

MUNICIPALITY OF NORRISTOWN
A HOME RULE MUNICIPALITY
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 21-09 of 2021

AN ORDINANCE OF THE MUNICIPALITY OF NORRISTOWN, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE NORRISTOWN MUNICIPAL ORDINANCES BY REPLACING ARTICLE I THROUGH ARTICLE III OF CHAPTER 278 "STREETS AND SIDEWALKS"; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Municipality of Norristown is a Home Rule Municipality organized operating in accordance with the Charter of the Municipality of Norristown as permitted by the Home Rule Charter and Optional Plans Law, 53 Pa. C.S. 2901 *et seq.*; and

WHEREAS, in accordance with the Charter and Pennsylvania law, the Municipal Council has the authority to enact and amend at any time it deems proper the provisions of the Municipality's General Laws including those provisions relating to streets and sidewalks within the Municipality; and

WHEREAS, after review of Chapter 278 "Streets and Sidewalk", the Public Works Director identified a need to update Article I "General Rules and Regulations", Article II "Sidewalks and Curbs" and Article III "Excavations and Repairs" extensively. Article IV "Sidewalk Dining Licenses" did not require any updates; and

WHEREAS, the recommended updates include adding insurance requirements for contractors, creating procedures for home owners to provide surety for right-of-way projects, creating contractor registration requirements, and updating outdated terminology; and

WHEREAS, Municipal Council agrees with the Public Works Director's analysis and recommendation and desires to update Article I "General Rules and Regulations", Article II "Sidewalks and Curbs" and Article III "Excavations and Repairs" and leave Article IV "Sidewalk Dining Licenses" unchanged as indicated below.

NOW, THEREFORE, be it **ORDAINED** that Norristown Municipal Council amends its General Laws as follows:

SECTION I: Chapter 278 titled "Streets and Sidewalks," Article I "General Rules and Regulations", Article II "Sidewalks and Curbs" and Article III "Excavations and Repairs" are hereby rescinded entirely and replaced with the language below. Article IV "Sidewalk Dining Licenses" remains unchanged and in effect.

Article I. General Rules and Regulations

§ 278-1. Obstructing streets.

- A. It shall be unlawful for any person to obstruct in any manner, with any material, thing or vehicle, the free and full use by the public of the street and sidewalk areas of the Municipality, and any such obstruction is hereby declared a public nuisance, except to such extent as may be permitted by this section.
- B. Upon written application, the Council may, if, in its opinion, it does not materially affect the free and full use of the street and sidewalk areas, permit, by resolution, any object, structure or thing to be placed in the street or sidewalk area but, in so doing, may require any or all of the following:
- (1) The applicant shall agree, in writing, that such an object, structure or thing so permitted to be placed in the street or sidewalk area shall be removed promptly by the applicant at any time upon the direction of the Council. Notice of such action of the Council shall be sufficient if delivered to the last known place of residence of such applicant.
 - (2) The definite and specific space or place where such obstruction is to be located shall be specifically set forth, and no other space or place shall be so occupied.
 - (3) Every applicant issued a permit under this section shall maintain the required insurance throughout the period of the contract work and maintenance responsibility as indicated below:
 - (a) Public liability insurance: public liability insurance covering the contractor, its subcontractors and the Municipality for injury or damage caused directly or indirectly by it or its employees for the following limits and in the future may be adjusted by resolution of Municipal Council:
 - i. Bodily injury, each person: \$1,000,000.
 - ii. Bodily injury, each occurrence: \$1,000,000.
 - iii. Property damage, each occurrence: \$1,000,000.
 - (b) The Municipality of Norristown shall be named as an additional insured on such policies. Thirty calendar days' notice of cancellation of any such policies shall be provided to the Municipality.
 - (4) The Council may, in its discretion, require a bond to be given by the person or entity given permission, in such reasonable amount as may be determined by the Council and conditioned upon compliance with the terms of this section.
- C. Payment of lien prior to release. Reasonable efforts shall be made by the Police Department to contact the owner of any such obstruction by personal notice or by writing left at his place of residence, if known, requesting removal of the obstruction; and if not then removed, at the option of the Municipality, any such obstruction may be removed by the Municipality Police Department and/or other employees of the Municipality to a public storage place and there placed in storage at the expense and at the risk of the owner, and thereupon all responsibility of the Municipality shall cease and determine in reference to

