

# File of the Council of the City of Easton, Pa.

Ordinance No.

SESSION 2011

Bill No. 8

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Introduced by: Elinor Warner – April 13, 2011

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Enacted by Council:

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**AN ORDINANCE: Amending Sections 285-23, Streets and Sidewalks, and 285-24, Subdivision and Land Development, Chapter 520, of the Code of the City of Easton, Pa.**

THE CITY OF EASTON HEREBY ORDAINS:

SECTION 1. Section 285-23 A (1) be and it is hereby amended to Read as follows:

	Reset	New
Line and Grade up to 50 feet	\$100.00	\$100.00
Each Additional Foot	\$ 1.00	\$ 1.00
Replace point	\$ 35.00	\$ 35.00

SECTION 2. Section 285-23 A (2) (c) and (d) be and they are hereby amended to read as follows:

- (c) Crossover: Application Fee \$50 Permit Fee \$10
- (d) Handicapped ramp: \$20

SECTION 3. Section 285-23 A (3), be and it is hereby included and will read as follows:

- (3) Encroachment Permit: Application Fee \$50 Permit Fee \$20

SECTION 4. Section 285-23 D (1) be and it is hereby amended to read as follows:

- (1) Assignment of an Address: Application Fee \$35 plus \$10 per each address.

SECTION 5. Section 285-23 E be and it is hereby included and will read as follows:

E. Pole Installation

- (1) Each Pole: Application Fee \$35  
Permit Fee \$10



# File of the Council of the City of Easton, Pa.

Ordinance No.

SESSION 2011

Bill No. 9

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Introduced by: Elinor Warner – April 13, 2011

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Enacted by Council:

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**AN ORDINANCE: Amending Sections in Chapter 515, Streets and Sidewalks, of the Code of the City of Easton, Pa.**

THE CITY OF EASTON HEREBY ORDAINS:

SECTION 1. Section 515-1 be and it is hereby amended to read as follows:

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, top 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.

SECTION 2. Section 515-2 be and it is hereby amended to read as follows:

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.

Changes in level between adjacent sidewalk slab elevations shall comply with Americans with Disabilities Act (ADA) guidelines and Uniform Federal Accessibility Standards (UFAS.)

Tree wells, grass strips and planting areas adjacent to sidewalks shall be maintained in a manner which does not constitute a tripping hazard.

SECTION 3. Section 515-3 be and it is hereby amended to read as follows:

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, cur 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.

SECTION 4. Section 515-7, be and it is hereby amended to read as follows:

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.

SECTION 5. Section 515-8 be and it is hereby amended to read as follows:

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.

The Owner may, at his option or City Engineer's option, hire a licensed surveyor or competent contractor to fix the said line and grade/

SECTION 6. Section 515-10 be and it is hereby amended to read as follows:

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.

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.

SECTION 7. Section 515-11, be and it is hereby amended to read as follows:

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.

SECTION 8. Section 515-12, be and it is hereby amended to read as follows:

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.

SECTION 9. Section 515-13, be and it is hereby amended to read as follows:

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.

SECTION 10. Sections 513-13 A (1), (2), (3), (4), B, C, D (1), (2), (3), and E (1) and (2), be and they are hereby repealed in their entirety.

SECTION 11. Sections 513-13 F be and it is hereby amended to read as follows:

#### 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.

SECTION 12. Section 513.13 F (1) be and it is hereby amended to read as follows:

- (1) The concrete sidewalk shall be not less than five inches in depth over a 4-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.

SECTION 13. Section 513.13 F (2) be and it is hereby amended to read as follows:

- (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  $\frac{1}{2}$  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  $\frac{1}{3}$  of the slab thickness. Swales for rainwater shall be formed 15 inches wide and  $1\frac{1}{2}$  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 5 feet, the replacement sidewalk width shall be increased to 5 feet where there is sufficient width between the cartway and right-of-way lines. Sidewalk widths in new residential developments shall be 5 feet with a grass strip 5 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.

SECTION 14. Section 513.13 F (3) be and it is hereby created and shall read as follows:

- (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.

SECTION 15, A new subsection shall be added to Section 513.13 and shall read as follows:

. 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.

SECTION 16. Section 513.13 G be and it is hereby amended to read as follows:

G. Driveways.

The standard referred to in this section is Pennsylvania Code Title 67, Chapter 441.

SECTION 17. Section 513-13 G, (2) (b) be and it is hereby amended to read as follows:

- (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.

