

## **Chapter 21**

### **Streets and Sidewalks**

#### **Part 1**

##### **Street Excavations**

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##### **Prohibiting the Construction of Improvements and the Placement of Objects Within the Public Right-of-Way**

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**Part 1****Street Excavations****§21-101. Conditions for Making Openings and Excavations in Streets.**

No person shall open, dig into, ditch or otherwise break the surface of any street or alley in the Borough for the purpose of installation, replacement, or repair of public utility lines or for any other purpose or reason whatsoever without first having notified the Secretary in advance of the work, stating the location of the proposed work, the purpose, the approximate depth and surface dimensions of the opening or excavation, the date when the work will be commenced and the approximate time when the work will be finished as required by this Section. Upon completion of the work necessitating the excavation, the person making the excavation shall replace the earth and other material removed by tamping it to the satisfaction of the Borough and by replacing the surface of the street or alley in like form and condition and with like material as prior to the opening of the street or alley. In the event that the ditch or opening is not repaired as above required within 48 hours after the opening, the Borough shall cause backfilling and paving to be completed in accordance with this Section and shall bill the person making the opening or excavation the cost of the work. In the event that the ditch or opening sinks below the surface of the existing roadway at any time within 2 years after the backfilling, notice shall be given to the person originally opening that street or alley, to repair it, and if it is not repaired within 48 hours, the Borough shall cause it to be repaired and bill the person in default for the cost of the work. At all times while the opening remains the person making the application shall protect it with barriers, guardrails, lights, or other protective devices so that it will be clearly discernible to the traveling public, and from sunset to sunrise until final paving is completed red lights shall be displayed on those barriers, which red lights can be clearly seen from all directions.

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**Part 2****Prohibiting the Construction of Improvements and the Placement of Objects Within the Public Right-of-Way****§21-201. Prohibiting the Construction of Improvements in the Public Right-of-Way.**

No person shall construct any improvement, such as fences, mailboxes, mailbox pillars or place any object, such as movable mailboxes or movable mailbox pillars in the public right-of-way.

(*Ord. 2009-01, 4/7/2009, §1*)

**§21-202. Waiver.**

The Borough Council may grant a waiver of the requirements of §21-201 hereof for a commercial type trash dumpster upon application by a property owner and provided said encroachment does not create an obstruction to vehicular or pedestrian traffic or create a safety hazard and providing that the applicant executes an indemnity agreement which releases and discharges the Borough, its employees, agents and assigns from any liability and from any and all claims, demands, damages, actions, causes of action, or suits of any kind whatsoever as relate to encroaching upon the public right-of-way.

(*Ord. 2009-01, 4/7/2009, §2*)

**§21-203. Trash Receptacles.**

This Part shall not apply to trash receptacles that are placed adjacent to the traveled lanes for removal on the scheduled date of pick up.

(*Ord. 2009-01, 4/7/2009, §3*)

**§21-204. Motor Vehicles.**

This Part shall not apply to motor vehicles parked along or adjacent to the traveled lanes, provided such motor vehicles are parked in accord with Borough ordinances and the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*

(*Ord. 2009-01, 4/7/2009, §4*)

**§21-205. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000 plus costs and reasonable attorney fees incurred by the Borough in the enforcement proceeding and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2009-01*, 4/7/2009, §5; as amended by A.O.