

## **Chapter 21**

### **Streets and Sidewalks**

#### **Part 1**

#### **Openings and Excavations in Borough Streets**

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**Part 1****Opening and Excavations in Borough Streets****§21-101. Definitions.**

The word "street" used in this Part shall mean any public street, avenue, road, square, alley, highway or other public place located in the Borough of Glendon and established for the use of vehicles; the word "person" shall mean and include any natural person, partnership, firm, association or corporation.

(*Ord. 57-1, 2/6/1957, Chapter X, §1*)

**§21-102. Permit Required.**

It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets in the Borough of Glendon without first securing a permit therefore, as hereinafter provided.

(*Ord. 57-1, 2/6/1957, Chapter X, §2*)

**§21-103. Application for Permit.**

Any person who shall desire to make any opening or excavation in any of the streets in the Borough of Glendon shall make application to the Borough Secretary in writing for the purpose. Such application shall set forth the name of the applicant, the exact location of the proposed opening or excavation, and the approximate size or depth thereof, and shall contain an agreement on the part of the applicant that the work shall be done within a specified time and in full compliance with the ordinances of the Borough and the laws of the Commonwealth in relation thereto, and that the applicant shall well and truly save, defend and keep harmless the Borough from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

(*Ord. 57-1, 2/6/1957, Chapter X, §3*)

**§21-104. Permit Fees.**

Before any permit shall be issued to open or excavate any street in the Borough, the applicant shall pay to the Borough Secretary a permit fee in an amount as established from time to time by resolution of Borough Council to cover the cost of inspection and other incidental services in connection therewith. When application shall be made to open or excavate any longitudinal opening or excavation in excess of 10 feet, before any permit shall be issued so to open or excavate, the applicant shall pay in addition to such minimum fee, an additional fee in an amount as established from time to time by resolution of Borough Council.

(*Ord. 57-1, 2/6/1957, Chapter X, §4; as amended by Ord. 2006-1, 12/6/2006*)

**§21-105. Refilling Excavation.**

Any person who shall open or excavate any street in the Borough shall thoroughly

and completely refill the opening or excavation, puddling and ramming so as to prevent any settling thereafter; and shall restore the surface to the same condition as it was before the opening with the specifications of the Department of Transportation of the Commonwealth of Pennsylvania, which are hereby adopted as specifications of the Borough for restoration of surfaces of streets in the Borough; as restored, the surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If within 2 years after the restoration of the surface as herein provided, defects shall appear therein, resulting from defective backfilling by the applicant, the applicant shall reimburse the Borough for the cost of all necessary repairs to restore the same.

(*Ord. 57-1, 2/6/1957, Chapter X, §5; as amended by Ord. 2006-1, 12/6/2006*)

**§21-106. Work to be Done by Applicant's Expense.**

All work in connection with openings in any street, including excavation, protection, refilling, and paving, shall be done by the applicant as his expense, and all such work shall be subject to the provisions of this Part.

(*Ord. 57-1, 2/6/1957, Chapter X, §6*)

**§21-107. Safety Precautions.**

During the making of any excavation in any street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in a safe and passable condition, both day and night, by guards, barriers, lanterns and other devices, and all excavating permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Borough from any loss in damages, or otherwise whatsoever, which may or shall be occasioned at any time by the said excavation, or by any leak, explosion or other injury from any pipe, apparatus, conduit, or any other matter placed in the said excavation.

(*Ord. 57-1, 2/6/1957, Chapter X, §7*)

**§21-108. Required Corrections.**

In the event that any work performed by or for a permit holder shall not comply with provisions of this Part and the same shall not be corrected in accordance with instructions of the Borough Engineer within the time fixed by him, or in the event that the work for which the permit was granted is not completed within the time fixed by the Borough Secretary, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 20%, to the applicant.

(*Ord. 57-1, 2/6/1957, Chapter X, §8; as amended by Ord. 2006-1, 12/6/2006*)

**§21-109. Emergency Excavations.**

In the case of any leak, explosion or other accident in any sub-surface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus, to commence an excavation to remedy such condition before securing a permit; provided, that application for a permit shall be made immediately and not later than the next business day thereafter, and that all other

provisions of this Part are fully complied with.

(*Ord. 57-1, 2/6/1957, Chapter X, §9*)

**§21-110. Penalties.**

Any person, firm or corporation who shall violate any provision of the Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 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. 57-1, 2/6/1957, Chapter X, §10; as amended by Ord. 2006-1, 12/6/2006*)

