

## Chapter 288

### STREETS AND SIDEWALKS

**[HISTORY: Adopted by the Borough Council of the Borough of East Vandergrift as indicated in article histories. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Building construction — See Ch. 125.  
Nuisances — See Ch. 212.  
Property maintenance — See Ch. 230.  
Sewers and sewage disposal — See Ch. 250.  
Trees — See Ch. 315.  
Vehicles and traffic — See Ch. 325.

#### ARTICLE I

##### Sidewalk Regulations

**[Ch. 1, §§ 101.1 to 101.9; 102.1 and 102.2; 103.1 and 103.2, of the 1977 compilation]**

##### **§ 288-1. Width.**

The widths of the sidewalks in said Borough be and the same are hereby established as follows: on all streets 50 feet or more in width 10 feet wide; on all streets 40 feet to 50 feet in width eight feet wide; and on all streets less than 40 feet in width six feet wide; said sidewalks to be measured from the property line to the outer edge of the curb.

##### **§ 288-2. Pavements.**

The widths of the pavements on said sidewalks are hereby fixed as follows: The pavements on all sidewalks shall not be less than three feet in width and all pavements shall be constructed or laid so that the center line of the pavement shall coincide with the center line of the space allotted to the sidewalk.

##### **§ 288-3. Abutting owners' duties.**

The grading, paving, repaving and repairing of all sidewalks on the streets and the constructing and repairing of curbs at the edge of the sidewalks shall be done by the owners or owner of the lot or lots fronting thereon.

##### **§ 288-4. Design.**

The materials to be used in the paving of all sidewalks shall be concrete. The walk shall be made in a durable and workmanlike manner and under the supervision of the Street Commissioner or Borough Engineer. In all cases, the pavement shall be laid to the line and grade established by ordinance. And on streets where the pavement does not cover sidewalk, equal spaces shall be left between the pavement and the curb on the one side and the pavement and the property line on the other side.

##### **§ 288-5. Construction.**

The material to be used in the construction and repairing of all curbs at the edge of sidewalks shall be either of good, hard and durable sandstone, concrete, blacktop or asphalt. If of stone, they shall not be less than three feet in length, nor less than 24 inches in depth, and of a uniform thickness of six inches; the top face shall be accurately set to the level of the sidewalk and the exposed front shall be schabbled to abut closely when set to the depth of 20 inches; the curb shall be accurately set to the line and grade established by ordinance, and shall be firmly tamped in place; each end of the curbstone shall rest on stone blocks, 10 inches by 12 inches, and four inches thick; the joints of the curbing shall be made watertight with Portland cement mixed with 1/3 clean, sharp sand, return curbs for streets 50 feet in width shall be cut in lengths not less than three feet and to a radius of four feet, and for streets 50 feet and over in width shall be cut in lengths and to a radius of six feet, when sewer inlets interfere the cut must be fitted nearly up to the castings. If of concrete, the curb shall be not less than 24 inches in depth and of uniform thickness of six inches, and the composition thereof shall be the same as that specified for pavements in § 288-2 of this article, the top face shall be accurately constructed and set to the level of the sidewalk and to the line and grade established by ordinance; return curbs for streets under 50 feet in width shall be constructed to a radius of four feet, and for streets 50 feet and over in width to a radius of six feet.

**§ 288-6. Liens.**

On the neglect or refusal of the owner or owners of the lot or lots, as aforesaid, to grade, pave, repave or repair any sidewalk, or to set, place, construct or repair and curb at the edge thereof, after 30 days' notice so to do from the Council of said Borough, through its proper officials, shall cause the same to be done, and shall collect from owner or owners of the lot or lots the costs thereof and 10% additional, together with all charges and expenses, and shall file a municipal lien therefor against such lot or lots.

**§ 288-7. Violations and penalties.** <sup>1</sup>

Pavements, footwalks and curbs not laid in conformity with the provisions of this article and the established grade of the street on which they are constructed, are hereby declared to be nuisances, and must be taken up and relaid, according to the provisions of this article, within 30 days after notice to the owner or owners so to do by the Borough; and upon failure of said owner or owners thereof to regrade, recurb and repave said sidewalk, within the time stipulated, they shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$300 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County; and the said Borough shall cause said sidewalks to be regraded, recurbed and repaved in the manner therein and hereby required, and the said Borough shall collect the cost thereof, together with all charges and expenses, from the

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

owner or owners of the lot or lots as aforesaid, according to law and this article.

