
Chapter 53 — Streets

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Article I — Street Acceptances, Vacations, Lines, Etc.

§ 53-101 Incorporation by Reference.

All descriptions and plans which are contained in, attached to, or referred to, in Ordinances of the Borough, and which are specifically referred to in the text of this Article or Article II, are incorporated into this Chapter by reference, saved from repeal, and not superseded by the adoption of the Codified Ordinances.

§ 53-102 East Second Street.

(a) **Beri Acres.** The Borough of Alburtis hereby accepts the dedication of the following street in the Beri Acres Development, and opens and incorporates the same into the official street system of the Borough of Alburtis: “East Second Street” as more fully described in Exhibit G attached to Ordinance 352, which is incorporated herein by reference, and as delineated in Exhibit H attached to Ordinance 352, which is also incorporated herein by reference.

(b) **Lockridge Village.** *See* § 53-120(a) (relating to Lockridge Lane and Second Street).

§ 53-103 West Second Street.

(a) **Walnut Street to Tin Alley.** A public thoroughfare known as a portion of Second Street, from its intersection with Walnut Street westwardly to its intersection with Tin Alley, is adopted by the Borough of Alburdis and shall become part of the Borough's Street Plan, said street more particularly described as set forth in Section I of Ordinance 187. Being of a uniform total width of 50.00 feet, a cartway width of 30.00 feet, and curb and sidewalk area of 10.00 feet on each side.

(b) **Elm Street to Ridgeview Drive.** The Borough of Alburdis hereby accepts the dedication of the following street in the Ridgeview Development, and incorporates the same into the official street system of the Borough of Alburdis: "West Second Street" as more fully described in Exhibit A attached to Ordinance 293 and Exhibit G attached to Ordinance 312, which are incorporated herein by reference, and as delineated in Exhibit D attached to Ordinance 293 and Exhibit H attached to Ordinance 312, which are also incorporated herein by reference.

§ 53-104 Third Street.

(a) **Main Street to Walnut Street.**

(1) **Established.** Third Street between Main Street and Walnut Street, to the width of thirty (30) feet from curb to curb, is hereby opened and established as a public highway.

(2) **Opening.** The highway committee of the Borough of Alburdis is hereby authorized and directed to open Third Street between Main Street and Walnut Street in accordance with the provisions of paragraph (1).

§ 53-105 West Fourth Street.

The Borough of Alburdis hereby vacates and closes the following street in the Borough of Alburdis, terminating all public rights in such street, and removing such street from the official street system of the Borough of Alburdis: "West Fourth Street" as more fully described in Exhibit F attached to Ordinance 303, which is incorporated herein by reference, and as delineated in Exhibit G attached to Ordinance 303, which is also incorporated herein by reference.

§ 53-106 Amber Alley.

(a) **Franklin Street to East Stone Alley.** That thoroughfare known as Amber Alley is adopted by the Borough of Alburdis and shall become a part of the Borough Street Plan, said alley more particularly described as set forth in Section I of Ordinance 255.

§ 53-107 Ash Alley.

(a) **Walnut Street to Tin Alley.** The public thoroughfare known as Ash Street from its intersection with Walnut Street southwestwardly to its intersection with Tin Alley, a distance of approximately 269.93 feet, is located, adopted, and the alignment, widths, and grades for same shall be established as they are indicated and described on a plan titled “Alignment and Grade Plan, Sections of Ash Street – Walnut Street to Tin Alley, Tin Alley – Second Street to Front Street,” prepared by A.L. Wiesenberger Associates, Inc., Consulting Engineers, Allentown, Pennsylvania, attached to and made a part of Ordinance 110, the centerline of which is described as set forth in Section I of Ordinance 110.

(b) **Chestnut Street to Ore Alley.** The public thoroughfare identified as Ash Alley located between Chestnut Street and Ore Alley is hereby adopted and the alignment and width for the same is established in conformity with the master Plan for the Borough of Alburdis, as in effect on February 10, 1988, more particularly described as set forth in Section I(c) of Ordinance 260. Plans of the street are set forth and identified by an attachment to Ordinance 260. Said plans have been prepared by the firm of Martin, Bradbury & Griffith, Inc., borough engineers, and are intended to be subscribed upon the street plan of the Borough of Alburdis following adoption of this provision.

(c) **Elm Street to Tin Alley.** The Borough of Alburdis hereby rescinds the vacation of the portion of Ash Alley between Elm Street and Tin Alley, and repeals subsection (5) of Section 1 of Ordinance 303 (adopted December 8, 1993). (Ordinance 303 vacated the portion of Ash Alley between Elm Street and Tin Alley, but that action never took effect because conditions precedent to the effectiveness of the vacation under Section 4 of Ordinance 303 did not occur prior to the rescission of the vacation.)

§ 53-108 Avi Drive.

(a) **Ridgeview Drive to Flint Hill Road.** The Borough of Alburdis hereby accepts the dedication of the following street in the Ridgeview Development, and opens and incorporates the same into the official street system of the Borough of Alburdis: “Avi Drive” as more fully described in Exhibit E attached to Ordinance 312, which is incorporated herein by reference, and as delineated in Exhibit F attached to Ordinance 312, which is also incorporated herein by reference.

§ 53-109 Butz Alley.

(a) **Ore Alley to Walnut Street.** The Borough of Alburdis hereby vacates and closes the following street/alley in the Borough of Alburdis, terminating all public rights in such street, and removing such street from the official street system of the Borough of Alburdis: “Butz Alley”, including the portion east of Chestnut Street, as more fully described in Exhibit C attached to Ordinance 303, which is incorporated herein by reference, and the portion west of Chestnut Street, as more fully described in Exhibit D attached to Ordinance 303, and as delineated (both portions) in Exhibit E attached to Ordinance 303, which is also incorporated herein by reference.

