

Ordinance No. 1959-8

AN ORDINANCE OF THE BOROUGH OF WEST NEWTON REGULATING STREET OPENINGS, EXCAVATIONS, AND PAVEMENT CUTS AND REPEALING CERTAIN BOROUGH ORDINANCES.

Be it ordained and enacted by the Council of the Borough of West Newton, County of Westmoreland, Pennsylvania, and it is hereby ordained and enacted by the authority of the same.

ARTICLE I - DEFINITIONS

Section 1.1 - Definitions

The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

A. "Applicant" shall mean any person who makes application for a permit.

B. "Borough" shall mean the Borough of West Newton, County of Westmoreland, Commonwealth of Pennsylvania.

C. "Commissioner" shall mean the person in charge of the department of streets or the street operations in the Borough or his authorized deputy, representative, or inspector.

D. "Emergency" shall mean any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

E. "Permittee" shall mean any person who has been issued a permit and has agreed to fulfill all the terms of this ordinance.

F. "Person" shall mean and include any natural person, partnership, firm, association, utility, corporation or authority created pursuant to an act of the General Assembly. Whenever used in any section prescribing and imposing a penalty, the term "Person" as applied to associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

G. "Street" shall mean and include a public street, public easement, public right-of-way, public highway, public alley, public way, or public road accepted or maintained by the Borough.

H. In this ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

ARTICLE II - STREET OPENINGS AND PAVEMENT CUTS

Section 2.1 - Permit Required

It shall be unlawful for any person to make any tunnel, opening, or excavation of any kind in or under the surface of any street without first securing a permit from the Borough Secretary for each separate undertaking; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided the permit could not reasonably and practically have been obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the Office of the Commissioner is open for business and said permit shall be retroactive to the date when the work was begun.

Section 2.2 - Street Openings Limited

No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount or quantity greater than that specified in the permit, except that upon the approval by the Commissioner additional work may be done under the provisions of the permit in any amount not greater than ten (10) per cent of the amount specified in the permit. Any deposit and bond posted in connection with the original permit shall be deemed to cover any such additional work as may be approved pursuant to this section within the limit mentioned herein.

(r) On South side of Main Street for a distance of 50 feet East of South Water Street.

(s) On East and West sides of Venable Street between West Main Street and Maple Street.

Section 2. Parking is prohibited on the East side of Walnut Lane for a distance of 230 feet from West Main Street from 8:00 a. m. to 4:00 p. m. on school days.

Section 3. Any person who shall violate any of the provisions of this Ordinance shall upon conviction thereof before the Burgess or a Justice of the Peace, be sentenced to pay a fine of not less than ONE (\$1.00) DOLLAR or more than TEN (\$10.00) DOLLARS and costs of prosecution and in default of payment of such fine and costs to imprisonment in the County Jail for not more than five (5) days.

Section 4. All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

ORDAINED AND ENACTED this 10th day of July, 1959.

Edgar H. Rouse
President of Council

ATTEST:

B. T. Lash
Secretary

EXAMINED AND APPROVED by me, this 10th day of July, 1959.

Robert C. Umbarger
Burgess

Section 2.3 - Commencement of Work

Work for which a permit has been issued shall commence within ten (10) days after the issuance of the permit therefor. If not commenced, the permit shall be automatically terminated. Permits thus terminated may be renewed upon the payment of an additional permit fee as originally required.

Section 2.4 - Permits Non-transferable

Permits are not transferable from one person to another and the work shall not be made in any place other than the location specifically designated in the permit.

Section 2.5 - Expiration of Permits

Every permit shall expire at the end of the period of time which shall be set out in the permit. If the permittee shall be unable to complete the work within the specified time, he shall--prior to the expiration of the permit--present in writing to the Commissioner a request for an extension of time, setting forth therein the reasons for the requested extension. If in the opinion of the Commissioner such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work.

Section 2.6 - Municipal Utility Cuts

All street openings required by utilities owned and/or operated by the Borough shall be made and restored under the direction and supervision of the Commissioner. The permit, fee, deposit, insurance, and bond requirements of this ordinance shall not be applicable to any openings made by such municipally owned and/or operated utilities.

Section 2.7 - State and County Highways

The provisions of this Ordinance shall be applicable in those instances where the highway is maintained by the Commonwealth of Pennsylvania or by the County of Westmoreland.

Section 2.8 - Rights of Borough

Every permit shall be granted subject to the right of the Borough or of any other person entitled thereto to use the street for any purpose for which such street may lawfully be used, not inconsistent with the permit.