**§ 288-8. Replacements.**

No pavement or curb heretofore laid with material or materials not hereinbefore prescribed shall be permitted to be replaced, but whenever any such pavement or curb becomes, in the opinion of the Council of said Borough, in bad condition, notice shall be served upon the owner or owners of the lot or lots fronting thereon to repave the sidewalks or reset the curb with the material, as herein provided, and upon his, her or their failure to do so, after 30 days' notice, said Borough shall cause the same to be done and the cost thereof, with penalty and expenses, shall be collected by the said Borough from the owner or owners as aforesaid.

**§ 288-9. Liability.**

The owner of the property abutting any sidewalk shall be primarily liable for the maintenance and reconstruction of such sidewalk in all instances. This section is applicable whether the sidewalk was constructed by the Borough of East Vandergrift or by the abutting property owner or his predecessor in title.

**§ 288-10. Driving on sidewalks; violations and penalties.**

- A. Prohibited. Any person driving over or upon the curbing or over or upon any boardwalk or footwalk on any street or alley in the Borough of East Vandergrift shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not less than \$100 nor more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense.<sup>2</sup>
- B. Exception. Driving over or upon the curbing or over or upon any sidewalk on any street or alley in the Borough of East Vandergrift shall be permitted or allowed only upon the issuance of a permit by the Borough Secretary or other official designated by resolution of Council.<sup>3</sup>
- C. Nothing in this section shall be interpreted to relieve any person or persons from liability for any and all damage caused by said driving over or upon the curbing or over or upon any sidewalk on any street or alley in the Borough of East Vandergrift.

**§ 288-11. Obstructions and nuisances; violations and penalties.** <sup>4</sup>

- A. Pavements and footwalks shall at all times be kept free from snow and ice, grass, weeds and other obstructions interfering with the free and full use of the same and be maintained in a

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

safe and sanitary condition. Snow and ice shall be removed from sidewalks within 10 hours after the same shall have ceased to fall or form, provided that snow and ice falling or forming after 6:00 p.m. may be removed at any time before 10:00 a.m. of the next following day. Failure to comply with this section will make owners liable to a fine of not less than \$50 nor more than \$300, to be recovered for the use of said Borough before the Magisterial District Judge, and upon failure of the owners to pay such fine, they shall be imprisoned for a period not to exceed 30 days, and the said work shall be done and the costs and penalties collected from the owner.

- B. Penalty for uncleanliness or obstruction. If any footwalks in the Borough be allowed to become littered or covered with garbage, or if goods, merchandise or other obstruction be placed and permitted to remain on any public footwalks in the Borough, it shall be the duty of the ordinance officer of the Borough to notify the owner or occupant of the premises in front of which the footwalk is located, to clean the said footwalks or run over the same; and if any such owner or occupant upon being notified, as herein provided, to clean the footwalk in front of his premises, or to remove the obstruction from the same, shall refuse or neglect to do so within two days after receiving such notice, such person shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense.

## ARTICLE II

### Official Map of Public Streets

[Ch. 1, §§ 104.1 and 104.2, of the 1977 compilation]

#### § 288-12. Declared public highways.

All the streets, lanes and alleys in the Borough of East Vandergrift contained in the general plan and map of the Borough as recorded in the Recorder's Office of Westmoreland County in Plan Book Vol. 1, Pages 157 to 157 inclusion, the same are hereby declared public highways of the Borough.

#### § 288-13. Removing monuments, marks and pins prohibited; violations and penalties. <sup>5</sup>

Any person who shall willfully remove any mark or pin placed by the Street Commissioner for the purpose of marking or ascertaining the boundaries, lines, grades, etc., of the streets or alleys shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not

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5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

exceeding 30 days. Each day that such violation exists shall constitute a separate offense.

