



**BOROUGH OF GARWOOD
CLERK'S OFFICE**

JEN BLUMENSTOCK
Mayor

JOHN ARTHUR
Borough Administrator

403 South Avenue
Garwood, NJ 07027
(908) 789-0710

CLINT DICKSEN
Superintendent of Public Works
C-Dicksen@garwood.org
(908) 322-7404

APPLICATION FOR ROAD OPENING PERMIT

Complete application and submit to the Borough of Garwood located at 403 South Avenue. Payments shall be in the form of check, or money order made payable to Borough of Garwood or exact cash. Application must be made before any work has started, except in cases of an emergency. The signed permit must be available on the site at all times when work is in progress. All restoration must conform to the requirements of the Borough Code. Notice must be given to the Superintendent of Publics via e-mail 24 hours before work starts to allow sufficient time to check forming and compliance to standards.

Questions contact Clint Dicksen: C-DICKSEN@GARWOOD.ORG or by calling (908) 322-7404

Type of Permit: *(select all that apply)*

_____ Road Opening _____ Curb _____ Driveway Apron _____ Other (Specify)

Application is made by _____

Address: _____

Phone #: _____ Email: _____

Construction By: _____

Address: _____

Phone #: _____

Email: _____

Location of Work _____

Type of Work _____

Total Area of Opening: (sq. ft.): Width (ft) _____ Length (ft) _____ Depth (ft) _____

Class of pavement: _____ Concrete _____ Bituminous _____ Other (Specify) _____

Total Linear Feet: _____ Standard _____ Curb _____ Depressed Curb _____

Type of material to be used: _____ Concrete _____ Belgium Block

Remarks _____

Work will be started on: _____ Completed on: _____



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BOROUGH FEE SCHEDULE

ROAD OPENING PERMITS:

APPLICATION FEE: Normal \$50 Non-reported Opening: \$250

PERMIT FEES:

Up to 20 SF: \$125 Between 20 to 80 SF: \$250 Additional over 80 SF: \$3 SF
Multiple Openings: Min. of \$100 Each Permit Extension Fee: \$25 per extension request
Additional over 80 SF: \$3 per SF Multiple Openings are a minimum of \$100 Each

INSPECTION FEE: \$150

CASH BOND:

Up to 43 SF: \$1,000
Over 43 SF: \$24 per SF per opening
Multiple Openings are a minimum of \$800 Each
Newly paved roads (five years or less): \$0 - \$10,000 as determined by Borough Engineer

CURB PERMITS

APPLICATION FEE: \$30

PERMIT FEES:

Depressed Curb: (Driveway Opening) \$50 Full Height Curb: \$0.50 per linear foot \$75 Minimum

INSPECTION FEE: \$150

CASH BOND: Single Driveway: \$15 per linear feet All Others: \$15 per linear feet

Inspect Temporary Opening by: _____ Final inspection by: _____

Inspect Permanent Opening by: _____



CALL BEFORE YOU DIG – N.J. ONE CALL – 1-800-272-1000 ... IT'S THE LAW



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NAME OF FIRM: _____

ADDRESS OF FIRM: _____

PROPERTY OWNER NAME: _____

ADDRESS _____

The permittee agrees to comply with the current laws of the State of New Jersey and Borough Regulations. The acceptance of this permit shall be deemed an agreement to abide by all of its terms, conditions and requirements as set by the Borough of Garwood.

Permittee also agrees to indemnify and hold harmless the Borough of Garwood, its officers, agents, servants and employees from and against any loss, damage, claim or expense, or demand, including expenses incurred in defense of any litigation arising out of injury to any person or property resulting from any work done by the permittee under the permit. To indemnify the Borough of Garwood for any expense incurred in enforcing any of the provision of the Borough Code. To indemnify any person who shall sustain personal injuries or damage to his property as a result of any act or omission of the permittee, his agents, employees or subcontractors done in the surface and foundation of the road and for which the permit is granted in the manner acceptable to the Borough Engineer. The bond shall be conditioned upon the permittee restoring the surface and foundation of the street abutting the work site and those streets which had sustained damage through the use of construction equipment and by their construction vehicles which had been utilized for the transportation of material to and from the work site for which the permit is granted in a manner acceptable to the Borough Engineer.

