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PART 1

STREET USES AND OCCUPANCIES

§101. DEFINITIONS AND INTERPRETATION.

The following words, as used in this Part, shall have the meanings hereby respectively ascribed thereto:

PERSON - any natural person, partnership, association, firm or corporation;

STREET - any street or public alley in the Borough of Wrightsville.

In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 256, 12/6/1971, §1)

§102. UNLAWFUL TO ALLOW TRAILER NOT ATTACHED TO VEHICLE UPON ANY STREET.

It shall be unlawful for any person to place or allow to remain, upon any street in the Borough of Wrightsville, any trailer of any type whatever, not attached to a vehicle or tractor that shall be a source of motive power thereto.

(Ord. 256, 12/6/1971, §2)

§103. REPAIRING, WASHING OR DISMANTLING OF VEHICLES ON STREETS RESTRICTED.

It shall be unlawful for any person to wash, repair or dismantle any vehicle or tractor of any kind whatsoever, while the same shall be parked upon any street in the Borough of Wrightsville, except that such repairing or dismantling may be done as may be required in case of emergency, for the purpose of enabling such vehicle to be removed immediately from a street.

(Ord. 256, 12/6/1971, §3)

§104. PENALTY FOR VIOLATION.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

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(Ord. 256, 12/6/1971, §4; as amended by Ord. 86-4, 11/17/1986, §1; and by Ord. 98-4, 9/14/1998)

PART 2

SIDEWALK AND CURB CONSTRUCTION AND REPAIR

§201. DEFINITIONS AND INTERPRETATION.

The following words as used in this Part, shall have the meanings hereby respectively ascribed thereto:

PERSON - any natural person, partnership, association, firm or corporation.

PROPERTY - any lot, parcel or piece of land abutting upon any street in the Borough of Wrightsville.

STREET - any legally adopted and/or legally opened street in the Borough of Wrightsville, but not any alley, regardless of the designation thereof, of which the principal purpose shall be to gain access to the rear of properties abutting upon any street.

In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 257, 12/6/1971, §1)

§202. RESPONSIBILITY FOR CONSTRUCTION AND GRADE OF CURBS AND SIDEWALKS.

It shall be the duty of every owner of property in the Borough of Wrightsville, upon notice from the Borough Council, and within the time limit prescribed by such notice, to grade and construct concrete curb and/or sidewalk, along the entire street frontage of such property, according to the requirements and specifications set forth in this Part. Provided; no sidewalk shall be required on any dead-end street or dead-end portion of a street which has no dwelling or commercial or industrial building fronting upon such dead-end street or dead-end portion of a street.

(Ord. 257, 12/6/1971, §2)

§203. RESPONSIBILITY FOR RECONSTRUCTION AND REPAIR OF CURBS AND SIDEWALKS.

It shall be the duty of every owner of property in the Borough, upon notice from the Borough Council and within the time limit prescribed by such notice, to reconstruct or repair the curb and/or sidewalk, along the portion of the street frontage of such property, specified in such notice, in the manner stipulated in such notice.

(Ord. 257, 12/6/1971, §3)

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§204. AUTHORITY FOR BOROUGH TO DO WORK AND COLLECT COST AND PENALTY FROM PROPERTY OWNER.

In any case where a property owner shall fail, neglect or refuse to construct, reconstruct or repair a sidewalk, as the case may be, within the time limit specified in the notice so to do, the Borough shall have authority to cause the said work to be done, and to collect the cost thereof, with any additional amount authorized by law, in the manner prescribed by law.

(Ord. 257, 12/6/1971, §4)

§205. PERMIT REQUIRED TO CONSTRUCT OR RECONSTRUCT CURB OR SIDEWALK.

No curb or sidewalk shall be constructed or reconstructed unless a permit shall have been issued by the Borough and unless the line and grade of the proposed work shall first have been established by the Borough Engineer. Any curb or sidewalk constructed or reconstructed without the lines and grades having been established by the Borough Engineer, or placed otherwise than in conformity with such official lines and grades, shall be removed and replaced at the proper line and grade at the expense of the owner of the abutting property.

(Ord. 257, 12/6/1971, §5)

§206. SAFETY AND WARNING DEVICES REQUIRED DURING WORK; MATERIALS, EARTH EXCAVATION OR EQUIPMENT NOT TO BE STORED IN STREET.

Adequate barriers and warning lights shall be maintained by the property owner at all times during the construction of curbs and sidewalks. No materials, earth excavation or equipment shall be stored within the street cartway. Adequate and safe provisions shall be made for the passage of pedestrians while the work is in progress.

(Ord. 257, 12/6/1971, §6)

§207. RESTORATION OF DESTROYED OR DISTURBED STREET PAVING.

No street paving shall be destroyed or disturbed beyond a line 12 inches outside the face of the curb. Any damage to street paving shall be restored to a condition satisfactory to the Borough at the permittee's expense.

(Ord. 257, 12/6/1971, §7; as amended by Ord. 96-5, 12/9/1996, §1)

§208. WIDTH OF SIDEWALKS; GRASSPLOTS.

Sidewalks shall be laid to the width predominating within the same block and on the same side of the street, but in no case shall sidewalks be less than 4 feet in width. Grassplots are permitted, and shall be of the width predominating within the same block and on the same

side of the street, but in no case less than 18 inches in width. The surface of grassplots shall be firm and level with sidewalk and curb and safe for the use of pedestrians, and not fenced or otherwise obstructed or maintained so as to endanger the public. Where adjoining properties have grassplots, and the property owner does not propose a grassplot, the rear line of the sidewalk (line most distant from the curb) shall match the rear line of adjoining walks, and the entire area from curb to rear sidewalk line shall be laid in concrete sidewalk.

(Ord. 257, 12/6/1971, §8)

§209. PRIVATE DRIVEWAYS.