### ARTICLE III

#### **Drainage Facilities, Water and Sewer Connections in Streets [Ch. 1, §§ 105.1 to 105.3; 106.1 to 106.4, of the 1977 compilation]**

##### **§ 288-14. Private drainage facilities in streets; violations and penalties.**

- A. Prohibited. It shall be unlawful for any person, persons or corporate bodies to construct or in any manner cause to be placed in the water tables of any street or alley in the Borough, any pipes, tiles or any other material which would interfere in any manner with the crown of the street or alley.
- B. Removal of private drainage facilities. All existing drain tiles, pipes or other materials now located within water tables of Borough Streets or alleys shall be summarily removed.
- C. Violation and cost of removal of drainage facilities. In the event of any violation of this section, the guilty person or persons shall be notified to remove any construction placed in violation of the terms of this section, and, in event of failure to comply with such order, the Borough shall proceed with such removal and the cost of said removal shall be placed upon the offender. The offenders shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense.<sup>6</sup>

##### **§ 288-15. Water and sewer connections in streets.**

- A. Installation of water and sewer connection. In all cases in which ordinances are passed authorizing streets to be paved, the Borough Secretary shall immediately notify all abutting property owners to install water and sewer connections between the mains and curbs within 30 days after the giving of said notice.
- B. Notice to install. Said notice may be served upon the registered owners of said property personally, by posting on the premises or by mailing said notice to said registered owners at their last known post office address.
- C. Frequency of connections. At least one water and sewer connection shall be installed for every 50 feet of frontage. Where the frontage of any owner shall be less than 50 feet, each owner shall install at least one connection.
- D. Installation by Borough. If such connections shall not be installed within the time fixed by this article, the Borough shall install the same prior to the paving of the street and collect the cost of such installations by appropriate proceedings against the property owners.

### ARTICLE IV

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<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**Driveways and Curb Cuts**  
**[Adopted 12-3-2001 by Ord. No. 4-2001]**

**§ 288-16. Width of driveways.**

All private driveways hereafter constructed across any pavement shall be of a width not less than eight feet, and the curb shall be curved back to the street edge of the footwalk on a radius of 1 1/2 feet.

**§ 288-17. Permit required.**

Before any private driveway may be constructed across a sidewalk and before any curb cut may be made, a permit shall be obtained from the Borough of East Vandergrift. All driveways shall be laid according to specifications furnished by the Borough of East Vandergrift at the time the permit is granted.

**§ 288-18. Fee.**

The fee for a driveway or curb cut permit shall be fixed pursuant to a resolution of the Borough of East Vandergrift.

**§ 288-19. Sidewalk not to be disturbed.**

All paved portions of the sidewalk must not be disturbed, and the height and grade of same must remain the same as before the driveway was constructed. The balance of the pavement shall remain the same height and grade as before the construction of the driveway.

**§ 288-20. Rectification of improper work.**

In case any person shall construct a driveway or a curb cut and shall not conform to the requirements of this article, the Borough of East Vandergrift may order such person, firm, or corporation to remove the improper work and replace the same in compliance with this article. Notice to remove and replace improper work shall be given by registered or certified mail, and shall state that the person, firm, or corporation shall have 30 days from receipt of the notice to comply therewith. Upon noncompliance, the Borough of East Vandergrift may do or cause the requested repairs to be done and may levy the cost of its work on such owner as a property lien to be collected in any manner provided by law.

**§ 288-21. Violations and penalties.<sup>7</sup>**

Any person, firm, or corporation who shall fail to obtain a permit before constructing a private driveway or making a curb cut shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall

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7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

**§ 288-22. Effective date.**

This article shall become effective on January 1, 2002.

ARTICLE V  
**Openings and Excavations**  
[Adopted 12-5-2005 by Ord. No. 6-2005]

**§ 288-23. Definitions; word usage.**

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

EXCAVATION — Any activity within the right-of-way of any street, alley, or cartway which involves cutting, breaking, or disturbing the surface thereof. In this article, the term "opening" shall have essentially the same meaning as excavation.

PERSON — Any natural person, partnership, firm, association, corporation or municipal authority.