SIGNATURE OF PERMITTEE: _____

APPLICATION MADE BY(Print): _____ DATE OF APPLICATION: _____

PERMIT VALID FOR 60 DAYS FROM APPROVAL DATE

OFFICE USE ONLY

Permit Check No.: _____

Permit No.: _____

Inspection Fee Check No.: _____

Cash Bond Amount: _____

Cash Bond Check No.: _____

Date Approved: _____

§ 146-1. Permit required.

No person, firm, corporation, public utility or authority shall hereafter tear up, open or excavate any portion of the right-of-way of any street in the Borough of Garwood owned, maintained or controlled by the Borough of Garwood for any purpose whatsoever without first making application for and receiving a permit therefor signed in the name of the Borough of Garwood by the Borough Engineer or such other person as the Borough Engineer shall designate in a writing filed in the Office of the Borough Clerk.

§ 146-2. Application for permit. [Amended 7-27-2023 by Ord. No. 23-17]

Application for permits shall be made in writing to the Borough Engineer, shall set forth the name and address of the applicant and shall describe the location of the intended excavation, opening, tunnel or obstruction; the size and purpose thereof; time for completion of the work; the name and address of the person to perform the work; the person ordering the work, and the person responsible for restoring the permanent pavement. A diagram, in triplicate, indicating the nature and extent of the excavation, opening, tunnel or obstruction shall accompany this application. A separate permit shall be required for each and every opening unless otherwise agreed by the Borough Engineer. The applicant shall sign the application and shall be bound for all obligations of the permit and shall be referred to hereafter as the permittee. A permit shall not be transferred unless authorized in writing by the Borough Engineer. Permits are valid for 60 days; all work must start within 30 days of permit being issued and completed within 60 days.

§ 146-3. Fees. [Amended 7-27-2023 by Ord. No. 23-17]

No permit shall be granted except upon payment by the applicant of the following fees:

A. Road opening permits.

- (1) Application fee.
 - (a) Normal: \$50.
 - (b) Nonreported opening: \$250.
- (2) Permit fee.
 - (a) Up to 20 square feet: \$125.
 - (b) Between 20 and 80 square feet: \$250.
 - (c) Additional over 80 square feet: \$3 per square foot.
 - (d) Multiple openings are a minimum of: \$100 each.
 - (e) Each 30-day permit extension: \$25.
- (3) Inspection fee: \$150.
- (4) Cash bond.
 - (a) Up to 43 square feet: \$1,000.

- (b) Over 43 square feet: \$24 per square foot per opening.
 - (c) Multiple openings are a minimum of \$800 each.
 - (d) Newly paved roads (five years or less): \$0 to \$10,000, as determined by Borough Engineer.
- B. Curb permits.
 - (1) Application fee: \$30.
 - (2) Permit fee.
 - (a) Depressed curb (driveway opening): \$75.
 - (b) Full-height curb: \$0.50 per linear foot; \$75 minimum.
 - (3) Inspection fee: \$150.
 - (4) Cash bond.
 - (a) For a single driveway: \$15 per linear foot.
 - (b) All others: \$15 per linear foot.

§ 146-4. Deposit required.

- A. All permittees, including public utilities, shall deposit the cash bond specified in § 146-3, which may be paid in cash or by check or bank draft, unless otherwise determined by the Borough Engineer. All deposits required hereunder shall be held in a separate account by the Borough Treasurer. All deposits shall be retained by the Borough for a period of one year from the completion of the work. If the work meets the specifications of the Borough of Garwood, upon approval by the Borough Engineer, in writing, the cash bond shall be returned to the permittee. If the Borough Engineer determines, however, upon final inspection, that the construction or repair was unsatisfactory or otherwise in violation of the approved plans, and should the permittee, upon receipt of written notice of deficiencies fail to remedy same within seven days, then the Borough Engineer shall cause repair, replacement or restoration of the opening to be done, either in whole or in part, and the cost thereof shall be deducted from the cash bond made by the permittee.
- B. The Borough Engineer shall have the right to perform borings in the pavement, cut cores in the pavement or to perform other investigations as deemed necessary to confirm that the provisions of the road opening permit have been satisfied. The cost of such investigations shall be charged to the permittee. The Borough Engineer may require the permittee to enter into a cash bond which shall be in place for a period of one year from the date of acceptance of said work and shall provide that the permittee guarantee the work in the manner required by the specifications.
- C. The Borough Engineer may require an extended maintenance period or an additional maintenance bond depending upon the nature of the work involved or the workmanship observed during construction.