such obstruction so removed, except for the repayment to the Municipality of any hauling, towing or other charges paid for by the Municipality, together with a penalty of ten percent (10%). The place where such obstructions are placed in storage shall have the right, in its discretion and as it deems necessary and expedient, to dispose of any vehicle, article or other thing placed with it, by sale or otherwise, in order to provide for the payment of any charges due the Municipality or due for handling or storage or other charges where such things are placed in storage.

§ 278-2. Aerial wires and cables.

No aerial wire or cable shall be erected or placed within, along, across or over any street or alley, except when permission is granted by the Municipality Council for such erection.

§ 278-3. Barricades and warning lights.

No barricade, red light or other protective device, while the same is in use within the limits of any street or alley of the Municipality for the protection of the public, shall be removed from such street or alley or interfered with, except by persons properly authorized so to do. Travel upon a street undergoing repairs or improvements, while the entrance to such highway area is barricaded against public use, is forbidden, and the presence of the ordinary barricade used for that purpose shall be deemed to be public notice that the highway is closed to travel.

§ 278-4. Damage to lampposts.

It shall be unlawful for any person to willfully and maliciously break, throw down or extinguish any lamps set up or suspended in any street, lane or alley within the Municipality or to willfully or maliciously damage, the post, iron or any portion thereof or to overthrow or otherwise injure, remove or carry away any lamppost or anything pertaining thereto within the Municipality.

§ 278-5. Throwing balls and other objects in streets.

It shall be unlawful for any person to pitch quoits, to play baseball, football, shinny or other game of ball or to throw a ball, stone or any missile upon any of the streets or alleys in the Municipality in such manner as to endanger any person or property.

§ 278-6. Offensive matter.

No vehicles for the removal of dead animals, bones, fat, offal or other offensive matter shall be permitted to remain upon the streets of the Municipality; and when loading the same, the utmost dispatch shall be exercised.

§ 278-7. Service of notices.

Each notice required by this Article must be served upon the owner of the premises to which the notice refers if the owner is a resident of the Municipality. If the owner is not a resident of the Municipality, such notice is to be served upon his agent or the tenant or occupant of the premises

in question. If service cannot be made in any of the ways above mentioned, the service can then be made by posting the notice on the premises involved.

§ 278-8. Violations and penalties.

Any person or persons, corporation, partnership or other entity whatsoever violating any of the provisions of this Article shall, upon conviction, be sentenced to pay a fine not to exceed the maximum fine of six hundred dollars (\$600.00), plus costs of prosecution, and in default of payment of such costs and prosecution, shall be sentenced to imprisonment for a term not exceeding thirty (30) days; provided, however, that if the District Justice determines that the defendant is without the financial means to pay the fines and costs immediately or in a single remittance, such defendant shall be permitted to pay the fines or costs in installments and over such periods of time as the District Justices deems to be just.

Article II. Sidewalks and Curbs

§ 278-9. Sidewalk sales.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

PERSON

Any natural person, partnership, association or corporate or legal entity.

SIDEWALK SALE

The display, sale, offering for sale or distribution of goods, wares, produce and other merchandise within the public rights-of-way of the Municipality of Norristown, specifically the sidewalks and footpaths of the Municipality, in those zoning districts where retail sales are permitted.

- B. Registration and permit required. No person shall undertake or hold a sidewalk sale in the Municipality of Norristown without first registering with the Norristown Code Enforcement Department, using forms provided by the Municipality for this purpose. Upon registration, the applicant shall be issued a sidewalk sale permit, which may set forth conditions prescribed by the Municipal Administrator for the conduct of such sidewalk sale, which conditions shall be reasonably related to the particular nature of the sidewalk sale being conducted. Any permit issued pursuant to this article may be revoked by the Municipal Administrator at any time for breach of any condition of the permit or of the terms of this section. Such permit shall not be transferable in any manner to anyone other than the applicant. There shall be no registration fee.

