

Chapter 144

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Borough Council of the Borough of South Greensburg during codification; see Ch. 1, General Provisions, Art. II. Amendments noted where applicable.]

ARTICLE I

Sidewalk Regulations

§ 144-1. Permit required; fee; inspection. [Amended 3-10-2014 by Ord. No. 2014-03.]

A. No curbing, sidewalk repair or replacement, or sidewalk aprons within the Borough of South Greensburg shall be demolished, repaired, replaced, or newly installed until a permit shall first have been obtained, which permit shall indicate the location of the proposed work, the purpose thereof, and the manner of the demolition, repair, replacement, or installation of the curb, sidewalk, or apron, and the time within which the work is to be completed.

B. A fee of in the amount designated by Council pursuant to §1-16 herein shall be paid to the Borough of South Greensburg for the obtaining of said permit in order to cover costs of administration.

C. Further, any demolition, repair, replacement, or new installation shall be subject to the inspection of the Code Enforcement Officer, Borough Engineer, Street Commissioner and/or other designated Borough representative.

D. All new construction, repairs, replacements, alterations or new installations shall comply with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101, *et seq.* ("ADA"), where applicable.

E. Sidewalk Standards.

When constructing new sidewalks, or replacing fifty percent (50%) or more of the sidewalks on a lot of land, said sidewalks shall be uniform throughout the entirety of the frontage on each right of way. The width shall be equal to and consistent with the sidewalks on the adjacent properties. If the adjacent properties along the same right of way have different sidewalk widths, the sidewalk width on the subject property shall be equal to the width of the wider adjacent sidewalk. A property that has sidewalk abutting more than one right of way may have sidewalk widths that are different on each different right of way, but only for the purpose of being uniform with sidewalks on adjacent properties. Otherwise, the sidewalks on properties with sidewalks on multiple rights of way shall be uniform throughout the entire property. (Example: The subject property is on the corner of Avenue A and Alley 1. The adjacent property on Avenue A has a sidewalk along Avenue A that is 5 feet wide. The

adjacent property on Alley 1 has a sidewalk along Alley 1 that is 4 feet wide. The subject property may have a sidewalk on Avenue A that is 5 feet wide and a sidewalk on Alley 1 that is 4 feet wide.)

F. Duty to Repair.

Every owner of real property in the Borough of South Greensburg shall be responsible for maintaining the sidewalks in their property, including those sidewalks located in the public right-of-way in or along their property line. If the Borough determines that a sidewalk requires maintenance, the Borough shall provide notice to the property owner detailing the defective conditions of the sidewalk and directing that a certain specified repair be made. The repair shall be made as specified in the notice within thirty (30) days of the issuance of the notice. If the repair is not made, the Borough may repair the defect itself and place a municipal claim and/or lien on the real property pursuant to the Pennsylvania Municipal Claims and Tax Liens Act, plus all costs and fees, including reasonable attorney's fees in the amount of \$250.00, or seek enforcement of this provision to a Court of competent jurisdiction.

ARTICLE II

Excavations in Streets

§ 144-2

This Article shall be known and may be cited as the "Street Excavation Ordinance of the Borough of South Greensburg."

§ 144-3. Definitions; word usage.

For the purposes of this Article, the following terms, phrases, words and their derivations shall have the meanings given herein.

APPLICANT — Any person making written application to the Mayor of the borough for an excavation permit hereunder.

BOROUGH — The Borough of South Greensburg.

BOROUGH COUNCIL or COUNCIL — The Borough Council of the Borough of South Greensburg. -

EXCAVATION WORK — The excavation and other work permitted under an excavation permit and required to be performed under this Article.

PERMITTEE — Any person who has been granted and has in full force and effect an excavation permit issued hereunder.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

B. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

§ 144-4. Permit required.

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street or to make or cause to be made any excavation in or under the surface of any street for any purpose or to place, deposit or leave upon any street any earth or other excavated material obstructing or tending to interfere with the free use of the street unless such person shall first have obtained an excavation permit therefor from the Mayor of the borough as herein provided. Except in the event of an emergency as hereinafter described in this Article, no permit may be issued hereunder unless six (6) months' written notice prior to the issuance of such permit is given to the Borough Mayor of such person's intention to dig up, break, excavate, tunnel, undermine or in any manner break up any street or excavate in or under the surface of any street.

§ 144-5. Application.

No excavation permit shall be issued unless a written application for the issuance of any excavation permit is submitted to the Borough Mayor. The written application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of commencement and date of completion of the excavation and other data as may reasonably be required by the Borough Mayor. The application shall be accompanied by plans showing the extent of the proposed excavation work, the dimensions and the location of the excavation work and such other information as may be prescribed by the Borough Mayor.