§ 53-110 Chestnut Circle West.

(a) **Suburban Heights.** The public thoroughfare known as Chestnut Circle West and South Chestnut Street, from the northerly right-of-way line of Windsor Road to the southerly right-of-way line of West School Street, situated in Suburban Heights Subdivision, is adopted by the Borough of Alburdis and shall become part of the Borough's Street Plan, said streets more particularly described as set forth in Section II of Ordinance 186. Being of a uniform total width of 50.00 feet, a cartway width of 30.00 feet, sidewalk area of 10.00 feet on each side; and a length of 891.60 feet.

§ 53-111 Chestnut Street.

(a) **Stone Alley to Wood Alley.** The thoroughfare known as Chestnut Street from its intersection with Stone Alley southwardly to its intersection with Wood Alley, a distance of approximately 565 feet, is located, adopted, and the alignment, widths, and grades for same are hereby established in conformity with the description set forth in the two paragraphs before Section I of Ordinance 138.

(b) **West Stone Alley to Third Street.** The public thoroughfare identified as Chestnut Street located between West Stone Alley and Third Street is hereby adopted and the alignment and width for the same is established in conformity with the master Plan for the Borough of Alburdis, as in effect on February 10, 1988, more particularly described as set forth in Section I(a) of Ordinance 260. Plans of the street are set forth and identified by an attachment to Ordinance 260. Said plans have been prepared by the firm of Martin, Bradbury & Griffith, Inc., borough engineers, and are intended to be subscribed upon the street plan of the Borough of Alburdis following adoption of this provision.

(c) **Third Street to School Street.** A public thoroughfare known as Chestnut Street, from Third Street to School Street, situate in the Andrew J. Watson Land Subdivision, is adopted by the Borough of Alburdis and shall become a part of the Borough's Street Plan, said Street more particularly described as set forth in Section I of Ordinance 230.

§ 53-112 Church Street.**(a) Franklin Street to Thomas Street.**

(1) **Widened and Extended.** Church Street between Franklin Street and Thomas Street is hereby widened and extended, the description of the annexed ground used in widening and extending Church Street being as set forth in Section IV of Ordinance 23.

(2) **Opening.** The highway committee of the Borough of Alburdis is hereby authorized and directed to widen and extend Church Street between Franklin Street and Thomas Street in accordance with the description given in Section IV of Ordinance 23.

(b) **Lock Ridge Estates–Widening.** The Borough of Alburdis hereby accepts the dedication of the following street in the Lock Ridge Estates Development, and opens and incorporates the same into the official street system of the Borough of Alburdis: "Church Street" as more fully described in Exhibit M attached to Ordinance 352, which is incorporated herein by

reference, and as delineated in Exhibit N attached to Ordinance 352, which is also incorporated herein by reference.

(c) **Glenn's Woods–Widening.** The Borough of Alburdis hereby accepts the dedication of the following street in the Glenn's Woods Development, and opens and incorporates the same into the official street system of the Borough of Alburdis: "Church Street" as more fully described in Exhibit C attached to Ordinance 490, which is incorporated herein by reference, and as delineated in Exhibit D attached to Ordinance 490, which is also incorporated herein by reference.

§ 53-113 Cobblestone Court.

The Borough of Alburdis hereby accepts the dedication of the following street in the Beri Acres Development, and opens and incorporates the same into the official street system of the Borough of Alburdis: "Cobblestone Court" as more fully described in Exhibit A attached to Ordinance 352, which is incorporated herein by reference, and as delineated in Exhibit B attached to Ordinance 352, which is also incorporated herein by reference.

§ 53-114 Copper Alley.

(a) **Franklin Street to East Stone Alley.** The Borough Council of the Borough of Alburdis hereby accepts into the street and alley system of the Borough of Alburdis that section of Copper Alley, previously opened by not dedicated to or laid out by the Borough of Alburdis, as described in Section 1 of Ordinance 282. A diagram of the foregoing section of Gold Alley is attached to Ordinance 282, made a part hereof by reference, and marked Exhibit "A".

§ 53-115 Flint Hill Road.

The Borough of Alburdis hereby accepts the dedication of the following street in the Ridgeview Development, and incorporates the same into the official street system of the Borough of Alburdis: "Flint Hill Road" as more fully described in Exhibit B attached to Ordinance 293 and Exhibit I attached to Ordinance 312, which are incorporated herein by reference, and as delineated in Exhibit E attached to Ordinance 293 and Exhibit J attached to Ordinance 312, which are also incorporated herein by reference.

§ 53-116 Franklin Street.

(a) **Lock Ridge Estates–Widening.** The Borough of Alburdis hereby accepts the dedication of the following street in the Lock Ridge Estates Development, and opens and incorporates the same into the official street system of the Borough of Alburdis: "Franklin Street" as more fully described in Exhibit K attached to Ordinance 352, which is incorporated herein by reference, and as delineated in Exhibit L attached to Ordinance 352, which is also incorporated herein by reference.

§ 53-117 West Front Street.

(a) **Ridgeview Development–Additional Width.** The Borough of Alburdis hereby accepts the dedication of the following street in the Ridgeview Development, and opens and incorporates the same into the official street system of the Borough of Alburdis: “West Front Street” as more fully described in Exhibit A attached to Ordinance 312, which is incorporated herein by reference, and as delineated in Exhibit B attached to Ordinance 312, which is also incorporated herein by reference.

§ 53-118 Gold Alley.

(a) **Franklin Street to East Stone Alley.** The Borough Council of the Borough of Alburdis hereby accepts into the street and alley system of the Borough of Alburdis that section of Gold Alley, previously opened by not dedicated to or laid out by the Borough of Alburdis, as described in Section 1 of Ordinance 281. A diagram of the foregoing section of Gold Alley is attached to Ordinance 281, made a part hereof by reference, and marked Exhibit “A”.