§ 278-10. Snow removal.

- A. It shall be unlawful for any person to throw or place removed snow or ice in the traveled area of a street in the Municipality of Norristown.
- B. Placement of objects in the street.

- (1) Following a snow or ice storm, no person or entity shall place, anywhere in the streets of Norristown, any object whatsoever that impedes municipal snow-removal operations.
- (2) Objects placed in the street in violation of this Subsection B may be removed by the Norristown Public Works Department and disposed of in accordance with the procedures established by the Public Works Director, with no liability to the Municipality for said removal and disposal.
- (3) Any person or entity violating the provisions of this Subsection B shall be subject to the penalties set forth in § 278-23 of the General Laws of Norristown.

§ 278-11. Duty to remove obstructions.

Every property owner shall be responsible for keeping the full width of the sidewalk area free and clear of any obstruction or anything which interferes with the usual or normal use of the sidewalk by pedestrians. Such owners, on 30 calendar days' notice, must remove any embankment or other obstacle within the sidewalk area or prevent any water emanating from springs or other sources from flowing across the sidewalk. Such water must be piped by the owner of the land to the nearest storm sewer or other outlet for such water or be piped under the sidewalk to the gutter line. In the event that any water so piped to the gutter line creates a hazard by excessive flow into the gutter or by freezing in wintertime, then, in such event, the owner must pipe the same to the nearest storm sewer or other outlet so that the water will not accumulate in the gutter by freezing or otherwise.

§ 278-12. Construction; duty of property owners.

Every owner of property in the Municipality abutting on any street now laid out or hereafter to be ordained and laid out in the Municipality shall, within thirty 30 calendar days' notice from the Public Works Director, construct a sidewalk, which shall conform to all applicable requirements of this article, in front of or alongside of such property. The Public Works Director may increase the notice requirement, on a case by case basis, not to exceed one calendar year. The Public Works Director may increase the notice requirement no more than twice per year.

§ 278-13. General repairs/reconstruction by property owners.

Every owner of property in the Municipality abutting on any street now laid out or hereafter to be ordained and laid out in the Municipality shall, within fifteen (15) calendar days' notice from the Public Works Director, repair the sidewalk in the manner stipulated in such notice in front of or alongside of such property. The Public Works Director may increase the notice requirement, on a case by case basis, not to exceed one calendar year. The Public Works Director may increase the notice requirement no more than twice per year.

§ 278-14. Emergency repairs.

Every owner of property in the Municipality abutting on any street now laid out or hereafter to be ordained and laid out in the Municipality, on notice from the Public Works Director, shall cause

emergency repairs to be made to the sidewalk whenever the proper committee of the Council deems it necessary, and the Public Works Director notifies the proper owner or owners.

§ 278-15. Service of notices.

Each notice required by this article must be served upon the owner of the premises to which the notice refers if the owner is a resident of the Municipality. If the owner is not a resident of the Municipality, such notice is to be served upon his agent or the tenant or occupant of the premises in question. If service cannot be made in any of the ways above mentioned, the service can then be made by posting the notice on the premises involved.

§ 278-16. General design standards.

All sidewalks and curbs shall be constructed, reconstructed and repaired of concrete or other approved material according to specifications determined from time to time by the Public Works Director, a copy of which specifications shall be made available to any property owner upon request.

§ 278-17. Construction line and grade.

All sidewalks or curbs shall be constructed, reconstructed and repaired and the grading therefor done upon the line and grade obtained by the property owner from the Public Works Director. Upon notice as provided in this article, as the case may be, such work of construction, reconstruction or repair to either sidewalks or curbs shall be done by the owner or owners of such property.

§ 278-18. Required work completed by Municipality; collection of costs.