STREET — Any public street, avenue, road, square, alley, highway, or other public place located in the Borough of East Vandergrift and established for the use of vehicles but shall not include state highways.

B. In this article the singular shall include the plural and the masculine shall include the feminine and the neuter.

**§ 288-24. 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 East Vandergrift without first securing a permit therefor as hereinafter provided.

**§ 288-25. Application for permit.**

Any person who shall desire to make any opening or excavation in any of the streets in the Borough of East Vandergrift shall make application to the Secretary of the Borough, in writing, for that purpose. Such application shall be made upon blanks to be furnished by the Borough of East Vandergrift, and 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 in full compliance with the ordinances of the Borough of East Vandergrift and the laws of the commonwealth in relation thereto, and that the applicant shall well and truly save, defend and keep harmless the Borough of East Vandergrift 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.

**§ 288-26. Permit fee.** <sup>8</sup>

Before any permit shall be issued to open or excavate any street in the Borough the applicant shall pay a permit fee in the amount fixed according to a schedule established pursuant to resolution. 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 at the rate, for each 100 feet or fraction thereof to be opened or excavated upon such street, pursuant to the fee schedule.

**§ 288-27. Issuance of permits restricted.**

Permits shall be issued only to persons furnishing public utility services or the owner or owners of the real property adjoining the location where such opening or excavation is to be made.

**§ 288-28. Information contained on permit.**

Any permit issued hereunder shall specify the exact location where the opening or excavation is to be made, the approximate permitted size or depth thereof, and the time within which the work for which the permit is granted to be completed.

**§ 288-29. Permit approval/disapproval.**

A permit may be issued to the applicant after all the requirements therefor have been filed. If the application is disapproved, written notice of disapproval together with reasons therefor shall be given to the applicant.

**§ 288-30. Responsibility to contact utilities.**

The work authorized by the permit is subject to all the provisions of the Act of December 20, 1974, P.L. 852. No. 287, § 1 et seq.,<sup>9</sup> as amended or supplemented from time to time. It shall be the permittee's responsibility to contact the utilities that have recorded their facilities in compliance with said Act. A partial list of utilities providing services in the Borough of East Vandergrift and their office addresses may be obtained from the County Recorder of Deeds.

**§ 288-31. Refilling; restoration of surface; responsibility for defects occurring within two years.**

Any person who shall open or excavate any street in the Borough of East Vandergrift shall thoroughly and completely refill the opening or excavation in such a manner as to prevent any settling thereafter, and shall restore the surface to the same condition as it was before the opening or excavation, and such restoration shall be in accordance 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 of East Vandergrift. As restored, the surface will conform to the property grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If within two years after the restoration of the surface is herein provided, defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the Borough of East

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8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

9. Editor's Note: See 73 P.S. § 176 et seq.

Vandergrift for the cost of all necessary repairs to the permanent paving.

**§ 288-32. Responsibility of permit holder for certain work; right of Borough to do certain work; charges therefor.**

All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by or for the person to whom or which the permit has been issued at his or its expense, and all such work shall be subject to the provisions of this article, and to the supervision and approval of the designated official, provided that the Secretary of the Borough may if he deems it necessary to the proper performance of the work, require that cutting of the surface of streets and the backfilling of all excavations therein shall be done by the Borough of East Vandergrift in which event the applicant shall pay the actual cost of the work performed by the Borough of East Vandergrift.

**§ 288-33. Requirements for work; correction of unsatisfactory work; completion of incomplete work.**

- A. No opening or excavation in any street shall extend from the curblin into the highway a distance greater than one foot beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.
- B. No more than 500 feet longitudinally shall be opened in any street at any one time.
- C. The work of excavation shall be so conducted as not to interfere with the water mains, sewers, or their connections with the houses, or any other subsurface lines or constructions, until permission of the proper authorities in connection with such subsurface lines or constructions shall have been obtained.
- D. No tunneling shall be allowed without the express approval of the Secretary of the Borough, and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Secretary of the Borough, or an inspector designated by him, and shall be done only in a method approved by him.
- E. All openings or excavations shall be backfilled promptly with modified 2A stones and thoroughly compacted in layers, each of which layers shall not exceed eight inches in depth. Backfilling shall be placed to within 10 inches of the surface.
- F. A temporary paving of cold-patch premix, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving and maintained for a period of 90 days.
- G. On concrete base streets, such base shall be replaced with concrete, and the minimum size of the opening or excavation shall be 16 square feet.
- H. During the making of any excavation in the 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 granted hereunder 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 of East Vandergrift 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.

