collection of costs.

[Amended 12-8-1960 by Ord. No. 1669; 2-11-2009 by Ord. No. 5185; 4-27-2011 by Ord. No. 5308]

If any owners of lots or real estate shall neglect or refuse to pay or repave, curb or recurb or repair or maintain the sidewalks, curb ramps, tree wells, grass strips and driveway crossovers within 30 days after being notified by the Department of Public Works, the Department may, through the City Engineer, cause such sidewalks, curb ramps, driveway crossovers, tree wells and grass strips to be paved or repaved, curbed or recurbed, maintained and repaired in such manner as herein prescribed and specified. Immediately after the completion of the same, the City Engineer shall furnish to the City Solicitor an itemized statement of the cost thereof, the name of the owner or occupier of each lot or estate and a description of the same. The Solicitor shall proceed to collect the amount of the cost, together with a penalty of 10% of such costs and all charges and expenses from the owners of such lots or real estate. In case of neglect or refusal to pay the amount in a timely manner after presentation, it shall be the duty of the Solicitor to file liens for the same according to law. The time period for the owners to complete said repairs may be extended at the City Engineer's discretion.

§ 515-4. Extension of door steps.

[Amended 5-18-1906 by Ord. No. 293]

In streets where the pavements are 15 feet wide or more, the owners of such property shall be permitted to extend their door steps out five feet from the building line; when the pavements are less than 15 feet and not less than 12 feet wide, to extend their door steps out four feet, six inches; when pavements are less than 12 feet and not less than 10 feet wide, to extend their door steps out three feet; and when steps are run across the front of a house, such steps shall not exceed three feet in width; and no person shall be allowed to exceed this limit. In streets and alleys where pavements are three feet wide or less, no person shall be permitted to obstruct such pavements with door steps.

§ 515-5. Extension of porches.

[Amended 5-18-1906 by Ord. No. 293]

A. In streets where pavements are 12 feet wide or more, the owners of such property shall be permitted to extend their porches, porticoes or verandas out three feet from the building line, provided that there are no trees or other obstructions on or near the curb. When pavements are 10 feet wide, such owners shall be permitted to extend their porches, porticoes or verandas out three feet from the building line, provided that there are no trees or other obstructions on or near the curb. When pavements are less than 10 feet wide, no person shall be permitted to build, maintain or obstruct such pavements with porches, porticoes or verandas.

B. No person shall hereafter make and set up or reset, or cause to be made and set up or reset, any bulk or jut window or encumbrance whatsoever beyond the distance of two feet from the building line; in no case shall such bulk or jut window be built, made or set up below the second story of any business, house, store, office or dwelling. However, wherever at the present time there exists an encroachment in the shape of an open areaway which encroaches more than four feet on the sidewalk, and the owner desires to remove the same and replace it with a bulk window on the ground floor which shall not extend more than 18 inches from the building line, he shall submit the plan of the same and receive a permit for such erection or construction from the Department of Public Works; provided, further, that such permit shall not be given in exchange for the removal of a cellar door or any other obstruction.

[Amended 2-11-2009 by Ord. No. 5185]

§ 515-6. Extension of terraces. [Amended 5-18-1906 by Ord. No. 293]

In streets where the pavements are 15 feet wide or more, the property owner shall be permitted to extend a terrace out three feet, six inches from the building line, and the necessary steps for ascending such terrace may be built the same distance from the building line. When pavements are less than 15 feet and not less than 12 feet wide, such property owner shall be permitted to extend a terrace out two feet from the building line, and the necessary steps for ascending such terrace may be built the same distance from the building line. When pavements are less than 12 feet wide, terraces shall not be permitted to extend out beyond the building line.

§ 515-7. Retaining walls. [Amended 5-18-1906 by Ord. No. 293; 2-11-2009 by Ord. No. 5185; 4-27-2011 by Ord. No. 5308]

Every person desirous of erecting a retaining wall over four feet in height along a street or highway, or in close proximity to a street or highway, and every person desirous of erecting or constructing any door step, porch, portico, veranda, bulk or jut window, terrace or terrace step shall submit the plan of the same and receive a permit for such erection or construction from the Department of Public Works and from the Bureau of Codes and Inspection.

§ 515-8. Warrant of survey.

