

Chapter 176

STREETS AND SIDEWALKS

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

GENERAL REFERENCES

Operation of bicycles on streets and sidewalks — See Ch. 75.

Street trees — See Ch. 187.

Vehicle and traffic regulations — See Ch. 190.

ARTICLE I
Street Grades
[Adopted 4-7-1908]

§ 176-1. Policy on furnishing grades for proposed streets.

For the aid of property holders abutting upon any proposed but not accepted or ordained street or alley desiring to have a grade for any one or more blocks for street and sidewalks in conformity with the established grade of the street or streets of the Borough to which or from which said street or alley is to lead, it is hereby declared the policy of the Borough Council that, upon the receipt of a petition of the abutting property holders on any street or alley not accepted and ordained a street or alley of the Borough asking to have the Borough Engineer fix such grade or grades as asked for by the petitioners or petitioner in strict conformity with the established street and sidewalk grades of the nearest accepted and ordained street or alley of the Borough into or from which such unaccepted street or streets, alley or alleys lead and are projected to the connecting street or alley of their locality, the Council will direct the Secretary to refer it to the Borough Engineer, with a copy of this article attached, directing him to notify the petitioner or petitioners when he will do the work and then proceed to fix the grade or grades requested in accordance with the provisions of this article, supply them with such notes, sketches or profiles as they may require and charge them for the work done and make report to the Borough Council when he has completed the same, returning the original petition with his report attached.

ARTICLE II

Discharge of Liquids**[Adopted 6-13-1949 by Ord. No. 351, approved 6-14-1949]****§ 176-2. Discharge onto streets or alleys prohibited.**

From and after the passage of this article, it shall be unlawful for any person, firm or corporation to dump or discharge any liquid or semiliquid substance in or on any of the streets or alleys in the Borough of Camp Hill, Pennsylvania, so as to constitute a public nuisance or a menace to public health. This section shall not be construed to mean the natural drainage of surface water produced by rain or the melting of snow or ice on a building or property.

§ 176-3. Violations and penalties. [Amended 7-22-1963 by Ord. No. 647, approved 7-23-1963; 8-23-1965 by Ord. No. 702, approved 8-31-1965; 3-10-1970 by Ord. No. 774, approved 3-10-1970; 12-9-1987 by Ord. No. 891, approved 12-9-1987]

Any person, firm or corporation who or which shall violate any of the provisions of § 176-2 of this article shall, upon conviction thereof before the District Justice, for each and every violation, be sentenced to pay a fine of not less than \$10 and not more than \$300, and costs of prosecution, and in default of payment thereof, to imprisonment in the county jail for not more than 30 days. Each day's violation of any of the provisions of this article shall constitute a separate offense.

ARTICLE III

Warning Signs**[Adopted 9-25-1950 by Ord. No. 369, approved 9-28-1950]****§ 176-4. Removal prohibited.**

From and after the passage of this article, it shall be unlawful for any person, firm or corporation to move any barricade, sign, flare or any other object indicating that all or any portion of any street, alley or other thoroughfare within the Borough of Camp Hill, Pennsylvania, is not open for public travel.

§ 176-5. Violations and penalties. [Amended 3-10-1970 by Ord. No. 774, approved 3-10-1970; 12-9-1987 by Ord. No. 891, approved 12-9-1987]

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction before the District Justice, be sentenced to pay a fine of not less than \$25 and not more than \$300, and costs of prosecution, and in default thereof, to undergo imprisonment in the Cumberland County Jail for a period of not more than 30 days.

ARTICLE IV

Snow and Ice Removal**[Adopted 4-9-1962 by Ord. No. 615, approved 4-10-1962]****§ 176-6. Responsibility for removal; time limit.**

Every owner, occupant, lessee, tenant or other person in charge of any building or lot of ground in the Borough of Camp Hill which abuts any street along which the sidewalk is paved shall, within eight hours after snow has ceased to fall or after the deposit of any dirt or debris upon the sidewalk or gutter, remove the snow or ice from the sidewalk to its entire length and to a width of at least three feet or remove the dirt or debris from the gutter, the hours between 9:00 p.m. and 7:00 a.m. not being included in the computation of the above period of eight hours.

§ 176-7. Alternatives when removal not possible.