- D. The maintenance bond shall be executed by the permittee as principle and surety company licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:
- (1) To indemnify and hold harmless the Borough of Garwood for all loss, damage, claim or expense, including expenses incurred in defense of any litigation arising out of injury to any person or property resulting from any work done by the permittee under the permit.
 - (2) To indemnify the Borough of Garwood for any expense incurred in enforcing any of the provisions of this section.
 - (3) To indemnify any person who shall sustain personal injuries or damage to his property as a result of any act or omission of the permittee, his agents, employees or subcontractors done in the surface and foundation of the road and for which the permit is granted in the manner acceptable to the Borough Engineer. The bond shall be conditioned upon the permittee restoring the surface and foundation of the street abutting the work site and those streets which had sustained damage through the use of construction equipment and by their construction vehicles which had been utilized for the transportation of material to and from the work site for which the permit is granted in a manner acceptable to the Borough Engineer.

§ 146-5. Utility mains.

For utility main construction, other or additional regulations may be prescribed by the Mayor and Council. Plans for such projects must have the approval of the Borough Engineer before a permit may be issued.

§ 146-6. Prior notification.

- A. Prior to the start of any paving or repaving work on any street of the Borough of Garwood, the Borough Engineer shall notify each utility company of said work in order that any excavations be completed before paving is started. Such notice shall provide that no excavation permit shall be issued for openings, cuts or excavations in said street for a period of five years from the date of such paving. The notice shall also provide that applications for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly in order that any work may be completed not later than 45 days from the date of such notification.
- B. In the event that an emergency exists which shall require a road opening within such five-year period, a cash bond in an amount up to \$10,000 shall be required by the Borough Engineer to assure that any street opening on any street paved within five years is restored satisfactorily. The restoration shall include milling and repaving of the area so as to blend uniformly with the adjacent roadway.
- C. Within said 45 days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this article, as may be necessary to install or repair sewers, mains, conduits or their utility installations. In the event any permittee shall fail within said 45 days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and

all rights of such permittee or his successors in interest to make openings, cuts or excavations in said streets shall be forfeited for a period of five years from the date of enactment of said article. During said five-year period, no excavation permit shall be issued to open, cut or excavate in said street unless, in the judgment of the Borough Engineer, an emergency exists which makes it absolutely essential that the excavation permit be issued.

- D. A permittee obtaining such emergency permits shall observe any special backfill or other construction requirements requested by the Borough Engineer. All emergency work performed in the absence of the Borough Engineer shall be subject to testing, if deemed necessary, to determine those conditions of said permits have been satisfied. All testing costs shall be charged to the permittee.

§ 146-7. Bridges; culverts.

- A. Wherever it is necessary to cross over, through or under existing bridges or culverts, plans must be filed with the Borough Engineer which will outline in detail the proposed method of crossing such structures. No work of any kind whatsoever shall be performed until the said supplemental plans have been approved by the Borough Engineer.
- B. Detailed plans of all construction proposed at waterways and bridges shall be submitted to the New Jersey Department of Environmental Protection for approval when required; after which an approved copy shall be forwarded to the Borough Engineer for approval.

§ 146-8. Future costs.

If future installation of drainage or sewer facilities or the regrading and/or realignment and widening of pavements is prevented by the presence of the underground structures covered by this permit, then the cost of making the necessary changes in said structures, so as to permit installation of the proposed drainage or sewer facilities or to permit regrading and/or realignment and widening of pavements, shall be done by the permittee.

§ 146-9. Method of construction.

The street when opened pursuant to this article and permit shall conform to the most recent restoration designs, plans, details, specifications and method of construction and traffic control devised and required by the Borough Engineer. All permits issued under this section shall be subject to the following rules and regulations:

A. Safety.

- (1) All work shall be conducted in such a manner as to cause the least public inconvenience and to permit the use of the sidewalk by pedestrians, the roadway by vehicles and the flow of water in the gutters. All openings, digging, excavation, piles of material, equipment, machinery, barricades or obstructions, including earth and stone removed from excavation, shall be properly guarded at all times to prevent accidents, and a sufficient number of lights shall be maintained between sunset and sunrise by the person to whom such permits have been issued to designate such openings or obstructions during the hours of darkness. Reflective barrels, blinking lights, warning signs, flagman, uniformed traffic officers and all other man-powered equipment as required by or

directed by the Borough Engineer shall be provided.