[Amended 1-25-1989 by Ord. No. 3004; 4-27-2011 by Ord. No. 5308]

- A. Every owner of lots or real estate or his contractor, prior to the setting or resetting of curbing, driveway crossovers and curb ramps on any street or alley (right-of-way), shall pay a fee as set forth in § 515-12 and secure a warrant of survey from the City Engineer fixing the line and grade for the setting or resetting of curbing, crossovers (driveways) and handicap ramps. Such warrant of survey, when duly served and recorded by the City Engineer, shall be sufficient authority when issued along with a permit for such owner or contractor to commence and complete along such lot or ground as may be described in such warrant of survey, and in accordance with the regulations, rules, specifications and ordinances, to set or reset curbing, driveway crossovers and curb ramps for which such warrant has been granted. If construction has not been completed within 90 days of issue or within a period specified by an improvements agreement, a new warrant of survey shall be obtained.
- B. The owner may, at his option or the City Engineer's option, hire a licensed surveyor or competent contractor to fix the said line and grade.

§ 515-9. Maintenance of points and stakes.

[Amended 1-25-1989 by Ord. No. 3004]

All points and/or stakes placed under the warrant of survey shall be protected, maintained and kept clear by the owner or contractor. An inspector shall not be required to conduct an inspection if the points and/or stakes are not exposed when he arrives at the site. A charge as set forth in § 515-12 will be made against the party named on the permit for each point which must be replaced or reset by the City.

§ 515-10. Sidewalk and curb permits.

[Amended 1-25-1989 by Ord. No. 3004; 4-27-2011 by Ord. No. 5308]

- A. Any persons desiring to lay or relay curb, sidewalk, driveway crossovers or curb ramps shall apply for and obtain a permit at the Office of the City Engineer. The permit shall be effective for work to be performed within 90 days of the date issued. After the ninety-day period, application and payment for a new permit shall be required. This ninety-day period will not apply when an improvements agreement is in effect.
- B. Pennsylvania Department of Transportation (PennDOT) highway occupancy permits may also be required for driveways, curbs and curb ramps adjacent to or within state highway rights-of-way in addition to required City permits. The City reserves the right to not permit driveways which have been permitted by PennDOT.

§ 515-11. Conformance; inspection; standards.

[Amended 1-25-1989 by Ord. No. 3004; 4-27-2011 by Ord. No. 5308]

The permit fee to be paid to the Office of the City Engineer shall be in payment for inspections in order that contractors and others shall construct curb, driveway crossovers, curb ramps and sidewalk in such a manner to conform with the standards adopted by the City. Inspection by the City Engineer, or his designee, shall in no way lessen the responsibility of the owner or contractor, nor shall it release them

from their obligation to complete the work as specified. All work judged defective or incorrect by the Engineer must be rectified promptly. The Engineer shall be notified for inspection at least 24 hours prior to concrete placement.

§ 515-12. Fees.

[Amended 4-27-2011 by Ord. No. 5308]

The fee for a warrant of survey fixing line and grade for curbing, driveway crossovers and curb ramps, and for sidewalk, curb, driveway crossover and curb ramp construction permits shall be as provided in Chapter 285, Fees, of the Code of the City of Easton.

§ 515-13. Construction requirements.

[Amended 1-25-1989 by Ord. No. 3004; 10-28-1992 by Ord. No. 3230; 2-11-2009 by Ord. No. 5185; 4-27-2011 by Ord. No. 5308]

All curb gutter, driveway crossovers, curb ramps and sidewalks placed on any public street in the City shall be subject to the approval of the City Engineer and constructed of the following materials and in the following manner:

- A. Materials.
 - (1) (Reserved)
 - (2) (Reserved)
 - (3) (Reserved)
 - (4) (Reserved)
 - (5) Resetting existing curb and slate. Existing stone curb and state sidewalks may be used if reset per Engineering Bureau Standards.
- B. (Reserved)
- C. (Reserved)
- D. (Reserved)
- E. (Reserved)
- F. Sidewalks. Sidewalks shall be constructed using cement concrete. Stone slabs, brick and manufactured concrete paving blocks may be used when the materials and methods are specifically approved by the City Engineer. All sidewalk surfaces shall be firm and slip resistant.
 - (1) The concrete sidewalk shall be not less than five inches in depth over a four-inch-thick base of stone and shall have a transverse grade of no more than 2% upward from the curbing, unless otherwise directed by the City Engineer. The sidewalk shall be constructed in sections of not over 10 feet square with vertical joints for the full depth of the pavement. These joints shall be made by removable metal plates or by constructing the pavement in independent, alternating blocks so that adjacent blocks will be made on different days.
 - (2) Expansion joints shall be placed at longitudinal intervals not exceeding 30 feet and at points of fixed restraint, intersection of two walks, driveway aprons, abutting buildings, poles, hydrants, etc. Expansion joint material shall be 1/2 of an inch in thickness and trimmed to conform to finished grade. False joints shall be placed at equal intermediate intervals not more than five feet between expansion joints by means of a groove with a depth of at least 1/3 of the slab thickness. Swales for rainwater shall be formed 15 inches wide and 1 1/2 inches deep with a uniform radius. The sidewalk and grass strip, if any, shall be of a width corresponding with the established width of sidewalk of the street on which it is laid, unless otherwise ordered by the City Engineer. In those areas where the existing sidewalk width is less than five feet, the replacement sidewalk width shall be increased to five feet where there is sufficient width