Section 2.9 - Revocation of Permits

Any permit may be revoked by the Commissioner, after notice to the permittee, for:

- A. Violation of any condition of the permit or of any provision of this ordinance;
- B. Violation of any provision of any other applicable ordinance or law relating to the work;
- C. Existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or properties of others. A permittee may be granted a period of three (3) days from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked.

Written notice of any such violation or condition shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the grounds relied upon for revoking the permit. Notice may be given either by personal delivery thereof to the person to be notified or by certified or registered United States mail addressed to the person to be notified.

When any permit has been revoked and the work authorized by the permit has not been completed, the Commissioner shall do such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All Expenses incurred by the Borough shall be recovered from the deposit or bond the permittee has made or filed with Borough.

ARTICLE III - APPLICATIONS & PERMITS

Section 3.1 - Duties and Responsibilities of Applicants

It shall be the duty and responsibility of any applicant to:

A. Make a written application for such permit with the Commissioner on such form as he shall prescribe, Form "A". No work shall commence until the Commissioner has approved the application and plan and issued a permit and until the permittee has paid and provided all fees, deposits, certificates, and bonds required by this ordinance.

B. Furnish in duplicate a plan showing the work to be performed under said permit. If approved by the Commissioner, one copy of such plan shall be returned to the applicant at the time the permit is granted.

C. Agree to save the Borough, its officers, employees, and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit. The acceptance of any permit under this ordinance shall constitute such an agreement by the applicant whether the same is expressed or not.

Section 3.2 - Duties and Responsibilities of Permittees

It shall be the duty and responsibility of any person receiving a permit to:

A. Pay a permit fee of five dollars (\$5.00), provided, however, that public utilities or authorities may elect to be billed monthly for such fees as they accrue.

B. Make a deposit to cover the cost of inspecting the work authorized by the permit. The amount of deposit shall be computed by the Commissioner as provided by Article V of this ordinance.

C. Furnish a performance bond as required by Article VI of this ordinance.

D. Furnish a certificate of insurance as required by Article VII of this ordinance.

E. Submit, when required by the Commissioner, a list of owners and tenants of all properties abutting the area where the work authorized by the permit is to be performed.

F. Present evidence that all material, labor and equipment which are needed to complete such work as authorized by the permit are available.

G. Keep the original copy of the permit and an approved copy of the plan at all times which such work is in progress at the location for which said permit was granted and show such permit and/or plan upon demand by the Borough street or police authorities.

ARTICLE IV - STREET OPENING REGULATIONS

Section 4.1 - Opening and Excavation Restrictions

A. No transverse opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily or permanently restored.

B. No more than 250 feet measured longitudinally shall be opened in any street at any one time.

C. All Utility facilities shall be exposed sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.

D. Pipe drains, pipe culverts, or other facilities encountered shall be protected by the permittee.

E. Any person whose facilities are damaged by the permittee may make the necessary repairs and file a claim against the permittee with the Borough for the cost of such repairs. This amount may be held by the Commissioner from the deposit pending determination of liability for the damage.

F. Monuments of concrete, iron, or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point or a permanent survey bench mark within the Borough shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the Commissioner. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of the monument, by the Borough Engineer.

G. When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the satisfaction of the Commissioner.

H. When any earth, gravel or other excavated material is caused to roll, flow, or wash upon any street, the permittee shall cause the same to be removed from the street within eight (8) hours after deposit. In the event the earth, gravel or other excavated material so deposited is not removed, the Commissioner shall cause such removal and the cost incurred shall be paid by the permittee or deducted from his deposit.

I. Every permittee shall place around the project such barriers, barricades, lights, warning flags and danger signs as shall be determined by the Commissioner to be necessary for the protection of the public. Additional safety requirements may be prescribed by the Commissioner.

Whenever any person fails to provide or maintain the safety devices required by the Commissioner, such devices shall be installed and maintained by the Borough. The amount of the cost incurred shall be paid by the permittee or deducted from his deposit.

No person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign, or notice erected, placed or posted in accordance with the provisions of this ordinance.

J. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants.

K. Excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconveniences as possible to public travel. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the Commissioner may require the permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooded plank walks shall be installed by the permittee as directed by the Commissioner. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee shall keep a passageway at least one-half the sidewalk width open along such sidewalk line.

L. Work authorized by a permit shall be performed between the hours of 7 A. M. and 7 P. M., Monday through Saturday, unless the permittee obtains written consent from the Commissioner to do the work at an earlier or later hour. Such permission shall be granted only in case of an emergency.

