

ORDINANCE NO. 6

An Ordinance prohibiting the digging up or obstruction of any street, alley or sidewalk, without first obtaining a permit for that purpose; making regulations in regard thereto and prescribing penalties for the 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. It shall not be lawful for any person or corporation or their employees to open, dig or in any way disturb any street, alley or sidewalk within the Borough, for any purpose, without first applying to The Chief Burgess; and obtaining his written permission for that purpose and the Street Commissioner shall see that all persons to whom permits are so granted, shall restore the street, alley or sidewalk to as good condition as before being opened, dug, or disturbed, and any person offending against the provisions of this section shall forfeit and pay a fine or penalty of not less than one nor more than twenty dollars, together with all expenses of restoring the street, alley or sidewalk so opened, dug or disturbed to as good condition as it was before.

Section 2. All persons or bodies corporate entering upon the streets or alleys of this Borough, for the purpose of laying pipe, by virtue of their right of eminent domain shall exercise such right subject to the following regulations and restrictions.

(1) That all pipes and connections shall be made with the best made wrought cast iron, steel or lead, laid in good workmanlike manner.

(2) That no excavating or ditching shall be made or done by any company or corporation on the streets, lands or alleys of said Borough, during the months of December, January, February, and March of any year without written permit from Council, under penalty of fifty dollars for each and every violation of this section and an additional penalty of twenty-five dollars for each and every day such work maybe carried on. And when written permission shall be granted by Council for excavating or ditching during the months when the same is prohibited, the owner of the premises for whose benefit the permission is granted, or the person or corporation requesting such permission, as Council may determine shall give bond in such amount and upon such conditions as Council may by resolution prescribe to indemnify the Borough against loss, expense or damage.

Section 3. Any person or persons who shall take or cause to be taken, any stone, sand, sod or earth from any street or alley, square or lot of ground belonging to the Borough, shall pay a fine or penalty of not less than one nor more than five dollars; Provided: That the said fine or penalty shall not be imposed when the sand, stone, sod or earth is taken, in pursuance of a contract with or by leave of the Street Committee.

Section 4. Any person or corporation who may put or cause to be put on any sidewalk, street or alley of the Borough, brick, stone, sand, lime, lumber or other building material, or shall construct or block up any sidewalk, street or alley, by the digging or walling of cellars, vaults or wells, or in the erection or removal of any building or other structure without having first obtained a permit, shall be subject to a fine or penalty of not less than five nor more than twenty dollars; Provided: That nothing herein shall be construed to interfere with the grading, curbing and paving of sidewalks or streets, or placing of material thereon for that purpose under direction of the Street Commissioner.

Section 5. 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 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