

ORDINANCE 3

Relating To The Public Streets, Alleys, And Highways Of The Borough Of Lilly, Preventing Persons From Opening Or Digging Into The Same Without A Permit And Prescribing Penalties For Violation Of The Same.

Section 1. Be it enacted and ordained by the Burgess and Town Council of the Borough of Lilly in the County Of Cambria and State of Pennsylvania, and it is hereby enacted by authority of the same,----- That it shall not be lawful for any person, company, or corporation or it's employees to open, dig, or in any way disturb any Street or Alley within the Borough, for any purpose, without first applying to the Chief Burgess, paying the fee hereinafter mentioned, and obtaining his written permission for that pupose, and the Street Commissioner shall see that all persons to whom permits are so granted, replace the pavements and driveways in as good condition as before being taken up; provided, that, in case of any Company having by it's Charter or Ordinance of the Borough the right to enter any of the streets, alleys, or highways of the Borough, the Burgess in no instance shall refuse the said permit to said Company or it's Employees, but shall in all instances upon the payment of the fee or charges herein prescribed grant the same, it being the true intent and meaning hereof to ascertain the parties by whom the streets are disturbed and to insure their proper repair as provided in this Ordinance; provided that in any actual break in the main pipes of any Chartered Company having the right of laying pipes in the streets or highways of the Borough, requiring immediate attention, the said Company by it's employees, may enter upon and dig up the streets without first applying for and recieving a permit as aforesaid. ^{commissioner} The as soon as practicable, and applying to the Chief Burgess, paying the required fees and recieving his permit to keep the same open such time as may be reasonable; provided further that the said Company shall in all cases thoroughly ram the earth in the ditches it may make, and leave the street lanes, and alleys in which it may lay it's pipes is as good order and condition as they were before it opened the same.

Section 2. That all opening and repairing of the streets, lanes, alleys under this ordinance shall be done under the supervision of the Street Commissioner and not more than three hundred (300) feet shall be opened on any one street, lane, or alley at the same time, and the ditch shall not be left open for any length of time exceeding five days, and the Company opening the same shall take effectual measure to prevent damage occuring from the opening of said streets, lanes, and alleys; and that all street crossing the said Company shall at all times leave the street passable for wagons.

Section 3. That no permit shall be granted authorizing the opening of the street for the pupose of laying mains or making gas or water connection with the main pipes and lots or buildings nor for the pupose of making sewer mains between the fifteenth day of November of any year and the fifteenth day of March following.

Section 4. That at the time of making application for a permit under this ordinance, the person, company, or corporation making such application shall pay to the Chief Burgess a fee of fifty cents for the use of the Borough, the said fee and all other charges herein provided for shall be turned into the Street Commissioners fund and shall be applied towards paying the expenses of the inspection and supervision of the work done under the permits provided for in this ordinance, and whenever under a permit the person, firm, or corporation making application, desires to open a street longitudinally to such an extent that in the opinion of the Chief Burgess ^{or} the Street Commissioner will be required for one day or more in order to see that the provisions of this ordinance are complied with as to the excavating, backfilling, and the restoring the surface of the street to as good condition as before the opening of the same. The person applying shall in addition to said fifty (50) cents. Pay to the Chief Burgess for the purpose foresaid the sum of two (2) dollars per day for each day of the Street Commissioners time required. Every permit granted state the length of time for which granted, and may be extended by the Chief Burgess from time to time upon payment of the per diem charges herein provided for.

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Section 5. If any person, Company or Corporation having the right to lay it's pipes shall do so with or without a permit, as herein provided, or if any person who obtained a permit as aforesaid, who shall fail to replace, or cause to be replaced, the pavement or paving on the sidewalks, streets, and alleys, to as good order and condition as they were before taking up or disturbed within the time limited in said paermit granted by the Burgess, or as soon as practicable where the opening is made by either of said companies to make repairs without a ppermit, such corporations or persons, shall upon conviction thereof, forfeit and not pay less than two nor more than twenty-five dollars with costs, and an additionall sum of not less than two nor more than twenty dollars for each additional day the same is permitted to remain open in violation of this ordinance, and also to be and remain liable to pay the costs and expenses of replacing the street in aa a condition as good as it was before making the opening; the fines and penalties under this ordinance to be recovered in the same manner as fines and penalties for violation of ordinances of the Borough are now by law recoverable.

Section 6. All ditches or openings in the street amde for the purpose of laying or connecting gas or water pipes, or for connecting with the Borough sewer system, or for any other purpose, shall be properly protected to prevent teams or paersons from driving or falling therein, and from nightfall to daylight, there shall be kept burning a red light at all crossings of the street during the time the ditch remains open and at also at either end of the ditch and where more than one hundred (100) feet of a ditch is opened at the same time, a light shall be placed at intervals of not less than one hundred (100) feet along the same; any person, company, or corporation failing to comply with the provisions of this section shall upon conviction, pay a fine of not less than five dollars nor more than fifty dollars for each and every night that said ditch or any part thereof is left unprotected by burning lanterns the same to be recoverable in the mode provided by law for collection of fines and penalties under Borough Ordinances.

Passed finally this first day of June A.D. 1906.

John R. Kelly
President Protem of Council

Attest C.A. Mc Gonigle
Clerk of Council

Approved this 14th day of June A.D. 1906.

T.A. Bradely
Chief Burgess

Attest C.A. Mc Gonigle
Borough Secretary.