(b) **Beri Acres.** The Borough of Alburdis hereby accepts the dedication of the following street in the Beri Acres Development, and opens and incorporates the same into the official street system of the Borough of Alburdis: “Gold Alley” as more fully described in Exhibit C attached to Ordinance 352, which is incorporated herein by reference, and as delineated in Exhibit D attached to Ordinance 352, which is also incorporated herein by reference.

§ 53-119 Lauren Drive.

The Borough of Alburdis hereby accepts the dedication of the following streets in the Lock Ridge Estates Development, and opens and incorporates the same into the official street system of the Borough of Alburdis: “Lauren Drive” and “Thomas Street” as more fully described in Exhibit O attached to Ordinance 352, which is incorporated herein by reference, and as delineated in Exhibit P attached to Ordinance 352, which is also incorporated herein by reference.

§ 53-120 Lockridge Lane.

(a) **Lockridge Village.** A public thoroughfare to be known as Lockridge Lane and Second Street, from Church Street to property now or late of Erma Eisenhard, as shown on the subdivision plan of Lockridge Village, Section A and B, recorded in Map Book Volume 17, Page 39 and recorded in the Office for the Recording of Deeds in and for the County of Lehigh is hereby adopted and the alignment and widths for the same established as set forth in Section I of Ordinance 197.

§ 53-121 Mica Alley.

(a) **Beri Acres–Widening.** The Borough of Alburdis hereby accepts the dedication of the following street in the Beri Acres Development, and opens and incorporates the same into the

official street system of the Borough of Alburdis: “Mica Alley” as more fully described in Exhibit E attached to Ordinance 352, which is incorporated herein by reference, and as delineated in Exhibit F attached to Ordinance 352, which is also incorporated herein by reference.

§ 53-122 Main Street.

(a) **Approval of Improvements by Pennsylvania Department of Highways.** The grades, drainage structures, and all other structures shown on the plans prepared and submitted by the Department of Highways for the proposed construction and change of grade of a portion of State Highway Route No. 39021-2 on Main Street, from Station 86+65 to Station 98+73, a distance of 1208.00 feet, are adopted, and are hereby enacted and ordained as and for the true and proper grades, drainage structures, and other structures of and for Main Street, as shown on the said plan, which is hereby adopted as the Official Borough Plan for that portion of Main Street.

(b) **Ultimate Right-of-way At 107 North Main Street.** The proposed, future, or ultimate right-of-way line on the east side of North Main Street, where it abuts the property known as 107 North Main Street, shall be changed so as to be coextensive with the actual, current, legal right-of-way line on that side of that street as of July 14, 1999.

§ 53-122.1 Maple Court.

(a) **Glenn’s Woods.** The Borough of Alburdis hereby accepts the dedication of the following street in the Glenn’s Woods Development, and opens and incorporates the same into the official street system of the Borough of Alburdis: “Maple Court” (originally shown on the plans for Glenn’s Woods as “Birch Street” but renamed “Maple Court” by action of Borough Council) as more fully described in Exhibit A attached to Ordinance 490, which is incorporated herein by reference, and as delineated in Exhibit B attached to Ordinance 490, which is also incorporated herein by reference.

§ 53-123 Moty Drive.

(a) **Flint Hill Road to Ridgeview Drive.** The Borough of Alburdis hereby accepts the dedication of the following street in the Ridgeview Development, and opens and incorporates the same into the official street system of the Borough of Alburdis: “Moty Drive” as more fully described in Exhibit C attached to Ordinance 293 and Exhibit K attached to Ordinance 312, which are incorporated herein by reference, and as delineated in Exhibit F attached to Ordinance 293 and Exhibit L attached to Ordinance 312, which are also incorporated herein by reference.

§ 53-124 Ore Alley.

(a) **West Second Street to Third Street.** The public thoroughfare identified as Sand Alley located between West Second and Third Streets is hereby adopted and the alignment and

width for the same is established in conformity with the master Plan for the Borough of Alburdis, as in effect on February 10, 1988, more particularly described as set forth in Section I(d) of Ordinance 260. Plans of the street are set forth and identified by an attachment to Ordinance 260. Said plans have been prepared by the firm of Martin, Bradbury & Griffith, Inc., borough engineers, and are intended to be subscribed upon the street plan of the Borough of Alburdis following adoption of this provision.

§ 53-125 Paper Alley.

(a) **West Stone Alley to Butz Alley.** The Borough of Alburdis hereby vacates and closes the following street/alley in the Borough of Alburdis, terminating all public rights in such street, and removing such street from the official street system of the Borough of Alburdis: “Paper Alley” as more fully described in Exhibit A attached to Ordinance 303, which is incorporated herein by reference, and as delineated in Exhibit B attached to Ordinance 303, which is also incorporated herein by reference.

§ 53-126 Park Lane.

(a) **Second Street to Roberts Street.** A public thoroughfare to be known as Park Lane, from Second Street to Roberts Street, as shown on the subdivision plan of Lockridge Village, Section A and B, recorded in Map Book Volume 17, Page 39, situated in the Borough of Alburdis, Lehigh County, Pennsylvania, and recorded in the Office for the Recording of Deeds in and for the County of Lehigh is hereby adopted and the alignment and widths for the same established and more particularly described as set forth in Section II of Ordinance 197.

§ 53-127 Pebble Street.

(a) **Vacation of Former Location.** Pebble Street, as it existed on March 7, 1921 and as described in Section I of Ordinance 23, is vacated and abandoned as a public highway between Wind Alley and Thomas Street.

(b) **New Location Established.**

(1) **New Course.** A new course of Pebble Street is established between Wind Alley and Thomas Street as a public highway, the description of said new course of Pebble Street being as set forth in Section II of Ordinance 23.

