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PART 1
OFFICIAL PLAN

§ 21-101. Borough Plan Adopted. [Ord. 772, 10/23/1967, § 1]

The map or plan designated "Borough Map Official, March, 1967, Borough of Mechanicsburg, prepared by B.P. Raffensperger" is hereby adopted as the Borough Plan for the said Borough, as required by and for the purposes of § 1711 of the Borough Code of 1966.

PART 2
CONSTRUCTION OF STREETS

§ 21-201. "Highway" Defined. [Ord. 570, 8/23/1955, § 1]

The term "highway" as used in this ordinance [this Part 2] shall include any boulevard, street, avenue, alley or other thoroughfare.

§ 21-202. Compliance with Certain Requirements. [Ord. 570, 8/23/1955, § 2]

No person, firm or corporation shall hereafter dedicate, open or construct any highway, or any drainage facilities in connection therewith, for public use or travel in the Borough of Mechanicsburg without first complying with the conditions, rules, regulations and procedures hereinafter set forth in this ordinance.

§ 21-203. Plans to be Submitted. [Ord. 570, 8/23/1955, § 3]

Any person, firm or corporation desiring to dedicate, open or construct any highway, or any drainage facilities in connection therewith, for public use or travel in the Borough of Mechanicsburg shall, prior to the doing of any overt act in connection with said dedication, opening or construction, prepare and submit to the Planning Commission of the Borough of Mechanicsburg, for its approval, plans thereof setting forth the following:

- A. The date when prepared, the name of the person, firm or corporation by whom prepared, and the names and addresses of all persons owning land to be dedicated or taken for such highway, or abutting thereon, or which will be affected by any drainage facilities in connection therewith.
- B. The details whereby the proposed highway will connect with existing highways of the Borough, the courses, distances and profiles thereof, and any and all conditions affecting grades, obstructions, streams and drainage.
- C. The details of existing public utility facilities, of proposed public utility facilities, and the means and methods whereby the latter will connect to existing public utility facilities of the Borough and of public utilities operating within the Borough.
- D. The courses, structures and capacities of proposed and existing drainage facilities and the means and methods whereby the same will connect to existing drainage facilities.
- E. Such further and additional information as the Planning Commission, the Borough Council or the Borough Manager may request.

§ 21-204. Agreements to be Submitted. [Ord. 570, 8/23/1955, § 4]

In addition to the plans required to be submitted to the Borough Planning Commission under the provisions of § 21-203 hereof, and prior to the final approval

thereof by the Borough Council, the person, firm or corporation submitting the same shall also submit to the Borough Council an agreement or agreements, in form satisfactory to the Borough Council and executed by all such persons, firms and corporations as the Borough Council may require, providing the following:

- A. The highway and drainage facilities described in said plans, if and as approved by the Planning Commission and the Borough Council, will be dedicated, opened and constructed in strict conformity with such plans as finally approved, in accordance with Borough of Mechanicsburg specifications, and subject to such changes as the Borough Council may require therein prior to final approval.
- B. The highway shall be curbed and guttered, macadamized or paved, in accordance with the provisions of the specifications and ordinances of the Borough of Mechanicsburg affecting such matters.
- C. The Borough shall not be liable for any damages for or by reason of the dedication, opening and construction of such highway and drainage facilities in accordance with said plans as finally approved by the Borough Council.
- D. Such persons, firms or corporations, at their sole expense and without cost to the Borough, will construct the said highway, and public utility and drainage facilities, in the manner set forth in this ordinance.
- E. Prior to the performance of the work prescribed in subsection 1 of this section, there shall be laid in the bed of said highways the main lines and services for all such public utility facilities as shall be required by the plans of such highway, as finally approved by the Borough Council, all such facilities to be installed and all ditches and holes resulting therefrom backfilled and tamped in such manner as the Borough Manager, under applicable laws of the Commonwealth of Pennsylvania and ordinances of this Borough, shall require.

§ 21-205. Liability Insurance Policy and Bond to be Filed. [Ord. 570, 8/23/1955, § 5]

Prior to the final approval of any plans required to be filed under the provisions of this ordinance [this Part 2], the person, firm or corporation requesting such approval shall file with the Borough Manager the following:

- A. A liability insurance policy issued by a company duly authorized to do business in the Commonwealth of Pennsylvania, by the provisions of which both the applicant and the Borough of Mechanicsburg shall be insured against personal injury or property damage, which may be occasioned by the proposed dedicating, opening or constructing to the extent of \$25,000 and \$50,000 for personal liability and \$10,000 for property damage.
- B. A bond executed by the applicant and one approved by a corporate surety, and approved by the Borough Manager in the sum of \$5,000 indemnifying and saving harmless the Borough of Mechanicsburg from all damages of

whatever kind which may not have been paid by the aforementioned liability insurance policy and which might be incurred by reason of the dedicating, opening or constructing of said highway and by reason of any failure to faithfully perform the work and undertaking required by the agreement referred to in section 4 of this ordinance [204 this Part 2].

§ 21-206. Public Hearing. [Ord. 570, 8/23/1955, § 6]

Upon written application therefor by any person, firm or corporation, presenting plans pursuant to this ordinance [this Part 2], the Borough Council will grant a public hearing in reference thereto, after at least 10 days' public notice in a newspaper of general circulation in the Borough of Mechanicsburg thereof by the Borough Council.

§ 21-207. Authority for Borough to Do Work on Own Initiative. [Ord. 570, 8/23/1955, § 7; as amended by Ord. 756, 10/23/1967, § 1]

Nothing contained in this ordinance [this Part 2] shall prevent the Borough Council on its initiative from opening or accepting any highway, nor the laying of trunk sewers, drains, water or gas mains, if required or deemed desirable for the comfort, safety, health and convenience of the public; nor the grading, curbing, guttering, paving, macadamizing, or otherwise improving highways in accordance with the provisions of Section 1761 of the Borough Code of 1966 (1966 P.L. (1965) 1656).

§ 21-208. Penalty. [Ord. 570, 8/23/1955, § 8; as amended by Ord. 756, 10/23/1967, § 2]

Any person, firm or corporation violating any of the provisions of this ordinance [this Part 2], shall be prosecuted in the manner and to the extent provided by the Act of 1966 P.L. (1965) 1656 section 1737.

PART 3**STREET EXCAVATIONS****§ 21-301. Permit Required; Permit Application. [Ord. 1109, 9/1/2009]**

No person or persons, firm, association or corporation shall make any excavations or soundings by drilling, tunneling, boring, cutting or otherwise in or upon any of the highways, streets or alleys of the Borough without first obtaining a permit from the Borough Manager. The application for a permit shall be on a form prescribed by the Borough and shall be accompanied by permit issuance and inspection fees, together with financial security, all in accordance with the schedule of fees established by resolution of the Borough Council from time to time. In addition, the applicant shall submit a sketch showing such dimensions and the location of the intended facility, the width of the traveled roadway, the location of and width of right-of-way lines and a dimension to the nearest intersecting street.

§ 21-302. Financial Security. [Ord. 1109, 9/1/2009]

Each applicant must provide financial security prior to the commencement of any road cuts or any work involving a disturbance to a Borough road. Prior to the issuance of the permit, the Borough Manager shall determine the amount financial security required. The review and determination will consider, among other things, the type and amount of work to be done and the effect of said work on the Borough street(s) and the financial security schedule established by resolution of the Borough Council from time to time. The Borough Manager will transmit the determination to the applicant, which determination will specify the amount of financial security and the length of time during which the financial security will remain in effect. Under appropriate circumstances, the Borough Manager is authorized to direct submission of a blanket bond. In such event, the determination shall specify the nature of the work to be done, the amount of the bond and the length of time during which the bond will remain in effect.

§ 21-303. Cancellation of Permits and Refunds. [Ord. 1109, 9/1/2009]

In all cases where a permit has been issued, and the work set forth in such permit has not been performed within the time specified by the Borough or in the permit, the same shall be canceled. In the event no work has commenced prior to the permit cancellation, the permit issuance fee shall be forfeited and nonrefundable; however, the permit inspection fees and required financial security deposits shall be refunded. In the event work has commenced prior to the permit cancellation, the permit issuance fee, permit inspection fees and financial security deposits shall be forfeited and nonrefundable.

§ 21-304. Expiration of Permit; Failure to Complete Work; Permit Revocation. [Ord. 1109, 9/1/2009]

All permits shall expire upon the date set forth in the permit, unless extended for cause shown. In case the work has not been completed before the date of expiration as shown on the permit, which date shall be fixed when the permit is granted, the Borough Manager may, if he deems it advisable, extend the permit or take the

proper steps to backfill the trench and replace the street surface over the opening for which the permit has been issued, charging the permittee's security for the cost of the same. In the event the security is insufficient, he shall bill the permittee for unpaid amounts. If an extension of time on the said date is necessary for the completion of the work, a written application for an extension of time must be filed with the Borough Manager, for which the applicant shall pay the applicable fee, if such extension of time is granted. All permits for the breaking of street or alley surfaces are subject to revocation at any time by the Borough Manager.

§ 21-305. General Provisions and Specifications. [Ord. 1109, 9/1/2009]

All work shall be performed and completed in accordance with the General Provisions and Specifications Regulating Occupancy of Borough Road Rights-of-Way as adopted by resolution of the Borough Council from time to time.

§ 21-306. Conditions of All Permits. [Ord. 1109, 9/1/2009]

1. Permits shall be granted only to the owners of the property for whom the work is done or to public utilities whose service lines or pipes occupy the highways or alleys of the Borough under a legal right or franchise. No permits shall be issued to contractors or subcontractors. No permits shall be issued where the proposed work might interfere with any work being done by or for the Borough.
2. The permittee agrees fully to indemnify and save harmless the Borough of Mechanicsburg of and from all liability for damages or injury occurring to any person or persons or property at, in or upon such openings in streets through or in consequence of any act or omission of any contractor, agent, servant, employee or person engaged or employed in, about or upon said work, by, at the instance, or with the approval or consent of the permittee, or from the failure of the same and/or its contractor to comply with the provisions for maintenance as set forth herein.

§ 21-307. Permittee Responsibilities. [Ord. 1109, 9/1/2009]

1. The permittee shall pay all costs and expenses incident to or arising from the project, including the prescribed fees for same, the cost of making and maintaining temporary restoration of the disturbed areas, making permanent restoration and all public safety measures.
2. The permittee shall be responsible to notify the Borough office, through its contractor or otherwise, in advance, of the precise day when the cut, opening or excavation work shall commence and the precise day when closing of the cut, opening or excavation shall commence.
3. The permittee shall notify the Borough of the date completed.
4. Permanent restoration shall be made and guaranteed for a period of one year.

5. All disturbed portions of the highway, street, alley or thoroughfare, including all appurtenances and structures such as guardrails or drainpipes, shall be restored to a condition equal to that which existed before the start of any work authorized by the permit.
6. The permittee shall comply with the provisions of this Part 3 at all times.

§ 21-308. Inspections for Compliance. [Ord. 1109, 9/1/2009]

Upon completion of the work authorized by the permit, the Borough shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect within 60 days after written notice from the Borough to do so, the Borough may do the work and shall impose upon the applicant the cost thereof, together with an additional 20% of such cost. Such amount may be chargeable against the financial security or billed to the permittee, or both, as the Borough, in its sole discretion, shall determine.

§ 21-309. Obstruction of Gutters and Sidewalk Prohibited. [Ord. 1109, 9/1/2009]

All gutters must be left open so as not to obstruct the free passage of water, and the pavements and footways must be kept in a safe and passable condition. The Borough shall have authority to regulate the opening or cuts so that the proper use of the highways shall not be unnecessarily interfered with and shall have authority to see that the said openings or cuts are filled and closed as required by this Part 3.

§ 21-310. Penalties and Enforcement. [Ord. 1109, 9/1/2009]

Any violation of these regulations shall constitute grounds for imposition of any or all of the following penalties:

- A. Upon receipt of verbal or written notice of any violation(s), the permittee shall cease to perform any further work in the permitted area except to restore the area to safe condition. No further work shall commence in the permitted area until the violation(s) has been remedied. Where the permittee has received verbal notice of the violation(s), written notice shall be sent to the permittee within 10 days of receipt of the verbal notice.
- B. The applicant's permit may be confiscated by the Borough Manager.
- C. The applicant's permit may be revoked by the Borough Manager.
- D. The Borough Manager may cause the removal of facilities installed without a permit or in violation of these regulations.
- E. Any person or persons, firm, association or corporation violating any of the provisions of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$1,000, and costs, or to undergo imprisonment for a term

not to exceed 30 days. Each day of violation shall constitute a separate offense.

- F. The Borough may institute such other action, in law or in equity, as may be deemed necessary or proper.

PART 4**CONSTRUCTION, RECONSTRUCTION AND REPAIR OF SIDEWALKS AND CURBS****§ 21-401. Construction or Reconstruction upon Notice/Time Limit. [Ord. 892, 6/19/1979, § 1]**

Every owner of real estate within the Borough of Mechanicsburg shall, upon 30 days' written notice from the Building Official, construct or reconstruct a sidewalk and/or curb, which shall conform to all applicable provisions of this ordinance, in front of and/or alongside such property.

§ 21-402. Repairs upon Notice/Time Limit. [Ord. 892, 6/19/1979, § 2]

Every owner of real estate within the Borough of Mechanicsburg shall, upon 10 days' written notice from the Building Official, repair the sidewalk and/or curb, in the manner stipulated in such notice, in front of or alongside such property.

§ 21-403. Borough Work When Owner Defaults/Cost. [Ord. 892, 6/19/1979, § 3]

Upon the neglect of any property owner to comply with any of the requirements provided in the preceding section of this ordinance, the Building Official shall, after notice, cause the sidewalk and/or curb to be constructed or reconstructed at the cost of such owner and shall collect the cost thereof and 10% additional, together with all charges and expenses, from such owner, and shall file a municipal lien therefor or collect the same by action in assumpsit.

§ 21-404. Service of Notices. [Ord. 892, 6/19/1979, § 4]

All notices required by this ordinance shall be served as provided by law.

§ 21-405. Materials for Sidewalks and Curbs/Specifications. [Ord. 892, 6/19/1979, § 5; as amended by Ord. 1089, 12/19/2006, § 1]

All sidewalks and curbs shall be constructed, reconstructed and repaired of concrete, brick surface laid on concrete, or rubber manufactured for such purposes, according to specifications determined from time to time by the Borough Engineer and approved by Borough Council, provided that: where the existing sidewalk is of a material other than concrete and was originally constructed in conformity with a then-valid ordinance of the Borough, and at least two-thirds of such sidewalk shall be in good repair, such sidewalk may be repaired of the same material of which it was originally constructed; provided, further that: sidewalks constructed in developments by subdividers and land developers shall be further subject to the provisions of the Borough Subdivision Regulations (see Chapter 22).

§ 21-406. Location and Width of Paving/Grassplots. [Ord. 892, 6/19/1979, § 6]

The width of sidewalks and curbs, the portion of the width of such sidewalk that shall be paved, and the portion thereof, if any, that shall be left unpaved as a

grassplot, and the location of such paved and unpaved portions, shall be as specified in the most recent and still valid ordinances establishing such widths and lines for the street or alley along which a sidewalk is to be constructed, reconstructed or repaired. Provided: when a sidewalks shall be paved to less than the full established width, the paved portion shall be not less than five feet in width, 2 1/2 feet thereof to be on each side of the center line, and this permissive arrangement for the purpose of uniformity shall not abrogate or set aside the regular full width of any such sidewalk.

§ 21-407. Conformity to Grades and Lines. [Ord. 892, 6/19/1979, § 7]

All sidewalks and curbs shall be constructed, reconstructed and repaired and the grading therefor shall be done upon the line and grade obtained by the property owner from the Building Official and not otherwise. Upon notice, as provided in §§ 21-401 or 21-402 of this ordinance [this Part 4] as the case may be, such work of construction, reconstruction or repair shall be done by the owner or owners of such property.

§ 21-408. Authority of Building Official/Inspections. [Ord. 892, 6/19/1979, § 8]

It shall be the duty and responsibility of the Building Official to determine, in the case of any individual property, whether or not the sidewalk and/or curb shall be reconstructed or repaired, and, if so, the specific part or parts thereof to be reconstructed or repaired. The Building Official may, during the course of work of construction, reconstructing or repairing any sidewalk and/or curb, visit the site of such work to ascertain whether such work is being done according to requirements, and he, or one of his assistants, shall visit any such site for such purpose whenever requested by the property owner. Within 48 hours after the completion of the work of construction, reconstruction or repair of any sidewalk and/or curb, it shall be the duty of the owner of the property where such work was done to notify the Building Official of such fact, so that he may inspect such sidewalk and/or curb to determine whether such work was done in conformity with the requirements of this and all other applicable ordinances.

§ 21-409. Initiative of Property Owner/Conditions. [Ord. 892, 6/19/1979, § 9]

Any property owner may, upon his own initiative and without notice from any Borough authority, construct, reconstruct or repair a sidewalk and/or curb in front of or alongside his property, provided such owner shall first make application to the Building Official and shall conform to the requirements of this and any other applicable ordinances as to line and grade and as to the material to be used and that he shall also notify the Building Official as required by section eight of this ordinance (§ 21-408 this Part 4) within 48 hours after the completion of such work.

§ 21-410. Penalty. [Ord. 892, 6/19/1979, § 10; as amended by Ord. 925, 4/19/1983]

Any person who shall violate a provision of this ordinance or shall fail to comply with any of the requirements thereof shall be guilty of a violation of the ordinance, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding \$300 and costs of prosecution, or to imprisonment for a term not to exceed 30 days.

PART 5**SIDEWALK OBSTRUCTIONS AND ENCROACHMENTS****§ 21-501. Definition and Interpretation. [Ord. 774, 10/23/1967, § 1]**

In this ordinance [this Part 5], the word "person" shall mean and include any natural person, partnership, association, firm or corporation. The singular shall include the plural and the masculine shall include the feminine and the neuter.

§ 21-502. Certain Obstructions and Encroachments Unlawful. [Ord. 774, 10/23/1967, § 2; as amended by Ord. 921, 9/21/1982]

It shall be unlawful for any person to construct, install, place or maintain, upon any sidewalk in the Borough of Mechanicsburg, any of the following obstructions or encroachments:

- A. Any tank, pump or other fixture or device for the storage or dispensing of gasoline, oil, air or any other substance or material to motor vehicles.
- B. Any goods, wares or merchandise for display or sale, whether or not placed upon any stand or table, for a period of time exceeding 12 consecutive hours per day; provided however, that said goods, wares or merchandise placed on said sidewalk for sale or display as permitted herein, shall be placed on said sidewalk within 1/3 of the width of the sidewalk, closest to the building improvement line; and provided further, that goods, wares or merchandise for display or sale shall not be permitted on any sidewalk having a width of less than six feet.
- C. Any porch, cellar door or step, except that any such encroachments lawfully constructed or installed prior to the enactment of this Ord. [this Part 5] may continue to be maintained in the same location and in the future may be repaired, reconstructed or replaced providing that the same shall extend no farther into the sidewalk area and shall occupy no greater an area within the sidewalk lines than the same shall do at the time of enactment of this Ordinance.

§ 21-503. Removal of Unlawful Obstructions and Encroachments. [Ord. 774, 10/23/1967, § 3]

Every person who shall construct, install, place or maintain any obstruction or encroachment contrary to any of the provisions of this ordinance [this Part 5] shall, within 48 hours after notice from the Borough Council so to do, remove or cause the removal of such obstruction or encroachment, in default of which the Borough may cause the same to be removed and shall collect the cost of such removal, with an additional amount of 10% from the person in default. Provided: such cost and additional amount may be in addition to any penalty imposed under the fourth section of this ordinance.

§ 21-504. Clearance of Signs, Awnings and Other Coverings over Sidewalks. [Ord. 556, 7/21/1954, § 1; as amended by Ord. 649; 2/8/1961, § 1; and by Ord. 755, 10/23/1967, § 1]

It shall be unlawful for any person, firm or corporation to erect or maintain any covering or sign of a permanent nature over the sidewalk at a height of less than seven feet, six inches, measured from the highest point of the sidewalk, or to erect or maintain any covering or sign over the sidewalk of a temporary nature at a height of less than eight feet, measured from the highest point of the sidewalk. Provided: retractable awnings may be maintained with the lowest point not less than seven feet from the highest point of the sidewalk.

§ 21-505. Penalty. [Ord. 774, 10/23/1967, § 4; as amended by Ord. 925, 4/19/1983]

Any person who shall violate any provision of this ordinance [this Part 5] shall, for every such violation, upon conviction thereof, be sentenced to pay a fine not exceeding \$300 and costs of prosecution, or to imprisonment for a term not to exceed 30 days. Provided: each day's violation of any provision of this ordinance, after notice, shall constitute a separate violation. Provided further: such fine and costs may be imposed in addition to the cost of removal and additional amount collectible under the third section [§ 503, this Part 5] of this ordinance.

PART 6**SNOW AND ICE REMOVAL FROM SIDEWALKS**

§ 21-601. Responsibility for Removal of Snow and Ice/Time Limit. [Ord. 673, 11/14/1962, § 1; as amended by Ord. 987, 11/15/1994, § 1; and by Ord. 1142, 8/5/2014]

1. Within 24 hours after snow, ice, sleet and/or frozen rain has ceased to fall or form, the owner, occupant or tenant of every property with sidewalks fronting upon or alongside any of the streets in the Borough of Mechanicsburg is hereby required to remove all snow, ice, sleet and/or frozen rain from the sidewalk so that the entire length of the sidewalk with a minimum width of four feet across is free and clear of snow, ice, sleet and/or frozen rain. Should the width of the sidewalk be less than four feet across, then the entire width of the sidewalk must be cleared of snow, ice, sleet and/or frozen rain.
2. The owner, occupant or tenant of every property with a handicap ramp fronting upon or alongside any of the streets in the Borough of Mechanicsburg is required to remove all snow, ice, sleet and/or frozen rain from the entire ramp area within 24 hours after snow, ice, sleet and/or frozen rain has ceased to fall or form.
3. In the event that the snow, ice, sleet and/or frozen rain accumulation becomes so hard that it cannot be removed by means of a snow shovel, or similar device, then the owner, occupant or tenant of such property shall, within the time set forth in Subsection 1 above, cause enough cinder, sand or other similar abrasive to be put on the sidewalk to make travel reasonably safe, and shall, as soon as weather permits, cause to be cleared a pathway as described in Subsection 1 above.
4. No person shall throw, shovel, cast or otherwise place, pile, deposit or dump snow, ice, sleet, and/or frozen rain removed from sidewalks, walkways, driveways, or any other locations onto any street in the Borough of Mechanicsburg which has been plowed and cleared of snow, ice, sleet and/or frozen rain by the Borough of Mechanicsburg or the Pennsylvania Department of Transportation.
5. The owner of the property shall be responsible for conforming to the requirements of this section where such property is occupied by such owner and the owner shall also be responsible to conform to the requirements of this section even if the property is unoccupied by the owner and/or is occupied by a tenant, licensee, or permittee of owner.

§ 21-602. Authority for Borough to Remove Snow and Ice and Collect Costs, Plus 10%. [Ord. 673, 11/14/1962, § 2; as amended by Ord. 1142, 8/5/2014]

In any case where the owner, occupant or tenant, shall fail, neglect or refuse to comply with any of the provisions of § 21-601 of this Part within the time limit prescribed therein, the Borough may proceed immediately to clear all snow, ice, sleet, and/or frozen rain from the sidewalk of such property and collect from such owner of the property the expenses incurred by the Borough therefore and an additional 10% of such cost which may be collected in the same manner as municipal claims and liens and which may be in addition to any fine or penalty imposed under § 21-603 of this Part.

§ 21-603. Penalty. [Ord. 673, 11/14/1962, § 3; as amended by Ord. 925, 4/19/1983; by Ord. 987, 11/15/1994, § 2; and by Ord. 1142, 8/5/2014]

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine of not less than \$100 nor more than \$1,000 for each violation, plus court costs and costs of prosecution incurred by the Borough, and in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses. Procedures for collection of fines and penalties for default of payment shall be in accordance with Chapter 1 of this Code.
2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part is found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.
3. A person is defined for purposes of this Part as any natural person, firm, partnership, corporation, association, limited liability company, estate, trust or other legally recognized entity.
4. The Borough may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

PART 7
PLAY HIGHWAYS

§ 21-701. Sledding. [Ord. 775, 10/23/1967; as amended by Ord. 925, 4/19/1983]

No person or persons shall coast or ride upon any sled or similar conveyance upon any sidewalk in the Borough of Mechanicsburg, or upon any street or alley in the said Borough unless such street or alley shall have been set apart and designated by the Mayor as a "play highway," and shall have been blocked off or adequately protected from vehicular traffic. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300 and costs of prosecution.

PART 8**SKATES, SCOOTERS, SKATEBOARDS AND OTHER TOY VEHICLES****§ 21-801. Regulations. [Ord. 955, 12/15/1987]**

It shall be unlawful for any person to engage in rollerskating, ice-skating, or to ride upon or propel any scooter, skateboard or other toy vehicle upon:

- A. Any state highway within the Borough of Mechanicsburg except in order to cross the roadway; or
- B. Any sidewalk located in a business district as defined in the Pennsylvania Vehicle Code, except that nothing in this paragraph shall prevent a pedestrian from pulling a toy vehicle, with or without a rider, upon a sidewalk.

§ 21-802. Penalty. [Ord. 955, 12/15/1987]

Any person who violates any provision of Part 8 of this Chapter shall, upon conviction, be sentenced to pay a fine of \$5 and costs of prosecution.

PART 9
PARADES¹

§ 21-901. Definitions. [Ord. 1040, 5/22/2002, § 1]

As used in this Part, the following terms shall have the meanings indicated:

DEMONSTRATION — A public display or expression of group feelings toward a person or cause; or a show of force.

PARADE — Any gathering in or upon which the streets are occupied for the purpose of a march, procession or demonstration.

PERSON — Any individual or group of individuals, association, partnership, firm or corporation. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

PROCESSION — A group of individuals moving along in an orderly or disorderly way in a manner other than for normal pedestrian or vehicular traffic.

STREET — A public right-of-way or portion thereof intended for general public use to provide means of travel for vehicles and pedestrians. The word "street" shall include the words "street," "avenue," "road," "highway," "thoroughfare," "way," "drive," "lane," "court," "cul-de-sac" and "alley" but shall not include "driveway" or "sidewalk."

§ 21-902. Permit Required. [Ord. 1040, 5/22/2002, § 1]

No parade shall be conducted by any person upon any street in the Borough of Mechanicsburg without first obtaining a permit from the Mayor, or his or her designee. No person shall participate in a parade prior to full compliance with the provisions of this Part. In the exercise of his or her own powers and duties herein, the Mayor may delegate to the Chief of Police full authority to administer this Part.

§ 21-903. Permit Application. [Ord. 1040, 5/22/2002, § 1]

1. The application for a parade permit shall be made on a form prescribed by the Borough and shall be filed with the Mayor, or his or her designee, at least 21 days in advance of the proposed parade date. No fee shall be charged for such permit; however, all costs set forth in § 21-904(3) shall be paid. An escrow deposit, in an amount established by resolution of the Borough Council from time to time, shall be paid at the time of application and shall be applied to the costs set forth in § 21-904(3).
2. The following information shall be given on said application:

¹Editor's Note: See Chapter 1, Part 11, for recovery of costs for parades and special events.

- A. The name, address and telephone number of the person seeking to conduct such parade and requesting the permit.
- B. If other than a natural person, the names, addresses and telephone numbers of other persons of responsibility seeking to conduct such parade and requesting a permit.
- C. The name, address and telephone number of the person or persons who will be in charge of and who will be responsible for its conduct.
- D. A concise statement of the purpose of the parade.
- E. The proposed date of the parade.
- F. The approximate number of persons and vehicles in the parade.
- G. The approximate size and length of the parade.
- H. A map depicting the course of the parade.
- I. The estimated hours of duration.

§ 21-904. Conditions. [Ord. 1040, 5/22/2002, § 1]

1. The Mayor, or his or her designee, shall have limited authority to designate an alternate date, time, duration or course for any parade upon any street for which a permit is required. This authority shall be exercised solely to accommodate competing demands on the use of public streets. Applicants are encouraged to meet with the Mayor, or his or her designee, in advance of filing any application to discuss their needs and to learn of any traffic or competing conditions which could affect the date, time, duration or course of the intended parade.
2. The Mayor, or his or her designee, shall have the authority to determine the personnel, supplies and equipment necessary to protect the general public and parade participants during any parade. Acceptance of the permit by the applicant shall constitute acceptance of all permit conditions. It shall be a requirement of every parade permit that the applicant provide comprehensive general liability insurance coverage in amounts reasonably acceptable to the Borough and to provide to the Borough a certificate of insurance evidencing the naming of the Borough as an additional insured thereon. It shall be a further condition of all parade permits that the applicant and each participant shall obey the provisions of all State laws and Borough ordinances.
3. It is the policy of the Borough of Mechanicsburg not to subject its taxpayers to payment of costs associated with any parade not sponsored by the Borough Council. Therefore, direct costs incurred by the Borough to control traffic or crowds as a result of a parade not sponsored by the Borough shall

be borne by the applicant. Costs shall be limited to direct out-of-pocket expenses incurred by the Borough such as, but not limited to, regular and overtime wages paid to Borough employees, special fire police wages, payments to outside fire and police authorities for necessary assistance, the cost of temporary signs, barricade rentals and other traffic control devices and health, safety and sanitation amenities. No permit shall be issued until all costs for prior parade permits issued to the applicant, or any other applicant representing the same interest, shall have been paid in full.

§ 21-905. Limitations on Permit. [Ord. 1040, 5/22/2002, § 1]

No permit issued hereunder shall authorize or excuse any breach of the law or any trespass upon the rights of others or render the Borough of Mechanicsburg liable for any damage committed or caused under color thereof.

§ 21-906. Revocation of Permit. [Ord. 1040, 5/22/2002, § 1]

The Mayor, or his or her designee, may at any time revoke any permit if there shall have been committed any breach of the terms and conditions under which the same was issued or a violation of the terms of this Part, upon giving to the person to whom the permit was issued notice of such revocation. From the time of such notice of revocation, any act done under color of the such permit shall subject the person doing or allowing it to be done to the same penalty as if he or she had done such act without such permit, unless such revocation is disapproved as hereinafter provided.

§ 21-907. Appeals. [Ord. 1040, 5/22/2002, § 1]

If any person shall feel aggrieved by actions or decisions of any Borough officer in administering this Part or by the neglect or the refusal of the Mayor, or his or her designee, to issue such permit as aforesaid or by the terms or conditions imposed or by any revocation of such permit, such person may appeal to the Borough Council upon giving notice to the Borough Manager within one week after such decision, refusal or notice of revocation, and such decision, terms, conditions, refusal or revocation shall be binding upon the appellant until the Borough Council shall disapprove the same or order such modifications as it may deem proper, not inconsistent with Borough ordinances.

§ 21-908. Violations and Penalties. [Ord. 1040, 5/22/2002, § 1]

Any person who shall violate any of the provisions of this Part shall, upon conviction thereof, for each and every offense, be sentenced to pay a fine of not less than \$300 for each violation. Each day's violation of any of the provisions of this Part shall constitute a separate offense.

PART 10**STREET CLOSURES FOR CONSTRUCTION, MAINTENANCE OR SPECIAL EVENTS²****§ 21-1001. Construction and Maintenance Work. [Ord. 1040, 5/22/2002, § 2]**

The Borough Council shall have authority to close any street or specific part of a street to vehicular traffic and to place barriers or station police officers or other persons authorized to direct traffic at each end of the closed portion while construction maintenance work is under way. The Borough Council may delegate this authority to the Borough Manager. It shall be unlawful for any person to drive a vehicle upon any such closed portion.

§ 21-1002. Restricted Traffic Areas for Construction or Maintenance Work. [Ord. 1040, 5/22/2002, § 2]

The Borough Council shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen or police officers or other persons authorized to direct traffic at each end of the restricted portion. The Borough Council may delegate this authority to the Borough Manager. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop or is signaling that vehicle, by a flag or other device, not to proceed.

§ 21-1003. Street Closures for Special Events. [Ord. 1040, 5/22/2002, § 2]

The Borough Council shall have authority to close any street or specific part of a street or a sidewalk and to place barriers or station police officers or other persons authorized to direct traffic at each end of the closed area while a special event is being conducted on the closed area. For any such special event, the following shall apply:

- A. Definitions. As used in this Section, the following terms shall have the meanings indicated:

PERSON — Any individual or group of individuals, association, partnership, firm or corporation. The singular shall include the plural, and the masculine shall include the feminine and the neuter.

SPECIAL EVENT — An occasion requiring the occupation of streets or sidewalks for purposes other than normal pedestrian or vehicular traffic and for which purposes Part 9 of this Chapter is inapplicable. A demonstration, parade or procession, as those terms are defined in Part 9 of this Chapter, shall not be considered a special event.

²Editor's Note: See Chapter 1, Part 11, for recovery of costs for parades and special events.

STREET — A public right-of-way or portion thereof intended for general public use to provide means of travel for vehicles and pedestrians. The word "street" shall include the words "street," "avenue," "road," "highway," "thoroughfare," "way," "drive," "lane," "court," "cul-de-sac," and "alley" but shall not include "driveway" or "sidewalk."

- B. Approval Required. No special event shall be conducted by any person upon any street or sidewalk in the Borough of Mechanicsburg without first obtaining approval from the Borough Council. No person shall participate in a special event prior to full compliance with the provisions of this Section. No special event approval shall be required for persons using a portion of the public sidewalk so long as the remaining portion of the sidewalk, to a minimum width of four feet, remains open and passable to pedestrian traffic at all times.
- C. Approval Application.
- (1) The application for approval of a special event shall be made on a form prescribed by the Borough and shall be filed with the Borough at least 45 days in advance of the special event. No fee shall be charged for such approval; however, all costs set forth in subsection (D)(2) shall be paid. An escrow deposit, in an amount established by resolution of the Borough Council from time to time, shall be paid at the time of application and shall be applied to the costs set forth in subsection (D)(2).
 - (2) The following information shall be given on said application:
 - (a) The name, address and telephone number of the person seeking to conduct such special event and requesting the approval.
 - (b) If other than a natural person, the names, addresses and telephone numbers of other persons of responsibility seeking to conduct such special event and requesting approval.
 - (c) The name, address and telephone number of the person or persons who will be in charge of and who will be responsible for its conduct.
 - (d) A concise statement of the purpose of the special event.
 - (e) The proposed date of the special event.
 - (f) The hours during which such special event shall be conducted.
 - (g) The streets or sidewalks in or upon which the special event will be conducted.
- D. Conditions.

- (1) The Borough Council, upon recommendation of the Borough Manager, shall have full authority to determine the personnel, supplies, equipment and insurance requirements necessary to protect the general public and special event participants. Insurance requirements shall include the provision of comprehensive general liability insurance coverage in amounts reasonably acceptable to the Borough and to provide to the Borough a certificate of insurance evidencing the naming of the Borough as an additional insured thereon. The applicant shall be bound by all such conditions of approval.
 - (2) It is the policy of the Borough of Mechanicsburg not to subject its taxpayers to payment of costs associated with any special event not sponsored by the Borough Council. Therefore, direct costs incurred by the Borough to control traffic or crowds as a result of a special event not sponsored by the Borough shall be borne by the applicant. Costs shall be limited to direct out-of-pocket expenses incurred by the Borough such as, but not limited to, regular and overtime wages paid to Borough employees, special fire police wages, payments to outside fire and police authorities for necessary assistance, the cost of temporary signs, barricade rentals and other traffic control devices and health, safety and sanitation amenities. No permit shall be issued until all costs for prior parade permits issued to the applicant, or any other applicant representing the same interest, shall have been paid in full.
- E. **Limitations on Approval.** No approval granted hereunder shall authorize or excuse any breach of the law or any trespass upon the rights of others or render the Borough of Mechanicsburg liable for any damage committed or caused under color thereof. Where permission is sought to conduct a special event upon a State highway within the Borough, the applicant shall comply with all applicable requirements of the Commonwealth of Pennsylvania, Department of Transportation, and shall obtain the necessary highway occupancy permit.
- F. **Revocation of Approval.** The Borough Manager may at any time revoke any approval if there shall have been committed any breach of the terms and conditions under which the same was issued or a violation of the terms of this Section, upon giving to the person to whom the approval was issued notice of such revocation. From the time of such notice of revocation, any act done under color of such approval shall subject the person doing or allowing it to be done to the same penalty as if he or she had done such act without such approval.
- G. **Violations and Penalties.** Any person who shall violate any provisions of this Part shall, upon conviction thereof, for each and every offense, be sentenced to pay a fine of not less than \$300 for each violation. Each day's violation of any of the provisions of this Part shall constitute a separate offense.

PART 11**REGULATION OF DUMPSTERS AND SIMILAR CONTAINERS****§ 21-1101. Title. [Ord. 1141, 8/5/2015]**

This Part 11 shall be known and may be cited as the "Regulation of Dumpsters and Similar Containers on Streets in the Borough of Mechanicsburg Ordinance."

§ 21-1102. Definitions. [Ord. 1141, 8/5/2015]

The following definitions shall apply in the interpretation, administration, and enforcement of this Part:

DUMPSTER — Any uncovered, wheeled or otherwise movable receptacle utilized for the storage and/or collection of refuse, trash, debris or other solid waste materials.

GARBAGE — All table, refuse, animal and vegetable matter, offal from meat, fish and fowls, fruits, vegetables and parts thereof, and other articles and materials ordinarily used for food which have become unfit for such use or which are for any reason discarded.

HAZARDOUS WASTE — Any garbage, refuse or a combination thereof, as defined in Act 97 of 1980, which because of its quantity, concentration, or its physical, chemical or infectious characteristics, may:

- A. Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or total population; or
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

MUNICIPALITY or THE BOROUGH — The Borough of Mechanicsburg, Cumberland County, Pennsylvania.

PERMIT — A permit issued by the Borough authorizing the temporary placement of a dumpster, portable storage facility or container in or upon a public street or public grounds.

PERMITTEE — A person or legal entity that obtains or is required to obtain a permit under this Part.

PERSON — Any natural person, firm, partnership, corporation, association, limited liability company, estate, trust or other legally recognized entity.

POLICE DEPARTMENT — The Mechanicsburg Borough Police Department, Mechanicsburg, Pennsylvania.

PORTABLE OUTDOOR STORAGE FACILITY (POD) — A portable device or container of 20 cubic yards or more in size and intended for the storage of personal property. This does not include recreational or work-related trailers.

SOLID WASTE — Any garbage, refuse, industrial, lunchroom or office waste and other material, including solid or semisolid material generated in residential, municipal, commercial or institutional establishments and from community activities, and other solid waste which is within the definition of "municipal solid waste" as set forth in the Pennsylvania Solid Waste Management Act of 1980 (See 35 P.S. § 6018.101 et seq.) and which the county, the Cumberland County Solid Waste Authority or any contractor, by its ordinance or regulations, is willing to accept at the plant; but excluding any liquid waste or sludge, all wastes which are defined by existing or future federal or state law or regulations as hazardous waste or industrial residual waste, any waste which may be marketable and which is intentionally segregated for purposes of recycling and materials specifically excluded under applicable county ordinances. Act 97 the Pennsylvania Solid Waste Management Act of 1980, P.L. 380, No. 97, as now or hereafter amended.

STREET — Any public street, highway, road, lane, court, cul-de-sac, avenue, alley or other thoroughfare located within the Borough.

STREET STORAGE — Any item placed in a street for a period in excess of 48 consecutive hours that is not a motor vehicle as defined by the Pennsylvania Vehicle Code or a dumpster, including, but not limited to, containers commonly known as portable storage devices, stones, mulch, and yard waste.

§ 21-1103. Permit Required. [Ord. 1141, 8/5/2015]

No person, other than agents or employees of the Borough, shall place, maintain or use a dumpster or street storage, on public property, including public thoroughfares or Borough streets, without first having obtained a permit from the Borough by filing an application with the Police Department in a form to be hereafter prescribed.³ Any application fee for obtaining such a permit shall be established by resolution of the Borough Council. If the dumpster or street storage is or will be located on the street or within the cartway, the placement of the dumpster or street storage must be approved by the Chief of Police or his/her designee.

- A. The permit application is considered complete when all required information is provided on the permit application and any applicable fee is paid.
- B. The permit must be issued prior to the placement of the dumpster or street storage by the applicant.
- C. All permits issued under this Part shall be valid for a period of four weeks from the date of placement of the dumpster or street storage, as stated in the application. Applicant must notify the Police Department of delivery of dumpster or street storage. If it becomes necessary to amend the date of

³Editor's Note: The Application for Dumpster/Container or Street Storage form is included as an attachment to this chapter.

placement of the dumpster or street storage, the applicant shall notify Borough authorities and four weeks will begin with the actual placement of the dumpster or street storage.

- D. Upon expiration of permit, permittee may apply for one extension which may be granted if the enforcement official deems the extension necessary and reasonable. The applicant must apply for an extension at least five business days before the expiration of the original permit. Any extension request for permit, if granted, shall be limited to an increment of no more than a two-week period.
- E. Permits issued pursuant to this section shall be nontransferable. Permits may be used only by the permittee to whom originally issued for the dumpster or street storage at the location for which originally issued as stated on the permit application.

§ 21-1104. Placement and Use Regulations. [Ord. 1141, 8/5/2015]

1. No dumpster or street storage device shall be placed on any portion of a public pedestrian sidewalk or walkway in the Borough.
2. The placement of a dumpster or street storage upon a street shall not extend into the travel lane of traffic.
3. A dumpster or street storage placed upon a street shall be illuminated with a warning light, light reflector or a reflectorized material on the front and rear surfaces in such a manner to indicate the height and width of it, and shall be visible for a distance of not less than 300 feet between the hours of sunset and sunrise.
4. The location and utilization of a dumpster or street storage upon a street shall not be in a manner which constitutes a safety hazard to persons or property.
5. The location and utilization of a dumpster or street storage upon a street shall be in compliance with all federal, state and local laws, rules and regulations applicable thereto, including but not limited to any highway occupancy or other permit required by the Pennsylvania Department of Transportation, in addition to the requirements of this Part.
6. The dumpster or street storage shall be kept at least 20 feet away from any crosswalk and from any intersection and must be placed so it does not block the view of any motorist pulling into a roadway.
7. The dumpster or street storage shall be conspicuously marked with the name, address and telephone number of its owner and a copy of the current effective permit shall be visibly attached to it.

8. During all times when the dumpster or street storage is in place and in use, a tarpaulin or other suitable weather-resistant cover shall be placed over it in order to protect the contents from being displaced and/or causing litter on public property or a private premises or creating dust, offensive odors or other health hazards. In all instances, the container shall, when necessary, be provided with adequate restraints to prevent inadvertent movement from its original location. The need for restraints shall be determined by Borough officials at the time the permit is issued.
9. At all times, including those times when work is not being performed at the dumpster, the dumpster and its refuse contents must be maintained in a manner to assure that the contents of the dumpster may not be invaded or removed by animals, vermin, vandals, scavengers or trespassers and in a manner to assure further that persons occupying residences or other buildings or structures contiguous to, or adjacent to, the dumpster location will not be annoyed by noxious odors, noise, airborne pollutants or other elements or characteristics of the dumpster.
10. When a dumpster is filled to capacity, it must be removed from the Borough street within 24 hours of that occurrence. The dumpster shall be deemed to be filled to capacity when its contents extend above the top edge of any wall of the dumpster or beyond the edges of any door, hatch or other opening in the roof or any wall of the dumpster. No overflow of any material shall be permitted from the dumpster or street storage, nor shall any accumulation of any material next to the dumpster or street storage be permitted.
11. Hazardous waste and garbage shall not be stored in a dumpster or street storage.
12. Each application for a permit hereunder shall be accompanied by a certificate or certificates of insurance, in a form approved by the Borough Manager, issued by one or more insurance companies authorized to do business within the Commonwealth of Pennsylvania certifying that said company or companies have issued or have written the following policies, which shall not be cancelled except on 15 days' advance written notice to the Borough:
 - A. Comprehensive liability insurance shall be obtained and maintained by the permittee in the amount of at least \$100,000 for property damage and personal injury, combined single limit, arising out of or in connection with the placement or utilization of a dumpster or street storage on any street, with the Borough being named as an additional insured on said policy for such purpose.
 - B. If any item as listed in the definition section above is placed solely on private property, a certificate of liability insurance will not be required at the discretion of the Borough Manager.

13. The permittee shall execute an indemnity agreement, in a form acceptable to the Borough, promising to indemnify, save harmless and defend the Borough, its officials, agents, servants, and employees and each of them, against and hold it and them harmless from any and all lawsuits, claims, demands, liabilities, losses and expenses, including court costs and reasonable attorneys' fees for or on account of any injury to any person or any damage to any property, which may arise or which may be alleged to have arisen out of or in connection with the placement or utilization of a dumpster or street storage on any street.
14. Only one dumpster or street storage per property will be permitted on any street in the Borough.
15. If a chute or similar device or object is to be used with a dumpster, it must be deemed structurally sound by the Borough or its designee, and liability insurance in the same amount and form as set forth in Subsection 12 above shall be provided.
16. The permittee shall assume all risk of damage, and the Borough shall not be liable for any damage to the dumpster or street storage when the Borough is plowing snow, maintaining the street or other facilities within the street or performing other public functions. Should a snow emergency be declared by the Borough, permittee shall immediately remove the dumpster or street storage from the street.
17. The permittee shall be responsible for all damages to Borough property which may occur as a result of the placement or use of the dumpster or street storage. If the permittee does not promptly repair any damage after notice to do so from the Borough, the Borough may repair such damage and recover the cost from the permittee.
18. After the dumpster or street storage has been removed, the permittee placing the dumpster or causing its placement in the Borough shall clean and restore the dumpster location to the fullest extent reasonably possible to the condition of that location and its surrounding area as existed prior to placement of the dumpster. If the dumpster location area is not cleaned and restored within 24 hours of removal of the dumpster, then Borough Officials shall cause the area to be cleaned and restored and shall recover the total cost of such cleaning and restoration, plus a 10% surcharge on the total amount, from the permittee.

§ 21-1105. Revocation of Permit. [Ord. 1141, 8/5/2015]

1. Without limitation as to the utilization of any other legal or equitable remedy or action available to the Borough, civil or criminal, noncompliance with any of the requirements or provisions set forth in this Part or any material false statement or omission made in connection with the application for a permit shall be grounds for revocation by the Borough Manager, the

Borough Chief of Police or their designee of the permit issued pursuant to this Part.

2. The Borough reserves the right to revoke any permit issued for a dumpster or street storage if any conditions of approval are not met or maintained by the permittee. Upon notice of revocation, the permittee shall remove the dumpster or street storage within 24 hours of notice unless the Borough Manager, the Borough Chief of Police or their designee determines that because of health or safety concerns, immediate removal of the offending dumpster or street storage is required which, in that case, the permittee shall immediately remove the dumpster or street storage.

§ 21-1106. Removal of Dumpsters or Street Storage. [Ord. 1141, 8/5/2015]

All dumpsters or street storage placed upon a street in the Borough without a permit or upon expiration of a permit shall be removed immediately upon notice issued by the Borough or Mechanicsburg Borough Police Department. The Borough may at the expense of the owner or lessee of the property or the permittee remove or cause the removal of a dumpster or street storage.

§ 21-1107. Penalties. [Ord. 1141, 8/5/2015]

Any person who or which violates or fails to comply with any provision of this Part shall, upon conviction, be sentenced to pay a fine of not less than \$300 and not more than \$1,000 plus costs for each such violation. Each day or portion thereof in which a violation exists shall be considered a separate violation of this Part. Each provision of this Part which is violated shall be considered a separate violation. Such fine shall be in addition to any other fine which may be imposed under the provisions of any other ordinances of the Borough, Pennsylvania law, or federal law. In default of payment of any fine, such person shall be imprisoned for not more than 30 days.

§ 21-1108. Equitable Relief. [Ord. 1141, 8/5/2015]

In addition to or in lieu of the penalties provided in § 21-1107 hereof, any violations of the provisions of this Part may be abated or enforced by proceedings seeking equitable relief against the violator.