§ 144-6. Duration of permit; fees. [Amended 10-12-2012 by Ord. No. 2012-09.]

No permit issued hereunder shall continue for a period longer than thirty (30) days. A permit shall be required for each separate opening, and a

permit fee shall be paid in the amounts designated by Council pursuant to §1-16 herein.

A. For the first one hundred (100) square feet (or part thereof) of any opening, there shall be paid a permit fee of two hundred and fifty (\$250) dollars.

B. For each additional one hundred (100) square feet (or part thereof), the permit fee shall be increased by fifty (\$50) dollars. (1) Issued with good and sufficient surety.

(2) Issued by a surety company authorized to transact business in the state.

(3) Satisfactory to the Borough Attorney in form and substance.

§ 144-7. Surety bond.

A. [Amended 12-11-1995 by Ord. No. 95-6] Before an excavation permit as herein provided is issued, the applicant shall deposit with the Secretary of the borough a surety or personal bond in the amount of three hundred dollars (\$300.) for each ten (10) feet of street opening, made payable to the borough, and which surety or personal bond may, at the discretion of the borough, be held for a period up to twenty-four (24) months after said work shall have been done in order to secure the borough as hereinafter stated. The required surety bond must be:

Conditioned upon the permittee's compliance with this Article and to secure and hold the borough and its officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit or for which the borough, the Borough Council or any borough officer may be liable by reason of any accident or injury to persons or property through the fault of the permittee, either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned to fill up, restore and place in good and safe condition as near as may be to its original condition, and to the satisfaction of the Street Commissioner of the borough, all openings and excavations made in streets and to maintain any street where excavation is made in as good condition for the period of twenty-four (24) months after said work shall have been done, usual wear and tear excepted, as it was in before said work shall have been done. Any settlement of the surface within said two-year period shall be deemed conclusive evidence of defective backfilling by the permittee.

B. Nothing herein contained shall be construed to require the permittee to maintain any repairs to pavement made by the borough if such repairs should prove defective. Any owner of real estate repairing or engaging another to repair his own sidewalk shall not be required to give such bond. Recovery on such bond for any injury or accident shall not exhaust the bond, but it shall in its entirety cover any or all future accidents or injuries during the excavation work for which it is given. In the event of any suit or claim against the borough by reason of the negligence or default of the permittee of such suit or claim, any final judgment against the borough requiring it to pay for such damage shall be conclusive upon the permittee and his surety. An annual bond may be given under this provision which shall remain in force for one (1) year, conditioned as above, in the amount specified above and in other respects as specified above but applicable as to all excavation work in streets by the principal in such bond during the term of one (1) year from said date.

§ 144-8. Routing of traffic.

A. The permittee shall take appropriate measures to assure that during the performance of the excavation work traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public, provided that the Borough Mayor may permit the closing of streets to all traffic for a period of time prescribed by him if, in his opinion, it is necessary. The permittee shall route and control traffic, including its own vehicles, as directed by the Borough Police Department. The following steps shall be taken before any highway may be closed or restricted to traffic:

- (1) The permittee must receive the approval of the Borough Mayor and the Police Department therefor.
- (2) The permittee must notify the Chief of the Fire Department of any street so closed.
- (3) Upon completion of construction work, the permittee shall notify the Borough Mayor and Borough Police Department.
- (4) In addition to any requirements imposed by the Pennsylvania Department of Transportation, flagmen shall be furnished by the permittee at its own expense.

B. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the Borough Mayor will designate detours. The borough shall maintain roadway

surfaces of existing highways designated as detours without expense to the permittee, but in case there are no existing highways, the permittee shall construct all detours at its own expense and in conformity to the specifications of the Mayor. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of its equipment.

§ 144-9. Fire equipment,

The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Material or obstructions shall not be placed within fifteen (15) feet of fireplugs. Passageways leading to fire escapes or fire-fighting equipment shall be kept free of piles of material or other obstructions.

§ 144-10. Protection and accommodation of traffic.

The permittee shall erect and maintain suitable barriers to confine earth from trenches or other excavations in order to encroach upon highways as little as possible. The permittee shall construct and maintain adequate and safe crossings over excavations and across highways under improvement to accommodate vehicular and pedestrian traffic at all street intersections. Vehicular crossings shall be constructed and maintained of minimum three-fourths-inch steel plate of adequate size and reinforcement to accommodate vehicular traffic safely. Pedestrian crossings shall be constructed and maintained of minimum three-eighths-inch steel plate or three-inch thick, twelve-inch wide wood planking of adequate length and necessary blocking. The walk shall not be less than three (3) feet in width and shall be provided with a railing if required by the Borough Mayor.