(2) **Opening.** The highway committee of the Borough of Alburdis is hereby authorized and directed to open Pebble Street between Wind Alley and Thomas Street in accordance with the description given in Section II of Ordinance 23.

§ 53-128 East Penn Avenue.

(a) **Ultimate Right-of-way At 107 North Main Street.** The proposed, future, or ultimate right-of-way line on the north side of East Penn Avenue, where it abuts the property known as 107 North Main Street, shall be changed so as to be coextensive with the actual, current, legal right-of-way line on that side of that street as of July 14, 1999.

§ 53-129 East Penn Avenue Spur.

(a) **Vacation.** A portion of East Penn Avenue Spur located at the conjunction of East Penn Avenue in the Borough of Alburdis hereby is vacated and shall be removed from the Borough Street Plan, said street to be vacated being more particularly described as set forth in Section I of Ordinance 196.

(b) **Existing Utility Easements.** The adoption of Ordinance 196 and its continuation in this Section shall in no way affect water line and sewer line easements existing as of May 10, 1978 which are located in the portion of the area vacated under this Section. The Borough continues to reserve and does hereby reserve the right to enter on the premises vacated for the purpose of maintenance and repair if and when called for.

(c) **Plan.** The description of the area vacated under this Section is taken from a plan of the East Penn Avenue Spur prepared by A.W. Martin Associates, Inc., Engineers and Surveyors, 169 N. Ninth St., Allentown, Pa., dated May 1, 1978. A copy of said plan is attached to Ordinance 196 and incorporated as a part of this Section.

§ 53-130 Ridgeview Drive.

The Borough of Alburdis hereby accepts the dedication of the following street in the Ridgeview Development, and opens and incorporates the same into the official street system of the Borough of Alburdis: "Ridgeview Drive" as more fully described in Exhibit C attached to Ordinance 312, which is incorporated herein by reference, and as delineated in Exhibit D attached to Ordinance 312, which is also incorporated herein by reference.

§ 53-131 Roberts Street.

A public thoroughfare to be known as Roberts Street, from Lockridge Lane to Roberts Street cul-de-sac, as shown on the subdivision plan of Lockridge Village, Section A and B, recorded in Map Book Volume 17, Page 39, situated in the Borough of Alburdis, Lehigh County, Pennsylvania, and recorded in the Office for the Recording of Deeds in and for the County of Lehigh is hereby adopted and the alignment and widths for the same established and more particularly described as set forth in Section III of Ordinance 197.

§ 53-132 Sand Alley.

(a) **School Street to Church Street.** The public thoroughfare identified as Sand Alley located between School and Church Streets is hereby adopted and the alignment and width for the same is established in conformity with the master Plan for the Borough of Alburdis, as in effect on February 10, 1988, more particularly described as set forth in Section I(b) of Ordinance 260. Plans of the street are set forth and identified by an attachment to Ordinance 260. Said plans have been prepared by the firm of Martin, Bradbury & Griffith, Inc., borough engineers, and are intended to be subscribed upon the street plan of the Borough of Alburdis following adoption of this provision.

§ 53-133 East Stone Alley.**(a) Eastwardly from East Second Street.**

(1) **Course.** The public thoroughfare known as Stone Alley from its intersection with East Second Street eastwardly along the center line thereof for a total distance of 1167.11 feet, is located, adopted, and the alignment and width for same shall be established as they are indicated and described on a plan titled "Alignment Plan, Stone Alley, located in the Borough of Alburdis, Lehigh County, Pennsylvania," prepared by A.L. Wiesenberger Associates, Consulting Engineers, Allentown, Pennsylvania, attached to and made a part of Ordinance 155, the centerline of which is described as set forth in Section I of Ordinance 155.

(2) **Width.** This thoroughfare shall be of a uniform total width of sixteen (16) feet with eight (8) feet on either side of said centerline.

(b) **Gold Alley to Copper Alley.** The public thoroughfare identified as East Stone Alley located between Gold Alley and Copper Alley is hereby adopted and the alignment and width for the same is established in conformity with the master Plan for the Borough of Alburdis, as in effect on February 10, 1988, more particularly described as set forth in Section I(e) of Ordinance 260. Plans of the street are set forth and identified by an attachment to Ordinance 260. Said plans have been prepared by the firm of Martin, Bradbury & Griffith, Inc., borough engineers, and are intended to be subscribed upon the street plan of the Borough of Alburdis following adoption of this provision.

§ 53-134 West Stone Alley.

(a) **Chestnut Street to Ore Alley.** The public thoroughfare identified as West Stone Alley located between Chestnut Street and Ore Alley is hereby adopted and the alignment and width for the same is established in conformity with the master Plan for the Borough of Alburdis, as in effect on February 10, 1988, more particularly described as set forth in Section I(f) of Ordinance 260. Plans of the street are set forth and identified by an attachment to Ordinance 260. Said plans have been prepared by the firm of Martin, Bradbury & Griffith, Inc., borough engineers, and are intended to be subscribed upon the street plan of the Borough of Alburdis following adoption of this provision.

§ 53-135 School Street.

(a) **Part I.** School Street shall be laid out of the width of forty-one (41) feet from Main Street to the sixteen (16) feet wide alley running south along the rear of properties of A.K. Snyder and others, from building line to building line. On the southeast along the property of A.K. Snyder, there shall be a four (4) feet wide pavement and on the northwest, along the school property, there shall be a six (6) feet wide pavement, leaving thirty-one (31) feet for gutters and cartway.

(b) **Part II.** From the sixteen (16) feet wide alley described in subsection (a) to the Borough limits, School Street shall be of the width of forty-three (43) feet, from building line to building line, and shall contain a pavement on each side of the width of six (6) feet, leaving thirty-one feet for gutters and cartway.

