

21 WEST WYOMING ORDINANCE 110

AN ORDINANCE OF THE BOROUGH OF WEST WYOMING REQUIRING PERMITS FOR OCCUPANCY OF THE STREETS AND HIGHWAYS, AND PRESCRIBING PENALTIES FOR VIOLATION.

The West Wyoming Borough Council hereby ordains:

§1. Permit Required. No railroad shall hereafter be constructed upon any road, nor shall any railroad crossings, nor any gas pipe, water pipe, electric conduits or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles or any other obstruction be erected upon or in any portion of a street, except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted for such purpose; provided, the conditions, restrictions and regulations prescribed in such permits do not abrogate the power of eminent domain of a public utility corporation provided for in the Business Corporation Law, P.L. 364, Act of May 5, 1933, Section 1322, 15 P.S. §1322 (1982) as amended, and as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

§2. Permit Application. The application for a permit shall be on a form prescribed by the Borough of West Wyoming and submitted to the Borough of West Wyoming in triplicate. The application shall be accompanied by two (2) fees: an application fee in accordance with the schedule of fees set forth by the Pennsylvania Department of Transportation for high occupancy permits, and an inspection fee set by the West Wyoming Borough Council of the Borough of West Wyoming.

§3. Issuance of Permit. A permit shall be issued to the applicant after all the aforementioned requirements have been filled.

§4. Inspection of Work. Upon completion of the work authorized by the permit, the permittee shall give written notice thereof to the Borough of West Wyoming. The appointed agent of the Borough of West Wyoming shall inspect the work and, when necessary, enforce compliance with the conditions and regulations prescribed by the permit. In addition to such inspection, the Borough of West Wyoming may reinspect the work not more than two years after its completion, and if any defect shall appear in the work contrary to regulations of the Borough of West Wyoming, the Borough of West Wyoming may enforce compliance therewith.

§5. Rectification of Defects. If the permittee shall fail to rectify any defect in the work within sixty (60) days after written notification to do so, the Borough of West Wyoming may do the work and impose upon the permittee the cost thereof and ten percent (10%) of such cost to be collected in any manner provided by law.

§6. Emergency Repairs. Where repairs are necessary for public safety or the restoration or continuance of a public service, a permit, as required by this ordinance, shall not be submitted in advance, but application for such permit and the accompanying fees shall be submitted as therein prescribed within five (5) days after completion of such repairs. Sections 4 and 5 above also apply in emergency situations.

§7. Penalties. Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than Three Hundred Dollars (\$300.00), and/or to undergo imprisonment for a term not to exceed ninety (90) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

§8. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

§9. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the West Wyoming Borough Council that this ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

§10. Effective Date. This ordinance shall become effective on June 5, 1985.

Duly and enacted and ordained by West Wyoming Borough Council on 11<sup>th</sup> day of Oct.,  
2010 and signed by the Mayor on the 21 day of Oct., 2010.



President of Council

Attest:



Borough Secretary



Mayor