Private driveway openings shall be provided with a depressed curb (or rolled concrete curb, when specifically permitted by Borough Council). Top of depressed curb shall be from 1 1/2 or 2 inches above the gutter grade. The location, width and design of driveway openings shall conform to the Pennsylvania Department of Highways "Driveway Regulations" dated January 2, 1969, unless specific exceptions thereto are authorized by Borough Council. The rise from depressed curb to normal sidewalk grade shall be completed within the grassplot area. Where no grassplot area is provided, the rise from depressed curb to normal sidewalk area shall be completed within 24 inches from face of curb and sidewalk at normal grade shall be provided not less than 30 inches in width across the driveway opening.

(Ord. 257, 12/6/1971, §9)

§210. SIDEWALKS TO BE CONSTRUCTED OF CONCRETE ONLY.

All sidewalks shall be constructed, reconstructed of concrete only, which shall be either:

- A. Premixed certified portland cement concrete having a 28 day compressive strength of not less than 3000 psi.
- B. Site mixed concrete mixed in proportions of one part portland cement, 2 parts sand and four parts stone, by volume, thoroughly mixed.

Provided, in any case where the owner of any property, in the interest of architectural harmony, shall petition the Borough Council for permission to construct a walk of brick or flagstone, instead of concrete, the Borough Council, at its discretion, may grant a variance permitting the use of such substitute material, provided that maximum pedestrian safety shall be assured. In all such cases, the advice of the Borough Engineer shall be sought and such walks shall be constructed in strict conformity with special specifications and requirements directed by the Engineer.

(Ord. 257, 12/6/1971, §10)

§211. FORMS.

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The forms may be either steel or a good straight timber planed on the side adjacent to the concrete and oiled. Timber forms shall be not less than 2 inches in thickness, except radius forms, which shall be prefabricated of plywood to the proper radius. Curbs constructed on a curve of less than 200 feet radius shall be formed with plywood on a true circular curve, and rigid steel or 2 inch timber forms shall not be used. Forms shall be straight, free from warp and of sufficient strength, when staked, to resist the pressure of the concrete without springing. Forms shall have a depth equal to that of the concrete.

(Ord. 257, 12/6/1971, §11)

§212. WORK METHODS.

The following methods shall be strictly adhered to in all work done pursuant to this Part:

- A. Excavations. Excavation shall be made to the required depth and the material upon which the work is to be constructed shall be compacted to a firm, even surface. All soft and yielding material shall be removed and replaced with suitable material. Wherever it is necessary to remove old concrete work, care shall be taken not to damage adjacent concrete work which is to remain and all broken concrete and excess material shall be removed and disposed of.

- B. Construction of Curbs. Straight curb shall be 6 inches thick at the top, 8 inches thick at the bottom, battered on the outside (steel) face, and 22 inches in depth. When specifically approved by Borough Council, a concrete rolled curb may be constructed measuring 8 inches thick on the street face, 12 inches thick on the rear face, and 24 inches in width, with a rise of 4 inches from top of concrete at street edge to top of curb at rear, containing a gutter line or depression 1 inch below street edge at a point 6 to 12 inches from street edge. Concrete shall be placed in the forms in horizontal layers not to exceed 5 inches and spaded or vibrated sufficiently to eliminate all voids. Where necessary, drainage openings may be made through the curb at the elevation and of the size required. The top surface of the curb shall be finished true to line and grade in a smooth, neat and even manner by means of wood floats, and the edges of the face and back shall be rounded to a radius of not more than $\frac{3}{4}$ of an inch and $\frac{1}{4}$ of an inch, respectively, while the concrete is still plastic. The curb shall be constructed in continuous lengths not to exceed 60 feet, with contraction joints scored at the 10 foot laterals, and templates shall be pulled while the concrete is still plastic so that there shall not be a complete separation between sections. Premolded expansion joints $\frac{1}{4}$ inch in thickness shall be placed at the end of each pour, but in no case at intervals exceeding 60 feet. In lieu of the above, the curb may be constructed in uniform lengths or sections of 10 feet, with complete separation between sections, in which event two #4 deformed reinforcing bar dowels 24 inches long shall be imbedded in the concrete. Dowels shall be on the vertical center line of straight curb, 6 inches from top and bottom, and on the horizontal center line of rolled curb, 6 inches from the front and back faces. Bar dowels shall be provided at all expansion joints, and one end shall be rendered bondless with a coating or approved material, and enclosed, in part, in approved tubes or caps which will provide a positive clearance pocket of at least $\frac{1}{2}$ of

an inch. Expansion joints shall be provided at the beginning and end of all curb radii, 1/4 inch premolded expansion joint material shall separate all curb from sidewalk poured directly back of curb, and shall separate all curb and/or sidewalk from utility poles, fire hydrants, walls, steps and other permanent structures abutting the work.