M. In granting any permit, the Commissioner may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely

to create a nuisance. Such conditions may include but shall not be limited to: (1) limitations on the period of the year in which the work may be performed; (2) restrictions as to the size and type of equipment; (3) designation of routes upon which materials may be transported; (4) the place and manner of disposal of excavated materials; (5) requirements as to the laying of dust, the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof; and (6) regulations as to the use of streets in the course of the work.

N. Any pavement cut in concrete streets, sidewalks or alleys shall be sawcut to a minimum depth of two (2) inches before breaking or if not breaking, before permanent restoration except where in the judgment of the Commissioner the street condition or nature of the cut does not warrant saw cutting. Bituminous concrete (Black-top) or any other asphaltic pavement shall be cut by a uniform square cut by any method approved by the Commissioner or his designated inspector. This shall be done in a manner satisfactory to the Commissioner and shall be examined by the Commissioner prior to restoration.

O. Where an excavation is made to install, remove or abandon a structure which forms a portion of the finished surface of the sidewalk, the permittee shall restore the surface of the sidewalk to the nearest scoring line of the square or squares of which the structure forms a portion of the finished surface; provided that the repairs are made by removing and replacing the entire portion between the nearest scoring lines, and that the resurfacing is done in accordance with the standard specifications of the Borough and Ordinances regulating sidewalk construction.

P. The trench cut shall be at least twice the outside diameter of pipe at bell. See PLATES "B" & "C".

Q. In hard surfaced pavements (brick, block, cement concrete or bituminous concrete - (blacktop), the pavement cut shall be at least two (2) feet wider than the trench cut, thus providing at least one (1) foot bearing surface on undisturbed material on each side of trench. See PLATES "B" & "C".

Section 4.2 - Backfilling and Restoring Opening

A. All pavement cuts, openings, and excavations shall be properly made, backfilled and surfaced by the permittee according to Borough specifications.

B. The Commissioner must be notified by the permittee forty-eight (48) hours previous to the beginning of backfilling of the date and approximate time at which backfilling will be begun.

C. No backfilling shall be accomplished unless or until the Commissioner or a designated Borough inspector is present.

D. The work of the restoration, including both paving surface and paving base, shall be performed by the permittee according to Borough specifications.

E. If the Commissioner finds that paving surfaces adjacent to the street opening may be damaged where trenches are made parallel to the street, or where a number of cross trenches are laid in close proximity to one another, or where the equipment used may cause such damage, he may require a negotiated contribution from the permittee for the resurfacing in place of patching of such street if the total area of the proposed patch or probably damaged area exceeds fifteen (15) per cent of the total pavement surfacing between curb faces or between concrete gutter edges in any block. Such negotiations shall be carried on and contributions agreed upon prior to issuance of a permit.

F. After excavation is commenced, the work of making and backfilling the same shall be prosecuted with due diligence.

G. The Commissioner shall make daily inspections of all work authorized by a permit. The Commissioner is empowered to provide a full time

inspector if the work to be performed is of a nature that a full-time inspector is necessary to ensure compliance with the provisions of this ordinance.

H. All inspection costs shall be borne by the permittee. Such costs shall be based on a schedule of charges on file in the Office of the Commissioner.

I. Upon completion of all work accomplished under the provisions of the permit, the permittee shall notify the Commissioner in writing. A certificate of final inspection shall be issued by the Commissioner to each permittee no sooner than one (1) year after the permanent restoration of the excavation has been made, provided the work authorized by the permit has been performed according to Borough specifications. Prior to the issuance of a certificate, the Commissioner shall make a final inspection of the restoration to determine whether Borough specifications have been adhered to. FORM "B".

J. If any settlement in a restored area occurs within a period of one (1) year from date of completion of the permanent restoration, any expense incurred by the Borough in correcting such settlement shall be paid by the permittee or recovered from his bond, unless the permittee submits proof satisfactory to the Commissioner that the settlement was not due to defective backfilling.

K. In no case shall any opening made by a permittee be considered in the charge or care of the Borough, or any of its officers or employees, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of the police power, when it is necessary to protect life and property.

L. Excavations and opening in secondary streets (slag, burnt mine slate (red-dog), cinders, earth, etc.) that are not hard surfaced or in berms of streets that are hard surfaced may be backfilled with the same material excavated up to a point within eight (8) inches of the level of the adjoining surfaces. The last eight (8) inches shall be backfilled with slag, burnt mine slate (red-dog), cinders or other material acceptable to the Commissioner. Although, in no case shall earth be used for backfilling the last eight (8) inches. The backfill shall be rolled until unyielding with a ten (10) ton roller or with the wheel of a loaded truck of not less than five (5) tons capacity, except that in the case of short lateral trenches any method acceptable to the Commissioner may be used. The backfill shall be made so that the restored surface shall conform to the level of the adjoining surfaces and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it as well as for vehicular traffic to pass safely over it at a legal rate of speed.