In case snow and ice on the sidewalk shall be frozen to the extent that the removal thereof would result in property damage, the owner, occupant, lessee, tenant or other person in charge may, within the time specified in § 176-6, cause the sidewalk to be strewn with ashes, sand, sawdust or some suitable chemical compound and shall, as soon thereafter as the weather reasonably permits, remove said snow and ice.

§ 176-8. Failure to comply; removal by Borough.

Should snow, ice, dirt and debris not be removed as aforesaid, the appropriate Borough officers of the Borough of Camp Hill may cause the same to be removed as the abatement of a nuisance and may collect the cost thereof, together with a penalty of 10% of such cost, in the manner provided by law for the collection of municipal claims or by action of assumpsit or may seek relief by bill in equity.

§ 176-9. Violations and penalties. [Amended 3-10-1970 by Ord. No. 774, approved 3-10-1970; 12-9-1987 by Ord. No. 891, approved 12-9-1987]

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof before the District Justice, be fined not more than \$300, and costs of prosecution, and in default thereof, undergo imprisonment in the Cumberland County Jail for a period not exceeding 30 days.

ARTICLE V

Obstructions**[Adopted 7-9-1962 by Ord. No. 621, approved 7-12-1962]****§ 176-10. Obstruction of streets and sidewalks prohibited. [Amended 1-22-2001 by Ord. No. 992, approved 1-22-2001]**

The erection, construction or maintenance of any obstruction to the convenient use of the streets, sidewalks and grassplots within the Borough of Camp Hill, except as may be

authorized by the Borough for reasons of public safety and public convenience, is hereby prohibited. Notwithstanding, outdoor cafes and floral displays, as regulated by § 200-31D(10), Outdoor cafes, floral displays and sidewalk sales, may be permitted.

§ 176-11. Violations and penalties. [Amended 3-10-1970 by Ord. No. 774, approved 3-10-1970; 12-9-1987 by Ord. No. 891, approved 12-9-1987]

Any person, persons, firm or corporation violating any provisions of this article shall, upon summary conviction before the District Justice, be sentenced to pay a fine of not less than \$5 nor more than \$300, together with the costs of prosecution, which shall be recoverable as debts of like amount are now recoverable, and in default of payment of said fine and costs, shall be committed to the common jail for the County of Cumberland for a period not exceeding 30 days.

ARTICLE VI

Sidewalk, Curb and Driveway Construction

[Adopted 7-22-1963 by Ord. No. 657, approved 7-23-1963]

§ 176-12. Definitions.

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

PERSON — Includes any natural person, partnership, association, firm or corporation. The singular shall include the plural, and the plural shall include the singular. The masculine shall include the feminine and the neuter.

§ 176-13. Responsibility of property owners.

It shall be the duty of every property owner in the Borough of Camp Hill, at his own expense, within 30 days after notice from the Borough Council, to construct, reconstruct or repair, as such notice shall require, a sidewalk and/or curb, which shall conform to all the applicable provisions of this article, in front of and/or alongside such property.

§ 176-14. Conformance required.

Every sidewalk, curb and driveway shall be constructed, reconstructed and repaired strictly in accordance with the provisions of this article and in conformity with the lines and grades shown on the official street plans as approved by the Borough Council. For the purpose of this article, the subgrade herein mentioned shall be deemed an approved subgrade if it is in conformity with Section V of the American Public Works Association's specifications for concrete sidewalks.

§ 176-15. Sidewalk requirements and specifications.

In the construction, reconstruction and repair of sidewalks, the following specifications and requirements shall apply:

- A. The material to be used for the sidewalk shall be plain cement concrete, a 1:2:3 1/2 mix, of a minimum depth of four inches.
- B. Sidewalks shall be placed on an approved subgrade.
- C. Each slab shall have an area of not more than 100 square feet, and the length of the slab shall be equal to the width.
- D. Contraction joints shall be provided to separate the slabs and shall be cut to a depth equal to at least 1/3 of the total slab thickness. A one-half-inch expansion joint of premoulded fiber shall be provided between all sidewalks and adjoining blocks of curbs, between every intersection of two sidewalks and between all sidewalks and adjoining driveways. Every sidewalk in a business district shall be separated from abutting buildings by a similar joint.
- E. Grade on every sidewalk and on the grass plot, if any, shall be 1/4 inch to the foot, sloping to the top of the curb.

§ 176-16. Curb requirements and specifications.