- I. The applicant shall notify the Secretary of the Borough when the opening or excavations is ready for backfilling before any backfilling is done, when backfilling work is completed, when the temporary paving has been installed, and when the street has been permanently restored so that inspections may be made.
- J. In the event that any work performed by or for a permit holder shall, in the opinion of the Secretary of the Borough, be unsatisfactory, and the same shall not be corrected in accordance with his instructions with 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 Secretary of the Borough, the Borough of East Vandergrift may proceed to correct such unsatisfactory work, or complete any such work not completed, and charge the cost thereof, plus 20%, to the applicant.

**§ 288-34. Emergency openings.**

In the case of any leak, explosion, or other accident in any subsurface 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 no later than the next business day thereafter, and that all other provisions of this article are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe line, construction, or apparatus, the Secretary of the Borough, after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency and charge the same on the basis of cost, plus 20%, to such owner or person.

**§ 288-35. Restrictions regarding trees and shrubbery.**

The permission herein granted does not confer upon the permittee or its contractors the right to cut, remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations, and conditions as the Borough of East Vandergrift may prescribe.

**§ 288-36. Opening or excavation prior to street improvement.**

The Secretary of the Borough shall give timely notice to all persons owning property abutting on any street within the Borough of East Vandergrift about to be paved or improved, and to all public utility companies operating in the Borough of East Vandergrift, and all such persons and utility companies shall make all water, gas or sewer connections, as well as any repairs thereto, which would necessitate excavation of the said street within 30 days from the giving of such notice, unless such time is extended in writing for cause shown by the Secretary of the Borough. New paving shall not be opened or excavated for a period of five years after the completion thereof, except in case of emergency, the existence of which emergency and the necessity for the opening or excavating of such paving to be determined by the Secretary of the Borough. If it is sought to excavate upon or open a sewer within five years after the completion of the paving, applicant shall make written application to the Borough of East Vandergrift, and a permit for such opening shall be issued only after express approval of the Borough of East Vandergrift.

**§ 288-37. Permittee responsibilities for future relocation of work.**

If at any time in the future the roadway is widened, reconstructed, or the alignment or grades are changed, the permittee further agrees to change or relocate all or any part of the structures covered by this permit which interfere with the improvement of the roadway at its own cost and expense.

**§ 288-38. Conditions for laying and extending utility lines.**

No new water, sewer, stream, or gas main or electric, telephone, or other utility line shall hereafter be laid or constructed, and no such existing main or line shall be extended in any of the streets of the Borough of East Vandergrift until the plan therefor shall have been first filed with the Secretary of the Borough, and such plan and the exact location of such main or line approved by him. The Secretary of the Borough shall not approve the locating of any such main or line at a depth of less than 30 inches from the surface of the street unless he shall be convinced that locating the same at a depth of more than 30 inches from the surface is impossible or impractical.

**§ 288-39. Bond required.**

No company, corporation, or association shall dig up any street or alley without first giving to the Borough of East Vandergrift a bond with some acceptable trust or surety company as surety in the sum of \$10,000, conditioned for the faithful performance of these provisions, and also for any and all damages, claims, demands, suits, costs, and counsel fees occasioned or arising from the digging up, opening or closing of said streets and alleys.

**§ 288-40. Payment for work done by Borough.**

Payment for all work done by the Borough of East Vandergrift under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within 30 days after a bill therefor is sent to such person by the Borough of East Vandergrift. Upon failure to pay such charges within such time, the same shall be collectible by the Borough of East Vandergrift by an action in assumpsit or in the manner

**§ 288-41. Violations and penalties.** <sup>10</sup>

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Westmoreland County.

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10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 288-42. Effective date.**

This article shall become effective on December 5, 2005.