

ORDINANCE NO. 5

An Ordinance prohibiting obstructions in the highways of the Borough; requiring the removal thereof by the owner or occupant within the time prescribed, and in default of which the Borough may cause the same to be done and collect the cost thereof with per centum advance thereon, in the manner provided for the cost of pavements made by the Borough; prescribing penalties for violation of this ordinance.

Be it ordained and enacted by the Town Council of the Borough of Clymer, in the County of Indiana and State of Pennsylvania, and it is hereby ordained and enacted by the authority of the same.

Section 1. No portico, step or steps, signs, platforms, passageways, enclosures, bulk or jut windows, porches or jambs, or any similar obstruction shall be placed in or upon any sidewalk or footway (except cellar-ways as ordinance provided,) and for each and every violation of the provisions of this section, the party or parties so offending, shall be subject to a fine or penalty of not less than one, nor more than twenty dollars, and for each and every week the said violation is continued after the imposition of the first fine or penalty, an additional and further fine or penalty of not less than two nor more than five dollars; Provided: That an owner or occupant of any building abutting on any street desiring to erect or attach a portico, step or steps, platform, bulk or jut window, porch, or jamb to his building, shall first submit plans and specifications thereof to the Street Committee for approval or rejection; upon approval of said plans, they shall be filed with the Chief Burgess, who shall thereupon issue a permit, authorizing such structure in accordance with said plans; Provided further, that upon sidewalks of twelve and a half feet in width the encroachment shall not exceed four feet; and on sidewalks under twelve and a half feet the encroachment shall be permitted; Provided: that nothing in this section shall be so constructed as to prevent the erection of awnings, at least seven feet above the sidewalk, with iron frames, lamp posts, or the planting of trees under the direction of the Street Committee.

Section 2. No person shall place or cast any earth, brick, stone, coal, wood, filth, ashes, dust, mortar lime, shavings, rags, paper, pasteboard, or other substance of any kind (except for the purpose of immediate loading or unloading, removing or storing away) on any square, street, sidewalk or alley within the Borough under a fine or penalty of not less than two nor more than ten dollars, besides the expense of removing the same, if the same is removed by the Street Commissioner; Provided: That this section shall not apply to building material or other obstructions authorized by proper permit from the Chief Burgess; nor to materials used in laying or repairing sidewalks and crossings.

Section 3. The occupant or possessor of any lot within the Borough, whether a person or corporation, shall when required by notice from the Burgess remove all wood, coal, ashes, barrels, boxes or any other obstruction, which may be without legal authority on the sidewalks, squares, streets or alleys adjoining his, her or their property or the remove the same shall pay a fine or penalty of not less than two nor more than ten dollars.

Section 4. Any person or persons neglecting to keep the streets and sidewalks clean and the gutters unobstructed on front of or adjoining his, her, or their premises, or refusing or neglecting to remove all temporary obstructions within four hours next after being notified by the Chief of Police, High Constable or Street Commissioner to remove the same, shall be subject to a fine or penalty of not less than one nor more than five dollars for each and every offense.

Section 5. No person shall place any wagon, cart, dray or carriage of any kind whatsoever, in any public square, street or alley within the Borough and suffer the same to remain more than twelve hours; no person shall stop, stand or place on any street of the Borough, any wagon or other vehicle containing phosphate, manure, night soil, or other offensive substance; no person shall habitually use any portion of any street or alley for storing, stopping or standing any wagon or other vehicle; any person violating this section, on being convicted thereof, shall forfeit and pay a fine of not less than two nor more than ten dollars.

Section 6. All shade or other trees growing upon any of the streets or sidewalks or inside the property line of any lot fronting on any street or alley, the branches of which overhang the street, alley or sidewalk, shall be kept trimmed at least ten feet above said street, alley or sidewalk, and sufficient to admit sunlight and air and so as not unnecessarily to obstruct the light on driveways; and if the owner or occupant shall neglect or refuse, on the notice, to so trim any such trees, he shall pay a fine or penalty of not less than two nor more than ten dollars, and the Street Commissioner shall cause the same to proceed to collect the same from the owner as provided for the collection of claims for the construction of pavements or sidewalks.

Section 7. All signs shall be securely fastened to buildings, and no sign shall be permitted to awing, hang, or project over any portion of the sidewalk, street or alley; any violation of this section shall subject the offender to a fine or penalty of not less than one, nor more than five dollars and costs.

Section 8. Any person or corporation, who shall leave any cellar, vault or other excavation, on or adjoining a street, alley or other public thoroughfare of the Borough, open or exposed after night fall, without having the same barricaded or covered so as to obviate the danger of accident, and a light burning shall pay a fine of not less than five, nor more than twenty dollars.

Section 9. Upon judgment against any person by summary conviction of violation of this ordinance, or by proceedings by summons, on default of payment of fine or penalty imposed by said judgment and the costs, the defendant shall be sentenced and committed to the county jail for a period not exceeding thirty days.

Ordained and enacted by the Town Council, lawfully assembled in said Borough, this 20th day of July 1908.

H. Ney Prothero,  
President of Council

Attest:- George Cole,  
Clerk

Approved:- J.A. Dearolph,  
Chief Burgess