- A. In the event that any owner of property fails to comply with the requirements of this article, as determined by the Public Works Director, and the same shall not be corrected in accordance with the Public Works Director's instructions, including the removal of construction materials and debris; after 15 calendar days' notice, the Municipality may complete any such required work and charge the costs plus 25% to the property owner. If unpaid, the Municipality shall have the right to assess the costs for such work against the owner and the property, such costs to be a lien against the property as provided for in the Municipal Claims and Tax Lien Act, Act of May 16, 1923, P.L. 207, as amended and supplemented.
- B. Service of notice. The notice provided for in Subsection A above shall be served upon the owner of the property to which the notice refers if such owner is a resident of the Municipality or, if not, then upon the agent or tenant of the owner or upon the occupant of such property. If the owner has no agent or tenant or there is no occupier of such property, then service shall be by printed or written notice posted upon the premises.

§ 278-19. Owner-initiated construction, reconstruction, or repair.

Upon being granted a permit from the Public Works Director, any property owner, upon their own initiative and without notice from any Municipality authority, may construct, reconstruct, or repair a sidewalk or curb in front of or along his property, and shall conform to the requirements of this Article as to line and grade and as to material used. Property owner shall also notify the Public Works Director within two (2) calendar days upon completion of work so the work can be inspected.

§ 278-20. Duty of Public Works Director.

It shall be the duty and responsibility of the Public Works Director to determine, in the case of any individual property, whether or not the sidewalks or curbs are being constructed or repaired as required, and during the course of work of constructing, reconstructing or repairing any sidewalk or curb, to visit the site to ascertain whether such work is being done according to requirements. Within two calendar days after the completion of the work of construction, reconstruction or repair of any sidewalk or curb, it shall be the duty of the owner of the property where such work was done to notify the Public Works Director of that fact so that he may inspect such sidewalk to determine whether the grade thereof has been observed and followed.

§ 278-21. Inspection by Public Works Director.

Upon the request of Council or the Municipal Administrator, the Public Works Director shall make a general inspection of some or all of the sidewalks within the Municipality. If such inspection is performed, the Public Works Director shall report his findings to the Municipal Administrator. If such inspection is performed, the Public Works Director shall, after consultation with the Municipal Administrator, notify, in writing, all property owners whose sidewalks, trees, vent pipes, curbs or other structures are in need of removal, repair or renewal.

§ 278-22. Fees, surety bonds, cash escrow, insurance.

In addition to any permit fee required under this Article, a surety bond or a cash escrow, approved by the Municipality, shall also be posted assuring the Municipality that all provisions of this article will be met.

- A. If the estimated cost of the construction, reconstruction, or repair is in the amount of \$5,000 or less, than the amount of the surety bond shall be a minimum of five thousand dollars (\$5,000).
- B. If the estimated cost of the construction, reconstruction, or repair exceeds \$5,000, then the amount of the surety bond shall be in an amount equal to the estimated costs.
- C. In the case of a permit issued to a public utility, as defined in 66 Pa. C.S.A. § 102, the surety bond shall be in the amount of \$3,000.
- D. In the case of a Section 278-19 permit issued for residential property owned by a Norristown resident for work in the amount of \$5,000 or less to be completed by said resident, a cash escrow in the amount of twice the required permit fee shall be posted with

the Municipality. The cash escrow shall held by the Municipality and returned to the property owner upon completion and inspection of the work by the Public Works Director.

- E. Every applicant issued a permit under this section shall maintain the required insurance throughout the period of the contract work and maintenance responsibility as indicated below:

(1) Public liability insurance: public liability insurance covering the contractor, its subcontractors and the Municipality for injury or damage caused directly or indirectly by it or its employees for the following limits and in the future may be adjusted by resolution of Municipal Council:

- i. Bodily injury, each person: \$1,000,000.
- ii. Bodily injury, each occurrence: \$1,000,000.
- iii. Property damage, each occurrence: \$1,000,000.

(2) The Municipality of Norristown shall be named as an additional insured on such policies. Thirty calendar days' notice of cancellation of any such policies shall be provided to the Municipality.

§ 278-23. Violations and penalties.