- (2) The work area shall be made passable to all emergency vehicles during all phases of the work.
 - (3) In the event that the work requires the detour of the vehicular traffic, the permittee shall submit a detour plan for review and approval by the Borough Engineer who, at his sole discretion, may require the approval of the municipalities involved prior to any road closings.
 - (4) If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided, which shall be safe for travel and convenient for users.
- B. All existing pavements, road surfaces, sidewalks, curbs, gutters, pipes, manholes, drains, conduits or other installation or fixtures and property liable to be damaged or destroyed shall be properly protected by the person doing any work for which a road opening permit has been issued during the time when such work is being performed, and the responsibility for any such damage shall be assumed by the person to whom such permit has been issued.
 - C. No person shall divert or discharge water into, upon or across any street or sidewalks so that a nuisance is created or a hazardous condition is caused to exist as a result of the work of the permittee or cause the adjacent pavement to be damaged.
 - D. It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit thereof. Proper bracing shall be maintained to prevent the collapse of adjoining ground, and protection of the workers shall be in accordance with the regulations of the New Jersey Department of Labor and Industry and the Occupational Safety and Health Administration; the excavation shall not have any portion below the surface extending beyond the opening at the surface.
 - E. No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels. Notice shall be given beforehand to the utility company maintaining any such pipe, cables or conduits or to the officer charged with the care thereof which are or may be endangered or affected by the making of any such excavation or tunnel.
 - F. The permittee shall not be authorized to proceed with any excavation until he submits to the Bureau of Inspection a reference number or verification stating that Garden State Underground was notified at:

One Call System
Garden State Underground
1450 Route 22 West
Mountainside, New Jersey 07092
1-800-272-1000

- G. All work by the permittee shall be done in accordance with the provisions of N.J.S.A. 34:6-47.1 et seq. and in accordance with the provisions of the Federal Occupational Safety and Health Act of 1970 and of subpart N, Paragraph 1926.550, of the rules and regulations issued under said Act.

- H. No work shall occur in such a manner as to result in damage or destruction of any property of the Borough of Garwood unless this is necessary for completion of the work and written permission has been obtained in advance from the Borough Engineer.
- I. The permittee shall clean up and remove promptly from the work site at the end of each work day all surplus excavated material and debris and upon final completion of the project shall leave the site of work in a neat and orderly condition as good as it was previously.
 - (1) Where top soil, seeded areas or sod is disturbed in the course of the work, permittee shall restore such ground surfaces to a condition equal to that prior to commencement of work.
- J. Bar holes and probes by utility companies shall be restored within 24 hours unless otherwise authorized by the Borough Engineer. A permit will need to be issued if either of these terms is not completed.
- K. If permittee shall fail to comply with the rules and regulations as provided in this section, after receipt of written notice, then the Borough reserves the right to take any action to insure compliance with the section. In that event, the permittee shall be charged with the cost of same at a rate determined by the Borough Engineer based on annual Borough contract rates, if such are in effect, or a certain schedule of costs maintained by the Borough Engineer, based on the rates in the contractor's blue book plus 15%. Permittee shall be responsible for the expense incurred by the Borough. Any monies due to the Borough in excess of the permit fee shall be billed upon completion of the work and shall be paid by the permittee within 30 days after the receipt of the bill. Failure to pay such dues shall result in the permittee paying the maximum interest rate allowed by law, as well as any attorney's fees and costs incurred by the Borough in furtherance of the collection of said monies.
 - (1) The Borough Engineer shall also have the authority to deny all future permits until differences identified as above are corrected to the satisfaction of the Borough Engineer.

§ 146-10. Nonliability of Borough.

- A. The Borough shall not be liable for damages for any personal injuries or damage to property sustained as the result of any excavation or opening in any street, bridge or curb work made by any person by virtue of the provisions of this chapter.
- B. Neither the Borough nor any of its employees shall be deemed to be the agent of the permittee for the purpose of this section, nor shall they be deemed to have assumed any liability or responsibility by reason of the undertaking of any inspection authorized hereunder, the issuance of any permit or the approval of any work or for any other reason.

§ 146-11. Indemnification.

