

ORDINANCE NO. 148

AN ORDINANCE REGULATING EXCAVATION IN PUBLIC STREETS OF THE BOROUGH OF SOUTHMONT AND PROVIDING PENALTIES.

Be it ordained and enacted by the Corporate authority of the Borough of Southmont, Pennsylvania and it is hereby ordained and enacted by authority of the same:

Section 1. That on or after the effective date of this ordinance it shall be unlawful for any person to dig into, tunnel under or tear up any part of any highway of the Borough of Southmont for any purpose, without first obtaining a permit from the Burgess of the Borough.

Section 2. The Burgess, in issuing such permit may require the applicant to file a statement describing in detail the purpose for which proposed excavation is made and any other details as to depth, width of opening and length of time that the highway shall be obstructed by said excavation.

Section 3. On all excavations which shall be made in a public street having an improved all surface, the paved portion of said highway shall be removed for the space of one foot in addition to the width of said excavation. All excavations shall be replaced by and/or fl ding so as to prevent subsidence or cave in, and so as to restore said portion of said street to the same firmness as before said excavation was made. All paved surface shall be replaced with the same material or its equivalent, including such base and surface coats where the street excavated is of such construction.

Section 4. No excavation shall be made in any street or permit issued therefor, until the person applying for same shall post a bond with sufficient sureties in an amount to be determined by the Burgess and conditioned to comply with the requirements of this ordinance to be held by him for the use of the Borough until said street is restored to its former condition provided, however that no bond shall be required of any public utility which has a franchise for furnishing service in the Borough. Such bond shall remain in force for two years after the completion of the work to protect the Borough against cave in or subsidence of said excavation. All excavation in the street of the Borough shall be subject to the inspection and approval of the Street Commissioner and/or Borough Engineer or such other officer as may be from time to time designated by the corporate authorities. The Burgess in case of necessary emergency repairs where on account of weather conditions, the proximity father excavation in any other cause the proposed excavation would create a condition prejudicial to public safety.

Section 5. Any person, firm or corporation who shall make any opening or excavation of any street in the Borough without first obtaining a permit as herein provided or who shall violate any other provision of this ordinance shall upon conviction before the Burgess be subject to a fine of not less than \$25.00 and not more than \$100.00 including the costs of prosecution. Said fine and costs to be collected as amounts are now by law collected and in addition thereto, the Borough may elect to bring any other action, criminal or civil to enforce the provisions of this ordinance.

Ordained and enacted by the Corporate authority of the Borough of Southmont, this 13th day of December A.D. 1948.

signed G. Martin Fox
President of Council
Attest:
M.I. Cunningham
Secretary

Approved this 13th day of December 1949.

Burgess Morris D. Thomas