

An Ordinance establishing regulations in connection with interference with the use of utility facilities.

The Borough of West Kittanning hereby ordains as follows:

Section I. No person shall construct or maintain any buildings, poles, wires, shade or ornamental trees, or any other obstruction in, along or upon any street, alley or public highway of the Borough which may interfere with the convenient use of the streets, alleys and highways or the common sewers or sewerage system or the poles, wires and lighting system of the Borough, or the pipes and other apparatus for the supply of water for the use of the inhabitants of the Borough.

Section II. Whenever it appears or is made to appear to Council that any such building or obstruction has been constructed or shall be constructed, or is maintained in, along and over any of the streets and highways of the Borough, and that the same are in any way interfering with the common sewers or sewerage system or the lights and lighting system or the pipes and other apparatus provided for a supply of water within the Borough, and the convenient use thereof, which obstructions shall include all shade and ornamental trees in and along such streets and highways whose roots interfere with the convenient use of any sewer or water pipe or any apparatus connected therewith, or the limbs, branches or foliage thereof interfering with the poles, wires, lights and apparatus of the electric system of the Borough, the same shall be declared to be a nuisance and shall be abated as such.

Section III. Whenever Council, by affirmative action, declares any of such obstructions to be nuisances, notice shall be given through the Borough Secretary to the owner of the property where the same is located, erected or maintained, to remove and abate the nuisance within ten days. Upon failure to comply with such notice and requirement within such period, the Borough, through its proper officers, agents and employees, may proceed to remove the obstructions and nuisances either in their entirety or to such an extent that the nuisance shall not interfere with or obstruct the convenient use of the sewers, water mains and apparatus and electric light poles, wires and apparatus belonging to the Borough or to a public utility company, which partial removal shall include trimming the limbs and foliage or cutting the roots of such shade or ornamental trees as are in, along and upon such streets and highways or upon private grounds and in such close proximity to the sewage system, water system or lighting system as to necessitate attention and removal.

Section IV. If and when any such work in the removal of nuisances is done by the Borough, the costs thereof, together with a penalty of ten percent added thereto, shall be recovered from the owner of the real estate where the nuisances had been constructed or maintained, in the manner prescribed by law.

Section V. In addition to the remedy provided by Section IV whoever violates any provision of this article shall be fined not more than one hundred dollars (\$100.00), and, in default of the payment of the same, may be imprisoned in the County Jail for a period of not more than thirty days.