§ 144-11. Removal and protection of utilities.

The permittee shall not interfere with any existing utility without the written consent of the Borough Mayor and the utility company or person owning the utility. If it becomes necessary to remove an existing utility, this shall be done by its owner. No utility owned by the borough shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the utility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them under, over, along or across said work. In case any of said pipes, conduits, poles, wires or apparatus should be damaged, they shall be repaired by the agency or person owning them, and the expense of such repairs shall be charged to

the permittee, and his or its bond shall be liable therefor. The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit or other utility, and its bond shall be liable therefor. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

§ 144-12. Protection of adjoining property.

The permittee shall at all times and at his or its own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain a license from the owner of such private property for such purpose, and if he cannot obtain a license from such owner, the Borough Mayor may authorize him to enter the private premises solely for the purpose of making the property safe. The permittee shall at its own expense shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from its failure to properly protect and carry out said work. Whenever it may be necessary for the permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this Article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove even temporarily any trees or shrubs which exist in parking strip areas or easements across private property without first having notified and obtained the consent of the property owner or, in the case of public property, the Borough Mayor.

§ 144-13. Sidewalk excavations.

Any excavation made in any sidewalk or under a sidewalk shall be provided with a substantial and adequate footbridge over said excavation on the line of the sidewalk, which bridge shall be at least three (3) feet wide and securely railed on each side so that foot passengers can pass over safely at all times, in conformance with § 144-10.

§ 144-14. Protection of pedestrians; lighting of obstructions.

The permittee shall erect such fence, railing or barriers about the site of the excavation work as shall prevent danger to persons using the borough

street or sidewalks, and such protective barriers shall be maintained until the work shall be completed or the danger removed. At twilight, there shall be placed upon such place of excavation and upon any excavated materials or structures or other obstructions to streets suitable and sufficient lights which shall be kept burning throughout the night during the maintenance of such obstructions. It shall be unlawful for anyone to remove or tear down the fence or railing or other protective barriers or any lights provided there for the protection of the public.

§ 144-15. Attractive nuisance.

It shall be unlawful for the permittee to suffer or permit to remain unguarded at the place of excavation or opening any machinery, equipment or other device having the characteristics of an attractive nuisance likely to attract children and hazardous to their safety or health.

§ 144-16. Care of excavated material.

All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the Borough Street Commissioner shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

§ 144-17. Damage to existing improvements; repair by borough.

All damage done to existing improvements during the progress of the excavation work shall be repaired by the permittee. Materials for such repair shall conform to the requirements of any applicable code or ordinance. If upon being ordered the permittee fails to furnish the necessary labor and materials for such repairs, the Borough Street Commissioner shall have the authority to cause said necessary labor and materials to be furnished by the borough and the cost shall be charged against the permittee, and the permittee shall also be liable on his or its bond therefor.

§ 144-18. Property lines and easements.

Property lines and limits of easements shall be indicated on the plan of excavation submitted with the application for the excavation permit, and it

shall be the permittee's responsibility to confine excavation work within these limits.

§ 144-19. Cleanup.

As the excavation work progresses, all streets and private properties shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the Borough Street Commissioner. From time to time as may be ordered by the Borough Street Commissioner and in any event immediately after completion of said work, the permittee shall at his or its own expense clean up and remove all refuse and unused materials of any kind resulting from said work, and upon failure to do so within twenty-four (24) hours after having been notified to do so by the Borough Street Commissioner, said work may be done by the borough and the cost thereof charged to the permittee, and the permittee shall also be liable for the cost thereof under the surety bond provided hereunder.

§ 144-20. Protection of watercourses, sewers and drains.

The permittee shall provide for the flow of all watercourses, sewers or drains intercepted during the excavation work and shall replace the same in as good condition as it found them or shall make such provisions for them as the Borough Street Commissioner may direct. The permittee shall not obstruct the gutter of any street but shall use all proper measures to provide for the free passage of surface water. The permittee shall make provision to take care of all surplus water, muck, silt, slicking's or other runoff pumped from excavations or resulting from sluicing or other operations and shall be responsible for any damage resulting from its failure to so provide.

§ 144-21. Breaking through pavement.

Whenever it is necessary to break through existing pavement for excavation purposes, the permitted shall do so in a manner to cause straight lines with vertical edges. A power-driven concrete saw shall be used so as to permit complete breakage of concrete pavement or base without ragged edges. Asphalt paving shall be scored or otherwise cut in a straight line. No pile driver may be used in breaking up the pavement.

§ 144-22. Borings.