In the construction, reconstruction and repair of curbing, the following specifications and requirements shall apply:

- A. The material to be used for the curbing shall be plain cement concrete, a 1:2:3 mix.
- B. Dimensions of curbing shall be as follows: overall depth, 22 inches; height of exposed curbing at street side, eight inches above street surface; depth of curbing below street surface at street side, 14 inches; width of curb at bottom, seven inches; standard reveal, six inches, measured from rear line of curbing; slope at front of curb, three-fourths-inch radius, at rear one-fourth-inch radius.
- C. The height of curb shall be reduced five inches at all places where a driveway enters the street and at such other places as directed by the Borough Engineer.
- D. Curb shall be constructed in uniform-length sections of 20 feet, except where shorter sections are necessary for closures or curves, but no section shall be less than four feet.
- E. Expansion joints consisting of one-half-inch premoulded filler, meeting with the approval of the Borough Engineer, and cut to conform to the cross section of the curb, shall be placed at the ends of the sections of curved curb and at intervals of not more than 40 feet. Abutting ends of intermediate sections of curb shall be painted with a heavy coat of asphalt cement. If the method of handling the work is such that templets are not removed satisfactorily, the curb shall be constructed in alternate sections.
- F. Curb radius shall be as shown on the plans and profiles.
- G. When curved curb joins with tangent curb, at curb returns and on sharp curves where directed, there shall be embedded in the concrete two reinforcement bars 1/2 inch in diameter and 24 inches in length. These bars shall be placed three and nine inches, respectively, below the top of the curb and in the center of its width and shall extend 12 inches into the curb on each side of the joint.

§ 176-17. Driveway requirements and specifications.

In the construction, reconstruction and repair of driveways, the following specifications and requirements shall apply:

- A. Every driveway shall be constructed of plain cement concrete, a 1:2:3 mix, wherever the sidewalk crosses, of a minimum depth of six inches.
- B. Driveways shall be placed on an approved subgrade.
- C. Every driveway shall have a maximum gutter length of 36 feet and a maximum sidewalk length of 30 feet. There shall be a ten-foot minimum pedestrian zone between all driveways. No driveway shall be allowed within 30 feet of any street intersection.

§ 176-18. Determination of need for reconstruction or repairs. [Amended 7-13-1983 by Ord. No. 863, approved 7-20-1983]

It shall be the duty and responsibility of the Borough Engineer or Borough Manager or the designee of either to determine, in the case of any individual sidewalk, curb or driveway, whether the same shall be reconstructed or repaired and, if so, the specific part or parts thereof to be reconstructed or repaired, as the case may be.

§ 176-19. Work at property owners' initiative.

Any property owner, upon his own initiative and without notice from the Borough, may reconstruct or repair the sidewalk or curb abutting his property or the driveway serving his property, provided that he shall first make application to the Borough Engineer, and that, in the reconstruction or repair of such sidewalk, curb or driveway, he shall conform in all respects to the provisions of this article applicable to such work.

§ 176-20. Failure to comply; work done by Borough.

If any property owner shall fail, neglect or refuse to construct, reconstruct or repair any sidewalk, curb or driveway, as the case may be, after notice from the Borough, within the time limit specified by such notice, the Borough may cause such work of construction, reconstruction or repair to be done and shall collect the cost thereof, and 10% additional, from the owner and may file a municipal claim therefor or collect the same by action in assumpsit.

§ 176-21. Remedy of defects.

If any property owner shall hereafter construct, reconstruct or repair any sidewalk, curb or driveway otherwise than in strict conformity with all the applicable provisions and requirements of this article, the Borough may notify such property owner to correct all such defects by whatever means is necessary to do so, within 10 days of notice, in default of which the Borough may cause such defects to be corrected and may collect the cost thereof, with 10% additional, from the owner and may file a municipal claim therefor or collect the same by action in assumpsit.

§ 176-22. Program of regular and continuing inspection and maintenance. [Added 7-13-1983 by Ord. No. 863, approved 7-20-1983]

The Borough Manager is hereby vested with authority to institute a program of regular inspection of sidewalk, curb and driveway conditions in any area or areas of the Borough as he, in his discretion or by specific direction from Borough Council, may determine, on an annual basis, so that it shall be expedient for the Borough Council to let a contract or contracts for replacement, repair, root removal, etc., to the end that the citizens who are given notice to repair pursuant to such program shall have the benefit of reasonable costs in making such repair and replacement if they choose to use the contractor(s) so designated by the Borough.

