

ORDINANCE #183

An Ordinance of the Borough of Alburdis regulating excavation in Borough Streets, avenues, alleys or lanes within Borough limits.

BE IT ORDAINED by the Council of the Borough of Alburdis as follows:

SECTION I: That 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.

SECTION II: 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.

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

SECTION IV: The cost of all clean-up and replacement of street surface shall be borne by the person making application for a permit for excavation.

SECTION V: It shall be the duty of the person making application for excavation to safe guard 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.

SECTION VI: Every applicant shall deposit with Borough Secretary the sum of Twenty Dollars per square yard or fraction thereof representing the calculated area for which a street opening request is made.

SECTION VII: 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.

SECTION VIII: 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.

SECTION IX: That any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this ordinance or of any regulation or requirement pursuant hereto and authorized hereby, shall upon conviction thereof be ordered to pay a fine of not more than One Hundred (\$100.00) Dollars, and, in default of payment of fine and

costs, imprisoned not more than thirty (30) days. Each day's violation shall constitute a separate offense.

SECTION X: That all ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

ORDAINED AND ENACTED by Borough Council for the Borough of Alburtis this 9th day of February, A.D. 1977.

BOROUGH OF ALBURTIS

By Francis L. Peppat
President of Council

ATTEST:

[Signature]
Borough Secretary

Approved this 9th day of February 1977.

Scott R. Stralok
Mayor