- A. The Public Works Director may issue a written ticket to the owner of the property abutting public rights-of-way, parks, or other Municipality owned property which shall provide for a penalty in an amount to be established by resolution of the Municipal Council and which may be amended from time to time by resolution of the Council. If this penalty is paid within seven calendar days of its issue and the condition that warranted the issuance of the ticket is abated within the time allotted, then this discharges the violation.
- B. If the violator does not pay the required penalty provided for in this chapter within seven calendar days, and/or does not abate the hazard within the allotted time period, then an appropriate municipal official shall cause a non-traffic citation to be issued in the court of local jurisdiction and, if necessary, abate the hazard in accordance with § 278-18.
- C. The non-traffic citation shall be forwarded to and adjudicated by a Magisterial District Judge of the Municipality. If found guilty of the violation, the violator shall be sentenced to pay a fine of no less than \$300 nor more than \$1,000, plus costs of prosecution, plus reasonable attorneys' fees of the Municipality to enforce this chapter.
- D. Each day the violator continues to violate this chapter shall constitute a separate offense. In default of payment of said fine and costs, the violator may be imprisoned in the county jail for a term of not more than 30 days.

Article III. Excavations and Repairs

§ 278-24. Definitions.

The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

PERSON

Includes any natural person, partnership, firm, association or corporation.

STREET

Any public street, avenue, road, lane, court, cul-de-sac, square, alley, highway or other public place located in the Municipality of Norristown and either for or intended for public use, and shall include the cartway, sidewalk, gutter, and/or right-of-way area, whether or not such street or any part thereof is owned in fee by those other than the Municipality.

§ 278-25. Permit required for street openings and excavations.

It shall be unlawful for any person to open, break or to make any excavation of any kind in any street in the Municipality of Norristown by digging or otherwise or to dig a tunnel under the surface of any street without first securing a permit therefore as hereinafter provided.

§ 278-26. Permit required for driveways and roads.

It shall be unlawful for any person to construct any public or private driveway or road so as to open into any Municipal street without first securing a permit therefore as hereinafter provided. The design and construction of such driveway or road shall be in accordance with the latest Municipal standards and specifications.

§ 278-27. License and Permit Required.

A. No developer, contractor, or subcontractor shall perform any work affecting public property, rights of way, Municipality owned grounds and parks, any Municipality-owned utility system, or any other utility system or in the street right of way or utility easement, whether or not the work is performed for the Municipality, without either:

- (1) Showing a certificate as a Pennsylvania Department of Transportation (PENNDOT) General Contractor, or
- (2) Obtaining a license from the Public Works Director as prescribed by this chapter before commencing any such work.

B. License Application.

- (1) General Contractors registered with PENNDOT are not required to complete an application.

- (2) An applicant for a license under this chapter shall apply therefor on forms furnished by the Public Works Director and pay the fee of \$75.00. This amount may be amended by Council via resolution.
- (3) License may be renewed each year for fee of \$50.00. This amount may be amended by Council via resolution.

C. Permit Required.

- (1) Any person who shall desire to do any work, including any opening or excavation in any of the public right of way or streets, in the Municipality of Norristown shall make application to the Public Works Director in writing for the purpose.
- (2) Such application shall be made upon forms to be furnished by the Municipality.
- (3) The applicant shall submit and maintain insurance, listing the Municipality as an "Additional Insured", while performing work for the Municipality.
- (4) The applicant shall provide a bond or cash escrow in accordance with Section 278-31 before any work is started.

D. Insurance Required.

(1) Every applicant licensed under this chapter shall maintain the required insurance throughout the period of the contract work and maintenance responsibility as indicated below:

a. Public liability insurance: public liability insurance covering the contractor, its subcontractors and the Municipality for injury or damage caused directly or indirectly by it or its employees for the following limits and in the future may be adjusted by resolution of Municipal Council:

- iv. Bodily injury, each person: \$1,000,000.
- v. Bodily injury, each occurrence: \$1,000,000.
- vi. Property damage, each occurrence: \$1,000,000.

b. The Municipality of Norristown shall be named as an additional insured on such policies. Thirty calendar days' notice of cancellation of any such policies shall be provided to the Municipality.