M. Select material for backfill back of curb may be required when, in the opinion of the Commissioner, adequate compaction cannot be readily obtained with existing material.

N. In hard surfaced pavements (brick, block, cement concrete or bituminous concrete (black-top) the following specifications shall be carefully followed:

(a) All excavations and openings shall be backfilled with granulated slag up to the base course. Backfill shall be placed in horizontal layers not exceeding four inches to six inches in depth, dependent upon compaction obtainable with the mechanical compacting methods used. If it can be shown conclusively that the mechanical compacting or proposed can achieve required compaction with deeper lifts, such deeper lifts may be permitted by the Commissioner or his assigned inspector. Flooding, puddling, or water jetting above the springline of pipes will not be permitted.

(b) All backfilling, except where permission to do otherwise has been granted in writing by the Commissioner shall be executed by means of a mechanical compaction method in order to insure proper com-

paction. If the mechanical method is found inadequate or impractical, such as in an area under or around large pipes, hand tamping or flooding up to the springline of the pipe will be approved and mechanical tamping will be continued thereon. Soil tests may be required by the Commissioner from a recognized soil testing laboratory or registered professional engineer specializing in soil mechanics where in his opinion backfill for any excavation in Borough property is not being adequately compacted. These tests as a general standard shall be acceptable if a relative compaction of not less than 90% (ninety per cent) is attained. All costs incident to this required soil testing shall be borne by the permittee and one copy of the test report shall be permanently filed with the Commissioner.

(c) One-half (1/2) inch bars six (6) inch centers shall be placed across the excavated trench. Bar length to be width of pavement cut less four (4) inches. See PLATES "B" & "C".

(d) In all cases, regardless of what the former base course may have been, the new base course shall be cement concrete. See PLATES "B" & "C".

ARTICLE V - DEPOSITS

Section 5.1 - Computation of Deposit

The Commissioner, upon receipt of a properly completed application, shall determine the amount of the deposit to be made by the permittee; provided, however, that the deposit shall not be less than fifty dollars (\$50.00). The deposit shall be paid at the time the permit is received, and the deposit shall be used to reimburse the Borough for the cost of any work and materials furnished by it in connection with the work authorized by the permit, to cover all necessary inspections of said work, and for any other purpose set forth in the ordinance.

Section 5.2 - Form of Deposit

The deposit may be either in the form of a certified, treasurer's, or cashier's check or in lawful money of the United States.

Section 5.3 - Insufficient Deposit

If any deposit is less than sufficient to pay all costs, the permittee shall, upon demand, pay to the Borough an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the Borough may institute an action to recover the same in any court of competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.

Section 5.4 - Yearly Deposit

Whenever any public utility or authority shall anticipate more than one street opening or excavation per calendar year, such utility or authority may post one deposit in an amount and form as provided above for the calendar year or part thereof to cover the cost of any and all work.

Section 5.5 - Deposit and Cost Schedules

The Commissioner is authorized to establish a schedule of charges for inspections, labor, materials and such other expenses as may be incurred by the Borough in meeting the requirements of this ordinance. The schedule shall be open to public inspection in the Office of the Commissioner upon demand.

Section 5.6 - Decision on Costs

The decision of the Commissioner as to the cost of any work done or repairs made by him or under his direction, pursuant to the provisions of this ordinance, shall be final and conclusive as to such cost.

Section 5.7 - Refund of Deposit

Upon notification by the permittee that all work authorized by the permit has been completed and after restoration of the opening, the Commissioner shall refund to the permittee his deposit less all costs incurred by the Borough in connection with said permit. In no event shall the permit fee be refunded.

ARTICLE VI - BOND REQUIREMENTS

Section 6.1 - Maintenance Bond Requirements

Each applicant upon the receipt of a permit shall provide the Borough with an acceptable corporate surety bond to guarantee faithful performance of the work authorized by a permit granted pursuant to this ordinance. The amount of the bond shall be one hundred (100) per cent of the estimated cost of restoring the street opening. The term of the bond shall begin upon the date of posting thereof and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Commissioner. If the permittee anticipates requesting more than one permit per year as required by this ordinance, he may furnish one continuing corporate surety bond to guarantee faithful performance in such amount as the Commissioner deems necessary. The amount of such bond shall be in relation to the cost of restoring pavement cuts to be made by the permittee throughout the year.