- C. Construction of Sidewalks. Sidewalks shall be not less than 4 inches in thickness, excepting across driveway areas sidewalks shall be not less than 6 inches in thickness. Sidewalks shall be laid on a grade sloping upward from the top of the curb at the rate of 1/4 inch per foot. The subgrade shall be earth, cinders, crushed stone, or other acceptable foundation approved by the Borough Engineer, carefully graded to provide proper concrete thickness, and tamped to provide even solid support. Sidewalks shall be constructed in separate slabs 30 feet in length, separated by premolded expansion joints 1/4 inch thick in thickness for the full depth of the concrete. Between expansion joints, the slabs shall be scored every 5 feet. Premolded expansion joint material shall separate the sidewalk from the curb, and from any building, stairs, other pavement, utility poles, fire hydrants or other permanent structures. After being struck-off to the required grade, the surface shall be worked with a wooden float, until thoroughly compacted free from irregularities of any kind, and brought to an even granular finish. Dry cement, or dry cement and sand, shall not be placed on the surface to hasten hardening. An edger having a 1/4 inch radius shall be used for edging all joints.
- D. Removal of Forms. The forms shall not be removed within 12 hours after the concrete has been placed. No rubbing to correct irregularities will be permitted until the full curing period has elapsed. Any irregular surface shall be corrected by rubbing with a carborundum stone. Brush finishing or plastering will not be permitted and all rejected curb shall be promptly removed and replaced. All joints in the curb shall be opened from top to bottom immediately after the forms are removed, and the edges adjacent to the joints shall be sharp and clean-cut. After the forms are removed, minor defects shall be filled with mortar composed of one part of cement and two parts of fine aggregate.
- E. Curing and Backfilling. All concrete work shall be kept moist for at least 72 hours after placement. Concrete placed during cold weather shall be protected against freezing for not less than 72 hours by suitable means approved by the Borough Engineer. After curing, the spaces adjacent to the concrete shall be backfilled as follows:
- (1) Areas along the curb face or the gutter, between the new clean earth, tamped to street subgrade, 8 inches below the top of curb.
 - (2) Areas to the rear of curbs, between curbs and sidewalks, and the rear of sidewalks, shall be backfilled with topsoil previously removed in the excavation. This topsoil will be raked and graded to blend into the surrounding grass areas, eliminating water pockets.

(Ord. 257, 12/6/1971, §12)

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§213. EXCEPTIONS.

Where in the opinion of the Council, strict enforcement of the provisions of this Part would result in undue hardship to a property owner in relation to the benefit to the property and the benefit to the Borough, an exception may be granted by the Council.

(Ord. 257, 12/6/1971, §13)

PART 3

SNOW AND ICE ON SIDEWALKS

§301. RESPONSIBILITY FOR REMOVAL OF SNOW AND ICE.

The owner, occupant or tenant of every property fronting upon or alongside any street in the Borough of Wrightsville is hereby required to remove or cause to be removed from all sidewalks in front of and/or alongside such property all snow and ice thereon fallen or formed, within 24 hours after the same shall have ceased to fall or to be formed. Provided, the owner of a property shall be responsible for conforming to the requirements of this Section where such property is vacant or unoccupied or is occupied by the owner thereof or is a multiple unit property occupied by more than one tenant or occupier; the tenant or occupier thereof shall be responsible in the case of a single unit property occupied or tenanted by such occupier or tenant only.

(Ord. 258, 12/6/1971, §1)

§302. AUTHORITY FOR BOROUGH TO REMOVE SNOW AND ICE AND COLLECT EXPENSES PLUS ADDITIONAL AMOUNT.

In any case where the owner, occupant or tenant, as aforementioned, shall fail, neglect or refuse to comply with any provision of §301, within the time limit prescribed therein, the Borough authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquent and to collect the expenses of such removal, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be, which shall be in addition to any fine or penalty imposed under §303.

(Ord. 258, 12/6/1971, §2)

§303. PENALTY FOR VIOLATION.

Any person, firm or corporation who shall violate any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Such fine and costs may be in addition to any expenses and additional amounts authorized by law, imposed as provided in §302. Each day that a violation of this Part continues, shall constitute a separate offense.

(Ord. 258, 12/6/1971, §3; as amended by Ord. 86-4, 11/17/1986, §1; and by Ord. 98-4, 9/14/1998)

PART 4
STREET EXCAVATION

§401. SHORT TITLE.

This Part shall be known and may be cited as the "Street Excavation Ordinance of the Borough of Wrightsville."

(Ord. 02-4, 7/8/2002, §401)

§402. DEFINITIONS.

For the purpose of this Part, the following terms, phrases, words and their derivations shall have the meaning given herein. 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.

APPLICANT - any person making written application to the Borough for an excavation permit hereunder.

BOROUGH - Borough of Wrightsville.

BOROUGH ENGINEER - the Borough Engineer or Acting Borough Engineer of the Borough of Wrightsville.

COUNCIL - the Council of the Borough of Wrightsville.

EXCAVATION WORK - the excavation and other work permitted under an excavation permit and required to be performed under this Part.

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 other organization of any kind with the exception of any of the foregoing which is performing work for or on behalf of the Borough or any Authority created by the Borough.

STREET - any Borough street, highway, sidewalk, alley, avenue or other public way or public grounds in the Borough.

(Ord. 02-4, 7/8/2002, §402)

§403. EXCAVATION PERMIT.

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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 join any private driveway or road to any street 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 Borough as herein provided.

(Ord. 02-4, 7/8/2002, §403)

§404. APPLICATION.

No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the Borough. The written application shall state the name and address of the applicant, emergency contact information, 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. The application, except in the case of private driveways or roads, shall be accompanied by PennDOT "Utility Sketch" Form M-949C showing the extent of the proposed excavation work, the dimensions and elevations of both the existing ground prior to said excavation and of the proposed excavated surfaces, the location of the excavation work and such other information as may be prescribed by the Borough. If in the opinion of the Borough or its Engineer the work to be undertaken by the permittee is such that it will affect the use of the properties abutting or adjoining the project, it shall require the permittee to submit a list of the names and addresses of the owners and/or tenants of such properties. Upon receipt of such list, the Borough shall notify the affected property owners or tenants of the proposed work to be done.

(Ord. 02-4, 7/8/2002, §404)

§405. COMMENCEMENT OF WORK AND EXPIRATION OF PERMITS.

Work for which a permit has been issued pursuant to this Part shall commence within 60 days after the issuance of the permit therefor. If not so commenced, the permit shall automatically be terminated. Every permit issued hereunder shall expire at the end of the period of the time specified in the permit. If the permittee shall be unable to complete the work within the specified time, he shall, prior to the expiration of the permit, present in writing to the Borough a request for an extension of time setting forth therein the reasons for the requested extension. If in the opinion of the Borough such an extension is necessary and has been brought about by no fault of permittee, the permittee may be granted additional time for the completion of the work.