(c) **Curb and Gutters.** The curb along the school property shall be ten (10) inches high, and gutter two and one-half (2.5) feet wide with a slant of three and three-fourths (3.75) inches from the edge to the curb, and two (2) rows of vitrified bricks extending along the front thereof.

§ 53-136 Thomas Street.

(a) **Lock Ridge Estates.** See § 53-119 (relating to Lauren Drive and Thomas Street).

§ 53-137 Tin Alley.

(a) **Second Street to Front Street.** The public thoroughfare known as Tin Alley from its intersection with Second Street northwestwardly to its intersection with Front Street, a distance of approximately 410.47 feet, is located, adopted, and the alignment, widths, and grades for same shall be established as they are indicated and described on a plan titled "Alignment and Grade Plan, Sections of Ash Street – Walnut Street to Tin Alley, Tin Alley – Second Street to Front Street," prepared by A.L. Wiesenberger Associates, Inc., Consulting Engineers, Allentown, Pennsylvania, attached to and made a part of Ordinance 110, the centerline of which is described as set forth in Section II of Ordinance 110.

§ 53-138 Walnut Street.

(a) **Second Street to Third Street.**

(1) **Course.** The public thoroughfare known as Walnut Street from its intersection with Second Street southeastwardly to its intersection with Third Street, a distance of 659.13 feet, is located, adopted, and the alignment, widths, and grades for same shall be established as they are indicated and described on a plan titled "Alignment and Grade Plan – Section of Walnut Street, Front Street to Third Street, Alburtis, Lehigh County, Pennsylvania," prepared by A.L. Wiesenberger Associates, attached to and made a part of Ordinance 89, the centerline of which is described as set forth in Section I of Ordinance 89.

(2) **Width.** This thoroughfare shall be of a total width of 29.00 feet throughout.

(b) **Third Street to School Street.** The public thoroughfare known as Walnut Street from its intersection with Third Street southeastwardly to its intersection with School Street, a distance of 715.17 feet, is located, adopted, and the alignment, widths, and grades for same shall be established as they are indicated and described on a plan titled “Alignment and Grade Plan – Walnut Street, Third to School Street, Alburdis, Lehigh County, Pennsylvania,” prepared by A.L. Wiesenberger Associates, Inc., attached to and made a part of Ordinance 109, the centerline of which is described as set forth in Section I of Ordinance 109.

§ 53-139 Wind Alley.

(a) **Church Street to Thomas Street.** The Borough of Alburdis hereby rescinds the vacation of Wind Alley and repeals subsection (4) of Section 1 of Ordinance 303 (adopted December 8, 1993). (Ordinance 303 vacated Wind Alley, but that action never took effect because conditions precedent to the effectiveness of the vacation under Sections 4 and 5 of Ordinance 303 did not occur prior to the rescission of the vacation.)

§ 53-140 Windsor Road.

(a) **Western Portion.** A public thoroughfare known as Windsor Road, from the easterly right-of-way line of South Oak Street to the extended northerly property line of Lot #468 Windsor Road, situated in Suburban Heights Subdivision, is adopted by the Borough of Alburdis and shall become part of the Borough’s Street Plan, said street more particularly described as set forth in Section III of Ordinance 186. Being of a uniform total width of 50.00 feet, a cartway width of 30.00 feet, sidewalk area of 10.00 feet on each side; and a length of 690.91 feet.

(b) **“Chestnut Circle North” Portion.** A public thoroughfare known as a portion of Chestnut Circle North, from the eastwardly right-of-way line of South Chestnut Street extended westwardly, situated in Suburban Heights Subdivision, is adopted by the Borough of Alburdis and shall become part of the Borough’s Street Plan, said street more particularly described as set forth in Section I of Ordinance 186. Being of a uniform total width of 50.00 feet, a cartway width of 30.00 feet, sidewalk area of 10.00 feet on each side; and a length of 40.20 feet.

§ 53-141 Zinc Alley.

(a) **Vacation.** That certain paper street lying between Stone Alley and Butz Alley (unopened) in the Borough of Alburdis, of a uniform width of twenty (20’) feet, hereby is vacated and removed from the Borough Street Plan, said paper street more particularly described as set forth in Section I of Ordinance 195.

(b) **Plan.** The preceding description of the location and area of the paper street known as Zinc Alley vacated under this Section is contained on a plan prepared by A.W. Martin Associates, Inc., Engineers and Surveyors, 169 N. Ninth St., Allentown, Pa., dated May 1, 1978, attached to Ordinance 196 and incorporated by reference as a part of this Section.

Article II — Official Street Plan

§ 53-201 Adoption of Official Street Plan.

The plan attached to Ordinance 307 as **Exhibit A**, and identified as “Official Street Plan / Borough of Alburdis / Lehigh County, Pennsylvania”, drawing #0043-004, prepared by Martin, Bradbury & Griffith, Inc. of Allentown, Pennsylvania, is hereby adopted as the Official Street Plan of the Borough of Alburdis, and is incorporated herein by reference.

§ 53-202 Amendments to Official Street Plan.

(a) **In General.** The Official Street Plan as adopted by Ordinance 307 has been amended by the following provisions: §§ 53-102(a), 53-103(b), 53-108(a), 53-112(b), 53-113, 53-115, 53-116(a), 53-117(a), 53-118(b), 53-119, 53-121(a), 53-123(a), and 53-130.

(b) **Revisions to Drawing.** The Borough Engineer is authorized and directed to revise drawing #0043-004 from time to time to reflect amendments to the Official Street Plan by ordinances subsequent to Ordinance 307.

§ 53-203 Effect of Official Street Plan.

The Official Street Plan shall have the following effect:

(a) All street and alley names associated with any street shown on the Official Street Plan are the official names for those streets and alley.