Every permittee shall, as a condition for accepting any permit issued hereunder, save and hold harmless the Borough and indemnify the Borough, its officers, agents, servants and employees from and against any and all loss, damage, claim, expense or demand whatsoever arising out of any matter or resulting from the opening of any street and the issuance of a permit therefor as provided in this section.

§ 146-12. Release of deposit or bond.

No cash deposit, certified check or performance bond shall be released until all repairs, payment of all monies due to the Borough pursuant to this resolution and the restoration and repaving of excavated areas to the satisfaction of the Borough Engineer is completed and a one-year guarantee period, if required, in a form acceptable to Borough Counsel is in place to insure proper installation and maintenance. Deposits and bonds shall be released only by the Borough Engineer.

§ 146-13. Backfilling.

Immediately after the work is performed for which the opening was made, road repair and backfilling shall be done in accordance with details prepared by the Borough Engineer which accompanied the permit. Excavated material shall not be used as backfill unless approved by the Borough Engineer. Backfilling with clay or heavy black loam shall not be permitted. Temporary pavement or patch work shall be removed approximately one month later. In all cases, the opening shall be restored to the grade, slope and profile that prevailed at the time of the opening as directed by the Borough Engineer.

§ 146-14. Required notification.

- A. The permittee shall notify the Borough Engineer in writing at least 48 hours in advance of any activity. Likewise, the permittee shall notify the Borough Engineer at the completion of the activity or project.
- B. Failure to provide such notification may result in additional fees being imposed on the permittee. The permittee shall keep a copy of the permit at the site at all times. The permittee shall retain full responsibility for any damages which may result from any construction activity notwithstanding any approvals from the Borough Engineer.
- C. The excavation and the work required to be done shall be completed within reasonable time. Trenches shall not be kept open when work is not in progress. If work is stopped for more than 24 hours, the trench shall be temporarily backfilled and capped with a temporary pavement. Upon completion of work, it shall be inspected by the Borough Engineer. The permittee shall start work within 20 working days of issuance of a permit, and the permit shall remain valid for 60 working days from the start of work unless otherwise authorized by the Borough Engineer. If work on the permit does not start in 20 working days, then the permit shall expire and a new permit shall be obtained unless a written extension is obtained from the Borough Engineer. The validity of a permit may be extended, if so requested in writing by permittee prior to the expiration period thereof, for such additional periods as determined by the Borough Engineer.

§ 146-15. Deficiencies.

In the event the repairs are not performed within the required time frame on the permit or the Borough Engineer does not approve the replacement, the permittee shall be so notified in writing and shall be given a reasonable time to correct the deficiencies. Upon failure of the permittee to correct said deficiencies, the Borough Engineer shall cause the street to be properly repaired, and any expenses shall be billed to the permittee. The Borough Engineer shall also have the authority to deny all future permits until deficiencies identified as above are corrected to the satisfaction of

the Borough Engineer.

§ 146-16. Inspection.

- A. The Borough Engineer, at such time or times as he shall deem necessary, may cause the work being done by the permittee to be inspected by the Borough Engineer.
- B. The Borough Engineer may, upon failure of a permittee to comply with the conditions of the permit and upon reasonable notice, stop any work being performed in the right-of-way. The Borough shall have the right to remedy any deficiency and assess the permittee the costs of any remediation. The Borough Engineer may deny any and all future permits to said permittee until trench backfilling, trench restoration and final repair activities shall be scheduled in succession and shall not be fragmented.

§ 146-17. Emergencies.

In the event of any emergency in which a sewer, main, conduit or utility in or under any road breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person, company or utility 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 secure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such a facility shall apply for an excavation permit not later than the end of the next succeeding day during which the Borough permit office is open for business and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

§ 146-18. Revocation of permit.

Where the permittee is not making progress satisfactory to the Borough Engineer or violates any provision of the permit, the Mayor and Council hereby authorizes the Borough Engineer to revoke the permit and to replace, by its own repair force, the pavement removed by said permittee on any Borough street, bridge or curb at the expense of the permittee. Written notice shall be given by the Borough Engineer of intent to make such repairs. The permittee shall complete proposed construction within the time specified in the permit. If not done within this time and if no extension has been obtained, such failure to complete shall be deemed a violation.

§ 146-19. Performance.