(Ord. 02-4, 7/8/2002, §405)

§406. EXCAVATION PERMIT FEES.

Before any permit shall be issued, the applicant shall pay to the Borough a permit fee as established from time to time by the Council to open or excavate any longitudinal opening or excavation provided, however, that any operation requiring a permit hereunder shall be

subject to a permit fee as established from time to time by the Council. No fee shall be returned by the Borough under any circumstances.

(Ord. 02-4, 7/8/2002, §406)

§407. CASH DEPOSITS.

The application for an excavation permit to perform excavation work under this Part shall be accompanied with a cash deposit made to the Borough for a deposit with the Borough Treasurer as follows: a sum as established from time to time by the Council per square foot of the surface of each excavation to be made in streets which have been paved or macadamized; a sum as established from time to time by the Council per square foot for each square foot of surface of such excavation to be made in streets which are neither macadamized nor paved or for excavation to be made in the unpaved and unmacadamized shoulder of any street. No deposit shall be less than an amount as established from time to time by the Council, except deposits made to join a private driveway or road to a street, which deposits will be in the amount as established from time to time by the Council in all cases. Any person intending to make openings, cuts or excavations in streets may make and maintain with the Borough Treasurer a general deposit in the sum as established from time to time by the Council, and the person so depositing shall not be required to make the special deposits provided in this Section but shall, however, be required to comply with all other applicable provisions of this Part. Any special or general deposit made hereunder shall serve as security for the repair and performance of work necessary to put the street in as good a condition as it was prior to the excavation if the permittee fails to make the necessary repairs or to complete the proper refilling of the opening and the excavation work under the excavation permit. Upon the permittee's completion of the work covered by such permit in conformity with this Part as determined by the Borough, one-half of such cash deposit, except in the case of an annual deposit, shall be promptly refunded by the Borough to the permittee and the balance shall be refunded by the Borough to the permittee upon the expiration of 24 months after the excavation has been completed; provided, however, that as to any annual deposit, one-half shall be refunded by the Borough at the end of 1 year period for which the deposit is made or the satisfactory completion of all excavation work undertaken during such period, whichever is later, and the balance of the annual deposit shall be refunded at the expiration of a 24 month period following the completion of such excavation work; and, provided further, that the Borough may use any or all of any such deposit to pay the cost of any work the Borough performs or causes to be performed to restore or maintain the street as herein provided in the event the permittee fails to perform such work. Any settlement of the surface within said 2 year period shall be determined conclusive evidence of defective backfilling of the permittee and the Borough may use any or all of said deposit to pay the cost of any work the Borough performs or causes to be performed to repair said settlement. The amount refunded to the permittee shall be reduced by the amounts thus expended by the Borough. The entire cash deposit given to join any private driveway or road to any street shall be promptly refunded by the Borough to the permittee upon the permittee's completion of the work covered by such permit in conformity with this Part as determined by the Borough Engineer.

(Ord. 02-4, 7/8/2002, §407)

§408. SURETY BOND.

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Before an excavation permit as herein provided is issued, the applicant shall deposit with the Borough Secretary a surety bond in the amount equal to the difference between the cash deposit and the estimated amount of backfilling of the opening and restoring of the surface of the street, payable to the Borough. The Borough Engineer shall make said estimate based on information given to him by the applicant and on sound engineering practices and said estimate shall be final. However, in no event shall the bond furnished be in an amount less than \$1,000. An annual bond of \$5,000 may be furnished by any person for the sole purpose of making connections on behalf of individual property owners to pre-existing facilities in a street, said bond shall run for a minimum period of 1 year and shall be renewed for further minimum periods of 1 year so long as said person is engaged in excavating for the aforesaid purposes. The required surety bond must be:

- A. With good and sufficient surety.
- B. By a surety company authorized to transact business in the State.
- C. Satisfactory to the Borough Solicitor in form and substance.
- D. Conditioned upon the permittee's compliance with this Part 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 Borough Engineer, all openings and excavations made in streets.
- E. The term of each bond posted shall begin on the date of the posting thereof and shall end upon the receipt by the permittee of a certificate of final inspection from the Engineer.
- F. This Section shall not apply to joining of private driveways or roads to any street.

(Ord. 02-4, 7/8/2002, §408)

§409. INSURANCE.

A permittee, prior to the commencement of excavation work hereunder, shall furnish the Borough 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 \$100,000 for any one person and \$300,000 for any one accident and property damage insurance of not less than \$50,000 duly issued by an insurance company authorized to do business in this state. This Section shall not apply to the joining of private driveways or roads to any streets.

(Ord. 02-4, 7/8/2002, §409)

§410. ROUTING OF TRAFFIC.

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 may permit the closing of streets to all traffic for a period of time prescribed by it if in its opinion it is necessary. The permittee shall route and control traffic including its own vehicles as directed by the Borough. The following steps shall be taken before any highway may be closed or restricted to traffic:

- A. The permittee must receive the approval of the Borough Engineer and the Borough.
- B. The permittee must notify the Fire Department of any street so closed.
- C. Upon completion of construction work the permittee shall notify the Borough Engineer and the Borough and Fire Department before traffic is moved back to its normal flow so that any necessary adjustments may be made.
- D. Where flagmen are deemed necessary by the Borough Engineer, they shall be furnished by the permittee at its own expense. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the Borough Engineer 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 expense and in conformity with the specifications of the Borough Engineer. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of its equipment.

(Ord. 02-4, 7/8/2002, §410)

§411. CLEARANCE FOR FIRE EQUIPMENT.

The excavation work shall be performed and conducted so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within 15 feet of fire plugs.

(Ord. 02-4, 7/8/2002, §411)

§412. PROTECTION OF TRAFFIC.