(b) All streets identified on the Official Street Plan as state streets are recognized by the Borough as being rights-of-way owned by the Commonwealth of Pennsylvania, and the Borough makes no claim of ownership in any such streets. The Borough does not hereby relinquish any rights of regulation or otherwise granted by state law with respect to such streets or activities related to such streets or abutting properties.

(c) All streets identified on the Official Street Plan as Borough streets are those streets which the Borough claims to own as rights-of-way under previous grants (whether express or implied) accepted by the Borough or condemnations, *or* which have already been offered for dedication to the Borough on recorded subdivision plans, are part of subdivisions already under construction, and will be accepted as soon as construction is completed in accordance with Borough standards. The Official Street Plan shows a scale rendering of the approximate locations of these Borough streets, but does not purport to represent an exact survey of the precise boundaries of the rights-of-way.

(d) All streets identified on the Official Street Plan as Ordained Unimproved Borough Streets are those streets which the Borough claims to own as rights-of-way under previous grants (whether express or implied) accepted by the Borough or condemnations, but which have not yet been improved for regular use by the public. The Official Street Plan shows a scale rendering of

the approximate locations of these Borough streets, but does not purport to represent an exact survey of the precise boundaries of the rights-of-way.

(e) All streets identified on the Official Street Plan now or in the future as Private Streets are ways of passage noted by Borough officials, but in which the Borough does not claim to have any rights of ownership. The Borough does not hereby relinquish any rights of regulation or otherwise granted by state law with respect to such streets or activities related to such streets or abutting properties.

(f) The approximate width of each street shown on the Official Street Plan is indicated on the plan. These widths represent the right-of-way widths recognized by the Borough, but the Official Street Plan does not purport to represent an exact survey of the precise boundaries of the rights-of-way. For some streets, a set of three widths are indicated in addition to the total width of the street. These three widths represent the approximate width from one right-of-way line to the edge of the cartway, the width of the cartway, and the width from the other edge of the cartway to the other right-of-way line. These additional widths are included for information only, and shall have no official effect.

(g) Waterways and railways are shown for convenience only. Nothing in the Official Street Plan shall represent any Borough claims or recognition of claims with respect to such waterways and railways, or the relinquishment of any rights by the Borough.

(h) Nothing in this Article shall be deemed to constitute the vacation or closing of any streets or alleys not shown on the Official Street Plan. Although the Borough does not recognize rights in any other streets or alleys at this time, if any such rights do exist, the Borough retains them until they are properly relinquished and the streets/alleys are properly vacated and/or closed in accordance with state law.

(i) Nothing in this Article shall be deemed to constitute the laying-out or opening of any streets or alleys or the condemnation of any property by the Borough.

(j) Nothing in this Article shall be deemed to constitute official Borough recognition of any private rights which may exist in rights-of-way in the Borough, whether or not shown on the Official Street Plan, and nothing in this Article shall be deemed to constitute Borough rejection or extinguishment of any private rights which may exist in rights-of-way in the Borough, whether or not shown on the Official Street Plan.

§ 53-204 Status Under Municipalities Planning Code.

The Official Street Plan is not, and is not intended to be, an “Official Map” within the meaning of Article IV of the Municipalities Planning Code, 53 PA. STAT. ANN. § 10401 *et seq.*

§ 53-205 Repealer.

Ordinance 204 is expressly superseded. However, nothing in this Article shall revoke any rights acquired by the Borough under Ordinance 204. All other ordinances or parts of ordinances inconsistent with this Article are repealed to the extent of the inconsistency.

Article III — Street Excavations

§ 53-301 Permit Required.

It shall be unlawful for any person, firm, association or corporation to make or cause to be made any excavation within any street, avenue, alley, or lane within the Borough of Alburdis without having secured a permit granting authorization to do so.

§ 53-302 Application for Permit.

A signed application for the issuance of the permit to excavate within the Borough streets shall be filed with the Borough Secretary upon forms furnished by the Borough for that purpose. The application shall set forth the location and purpose of the proposed excavation, the dates between which said excavation is to be made, the length, width, and depth of the trench, and the area of roadway surface to be affected.

§ 53-303 Authority of Borough Engineer.

All excavations of Borough streets within the Borough of Alburdis shall be made subject to the specifications and inspection of the Borough Engineer.

§ 53-304 Costs of Cleanup and Replacement of Surface.

The cost of all cleanup and replacement of street surface shall be borne by the person making application for a permit for excavation.

§ 53-305 Safeguarding Site.

It shall be the duty of the person making application for excavation to safeguard the site of the excavation by proper notice and barricade, if necessary, in order that adequate warning be given to persons using the Borough street of the existence of danger.

§ 53-306 Permit Fee and Deposit.

The base fee for a permit to excavate in a street shall be Twenty-five Dollars (\$25.00) per square yard to be excavated. In addition, a permittee shall deposit One Hundred Dollars (\$100.00) with the Borough at the time the permit is obtained. If the inspection, engineering, and legal costs actually incurred by the Borough with respect to the work covered by the permit exceed the base fee paid, the excess shall be charged to the permittee upon completion of the work, and may be recovered by the Borough out of the permittee's deposit. The permittee remains re-

sponsible for all amounts charged by the Borough, including amounts not covered by the deposit. Any balance of the deposit shall be refunded to the permittee.

§ 53-307 Emergency Excavations.

In the case of an emergency arising at night, Sundays, legal holidays, or at such times when the Borough Secretary shall not be available and an immediate excavation shall be necessary for the protection of public or private property, application for permit shall be considered to be timely made if made upon the next day when the Borough Secretary shall be regularly available for the issuance thereof. Under such emergency conditions, excavation may be made without the prior issuance of a permit.

§ 53-308 Exceptions to Deposit Requirement.