(2) If work undertaken by the licensee may require blasting, explosive conditions, or underground operations, the comprehensive general liability insurance shall cover blasting, collapse of buildings, and damage to adjacent property.

(3) In addition to the insurance required in this section, the Public Works Director may require, before or after the license is issued, insurance protection for a hazard peculiar to the particular project.

E. Authority to Deny Issuance of License.

(1) The Public Works Director may deny an application for a license under this chapter upon a determination that:

- (a) The applicant cannot prove they have done similar work in the past;
- (b) The applicant has had any contractor license revoked or suspended; or
- (c) The applicant has previously failed to comply with the ordinances and regulations of the Municipality relating to conducting any contracting business licensed under this code.

(2) If the Public Works Director denies a license application under this section, the Applicant may seek reconsideration from the Municipal Administrator.

F. Contractor Responsibilities.

(1) A contractor licensed under this chapter is responsible for all work performed under its contract, whether or not the contractor, an employee, or a subcontractor performs the work.

(2) A contractor licensed under this chapter shall comply with all standards for construction in the public rights of way prescribed by the Municipality of Norristown.

G. Suspension or Revocation of License. The Public Works Director may suspend or revoke the license issued under this chapter for failure to comply with any Municipal codes, rules, ordinances and regulations, and state statutes and regulations of the Municipality. Grounds for suspension or revocation include, without limitation, failure to maintain required insurance.

H. Term of License. The term of the license issued under this chapter is twelve months from the date of issuance.

§ 278-28. Restoration required.

Any person who shall make any opening or excavation in any of the streets in the Municipality of Norristown, whether by drilling, boring, driving or tunneling or trenching under, across or through

any street shall restore the street to a condition equal to or better than its condition prior to such opening or excavation.

§ 278-29. Work and restoration standards.

- A. Any person who shall make an opening or excavation in any street in the Municipality of Norristown shall perform all such opening or excavation work and the restoration work required hereunder in accordance with the standards and provisions set forth in 67 Pa. Code § 459.8, as amended. Likewise, any aboveground construction shall be in performed accordance with 67 Pa. Code § 459.9. All references in foregoing Code Sections to the District Office, the Department of Transportation or similar references shall be deemed to be references to the Municipality of Norristown.
- B. If and to the extent that any person shall open or excavate any portion of a street in a manner which results in 20 linear feet or more of such street being excavated on one side of the street only, then such person shall be required to repave the street the full length of the excavation from the center line of the street to the curb on the side of the street on which the excavation occurred; or in a manner which results in 20 linear feet or more of such street being excavated and such excavation occurs on both sides of the street, then such person shall be required to repave the street the full length of the excavation from curb to curb.

§ 278-30. Traffic plan required.

The applicant for any street opening within the Municipality of Norristown shall submit at the time of application a detailed traffic plan, to be approved by the Public Works Director with input from the Department of Public Safety. The traffic plan, which may include road closure, will consist of a diagram of the traffic flow pattern, along with the means to be used for closing the street to normal traffic, length of time for closure, and the type of equipment to be used as traffic flow indicators. No traffic plan shall be required in the case of emergency excavations.

§ 278-31 Fees, surety bonds, cash escrow.

In addition to any permit fee required under this Article, a surety bond or a cash escrow, approved by the Municipality, shall also be posted assuring the Municipality that all provisions of this article will be met.

- A. If the estimated cost of the opening, excavating and restoration work is in the amount of \$5,000 or less, than the amount of the surety bond shall be a minimum of five thousand dollars (\$5,000).
- B. If the estimated cost of the opening, excavating and restoration work exceeds \$5,000, then the amount of the surety bond shall be in an amount equal to the estimated costs.

- C. In the case of a permit issued to a public utility, as defined in 66 Pa. C.S.A. § 102, the surety bond shall be in the amount of \$3,000.
- D. In the case of a Section 278-26 permit issued for residential property owned by a Norristown resident for work in the amount of \$5,000 or less to be completed by said resident, a cash escrow in the amount of twice the required permit fee shall be posted with the Municipality. The cash escrow shall be held by the Municipality and returned to the property owner upon completion and inspection of the work by the Public Works Director.