§ 176-23. Assessment and payment. [Added 7-13-1983 by Ord. No. 863, approved 7-20-1983]

- A. The Borough's cost of the materials, labor and related work with respect to each property owner utilizing the Borough's designated contractor shall be assessed on a lineal-foot or other equitable basis, and the Borough Engineer or Borough Manager or the designee of either shall calculate and ascertain the assessment assessable upon such property and shall prepare assessment bills or certificates and certify to the Borough the correctness of the same, which assessment bills or certificates, duly certified under the Seal of the Borough of Camp Hill and attested by the Mayor or President of the Borough Council and by the Secretary, shall be collected from the owner or owners of such property.
- B. Said assessment bills or certificates, when executed as provided in Subsection A hereof, shall be served upon the owner or owners of such property either personally or by leaving the same with an adult member of the family with whom said owner or owners reside if the owner or owners cannot be found within the Borough of Camp Hill. If said owner or owners of said property have no residence or cannot be found in the Borough of Camp Hill, the bill shall be posted upon the premises or a copy thereof left with the occupant, if there is one, and shall further be mailed by registered or certified mail to the owner or owners or his or their agent or attorney at his or their last known address. If the owner of said property is a corporation, said bill may be served upon the president or secretary or other person in charge if it has an office or place of business in the Borough of Camp Hill. If, however, said corporation shall have no office or place of business in the Borough of Camp Hill, then said bill or bills shall be posted on the premises and a copy left with the occupant, if there is one, and shall further be mailed by registered or certified mail to said corporation at its last known address. In all cases where said bill shall be sent by registered or certified mail, the time herein provided shall be computed from the date said letter shall be mailed or registered, provided that a bill has been previously posted on the premises.
- C. Said assessments shall be payable forthwith at the office of the Treasurer of the Borough, and the Borough Engineer and the Borough Secretary, as soon as possible after the assessment shall have been approved by the Borough Council, shall certify a complete duplicate copy thereof to the Borough Treasurer. Should an owner or owners of said property against which an assessment shall have been made refuse or neglect to pay such assessment within 120 days after notice of the same, as provided in Subsection B hereof,

the Borough shall immediately file a claim therefor, together with 5% as penalty added and legal interest thereon, against the property upon which such assessment or assessments have been made, and it is hereby made the duty of the Borough Treasurer that he shall certify to the Borough Solicitor all unpaid assessments or assessment bills. It shall be the duty of the Borough Solicitor, when any such assessments or assessment bills shall have been certified to him or her as aforesaid, to file a claim in the proper office of the County of Cumberland therefor against the property or properties upon which such assessments or assessment bills shall have been made. The Borough Solicitor shall thereupon proceed to collect the same under the general law relating to the collection of municipal claims.

ARTICLE VII

Street Acceptance

[Adopted 9-19-1966 by Ord. No. 724, approved 9-19-1966]

§ 176-24. Maintenance bond required for new streets.

Private developers who have constructed streets and desire said streets to be ordained as public streets of the Borough shall be required to post a bond guaranteeing the maintenance of said street and related utilities for a period of one year from the date the street has been improved, according to Borough specifications, and tendered to the Borough for acceptance.

§ 176-25. Amount of bond; other requirements.

Said bond shall be in an amount equal to 25% of the value of the improvement, including utilities, and shall have as surety reputable corporate surety regularly engaged in the business of bonding. The bond shall name the Borough as the secured party, and the principal obligor may be either the owner, developer or contractor involved in the construction of the street.

§ 176-26. Scope of provisions.

Nothing in this article shall be deemed to repeal or alter other ordinances pertaining to street construction requirements or to require the Borough to accept streets tendered to the Borough for public use but shall be an additional requirement for acceptance.

ARTICLE VIII

Street Excavations

[Adopted 4-9-1980 by Ord. No. 836, approved 4-9-1980]

§ 176-27. Compliance required.

It shall be unlawful for any person, partnership, firm or corporation to dig, cut or otherwise open any highway, street, alley or thoroughfare within the Borough of Camp Hill except in accordance with the following.