The permittee shall erect and maintain suitable timber 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 plank, timbers and blocking of adequate size to accommodate vehicular traffic safely. Decking shall not be less than 4 inches thick and shall be securely fastened together with heavy wire and staples. Pedestrian crossings shall consist of planking 3 inches thick, 12 inches wide and of adequate length, together with necessary blocking. The walk shall not be less than 3 feet in width and shall be provided with a railing as required by the Borough.

(Ord. 02-4, 7/8/2002, §412)

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§413. REMOVAL AND PROTECTION OF UTILITIES.

The permittee shall not interfere with any existing utility without the written consent of the Borough 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. The cost of moving utilities shall be 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 and cash deposit 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 and cash deposit 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.

(Ord. 02-4, 7/8/2002, §413)

§414. 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 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 properly to 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 back filled as required in this Part. 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 appropriate Borough official having control of such property.

(Ord. 02-4, 7/8/2002, §414)

§415. PROTECTIVE MEASURES.

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 streets 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.

(Ord. 02-4, 7/8/2002, §415)

§416. 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, the Borough 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 back-filling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

(Ord. 02-4, 7/8/2002, §416)

§417. DAMAGE TO EXISTING IMPROVEMENTS.

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 with the requirements of any applicable code or ordinance. If upon being ordered the permittee fails to furnish the necessary labor and materials for repairs, the Borough 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 and cash deposit therefor.

(Ord. 02-4, 7/8/2002, §417)

§418. 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. From time to time as may be ordered by the Borough 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 24 hours after having been notified to do so by the Borough, 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 and cash deposit provided hereunder.

STREETS AND SIDEWALKS

(Ord. 02-4, 7/8/2002, §418)

§419. PROTECTION OF WATERCOURSES.

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 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, slickings 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.

(Ord. 02-4, 7/8/2002, §419)

§420. BREAKING THROUGH PAVEMENT.

Whenever it is necessary to break through existing pavement for excavation purposes and where trenches are to be 4 feet or over in depth, the pavement in the base shall be removed to at least 6 inches beyond the outer limits of the sub-grade that is to be disturbed in order to prevent settlement, and a 6 inch shoulder of undisturbed material shall be provided in each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. A power-driven concrete saw shall be used so as to permit complete breakage of 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.

(Ord. 02-4, 7/8/2002, §420)

§421. TUNNELS.

Tunnels under pavement shall not be permitted except by permission of the Borough and if permitted shall be adequately supported by timbering and back-filling.

(Ord. 02-4, 7/8/2002, §421)

§422. BACK-FILLING.

Back-filling 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. Compacting shall be done by mechanical tappers or vibrators, by rolling in layers, or by water setting, as required by the soil in question and sound engineering practices generally recognized in the construction industry. The decision as to whether a trench shall be back-filled by water-settling shall be based upon such engineering practices and shall be made by the Borough or its Engineer.

(Ord. 02-4, 7/8/2002, §422)

§423. DRY BACK-FILLING.

Back-filling up to the first 18 inches above the top of the utility pipes or similar installations shall be done with thin layers. Each layer is to be tamped by manual or mechanical means. Layers that are hand power tamped shall not exceed 6 inches in thickness. The same requirements shall apply to the remainder of the back-filling if tamping is the method used for back-filling. Back-filling of all pipes of over 24 inches in diameter shall be carried up to the spring line of the pipe in 3 inch layers, with each layer moistened and thoroughly tamped with suitable mechanical equipment. The back-fill around all pipes 24 inches or less in diameter shall be tamped as specified above to a depth of 18 inches above the top of the pipe before any additional back-filling is placed thereon.

(Ord. 02-4, 7/8/2002, §423)

§424. BACK-FILL MATERIAL.

Whenever any excavation for the laying of pipe is made through rock, the pipe shall be laid 6 inches above the rock bottom of the trench and the space under, around and 6 inches above the pipe shall be back-filled with clean river sand, non-corrosive soil or 1/4 inch minus gravel. Broken pavement, large stones and debris shall not be used in the back-fill.

(Ord. 02-4, 7/8/2002, §424)

§425. BACK-FILLING AT THE SURFACE.

Back-filling shall be completed by placing the back-fill material well up over the top of the trench. For dry back-filling, the material shall be compacted with a roller of an approved type or with the rear of a truck carrying at least 5 tons until the surface is unyielding. The surface shall then be graded as required.

(Ord. 02-4, 7/8/2002, §425)

§426. RESTORATION OF SURFACE.

1. The permittee shall restore the surface of all streets, broken into or damaged as a result of the excavation work, to its original condition. The permittee may be required to place a temporary surface over openings made in paved traffic lanes. Except when the pavement is to be replaced before the opening of the cut to traffic, the fill above the bottom of the paving slab shall be made with suitable material well tamped into place and this fill shall be topped with a minimum of at least 1 inch of bituminous mixture which is suitable to maintain the opening in good condition until permanent restoration can be made. The crown of the temporary restoration shall not exceed 1 inch above the adjoining pavement. The permittee shall exercise special care in making such temporary restorations and must maintain such restorations in safe traveling condition until such time as permanent restorations are made. The asphalt which is used shall be in accordance with the specifications of the Borough. If in the judgment of the Borough, it

STREETS AND SIDEWALKS

is not expedient to replace the pavement over any cut or excavation made in the street upon completion of the work allowed under such permit by reason of the looseness of the earth or weather conditions, he may direct the permittee to lay a temporary pavement of wood or other suitable material designated by him over such cut or excavation to remain until such time as the repair of the original pavement may be properly made.