Boring, jacking or tunneling under pavements shall not be permitted except by special permission, in writing, by the Borough Street Commissioner.

§ 144-23. Backfilling.

Backfilling in any street opened or excavated pursuant to an excavation permit issued hereunder shall be compacted to a degree equivalent to that of the undisturbed ground in which the trench was dug. Backfilling above the top of the utility pipes or similar installations shall be done with thin layers of premium backfill material. Each layer is to be tamped by manual or mechanical means. Layers that are hand-tamped shall not exceed four (4) inches in thickness. Layers that are power-tamped shall not exceed eight (8) inches in thickness.

§ 144-24. Backfill material.

Whenever any excavation for the laying of pipe is made through rock, the pipe shall be laid six (6) inches above the rock bottom of the trench, and the space under, around and six (6) inches above the pipe shall be backfilled with clean river sand, noncorrosive soil or one fourth-inch mine gravel. Broken pavement, large stones and debris shall not be used in the backfill.

§ 144-25. Restoration of surface.

Any person or entity who shall open or excavate any street, alley, highway, sidewalk, (inclusive or curb) or other such road or pathway within this borough shall thoroughly and completely refill the opening or excavation in such a manner as to prevent any settling thereafter and shall then restore the surface. Said restoration and resurfacing shall be continuous and from curb to curb or edge to edge of the roadway or pathway, shall otherwise be to the same condition and material as it was before the opening or excavation and shall be in accordance with the specifications and detail as provided by the Borough Engineer and in accordance with the specifications of the Department of Transportation of the Commonwealth of Pennsylvania, where applicable, for restoration of surfaces of streets in the Borough of South Greensburg. If, within two (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 of South Greensburg for all necessary repairs to the permanent paving. In all cases after the work has been completed, the sum deposited less the amount of expenses incurred by the borough, including the cost of supervision, shall be deducted from the sum deposited. In the case of public service corporations, they may exercise the option, under the terms and stipulations of this Article and the

provisions hereof, to do all the above work of excavating, refilling and placing the concrete slabs in said opening with the supervision of the borough, and the same shall failure of theirs to stand up and replace the improved surface so removed.

§ 144-26. Restoration by borough; assessment of costs.

If the permittee shall have failed to restore the surface of the street to its original and proper condition upon the expiration of the time fixed by such permit or shall otherwise have failed to complete the excavation work covered by such permit, the Borough Street Commissioner, if he deems it advisable, shall have the right to do all work and things necessary to restore the street and to complete the excavation work. The permittee shall be liable for the actual cost thereof and twenty-five percent (25%) of such cost in addition for general overhead and administrative expenses. The borough shall have a cause of action for all fees, expenses and amounts paid out and do it for such work and shall apply in payment of the amount due it any funds of the permittee deposited as herein provided, and the borough shall also enforce its rights under the permittee's surety bond provided pursuant to this Article. It shall be the duty of the permittee to guarantee and to maintain the site of the excavation work in the same condition it was prior to the excavation.

§ 144-27. Trenches.

The length of the trench that may be opened at any one (1) time shall not be greater than the length of pipe and the necessary accessories which are available at the site ready to be put in place. Trenches shall be braced and sheathed according to generally accepted safety standards for construction work as prescribed by state and federal regulations. No timber bracing, lagging, sheathing or other lumber shall be left in any trench.

§144-28. Prompt completion of work required.

The permittee shall prosecute with diligence and expedition all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition or as near as may be as soon as practicable and in any event not later

§ 144-29. Urgent work.

If, in his judgment, traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Borough Mayor shall have full power to order, at the time the permit is granted, that a crew of men and adequate

facilities be employed by the permittee twenty-four (24) hours a day to the end that such excavation work may be completed as soon as possible.

§ 144-30. Emergency action.

In the event of an emergency in which a sewer, main, conduit or utility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which the Borough Mayor's office is open for business and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

§ 144-31. Reduction of noise, dust and debris.

Each permittee shall conduct and carry out the excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work noise, dust and unsightly debris and during the hours between 11:00 p.m. and 7:00 a.m. shall not use, except with the express written permission of the Borough Mayor or in the case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.

§ 144-32. Newly paved streets not to be excavated.