§ 176-28. Permit required; application and fee. [Amended 12-9-1987 by Ord. No. 891, approved 12-9-1987; 1-8-1997 by Ord. No. 958, approved 1-8-1997]

Such person, partnership, firm or corporation shall apply to the Borough office for a permit for such work, setting forth the dimensions of said cut or opening, the purpose for which it is made, the location and the name of the owner of the premises for whom said cut or opening is to be made and the length of time required to do the work. The Borough Manager shall have the authority to issue said permit if, in his opinion, the work is necessary, upon payment of such fee(s) as from time to time shall be set by resolution of the Borough Council.

§ 176-29. Permits for utilities.

Permits will be issued to those utilities only which will own and operate the facility after its installation. Permits will not be issued to any utility to install a facility or structure if the utility will not own and operate the facility or structure after its installation. Permits will not be issued to contractors or subcontractors of the utility nor to persons being serviced by the facility.

§ 176-30. Term of permit; extensions.

A permit is valid for a six-month period or longer as specified on the permit. If the permittee has not completed all authorized work by the completion date specified on the permit, an application shall be submitted requesting a time extension on the permit. If approved, a supplemental permit will be issued by the Borough.

§ 176-31. Responsibilities of permittee.

The permittee shall pay all the costs and expenses incident to or arising from the project, including the prescribed fees for the same and the cost of making and maintaining temporary restoration of the disturbed areas and making permanent restoration.

§ 176-32. Restoration.

- A. Permanent restoration shall be made and guaranteed for a period of one year. The base material shall consist of four inches of bituminous concrete base course meeting the requirements of Commonwealth of Pennsylvania Department of Transportation Section 305, Form 408. The wearing course shall consist of 1 1/2 inches of ID-2A SRL-M meeting the requirements of Section 420, Form 408. If the existing roadway contains a cement concrete course, this course shall be replaced in kind and to the same depth as the existing one.
- B. If any subsidence occurs in the roadway opening after restoration has been made, the permittee shall remove the base course and wearing course, recompact the backfill, replace the base course and replace the wearing course in accordance with the above specifications. The Borough shall determine where and when subsidence has occurred.

§ 176-33. Disposition of materials.

- A. The permittee shall keep the improved area free of all material which may be deposited by vehicles traveling upon or entering onto the highway during the performance of work authorized by the permit.
- B. The permittee shall be responsible for controlling dust conditions created by its own operations.
- C. All excess material shall be removed and disposed of outside the right-of-way as the work progresses.

§ 176-34. Backfilling.

All openings made in the improved area shall be backfilled by the permittee in accordance with the following minimum standards:

- A. The opening shall first be backfilled with No. 2A modified stone for insulation to a height not to exceed one foot over the top of the facility, compacted in not more than four-inch layers.
- B. The opening shall then be backfilled with No. 2A modified stone and compacted throughout its full width with approved vibratory compaction equipment in layers not to exceed eight inches.
- C. Compaction shall be completed to the bottom elevation of the existing pavement.
- D. The Borough may require the permittee to have material proposed for use as backfill tested for conformance with Form 408.

§ 176-35. Access to underground facilities.

- A. The top of every manhole, value box or other access to the facility shall be at the same elevation as the surface in which it is located.
- B. The surface surrounding manhole or value covers located in shoulders shall be paved in such a manner as to prevent washouts.

§ 176-36. Additional restoration.

- A. All disturbed portions of the highway, street, alley or thoroughfare, including all appurtenances and structures such as guardrails or drainpipes, shall be restored to a condition equal to that which existed before the start of any work authorized by the permit.
- B. If the permittee opens the pavement, whether to install a new facility or to modify an existing facility or for any other reason other than to perform emergency work, and the wearing course is less than five years old, the permittee shall, in addition to the minimum restoration conditions outlined herein (relating to special conditions; subsurface operations), overlay the pavement in accordance with the following conditions:

- (1) When a longitudinal opening longer than 10 feet and wider than three feet is made in the pavement, the permittee shall overlay the traffic lane(s) in which the opening was made for the entire length of highway that was opened.
 - (2) When two or more transverse trench openings are made in the highway pavement less than 100 feet apart, the permittee shall overlay all traffic lanes in which the openings were made for the entire length of highway between such openings.
- C. Regardless of the age of the wearing course, when both longitudinal and transverse trench openings are made in the pavement, the Borough may require the permittee to overlay all traffic lanes in which such openings were made, for the entire length of highway that was opened, if the Borough determines that the present serviceability index of the highway, street, alley or thoroughfare has been impaired by the openings.

§ 176-37. Procedure.