§ 278-32. Work completed by Municipality; collection of costs.

- A. In the event that any work performed by or for a permit holder shall, in the opinion of the Public Works Director, be unsatisfactory and the same shall not be corrected in accordance with the Public Works Director's instructions, including the removal of construction materials and debris; after 30 calendar days' notice, the Municipality may proceed to redeem the surety bond or cash escrow and correct such unsatisfactory work or complete any such work not completed and charge the costs thereof in excess of the surety bond or cash escrow plus 25% to the applicant. Should the surety bond or cash escrow not be sufficient to complete the work, the Municipality shall have the right to assess the costs for such work against the owner and the property, such costs to be a lien against the property as provided for in the Municipal Claims and Tax Lien Act, Act of May 16, 1923, P.L. 207, as amended and supplemented.
- B. Service of notice. The notice provided for in Subsection A above shall be served upon the owner of the property to which the notice refers if such owner is a resident of the Municipality or, if not, then upon the agent or tenant of the owner or upon the occupant of such property. If the owner has no agent or tenant or there is no occupier of such property, then service shall be by printed or written notice posted upon the premises.

§ 278-33. Lines and grades.

All lines and grades of highways and alleys shall be given by the Director of Public Works from the grade maps which have been approved and adopted by the Municipal Council.

§ 278-34. Leaks, explosions or other accidents.

In the case of any leak, explosion or other accident in any subsurface pipe, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus to commence an excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter and that all other provisions of this article are fully complied with, with the exception that the applicant, upon making a permit application, shall provide the Municipality with a check for \$300, in lieu of a surety bond. The check shall be held by the Municipality as security

until a surety bond is provided to the Municipality. The applicant shall provide a surety bond within 48 hours of the permit application. Failure to do so will result in forfeiture of the deposit and shall be a violation of this article. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Public Works Director, after such notice as he or she shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency and charge the same, on the basis of cost plus 25% to such owner or person.

§ 278-35. Time requirements for excavations before and after new paving; notice of new paving.

- A. In the event that the Public Works Director shall give timely notice to all persons owning property abutting on any street within the Municipality about to be paved or improved and to all public utility companies operating in the Municipality, then all such persons and utility companies shall make all water, gas or sewer connections, as well as any repairs thereto, which would necessitate excavation of said street within 30 calendar days from the giving of such notice, unless such time is extended in writing for cause shown by the Public Works Director. Should any owner of property abutting on such street fail or refuse to make any connections or repairs required to be made hereunder, the Municipality shall have the right to perform such work and to assess the costs for such work against the owner and the property, such costs to be a lien against the property as provided for in the Municipal Claims and Tax Lien Act, Act of May 16, 1923, P.L. 207,^[1] as amended and supplemented.
- B. New paving shall not be opened for a period of five years after the completion thereof, except in case of emergency, the existence of which emergency and the necessity for the opening of such paving to be determined by the Public Works Director. If it is sought to excavate upon or open a street within five years after the completion of the paving thereof for any other reason than an emergency as above stated, the applicant shall make written application to the Municipal Council, and a permit for such opening shall only be issued after express approval of the Council.

§ 278-36. Concrete work.

All sidewalks and curbs shall hereafter be constructed of concrete, which shall be in accordance with standards chosen by Municipal Council and Public Works Director. All concrete sidewalks, when partially damaged or torn up, are to be replaced with blocks of the size existing in the original sidewalk. Broken sections of concrete curb must be replaced with full sections. No concrete sidewalk or curb within the limits of the highways or alleys of the Municipality of Norristown shall be constructed unless lies, grades and forms have been inspected and approved by the Public Works Director. All sidewalks shall be constructed and repaired with concrete. The minimum concrete sidewalk widths shall be five feet, and the remaining area may be planted with grass and trees. No crushed stone or bituminous material shall be permitted for surfacing the sidewalk area between the curbing and the sidewalk line. All restoration work in concrete roadway areas must be cut back with a concrete saw in order to ensure a tight construction joint is being made. The dimension of the restored area must be 12 inches wider on all sides than the original opening,

unless one of the sides should abut against a standard concrete curb. In that case, the cure would be the limit of the restoration work on that side of the opening.