A. The Borough Mayor shall give written notice of the borough's intention to pave or repave any street to each person owning any sewer, main, conduit or other utility in or under said street or any real property, whether improved or unimproved, abutting said street. Such notice shall notify such persons that no excavation permit shall be issued for openings, cuts or excavations in said street for a period of five (5) years after the paving or repaving of such street. Such notice shall also notify such persons that applications for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than ninety (90) days from the date of said notice. The Borough Mayor shall also promptly mail copies of such notice to the owners of all houses, buildings and other structures abutting said street for their information

and to state agencies and borough departments or other persons that may desire to perform excavation work in said borough street. Any requirement to give the Borough Mayor prior notice of applying for a street opening permit shall not apply to street openings made under this section of this Article. Within said ninety (90) days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this Article, as may be necessary to install or repair sewers, mains, conduits or other utility installations. In the event that any owner of real property abutting said street shall fail within said ninety (90) days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all of such owner or his successors in interest to make openings, cuts or excavations in said street shall be forfeited for a period of five (5) years from the date of such notice. During said five-year period, no excavation permit shall be issued to open, cut or excavate in said street unless, in the judgment of the Borough Mayor, an emergency as described in this Article exists which makes it absolutely essential that the excavation permit be

B. Every borough department or official charged with responsibility for any work that may necessitate any opening, cut or excavation in said street is directed to take appropriate measures to perform such excavation work within said ninety-day period so as to avoid the necessity for making any openings, cuts or excavations in the new pavement in said borough street during said five-year period.

§ 144-33. Inspection.

The Borough Mayor shall make such inspections as are reasonably necessary in the enforcement of this Article. The Borough Mayor may promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this Article, subject to approval by the Council.

§ 144-34. Drawings.

Users of subsurface street space shall maintain accurate drawings, plans and profiles showing the location and character of all underground structures, including abandoned installations.

§ 144-35. Applicability.

The provisions of this Article shall not be applicable to any excavation work under the direction of competent borough authorities by employees of the borough or by any contractor of the borough performing work for and on behalf of the borough necessitating openings or excavations in streets.

§ 144-36. Public service companies.

All persons operating public utilities in the borough under franchises granted by the borough and having the right, either by general or special permission, to enter upon streets and to open and excavate pavements, sidewalks or to disturb the surface thereof by excavation or other work shall be required to apply for a permit and promptly as practicable and to that end shall employ an adequate standing force. Any person operating any such public utility shall comply with all requirements of this Article, including the surety or personal bond and deposit requirements.

§ 144-37. Insurance.

A permittee, prior to the commencement of excavation work hereunder, shall furnish the Borough Street Commissioner satisfactory evidence, in writing, that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the excavation permit public liability insurance of not less than three hundred thousand dollars (\$300,000.) for any one (1) person and five hundred thousand dollars (\$500,000.) for any one (1) accident and property damage insurance of not less than fifty thousand dollars (\$50,000.) duly issued by an insurance company authorized to do business in the Commonwealth of Pennsylvania.

§ 144-38. Borough not liable.

This Article shall not be construed as imposing upon the borough or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the borough or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any excavation work.

§ 144-39. Violations and penalties.

Any person violating any of the provisions of this Article, or filing or causing to be filed an application for a permit or certificate under this Article containing false or fraudulent misstatements shall be deemed guilty of a summary offense and, upon conviction thereof, shall be fined not more than three hundred dollars (\$300.) or shall be imprisoned for not more than ninety (90) days, or may be punished by both fine and imprisonment.

ARTICLE III

Defiling of Streets

[Added 6-14-2004 by Ord. No. 2004-06.]

§ 144-40. Proper Operation of Vehicle.

Any vehicle transporting or carrying soil, sand, stone, dirt, debris, refuse, litter or any substance of any kind, including liquids and chemicals, over streets, alleys and thoroughfares within the Borough of South Greensburg shall be operated as to prevent said materials from being scattered, spilled, dropped or blown from the vehicle or from the wheels, tires or under-carriage thereof.

§ 144-41. Defiling of Streets Unlawful.

It shall be unlawful to scatter, spill, dump or drop or permit to be scattered, spilled, dumped or dropped any soil, sand, stone, dirt, debris, refuse, litter or other substance of any kind, including liquids and chemicals, from any vehicle or from the wheels, tires or under-carriage thereof upon street, alleys and thoroughfares of the Borough of South Greensburg.

§ 144-42. Liability of Property Owner and Lessee.

In addition to the provisions of Sections 1 and 2 of this Ordinance, any property owner or Lessee of property within the Borough of South Greensburg shall be responsible for the actions of any vehicle transporting or carrying soil, sand, stone and dirt to or from property owned by said owner or leased by said Lessee and said property owner or Lessee shall be subject to all penalty provisions of this Ordinance.

§ 144-43. Penalties.

Any person, firm or corporation, who shall violate any provision of this Ordinance shall upon conviction thereof be sentenced to pay a fine of not more than \$600.00 and in default of payment, to imprisonment for a term not to exceed thirty (30) days.