2. Permanent restoration of the street shall be made by the permittee in strict accordance with the specifications prescribed by the Borough, but in no event shall the permittee be required to install a base deeper than the original base.
3. Acceptance or approval of any excavation work by the Borough shall not prevent the Borough from asserting a claim against the permittee under the cash deposit required hereunder for incomplete or defective work if discovered within 24 months from the completion of the excavation work. The Borough's presence during the performance of any excavation work shall not relieve the permittee of its responsibilities hereunder.

(Ord. 02-4, 7/8/2002, §426)

§427. BOROUGH'S RIGHT TO RESTORE SURFACE.

1. 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, if it 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 15% 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 due it for such work and shall apply in payment of the amount due it any funds of the permittee deposited as herein provided.
2. It shall be the duty of the pennittee to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for 2 years after restoring it to its original condition.

(Ord. 02-4, 7/8/2002, §427)

§428. EMERGENCY RESTORATION OR REPAIR WORK.

If in the Borough's judgment work that has been commenced, completed or pennitted hereunder may endanger the safety or convenience of the traveling public or the public interest, the Borough shall provide a 2 hour notice to the permittee to cure or remedy the dangerous condition. If the permittee shall have failed to cure or remedy the dangerous condition within the time fixed herein, the Borough, if it deems it advisable, shall have the right to do all work and things necessary to cure or remedy the dangerous condition. The pennittee shall be liable for the actual cost thereof and 15% 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 due it for such work and shall apply in payment of the amount due it any funds of the permittee deposited as herein provided.

(Ord. 02-4, 7/8/2002, §428)

§429. TRENCHES IN PIPE LAYING.

No more than 500 feet measured longitudinally shall be opened in any street at any one time until the surface of the street is restored to a condition safe and convenient for travel. Trenches shall be braced and sheathed according to generally accepted safety standards for construction work as prescribed by the Borough. No timber bracing, lagging, sheathing or other lumber shall be left in any trench.

(Ord. 02-4, 7/8/2002, §429)

§430. 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. Excavation work shall be prohibited between the hours of 7 p.m. and 7 a.m. unless specifically authorized by the Borough.

(Ord. 02-4, 7/8/2002, §430)

§431. URGENT WORK.

If in the Borough's 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 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 24 hours a day to the end that such excavation work may be completed as soon as possible.

(Ord. 02-4, 7/8/2002, §431)

§432. EMERGENCY ACTION.

In the event of any 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 pennit not later than the end of the next succeeding day during which the Borough's Office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

STREETS AND SIDEWALKS

(Ord. 02-4, 7/8/2002, §432)

§433. EXCAVATIONS BARRED IN NEW STREET IMPROVEMENTS.

When the Borough shall pave or macadamize a street, the Borough Secretary shall first give notice to all persons owning property abutting on the street and to all public utility companies operating in the Borough and all such persons and utility companies shall do all work which would necessitate excavation of the street within 45 days from the giving of such notice. The time may be extended by the Council if permission has been requested in writing. Except in the case of an emergency as defined herein, no excavation or opening may be cut into the macadamized or paved section of any street, which paving or macadam is less than 5 years old unless permission is granted by resolution by the Council. The decision of the Council shall be final.

(Ord. 02-4, 7/8/2002, §433)

§434. PRESERVATION OF MONUMENTS.

The permittee shall not disturb any surface monuments or hubs found on the line of excavation work until ordered to do so by the Borough.

(Ord. 02-4, 7/8/2002, §434)

§435. INSPECTIONS.

The Borough Engineer or his agent shall make such inspections as are reasonably necessary in the enforcement of this Part. The Borough shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this Part.

(Ord. 02-4, 7/8/2002, §435)

§436. ORDINANCE NOT APPLICABLE TO BOROUGH WORK.

The provisions of this Part 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 in behalf of the Borough necessitating openings or excavations in streets.

(Ord. 02-4, 7/8/2002, §436)

§437. LIABILITY OF BOROUGH.

This Part 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.

(Ord. 02-4, 7/8/2002, §438)

§438. REVOCATION OF PERMITS.

1. Any permit issued under this Part may be revoked by the Borough after notice for violation of any condition of the pennit or violation of any provision of this Part or any other applicable ordinance or law relating to the work.
2. In the event that any work performed by or for a permittee shall, in the opinion of the Borough, be unsatisfactory and the same shall not be corrected in accordance with his instructions within 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 Borough, the Borough may proceed to correct such unsatisfactory work or complete or cause to be completed any such work not completed, and charge the costs thereof plus 15% to the permittee or his surety. Written notice of such violation shall be served upon the person to whom the permit was granted or his agent or employee engaged in the work. Such notice shall also contain a brief statement of the reasons for revoking such permit. Notice may be given either by personal delivery thereof to the person to be notified or by United States mail addressed to such person to be notified.

(Ord. 02-4, 7/8/2002, §438)

§439. PENALTIES.

Any person violating any of the provisions of this Part shall be determined guilty and upon conviction thereof shall be fined in an amount not exceeding \$1,000 or in default of the payment thereof be imprisoned in the County Jail for a period not exceeding 30 days. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 02-4, 7/8/2002, §439)

PART 5

SIDEWALK OBSTRUCTIONS AND USES

§501. GASOLINE PUMPS, AIR AND WATER STANDS NOT TO BE INSTALLED ALONG CURB OR SIDEWALK.

No person, firm or corporation shall hereafter set up any gasoline pump or any air or water stand (for dispensing air, water or gasoline to motor vehicles) along the curb or sidewalk of any street or other highway in the Borough of Wrightsville, Pennsylvania.

(Ord. 11/9/1936B, §1)

§502. PENALTY FOR VIOLATION.

Any person, firm or corporation violating any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than \$25 or more than \$600 plus costs and, in default of payment of such fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation continues shall constitute a separate offense.