§ 278-37. Restrictions on highway use.

- A. No aerial wire or cable is to be erected or placed within, along, across or over any highway or alley, except when permission is granted by the Municipal Council for such erection.
- B. No barricade, red light or other protective device, while the same is in use within the limits of any highway or alley of the Municipality for the protection of the public, shall be removed from such highway or alley or interfered with, except by persons properly authorized to do so. Travel upon a highway undergoing repairs or improvements while the entrance to such highway area is barricaded against public use is forbidden, and the presence of the ordinary barricade used for that purpose shall be deemed to be public notice that the highway is closed to travel.
- C. The blocking of any highway area is prohibited, except when the proper permit has been issued.
- D. The use of any injurious substance upon the surfaces of the highways or alleys is hereby prohibited within the limits of the Municipality of Norristown.
- E. Any person or persons, firm or firms, corporation or corporations gathering, collecting or transporting ashes or debris of any description over the highways or alleys of the Municipality of Norristown shall have any vehicle used in the transportation of the same furnished with a cover so that said ashes or debris will not be blown or spread over the highways or alleys within the limits of the Municipality of Norristown.
- F. No gasoline pumps, oil tanks, walls, fences, posts, plantings, shrubbery or similar obstructions shall be placed within the highway. Any such obstruction shall be removed promptly by the property owner whenever written notice to remove such obstruction is given by the Municipality. If the owner fails to comply with such notice, the Municipality shall remove the obstruction and charge the cost thereof to the owner.

§ 278-38. Inspections.

The Director of Public Works shall cause to be made a general inspection of all sidewalks within the Municipality at least once annually and shall report his findings to the Committee on Public Works and shall also notify, in writing, all property owners whose sidewalks, trees, vent pipes, curbs or other structures are in need of removal, repair or renewal.

§ 278-39. Dead-ending of mains.

Mains (gas, water, sewer or conduit), either new or extended, are not to be dead-ended within the block but are to be constructed to the farther side of the nearest intersection, unless express permission to do otherwise is first obtained from the Director of Public Works. Such permission

is to be given only in cases where permanent paving of the entire block is not immediately contemplated.

§ 278-40. Violations and penalties.

Any person, whether principal, agent or employee, violating or assisting in the violation of any of the provisions of this article shall, upon conviction in summary proceedings, pay a fine of not more than \$1,000 or shall be imprisoned for not more than 90 days, or both such fine and imprisonment. Each day that a violation of this article occurs shall be deemed a separate offense.

SECTION II: SEVERABILITY

In the event that any section, sentence, clause, or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose the validity of the remaining portions of this Ordinance.

SECTION III: REPEALER

All ordinances or resolutions or parts thereof inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specially repealed.

SECTION IV: EFFECTIVE DATE

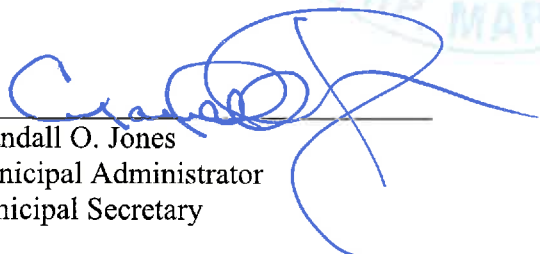
This Ordinance shall take effect and be in force from and after its approval as required by the law.

ENACTED AND ORDAINED this 1st day of June 2021.

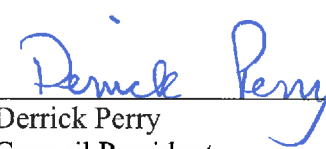
Seal:

**Municipality of Norristown
Municipal Council**

Attest:


Crandall O. Jones
Municipal Administrator
Municipal Secretary

By:


Derrick Perry
Council President