- A. Each and every street cut shall be made only after application has been made therefor and permit granted by the Borough Manager, except emergency cuts by utility corporations as hereinbefore set forth.
- B. Utility corporations shall make permit applications for all emergency cuts within five days after the emergency cut has been made.
- C. Said person, partnership, firm or corporation causing such cut or opening to be made in the streets shall provide suitable barricades and guards to protect persons using the highway from injury, and at night the cut or opening shall be marked with sufficient hazard lights to warn persons using the highway of such cut or opening.
- D. Upon the issuance of each permit as aforesaid, the Borough Manager shall notify the Street Commissioner and the Chief of Police of the issuance of said permit, stating the dimensions of said cut or opening, the purpose for which it is made, the location of the premises and the name of the owner thereof.
- E. The Borough Manager shall have authority to regulate the opening or cuts so that the proper use of the highways shall not be unnecessarily interfered with, and he shall have authority to see that said openings or cuts are filled and closed as required by this article.
- F. The Chief of Police shall have authority to see that all openings or cuts are properly barricaded and guarded at all times and marked with hazard lights at night as required by this article.
- G. The permittee shall be responsible to notify the Borough office, through its contractor or otherwise, in advance, of the precise day when the cut, opening or excavation work shall commence and the precise day when closing of the cut, opening or excavation shall commence.

§ 176-38. Indemnification.

The person, partnership, firm or corporation shall agree fully to indemnify and save harmless the Borough of Camp Hill of and from all liability for damages or injury occurring to any person or persons or property at such openings in streets through or in consequence of any act or omission of any contractor, agent, servant, employee or person engaged or employed in, about or upon said work by, at the instance or with the approval or consent of the person, partnership, firm or corporation or from the failure of the same and/or its contractor to comply with the provisions for maintenance as set forth herein.

§ 176-39. Violations and penalties.

- A. Any violation of this article shall constitute grounds for imposition of any or all of the following penalties:
- (1) Upon receipt of verbal or written notice of any violations(s) from the Borough's authorized representative or a police officer whose jurisdiction includes the permitted work area, the permittee shall cease to perform any further work in the permitted area except to restore the area to a safe condition. No further work shall commence in the permitted area until the violation(s) has been remedied. Where the permittee has received verbal notice of the violation(s), written notice shall be sent to the permittee within 10 days of receipt of the verbal notice.
 - (2) Confiscation of the applicant's permit or emergency permit card by any police officer or authorized representative of the Borough.
 - (3) Revocation of the applicant's permit or emergency permit card by the Borough.
 - (4) Removal of facilities installed without a permit or in violation of this article.
 - (5) Such fines, imprisonment or other penalties as are provided by law.
 - (6) Such other action as may be deemed necessary or proper after consultation with the Borough Solicitor.
- B. Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof before the District Justice, be sentenced to pay a fine not exceeding \$300, plus costs of prosecution, and in default thereof, to be imprisoned in the county jail for a term not exceeding 30 days. **[Added 12-9-1987 by Ord. No. 891, approved 12-9-1987]**

ARTICLE IX

Sidewalk Obstructions; Sidewalk Cafes**[Adopted 8-11-1999 by Ord. No. 981, approved 8-11-1999]****§ 176-40. Definitions.**

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

OPEN SIDEWALK CAFE — The utilization of sidewalk space beyond the building line as well as the use of lawn or yard area to accommodate the serving of food and drink, excluding alcoholic beverages, to patrons of an operating restaurant, which space is unenclosed and does not have walls. It shall consist of tables and chairs set in front of the restaurant and there shall be some type of nonpermanent partition, which shall separate the open sidewalk cafe from the public portion of the sidewalk.

PERSON — Any natural person, association, partnership, firm or corporation. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 176-41. Sale and display of merchandise restricted.

No person shall place, set up, exhibit or display, sell or offer to sell upon any of the sidewalks in the Borough of Camp Hill any goods, wares or merchandise, nor shall any person set up and/or operate upon any of such sidewalks any implements or fixtures used in connection with the display and/or sale of goods, wares or merchandise; provided, however, that the Borough Council, by resolution, may suspend the operation of this article for community-wide sales, promotion days or for temporary patriotic, civic or charitable purposes.

§ 176-42. Floral displays and open sidewalk cafes.