(Ord. 11/9/1936B, §2, as amended by Ord. 234, 12/6/1971, §1; by Ord. 86-4, 11/17/1986, §1; and by Ord. 98-4, 9/14/1998)

WRIGHTSVILLE BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2004- 2

AN ORDINANCE OF THE BOROUGH OF WRIGHTSVILLE PROVIDING FOR AN INTERGOVERNMENTAL COOPERATION AGREEMENT WITH HELLAM TOWNSHIP FOR THE PURPOSE OF PROVIDING FOR JOINT BIDDING FOR MATERIAL AND SERVICES FOR ROAD MAINTENANCE PROJECTS.

The Council of the Borough of Wrightsville hereby ordains as follows:

SECTION 1: The Council of Wrightsville Borough hereby authorizes the making of agreements, from time to time, with Hellam Township and with any other municipality enacting a similar ordinance, to share in the cost of contracts for material and services for road maintenance projects, including, but not limited to, line painting and pavement marking.

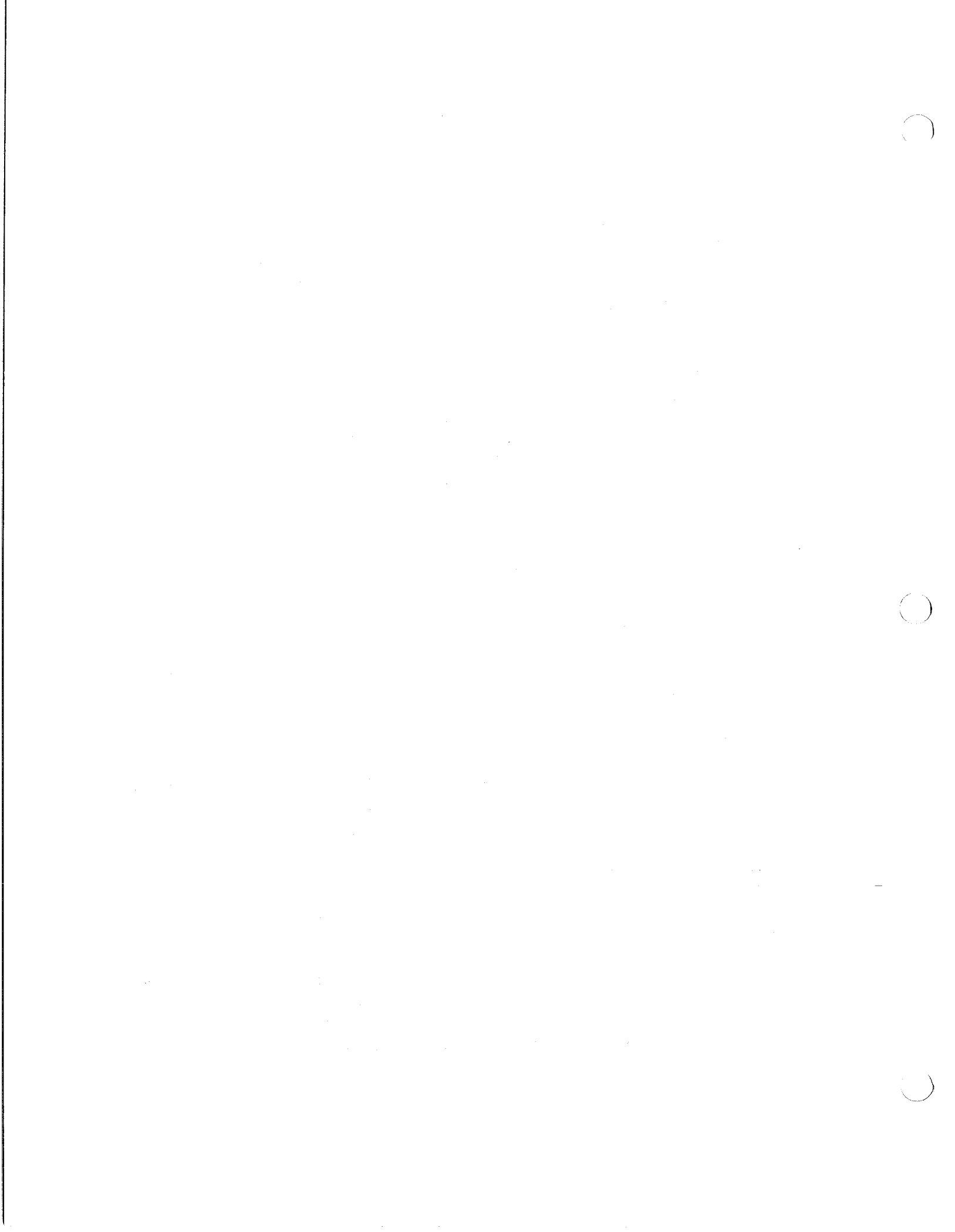
SECTION 2: Agreements regarding the projects authorized by Section 1 of this Ordinance may be entered into from time to time among the Council of Wrightsville Borough and the Board of Supervisors of Hellam Township, and with the governing body of any other municipality that may enact a similar ordinance authorizing such projects.

SECTION 3: AUTHORITY: This Ordinance is adopted pursuant to the Intergovernmental Cooperation Act, Act 177 of 1996, P.L. 1158, 53 Pa. C.S.A. §2301 *et seq.*, and the authority hereby granted shall continue from year to year for the lifetime of each cooperative project undertaken under authority of this Ordinance.

SECTION 4: PURPOSE: The purpose and objective of this Ordinance and the agreements entered into thereunder is to provide for sharing in the planning and cost of materials and services needed for road maintenance projects, including, but not limited to, line painting and pavement marking. The staff and officials of each participating municipality shall be responsible to determine the requirements for the various undertakings and arranging the payment therefor.

SECTION 5: CONTRACT ADMINISTRATION. The participating municipalities shall share in the responsibility of preparing the various contracts by assuming the responsibility of preparing the various contracts by assuming the responsibility of administering the bidding process and contract management on a rotating basis.