No deposit shall be required and no charge made for an excavation on the sidewalk where the same is made in connection with a permit granted for an excavation in the roadway, nor for excavations made under permits issued for the construction or repair of sidewalks, curbing, or gutters, or where permits have been granted for the erection of poles, nor for contracts executed for the Borough, but in all cases proper application shall be made and a permit secured as herein provided.

§ 53-309 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates any provision of this Article shall be subject to a civil penalty of Three Hundred Dollars (\$300.00).

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to the Executive Secretary. The Executive Secretary shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(d) **Separate Offenses.** Each day or portion of a day that a given violation exists or continues shall constitute a separate offense, and each violation of a separate section, subsection, paragraph, or other division of this Article shall constitute a separate offense.

(e) **Equitable Remedies.** In addition to or in lieu of enforcement of this Article through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

Article IV — Snow and Ice

§ 53-401 Depositing Snow or Ice on Streets or Sidewalks.

No person shall shovel or otherwise cause any snow or ice to be deposited into or upon any public street, road, highway, or alley, or any sidewalk, *except* Borough employees, agents, or other persons acting at the direction of a Borough official or a police officer.

§ 53-402 Separate Offenses.

Each deposit of snow or ice in a different location shall be a separate offense, each deposit in the same location on a different day shall be a separate offense, and any deposit in the same location on the same day after a verbal or written warning, notice, or citation with respect to this Article by a Borough police officer shall be a separate offense from any deposit prior to such warning, notice, or citation.

§ 53-403 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates any provision of this Article shall be subject to a civil penalty of Fifty Dollars (\$50.00) for the first offense in a given snow season (October 1 to the following April 30), and One Hundred Dollars (\$100.00) for the second and subsequent offenses in the same snow season.

(b) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the

time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(c) **Civil Enforcement Proceeding.** When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (b), the police officer or the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

Article V — Greasing and Repairing Vehicles

§ 53-501 Prohibition.

No person shall grease, repair, or otherwise service a vehicle upon any public street, road, highway, or alley, or park a vehicle upon any public street, road, highway, or alley for the principal purpose of greasing, repairing, or otherwise servicing such vehicle, except repairs necessitated by an emergency.

§ 53-502 Violations and Penalties.

(a) **Civil Penalty.** Any person who violates any provision of this Article shall be subject to a civil penalty as set forth in subsection (b).

(b) **Amount.** The amount of the penalty for any violation of this Article shall be—

- (1) Seventy-five Dollars (\$75.00) for a first offense;
- (2) One Hundred Fifty Dollars (\$150.00) for a second offense; and
- (3) Three Hundred Dollars (\$300.00) for a third or subsequent offense.

(c) **Initial Determination of Violation.** Council hereby delegates the initial determination of violations under this Article to any police officer of the Borough. The police officer shall serve notice of the violation(s) upon the person determined to have violated this Article in person or by first class U.S. mail addressed to that person at his/her last known address. The notice shall include a description of the violation(s), the provision(s) of the Codified Ordinances violated (*i.e.* section, subsection, paragraph, etc.), the penalty imposed for each violation, and the time for payment prior to the commencement of a civil enforcement proceeding. Service shall be complete on the date of in-person service or the date of mailing.

(d) Civil Enforcement Proceeding. When the penalty imposed for a violation(s) of this Article is not voluntarily paid to the Borough within fifteen (15) calendar days after service of the violation notice under subsection (c), the police officer or the Executive Secretary shall initiate a civil enforcement proceeding in the name of the Borough before a magisterial district judge (or, where applicable under Borough Code § 3321(5), 53 PA. STAT. ANN. § 48321(5), the Lehigh County Court of Common Pleas). The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. Any person found to have violated this Article in the civil enforcement proceeding shall be assessed court costs and reasonable attorney fees incurred by the Borough in the proceedings, in addition to the penalty provided.

(e) Separate Offenses. Each day or portion of a day that a given violation exists or continues shall constitute a separate offense.

(f) Equitable Remedies. In addition to or in lieu of enforcement of this Article through a civil action, the Borough may enforce this Article through an action in equity brought in the Court of Common Pleas of Lehigh County. The Borough Solicitor shall have authority to commence the action in equity on behalf of the Borough without explicit authorization of Council in any situation where the Solicitor or the President of Council deems it advisable to act before the next regular Council meeting.

Appendix

¶ 53-A Disposition/Incorporation of Source Ordinances for Articles I or II.

<u>Ordinance</u>	<u>Date</u>	<u>2003 Codified Ordinances</u>
13	07-05-1916	§ 53-135
23, §§ I-III	03-07-1921	§ 53-127
23, §§ IV-V	“	§ 53-112(a)
23, §§ VI-VII	“	Repealed by Ord. 54; <i>see</i> § 53-104(a)
54, § I	05-01-1950	Repeals Ord. 23, §§ VI-VII
54, §§ II-III	“	§ 53-104(a)
89	07-05-1960	§ 53-138(a)
109	10-05-1964	§ 53-138(b)
110, § I	10-05-1964	§ 53-107(a)
110, § II	“	§ 53-137(a)
131	04-17-1967	§ 53-122(a)
138	07-21-1969	§ 53-111(a)
155	10-18-1971	§ 53-133(a)