Notwithstanding any restrictions in § 176-41 of this article, the following provisions shall apply to floral displays and open sidewalk cafes as specified herein:

A. Floral displays.

- (1) Flowers, floral arrangements, ornamental shrubbery, bedding plants and vegetable plants may be displayed in front of the premises of any merchant customarily dealing in the sale of such merchandise, where such a use is a permitted use.
- (2) Said displays shall not protrude more than three feet from the building line of the merchant's premises. A minimum of four feet of unobstructed sidewalk shall be available for pedestrian traffic.
- (3) No floral display shall be so placed as to interfere with pedestrian traffic.

B. Open sidewalk cafes.

- (1) Permit required. Open sidewalk cafes shall be permitted in areas zoned Commercial District (C-1, C-2 and C-2A) when a permit is obtained from the Borough Manager or his or her designee. A request for a permit may be made by the owner or tenant of a building occupied and used as a restaurant fronting the sidewalk sought to be used as an open sidewalk cafe. Such permit shall be valid for one year.
- (2) Revocation of permit.
 - (a) Any permit issued shall be limited to a revocable license for the use of a public sidewalk area as specified herein. A permit is understood by any

permit holder to exist merely at the pleasure of the Borough Council and may be revoked by the:

- [1] Borough Manager or his or her designee for a violation of any provision of this section.
- [2] Borough Council at any time and without cause.

(b) Revocation may be in addition to penalties imposed by Article V, § 176-11.

(3) Conditions for issuance of permit. A permit for an open sidewalk cafe may be issued only when the following conditions are met:

- (a) No alcoholic beverages shall be served or consumed outdoors.
- (b) Food preparation. No food preparation shall take place outside or within the open sidewalk cafe.
- (c) All food and beverages intended for consumption in the sidewalk cafe shall be served in nondisposable containers.
- (d) Trash receptacles shall be provided by the permit holder in convenient locations.
- (e) Projection onto the sidewalk. No more than half the sidewalk shall be utilized for an open sidewalk cafe. A minimum of four feet of unobstructed sidewalk shall be available for pedestrian traffic.
- (f) Projection into parking lots or areas. No tables or chairs shall project into a parking lot or area.
- (g) Permitted months and hours of operation. Operation of open sidewalk cafes shall be permitted during the months of April to October, inclusive. The maximum hours of operation shall be from 7:00 a.m. to 10:00 p.m.
- (h) Partition standards. If the cafe tables and chairs are on or within six feet of the sidewalk, a partition sufficient to direct the flow of pedestrian traffic around the sidewalk cafe shall be erected and maintained by the permit holder. The partition separating the open sidewalk cafe from the sidewalk shall not be permanent. It shall be no more than 30 inches in height and appropriate to the facade of the building. No advertisements shall be placed on it.
- (i) Insurance and indemnification. Any person requesting a permit shall, prior to issuance thereof, file with the Borough Manager:
 - [1] A certificate evidencing liability insurance in at least the amount of \$50,000/\$100,000, naming such person and the Borough of Camp Hill, its officers, employees and representatives as insureds, and covering property damages and personal injury arising out of operation of said open sidewalk cafe, which policy shall be kept in full force during the operation of the open sidewalk cafe.

- [2] An executed agreement to indemnify, defend at his or her own expense, and hold harmless the Borough of Camp Hill, its officers, employees and representatives from any and all claims, actions, injuries, costs, including but not limited to attorneys' fees, or damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the operation of the open sidewalk cafe.
- [3] The Borough shall be an additional insured on all policies of insurance required for the operation of the sidewalk cafe.
- (j) All other applicable ordinances, including but not limited to zoning ordinances, shall be complied with, it not being the intent of this section that a use not authorized by the Zoning Ordinances of the Borough would become permissible hereby.
- (k) All applicable federal and state statutes, rules and regulations shall be complied with.
- (4) Compliance with each of these conditions of issuance shall be a continuing obligation of the permit holder.
- (5) A permit holder shall maintain the good order and proper conduct of patrons of the open sidewalk cafe.
- (6) Litter. Litter emanating from the sidewalk cafe area and from whatever area to which it may flow shall be collected as often as is required to keep the sidewalk as clear of litter as if the open sidewalk cafe did not exist.
- (7) Fees. The annual fee for issuance of a permit shall be set by and may be amended by resolution of Borough Council.¹

1. Editor's Note: The fee for outdoor sidewalk cafe permits is on file in the Borough offices.