between the cartway and right-of-way lines. Sidewalk widths in new residential developments shall be five feet with a grass strip five feet wide adjacent to the curb. Minimum clearance widths at obstructions shall comply with UFAS standards where practical. Final finish for all walking surfaces shall be fine broomed finish perpendicular to the path of travel or other finish providing a normally nonslip surface. All edges and expansion joints shall be worked with an approved edging tool.

(3) Pipes or troughs below the sidewalk surface shall not be used instead of swales unless specifically approved by the City Engineer. Overhead spouts and conduits are not permitted.

G. Driveways. The standard referred to in this subsection is Pennsylvania Code Title 67, Chapter 441.

(1) Number of driveways. The number and location of entrances which may be granted will be based on usage, interior and exterior traffic patterns, and current design policy.

(a) Normally, only one driveway will be permitted for a residential property and not more than two driveways will be permitted for a nonresidential property.

(b) If the property frontage exceeds 600 feet, the permit may authorize an additional driveway.

(c) Regardless of frontage, a development may be restricted to a single entrance/exit driveway, served by an internal collector road separated from the traveled way.

(2) Approaches to driveways. Driveway approaches shall conform to the following standards:

(a) The location and angle of an access driveway approach in relation to the street shall be such that a vehicle entering or leaving the driveway may do so in an orderly and safe manner and with a minimum of interference to traffic.

(b) Where the access driveway approach and street pavement meet, the use of flaring of the curb or return curbs may be necessary to allow safe, easy turning of vehicular traffic.

(c) Where the street is curbed, driveway approaches shall be installed 1 1/2 inches above the adjacent street or gutter grade to maintain proper drainage.

(d) The driveway apron shall conform to the PennDOT standards where practical.

(e) The driveway grade shall comply with the PennDOT standard where practical.

(3) Angle of approach. The interior angle between the axis of the driveway and the center line of the street shall be 90° or as near to 90° as site conditions permit. When two access driveways are constructed on the same property frontage and used for one-way operation, each of these driveways may be placed at an angle less than a right angle, but not less than 45° to the street.

(4) Driveways adjacent to intersections. Driveways serving properties located adjacent to an intersection shall be subject to the following:

(a) There shall be a minimum ten-foot tangent distance between the intersecting street radius and the radius of the first permitted driveway.

(b) The distance from the edge of pavement of the intersecting street to the radius of the first permitted driveway shall be a minimum of 20 feet on curbed streets and 30 feet on uncurbed streets.

(c) Requirements may be waived only if the intersecting street radius extends along the property frontage to the extent that compliance is physically impossible.

(5) Property line clearance. Except for joint-use driveways, no portion of any access shall be located outside of the property frontage boundary line.

(6) Multiple driveways. Multiple driveways serving the same property must be separated by a minimum distance of 15 feet measured along the right-of-way line and 20 feet measured along the shoulder, ditch line or curb. When the distance between multiple driveways is 50 feet or less measured along the shoulder or ditch line, the area between shall be clearly defined by permanent curbing. It shall be extended around the driveway radii to the right-of-way line.

(7) Site requirements. Site requirements shall be as follows:

(a) All nonresidential buildings shall be located a sufficient distance from the right-of-way line to provide ample driving area and parking off the right-of-way, to prevent storage of vehicles on the access driveways and to prevent the backing and turning of vehicles on the highway pavement.

(b) The radii of internal curves shall be as large as possible to allow a direct movement from the highway into a proper position to obtain service or parking without any interference to other vehicles attempting the same maneuver.

(c) Applications for driveways providing access to drive-in service developments shall, when requested, include information relative to the amount of storage provided between the service facility and the right-of-way, the number of service operations anticipated during the peak periods and the hours and days of operation.

(d) The area between the right-of-way line and the cartway line adjacent to and on both sides of a driveway shall be used as a clear zone to provide a physical barrier between the traveled way and activity on private property. This area shall remain free of any obstructions (including fences, trees, plants, etc.) which may interfere with a clear line of vision for entering or exiting vehicles.

(8) Sight distances. Driveways shall be located to provide a safe sight distance and as required by the Zoning Code, Chapter 595 of the Code of the City of Easton, or per Pennsylvania Code Title 67, Chapter 441. Minimum use driveways may meet the sight distance requirements of either the sight triangle as described in the Zoning Ordinance or the Pennsylvania Code. All other driveway uses shall meet the sight distance requirements of the Pennsylvania Code. Parking shall not be allowed along the curb or anywhere within the extended sight triangle. Signs which prohibit parking shall be installed at the property owner's expense when required by the City Engineer or Police Traffic Officer.