<u>Ordinance</u>	<u>Date</u>	<u>2003 Codified Ordinances</u>
186, § I	07-13-1977	§ 53-140(b)
186, § II	“	§ 53-110(a)
186, § III	“	§ 53-140(a)
187	08-10-1977	§ 53-103(a)
195	05-10-1978	§ 53-141
196	05-10-1978	§ 53-129
197, § I	07-12-1978	§§ 53-120(a), 53-102(b)
197, § II	“	§ 53-126(a)
197, § III	“	§ 53-131
230	03-14-1984	§ 53-111(c)
255, § I	09-30-1987	§ 53-106(a)
255, § II	“	Superseded by Ord. 307 (entry of street on Official Street Map under Ord. 204; new Official Street Map ordained by Ord. 307)
260, §§ I (intro) & (a), II	02-10-1988	§ 53-111(b)
260, §§ I (intro) & (b), II	“	§ 53-132(a)
260, §§ I (intro) & (c), II	“	§ 53-107(b)
260, §§ I (intro) & (d), II	“	§ 53-124(a)
260, §§ I (intro) & (e), II	“	§ 53-133(b)
260, §§ I (intro) & (f), II	“	§ 53-134(a)
281	11-14-1990	§ 53-118(a)
282	11-14-1990	§ 53-114(a)
293, ¶ 1	12-09-1992	§ 53-103(b)
293, ¶ 2	“	§ 53-115
293, ¶ 3	“	§ 53-123(a)
303, § 1(1)	12-08-1993	§ 53-125(a)
303, § 1(2)	“	§ 53-109(a)
303, § 1(3)	“	§ 53-105
303, § 1(4)	“	Rescinded by Ord. 306; did not take effect under Ord. 303 §§ 4 and 5. <i>See</i> § 53-139(a).
303, § 1(5)	“	Rescinded by Ord. 306; did not take effect under Ord. 303 § 4. <i>See</i> § 53-107(c).
303, § 2	“	Notice to abutting owners.
303, § 3	“	Publication of notice.
303, § 4	“	Effective date; stay in the event of a petition, pending hearing.
303, § 5	“	Vacation of Wind Alley not to take effect without the written consent of a certain property owner within 40 days.
306, § 1	02-23-1994	§§ 53-107(c), 53-139(a)
306, § 2	“	Ratification and confirmation of remainder of Ord. 303.
307, § 1	03-30-1994	§ 53-201

<u>Ordinance</u>	<u>Date</u>	<u>2003 Codified Ordinances</u>
307, § 2	“	§ 53-203
307, § 3	“	§ 53-204
307, § 4	“	§ 53-205
312, § 1(1)	10-26-1994	§ 53-117(a)
312, § 1(2)	“	§ 53-130
312, § 1(3)	“	§ 53-108(a)
312, § 2(1)	“	§ 53-103(b)
312, § 2(2)	“	§ 53-115
312, § 2(3)	“	§ 53-123(a)
312, § 3	“	Notice to property owners.
312, § 4	“	Effective date.
352, § 1(1)	05-28-1997	§ 53-113
352, § 1(2)	“	§ 53-118(b)
352, § 1(3)	“	§ 53-121(a)
352, § 1(4)	“	§ 53-102(a)
352, § 2	“	Never took effect; failure of condition precedent under Ord. 352, § 5(1).
352, § 3(1)	“	§ 53-116(a)
352, § 3(2)	“	§ 53-112(b)
352, § 3(3)	“	§§ 53-119, 53-136
352, § 4	“	Notice to abutting property owners.
352, § 5	“	Effective dates; conditions precedent to effectiveness; petition for hearing and stay of effective date.
368	07-14-1999	§§ 53-122(b), 53-128(a)
415	10-29-2003	Codification to 2003 Codified Ordinances
490, § 1	09-29-2010	§ 53-122.1
490, § 2	“	§ 53-112(c)

¶ 53-B Prior Ordinances Concerning Subject Matter Related to Articles I or II.

<u>Ordinance</u>	<u>Date</u>	<u>Content</u>
160	07-03-1972	Location and adoption of East Penn Spur (108± feet); repealed by Ord. 173
173	03-12-1975	Repealing Ord. 160; re-establishing location and adoption of East Penn Spur (50± feet); street vacated by Ord. 196, <i>see</i> Codified Ordinances § 53-129.
204	05-09-1979	Official Street Plan; superseded by Ord. 307.

¶ 53-C Disposition of 1981 Code, Appendix Chapter A144.

Appendix Chapter A144 of the 1981 Code listed ordinances regarding the matters now covered by Article I. A copy of Appendix Chapter A144 is included with the online and CD-ROM versions of the Codified Ordinances.

¶ 53-D Disposition of Ordinance 183.

<u>Ordinance 183</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ I	§ 108-1	§ 53-301
§ II	§ 108-2	§ 53-302
§ III	§ 108-3	§ 53-303
§ IV	§ 108-4	§ 53-304
§ V	§ 108-5	§ 53-305
§ VI	§ 108-6	§ 53-306
§ VII	§ 108-7	§ 53-307
§ VIII	§ 108-8	§ 53-308
§ IX	§ 108-9	§ 53-309
§ X (repealer)		

¶ 53-E Disposition of Ordinance 325.

<u>Ordinance 325</u>	<u>2003 Codified Ordinances</u>
§ 1	§ 53-401
§ 2 (all except last sentence)	§ 53-403
§ 2 (last sentence)	§ 53-402

¶ 53-F Disposition of 1981 Code, Chapter 108.

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 108-1	§ 53-301
§ 108-2	§ 53-302
§ 108-3	§ 53-303
§ 108-4	§ 53-304
§ 108-5	§ 53-305
§ 108-6	§ 53-306
§ 108-7	§ 53-307
§ 108-8	§ 53-308
§ 108-9	§ 53-309

¶ 53-G Disposition of Ordinance 342, § 4.

<u>Ordinance 342</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 4	never codified to 1981 Code	§ 53-306

§ 53-H Source Ordinances for Articles III and IV.

Ordinance 183	02-09-1977
Ordinance 215	11-11-1981
Ordinance 325	01-31-1996
Ordinance 342	12-30-1996
Ordinance 415	10-29-2003
Ordinance 518	03-12-2014

§ 53-I Source Ordinances for Article V.

Ordinance 438	12-28-2005
Ordinance 518	03-12-2014