

ORDINANCE NO. 519

AN ORDINANCE CREATING CHAPTER 90 OF THE CODE OF THE BOROUGH OF DANVILLE ENTITLED UTILITY BRIDGE ATTACHMENTS ON LOCALLY OWNED BRIDGES.

SECTION I

Chapter 90, Section 90-1 THRU 9 is hereby created in its entirety with the following:

Chapter 90: UTILITY BRIDGE ATTACHEMENTS ON LOCALLY OWNED BRIDGES

§ 90-1 Permit required.

§ 90-2 Application for permit; compliance with conditions.

§ 90-3 Cost of application for permit.

§ 90-4 Reporting and correction of violations.

§ 90-5 Responsibility of permitted attachment and utility.

§ 90-6 Labeling of utilities required; effect of noncompliance.

§ 90-7 Previous privileges not affected; revocation of privileges.

§ 90-8 Repeal of conflicting privileges.

§ 90-9 Violations and penalties.

§ 90-1 Permit required.

From and after the passage of this chapter, it shall not be lawful for any telegraph, telephone, electric light, sewage, water or cable television company, firm, corporation, authority, municipality, person or persons to attach or cause to be attached any telegraph, telephone, electric light, sewage, water or cable utilities upon any municipality owned bridge within the present limits of the Borough of Danville unless such company, firm, corporation, authority, municipality, person or persons seeking to attach such utilities shall first make application to the Borough for permission to attach the same through a permit issued by the Borough Council.

§ 90-2 Application for permit; compliance with conditions.

It shall be the duty of said company, firm, corporation, authority, municipality, person or persons to submit to the Borough a written statement specifying the type of utilities, location of the utilities, a shop drawing for the said structure attachments, including size, weight, attachment details and safety features, specific dead load of the utility and an engineer's certified statement stating structural feasibility of the attachment and utility. In addition a bridge analysis with the proposed utility attached must also be submitted. And if permission shall be granted by the Borough to attach the utilities, said company, firms, corporation, authority, municipality, person or persons shall cause the utilities be attached either in accordance with the statement, or subject to such conditions and modifications as the Borough may direct.

§ 90-3 Cost of application for permit – Although there is no rental fee for said attachment of any utility to a locally owned bridge in the present limits of the Borough of Danville, a non-refundable permit fee of \$125 must accompany the written statement acting as the application for the permit. In addition a \$750 deposit must be submitted to be used to pay for any additional engineering review or legal review needed prior to granting permission by the Borough Council to attach said utility. Said deposit will also be used to pay for any construction inspection fees once permission is granted. Fees charged shall be reasonable and in accordance

with the ordinary and customary charges for similar service in the community. Upon completion of the permitting process and the installation of said utility and attachment an itemized bill will be submitted to the applicant and any deposit not accounted for shall be returned. In the event the reasonable fees have been greater than the deposit a final bill will be issued to the applicant for prompt payment.

§ 90-4 Reporting and correction of violations.

If any company, firm, corporation, authority, municipality, person or person shall by the attachment of any utilities violate any of the foregoing provisions of this chapter, it shall be the duty of the Manager of the said Borough to report such violation to the Borough, who shall thereupon notify said company, firm, corporation, authority, municipality, person or persons to remove said utilities within 10 days from said notice or they shall be subject to the penalty provided in § 90-7 hereof for every day the said utilities are allowed to remain after the expiration of the notice.

§ 90-5 Responsibility of permitted attachment and utility.

It shall be the responsibility of any company, firm, corporation, authority, municipality, person or person permitted to attach the specified type of utility to install and maintain the attachment and utility at the utilities expense. It shall also be the responsibility of any company, firm, corporation, authority, municipality, person or person permitted to attach the specified type of utility to move or re-install the attachment and utility in the future to accommodate any bridge maintenance work that may be necessary and scheduled. All expenses associated with the attachment and utility shall be the responsibility of the utility owner. Installation and maintenance of utility attachments will be conducted so as not to inconvenience or interfere with high highway traffic and will comply with all governing laws. Utility attachments must not impede the flow of water through a structure or the movement of traffic, either pedestrian or vehicular, and must be located so as not to interfere with routine maintenance operations.

§ 90-6 Labeling of utilities required; effect of noncompliance.

All telegraph, telephone, electric light, sewer, water or cable television utilities now or hereafter attached within the present limits of the said Borough of Danville shall be designated by the names of initials of the owner or owners of such utilities and each of such utilities shall bear a distinctive number, upon which said names, initial and numbers be legibly marked. Upon the neglect or refusal of any owner or owners to do so designate and mark such utilities within 30 days after notice to do so, it shall be lawful for the Borough to order the work to be done and the cost thereof shall be collected from the owner or owners of such utilities.

§ 90-7 Previous privileges not affected; revocation of privileges.

Upon complying with the provisions and requirements of this chapter, the privileges heretofore granted to such companies, firms, corporations, authority, municipality, person or persons by resolution or ordinance shall not be in any way affected. The Council of said Borough of Danville, however, reserves the right to revoke by ordinance any of the privileges mentioned in this chapter or any other ordinance or resolution.

§ 90-8 Repeal of conflicting privileges.

Any privilege heretofore granted by resolution or ordinance for the attachment and maintenance of said utilities for telegraph, telephone, light, sewer, water or cable television purposes conflicting herewith is and the same is hereby repealed.

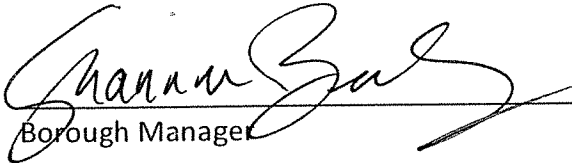
§ 90-9 Violations and penalties.


Any person who shall violate any provisions of the chapter shall, upon conviction thereof, be punishable by a fine of not more than \$300 and costs of such proceedings or, upon default of payment of such fines and costs, by imprisonment in the county jail for a term of not more than 30 days. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

SECTION II


This ordinance shall take effect immediately upon adoption.

Adopted and approved this 12th day of August, 2014.

  
Borough Manager

  
Council President

SEAL

  
Mayor