SECTION 18. Section 513-13 G, (2) (d), be and it is hereby created and shall read as follows:

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

SECTION 19. Section 513-13 G, (2) (e), be and it is hereby created and shall read as follow

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

SECTION 20. Section 513-13 G, (7) (d), be and it is hereby amended to read as follows:

- (d) The area between the right-of-way line and 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.

SECTION 21. Section 513.13 G (8) be and it is hereby amended to read as follows:

- (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 the PA 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 PA Code. All other driveway uses shall meet the sight distance requirements of the PA 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.

SECTION 22. Section 513.13 G (9) (b) be and it is hereby amended to read as follows:

- (b) Construction – Curbed Areas.

SECTION 23. Section 513.13 G (9) (c) be and it is hereby amended to read as follows:

- (c) Curb cuts/Depressed Curbs. Curb cuts shall leave undisturbed a curb height of not less than 1 ½ 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:

SECTION 24. Section 513.13 G (9) (d) and (e) be and they are hereby repealed in

their entirety.

SECTION 25. Section 513.13 G (10) and (11) be and they are hereby repealed in their entirety.

SECTION 26. Existing Section 513.13 H, be and it is hereby amended to read as follows:

- H. Curb ramps. 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:

SECTION 27. The following will be added to the end of Section 513.13 H and shall read as follows:

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

SECTION 28. Existing Section 513.13 I, be and it is hereby amended to read as follows:

- 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.

SECTION 29. Sections 513.13 J, K, and be and they are hereby repealed in their entirety.

SECTION 30. A new subsection will be created to Section 513.13 and shall read as follows:

- . 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  $\frac{3}{4}$  inch aggregate, uniformly compacted and shaped so that the surface shall be at the required depth below grade for the finished concrete.

SECTION 31. A new subsection will be created to Section 513.13 and shall be read as follows:

- . 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 curbline 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 curbline.

- (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 curb line. 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.

SECTION 32. Existing section 513 L be and is hereby amended to read as follows:

- 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.

SECTION 33. A new subsection is created to Section 513 and will read as follows:

- . 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 walk-way area to a height of 80 inches and so as not to obstruct street signs, traffic signals, etc.

SECTION 34. Section 515-20 G, be and it is hereby amended to read as follows:

- G. The permittee shall notify the City Engineer, police, firemen and emergency services, and all school and public bus transportation companies at least 24 hours prior to excavation.

SECTION 35. Section 515-29 be and it is hereby amended by adding the following to the end of the paragraph.

Any person, utility or company desirous of installing a pole within a public right-of-way shall first apply for a permit for installation at the Bureau of Engineering. The applicant shall pay the appropriate application fee and shall provide the proposed location, depth, height, material and size of the pole. The applicant shall also show all nearby underground utilities and facilities, and surface objects such as guide rail, walls, trees, signs, buildings, balconies, wires, other poles, etc. The office of the City Engineer reserves the right to deny the installation. If the application is approved, the applicant shall pay the permit fee. The applicant shall notify the Bureau of Engineering at least 24 hours prior to installation.

SECTION 36. All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.



# File of the Council of the City of Easton, Pa.

Ordinance No.

SESSION 2011

Bill No. 7

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Introduced by: Kenneth Brown – April 13, 2011

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Enacted by Council:

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**AN ORDINANCE: Approving a 1<sup>st</sup> Amendment to a Collocation Agreement between the City of Easton, Pa. and T-Mobile Northeast LLC.**

THE CITY OF EASTON HEREBY ORDAINS:

SECTION 1. On November 19, 1998, City Council, of the City of Easton, enacted Ordinance 3637 which approved a Collocation Agreement between the City of Easton and Omnipoint Communications Inc; now T-Mobile Northeast LLC.

SECTION 2. The City of Easton and T-Mobile Northeast LLC have agreed to amend the existing Collocation Agreement.

SECTION 3. City Council of the City of Easton, Pa., has reviewed and approves the 1<sup>st</sup> Amendment to Collocation Agreement, copy attached hereto, between the City of Easton Pa., and T-Mobile Northeast LLC.

SECTION 4. Council authorizes and directs the Mayor and City Controller to sign said Amendment and the City Clerk to attest to same.

SECTION 5. All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

SECTION 6. This Ordinance shall become effective 30 days following adoption by Council.

Signed the        day of                    , 2011

ATTEST: \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor