

Chapter 9

Grading and Excavating

Part 1

Protection of Excavations

§9-101. Protective Fences and Warning Devices Required

§9-102. Existing Excavations to Be Protected

§9-103. Violations and Penalties

Part 1**Protection of Excavations****§9-101. Protective Fences and Warning Devices Required.**

Any person, partnership, corporation or other entity which shall dig or excavate a hole or excavation of more than 18 inches in depth within 500 feet of any public street, alley or thoroughfare shall fence in said excavation and provide warning devices and lights adjacent thereto. Said fence shall be of sufficient size, height and materials to deny access to said excavation or hole by the general public and/or children.

(Ord. 3-1978, 1/9/1978)

§9-102. Existing Excavations to Be Protected.

Any already-existing hole or excavation of more than 18 inches in depth located within 500 feet of any public street, alley or thoroughfare, upon 5 days notice from the Borough Police Department, shall be fenced in and warning devices and lights provided adjacent thereto by the person, partnership, corporation or other entity which dug or excavated said existing hole or by the owner of the land on which said excavation is located. Said fence shall be of sufficient size, height and materials to deny access to said excavation or hole by the general public and/or children.

(Ord. 3-1978, 1/9/1978)

§9-103. Violations and Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be 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.

(Ord. 3-1978, 1/9/1978; as amended by Ord. 3-1989, 10/9/1989, §62-3; and by Ord. 3-2005, 10/10/2005)