(9) Crossovers.

(a) Definition. "Crossover" means that portion of a driveway from the inside line (property line side) of the sidewalk to the outside face (street side) of curbing, including planting or seeding areas between curb and sidewalk, if such areas exist, for the full width of the driveway, including flared edge at radii. Any previous or subsequent reference to driveways within the above-described area shall be considered as crossovers.

(b) Construction: curbed areas.

[1] Residential crossovers. Construction shall be six inches of concrete in depth.

[2] Commercial crossovers. Construction shall be eight inches of concrete in depth and shall be reinforced with six inches by six inches No. 6 wire mesh placed two inches below the surface.

(c) Curb cuts; depressed curbs. Curb cuts shall leave undisturbed a curb height of not less than 1 1/2 inches above gutter grade, thereby maintaining the functional properties of the curb. In lieu of a cut curb for a crossover area, a monolithic-pour crossover is permissible when return radii are used and as follows:

[1] At the curbline, concrete thickness shall be increased to 12 inches from the outside face (street side) of the curbline back towards the sidewalk area for a distance of 18 inches.

[2] At the gutter line, a minimum of 1 1/2 inches above gutter grade must be maintained.

[3] Expansion joints are to be placed as previously noted for sidewalks and/or curbs.

(10) (Reserved)

(11) (Reserved)

H. Curb ramps,

(1) All ramps for use by the handicapped shall conform to the PennDOT Standards unless technically infeasible. Ramps shall be designed and constructed by owners of property with frontage on a dedicated and opened public street or alley and where any of the following apply:

(a) Construction of new structure.

(b) Additions to nonresidential structures.

(c) Street reconstruction.

(d) When new curb and sidewalk are being constructed.

(e) When corner curb and sidewalk are being replaced.

(f) When deemed necessary by the City Engineer for safety reasons.

(2) Curb ramps shall be located to access pedestrian crossings of streets, public and private alleys, and where required by the City Engineer.

I. Planting strip. The planting strip area between the curb and sidewalk, where applicable, is reserved for the planting of grass and trees. Strip width shall match existing, where applicable. Brick or concrete may be installed instead of grass to accommodate walkways when approved by the City Engineer.

J. (Reserved)

K. (Reserved)

L. Safety precautions. The property owner or his contractor shall furnish and place suitable and sufficient barricades, warning signs and lights to protect the work under construction from damage to protect the traveling public, including pedestrians, from accident and to provide a safe alternate passage for pedestrians. PennDOT Publication 213 Standards shall be used as a guideline where applicable.

M. Curbs. Curbs shall be constructed of cement concrete in accordance with the PennDOT Publication 72 M Standards for Roadway Constructions and Publication 408, Section 630. Existing stone curb may be reset.

N. Materials. Cement concrete shall conform to the PennDOT Publication 408, latest revision, Section 704, standard for Class A cement concrete. The base of stone beneath the sidewalk and curb shall be clean three-fourths-inch aggregate, uniformly compacted and shaped so that the surface shall be at the required depth below grade for the finished concrete.

- O. Excavation; subgrade; other.
- (1) The excavation or fill for curb, gutter and sidewalk shall be carried to the proper depth and grade. All fill or backfill shall be of suitable material. All large rocks, organic matter, soft and spongy materials shall be removed. The base shall be undisturbed soil or shall be compacted.
 - (2) Obstruction of surface drainage. No person shall fill in solidly the gutter flow line, generally known as "gutter area," with any materials at crossovers or at any other points along the curblines which will block or divert the normal flow of surface water along established grades and/or cause obstruction or hazard for vehicles traveling along the curblines.
 - (3) A street opening permit shall be required when a curb is constructed adjacent to a street constructed of bituminous concrete or constructed of cement concrete with a bituminous concrete surface. The pavement shall be sawcut for a maximum distance of no more than two feet from the curblines. When a curb is constructed adjacent to a street constructed of cement concrete, the pavement shall not be disturbed. The curb may be face-formed.
- P. Trees and plants. Trees and plants within the public right-of-way shall be maintained by the adjacent property owner so as not to encroach in the walkway area to a height of 80 inches and so as not to obstruct street signs, traffic signals, etc.

§ 515-14. Violations and penalties.

[Amended 10-22-1964 by Ord. No. 1842]

Any person violating any of the provisions of this article, upon conviction, shall be fined not more than \$300 and, in default of payment of fine and costs, imprisoned not more than 90 days.