Section 6.2 - Default in Performance

Whenever the Commissioner shall find that a default has occurred in the performance of any term or condition of the permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Commissioner to be reasonably necessary for the completion of such work.

Section 6.3 - Completion of Work

After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, indemnify the Borough for the cost of doing the work as set forth in the notice.

ARTICLE VII - LIABILITY INSURANCE

Section 7.1 - Insurance Requirements

Each applicant, upon the receipt of a permit, shall provide the Borough with an acceptable certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the Commissioner in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury in effect shall not be in an amount less than \$100,000 for each person and \$300,000 for each accident and for property damages an amount not less than \$50,000, with an aggregate of \$100,000 for all accidents. Public utilities and authorities may be relieved of the obligation of submitting such a certificate if they are insured in accordance with the requirements of this ordinance.

ARTICLE VIII - OPENINGS IN NEW STREETS

Section 8.1 - Notices of Improvements

When the Borough shall improve or pave any street, the Secretary shall first give notice to all persons owning property abutting on the street about to be paved or improved, and to all public utilities and authorities operating in the Borough, and all such persons, utilities, and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street, within thirty (30) days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Borough Secretary after consultation with the Borough Commissioner and Engineer. Form "D".

Section 8.2 - Restrictions Upon Opening New Streets

No permit shall be issued by the Commissioner which would allow an excavation or opening in a paved and improved street surface less than three (3) years old unless the applicant can clearly demonstrate that public health or safety require that the proposed work be permitted or unless an emergency condition exists.

Section 8.3 - Penalty for Opening New Streets

If by special action of the Commissioner, a permit is issued to open any paved and improved street surface less than three (3) years old, a penalty charge shall be made for the opening, except that the penalty shall be waived in the event the work is of an emergency nature. The penalty charge shall be on a sliding scale and shall be equal to two (2) per cent of the estimated cost of restoring the opening for each unelapsed month or fraction thereof of the three (3) year restricted period. For example, if the pavement is twenty-seven (27) months old when the opening is made, (36 months less 27 months leaves 9 months unelapsed) a penalty of 9 times 2 or eighteen (18) per cent will be charged.

ARTICLE IX - GENERAL PROVISIONS

Section 9.1 - Abandoned Facilities

A. Whenever any pipe, conduit, duct, tunnel, or other structure located under the surface of any street, or the use thereof, is abandoned, the person owning, using, controlling or having an interest therein shall, within thirty (30) days after such abandonment, file with the Commissioner a statement in writing giving in detail the location of the structure so abandoned.

B. When the Borough plans to pave or improve streets in which there are abandoned facilities, the owner of such facilities shall be notified to remove them if in the opinion of the Council their removal is in the best interest of the Borough. If the owner shall refuse to remove such facilities, the Borough shall remove the abandoned facilities and the owner shall reimburse the Borough for such removal.

Section 9.2 - Notices to Property Owners and Tenants

If the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, the Commissioner shall require the permittee to submit a list of the names and addresses of the owners and/or tenants of such properties. Upon receipt of such list, the Commissioner shall notify the affected property owners and/or tenants of the proposed work to be done. Form "C".

If the work to be undertaken by a permittee will affect other sub-surface installations in the vicinity of the proposed opening, the Commissioner shall notify the owners of such facilities of the proposed work.

Section 9.3 - Notices To Police and Fire Authorities

The Commissioner shall notify in writing the Borough police and fire authorities of all street opening permits he grants. Such notification shall state the nature of the work to be done, proposed beginning and completion dates, and the location of such project.

Section 9.4 - Penalty for Violation

Any person violating any of the provisions of this ordinance or any regulations and specifications adopted thereunder shall, upon conviction thereof before the Burgess or a Justice of the Peace of the Borough, be sentenced to pay a fine of not less than twenty-five dollars (\$25.00), nor more than one hundred dollars (\$100.00) for each offense and costs of prosecution, and in default of payment of said fine and costs, to be imprisoned in the Westmoreland County jail for a period not exceeding thirty (30) days. Each day that a violation is permitted to exist after notice in writing shall have been served by the Commissioner shall constitute a separate offense.

Section 9.5 - Severability

If any section, subsection sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 9.6 - Repeal of Existing Ordinances

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Ordained and enacted into a law this 19th day of August A.D.,
1959.

Edgar H. Rouse
President of Council

Attest: B. T. Lash
Secretary of Council

Approved this 19th day of August, 1959.

Robert C. Umbarger
Burgess

Attest: B. T. Lash