SECTION 6: PAYMENT ALLOCATION. Payment for materials and services shall be shared by the participating municipalities in the proportionate share specified in each agreement for the service rendered or materials needed by each municipality. Each municipality may fund its share as it sees fit, including, the use of, by way of example and not limitation, General Funds and State Liquid Fuels Tax Funds.



SECTION 7: 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 Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not have been included herein.

SECTION 8: REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 9: EFFECTIVE DATE. This Ordinance shall become effective five (5) days after the date of its enactment as provided by law.

ORDAINED AND ENACTED this 3rd day of MAY 2004.

ATTEST:

WRIGHTSVILLE BOROUGH

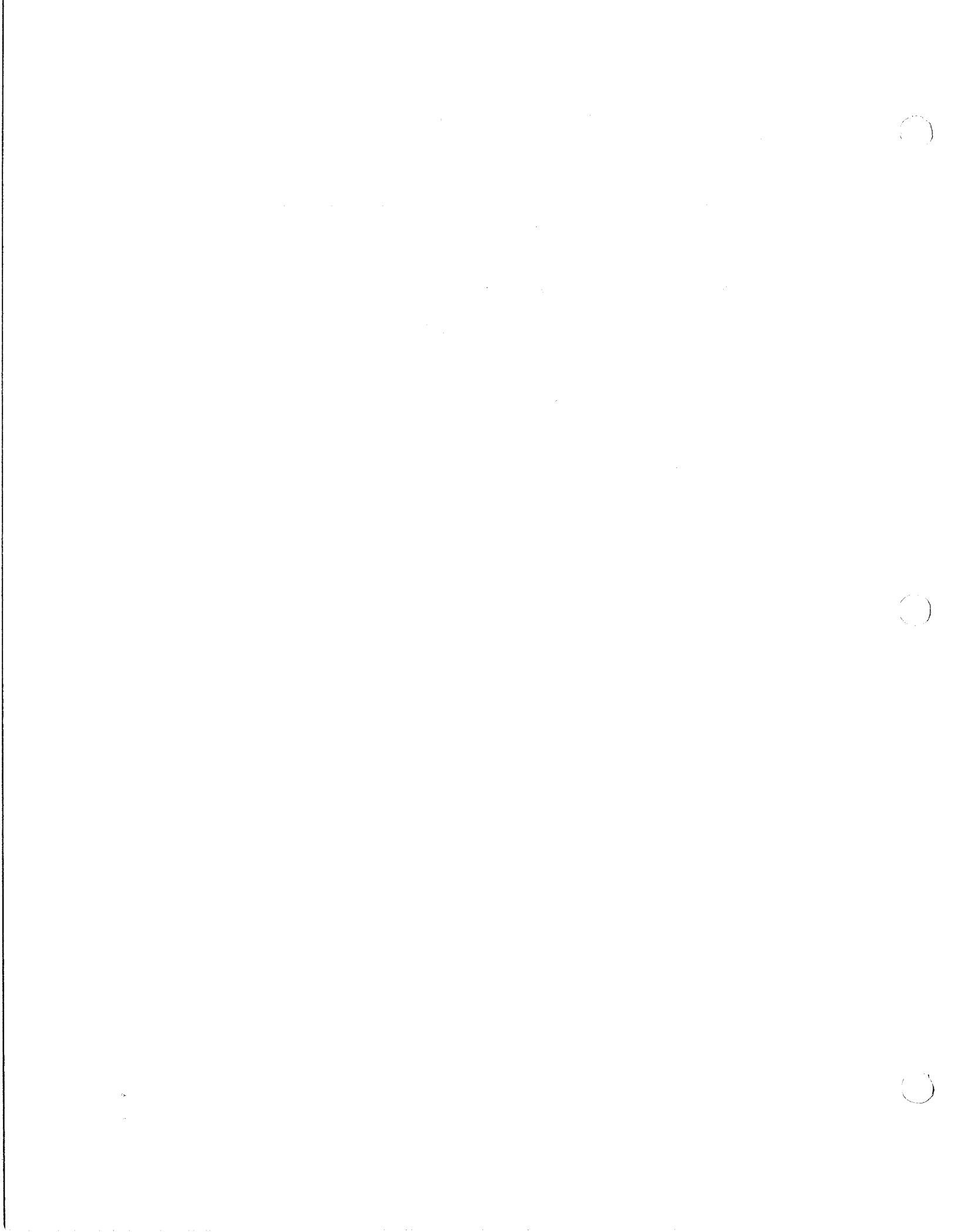
Anne C. Zwart
Secretary

By: Dean Dindeman
Chairman

(SEAL)

APPROVED this 3rd day of MAY 2004.

Gen E. Henschel
Mayor



BOROUGH OF WRIGHTSVILLE
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 2005- 2

AN ORDINANCE VACATING A PORTION OF LOCUST STREET
IN WRIGHTSVILLE BOROUGH, YORK COUNTY, PENNSYLVANIA

The Borough Council of Wrightsville Borough, York County, Pennsylvania, hereby ordains as follows:

Section 1. Pursuant to Section 1741 of the Borough Code, Act of February 1, 1966 (1965 P.L. 1656, No. 581), as amended, Wrightsville Borough may by ordinance vacate any portion of a street or alley.

Section 2. Wrightsville Borough has determined that it is necessary to vacate that portion of Locust Street, more specifically described and identified as "LOCUST STREET TO BE ABANDONED" in Exhibit "A," which Exhibit is attached hereto and made a part hereof.

ENACTED AND ORDAINED this 7th day of MARCH 2005.

ATTEST:

BOROUGH COUNCIL OF WRIGHTSVILLE

Anne C. Hawk
Secretary

By: Dawn Lindeman
President/Vice President

Approved this 7th day of MARCH 2005.

Gunn Herberich
Mayor