- A. The permittee shall maintain vehicular and pedestrian traffic over the street within the scope of the project at all times.
- B. The permittee shall backfill all excavated areas within the street to a grade compatible with the existing traveled way at such time he is not actively working. This shall include nights, weekends and periods of shutdowns. Trenches shall not remain open overnight under any circumstances without prior approval from the Borough Engineer.
- C. Streets in areas within which the permittee has actually commenced construction operations and which are reserved for traffic shall be maintained by the permittee, at his expense, free from obstructions and in a smooth riding condition at all times, including seasonal

shutdowns.

- D. Escape ramps shall be provided at the edges of pavement lifts or at excavations.
- E. Final responsibility for the installation of adequate precautions and for the protection of the traveling public and his own personnel, for the duration of the work, shall rest with the permittee.
- F. Compliance with all prescribed safety precautions contained herein shall not relieve the permittee of his primary responsibility to take all necessary measures to protect and safeguard the public nor relieve him of any responsibilities described in the resolution.
- G. If the excavation extends the full width of the street, only 1/2 of the street shall be excavated at one time and shall be backfilled and a temporary pavement placed before the other half is excavated, unless otherwise permitted by the Borough Engineer, so as not to interfere with traffic. Where considered necessary, work under a permit shall be carried on only within such hours as allotted by the Borough Engineer. If work cannot be completed within time specified, open trenches shall be backfilled or covered with steel plates of sufficient strength to carry all traffic safely. Plates must be recessed, pinned and can only be left out with the approval of the Borough Engineer. If, in his judgment, traffic conditions, the safety or convenience of the traveling public or the public interest requires that the excavation work be performed as emergency work, the Borough Engineer 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. The Borough Engineer shall also have full power to limit the hours of work as the public interest may require.

§ 146-20. Avoidance of inconvenience.

Each permittee shall conduct and carry out the excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris.

§ 146-21. Drawings and plans.

Users of subsurface street space shall maintain accurate drawing and plans showing the location and character of all underground structures, including abandoned installations. Said drawings and plans are to be kept on file in the office of said users and shall at all times be available for inspection by the Borough Engineer.

§ 146-21.1. Nonapplicability.

The provisions of this chapter shall not be applicable to any excavation work under the direction of Borough authorities by employees of the Borough or by any contractor of the Borough performing work for and on behalf of the Borough necessitating openings or excavations in Borough streets, curbs or bridges.

§ 146-21.2. Obstructions.

- A. No person shall obstruct or damage any sidewalk or cause or suffer the same to be encumbered with debris or other obstructions of any kind.
- B. Nothing in this section shall prohibit merchants from placing wares, goods or merchandise upon the sidewalks for the purpose of loading and unloading the same, provided that free passage over such sidewalk is not obstructed and provided that the same is removed without unreasonable delay.

§ 146-21.3. Refusal to remove obstruction.

Any building or any appurtenance or fixture connected therewith, or any window, sign, showcase, showbill, step, porch, platform, cellar door, covering (except a cloth awning having an elevation of at least seven feet above the sidewalk), or any other structure, obstruction or encroachment of any kind which now or hereafter be erected or constructed or maintained, or any goods, wares or merchandise placed or maintained contrary to the provisions of § 146-9 shall forthwith be removed by the person erecting, constructing or maintaining the same, upon notice in writing from the Superintendent of Public Works so to do; in the event of the refusal or neglect of such person so to remove such building or other obstruction or encroachment after such notice, the Superintendent of Public Works may remove the same or cause it to be removed at the expense of the person so erecting, constructing or maintaining the same.

§ 146-21.4. Operating vehicle on sidewalk.

- A. No person operating any vehicle shall drive upon the sidewalk or curb in the Borough or cause or permit to be caused any damage to any sidewalk or curb in the Borough.
- B. The Borough Clerk may, upon receipt of a deposit of \$200, said deposit to serve as security for any damage to a curb or sidewalk, issue a temporary permit for the passage of any vehicles over or across any curb or sidewalk, but such a permit shall not in any case be permanent, and, at the expiration of the time of the permit, the deposit or portion of same may remain after just deductions for repairs to said sidewalk or curb shall be returned to the holder of the said permit. This provision shall in no way be construed to limit the liability of the holder of said permit to the amount of the deposit. In the event the damage exceeds the amount of said deposit, liability to the Borough shall be for the full amount of damages.

§ 146-21.5. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.