

PART 3

EMERGENCY SNOW AND ICE REMOVAL ON STREETS UNDER CONSTRUCTION

§301. REQUIREMENTS.

Any road contractor and builder or owner of land in the Borough of New Stanton may apply to the Council of the Borough for emergency snow and ice removal on roads, streets and avenues under construction by said road contractors and builders or land owners under the following terms and conditions:

- A. The builder and/or land owner has submitted and had approved proper plans and profiles for such road, street or avenue, said approval being in accordance with the provisions of subpart A of this Part.
- B. A road construction permit has been granted by the Borough for any such road, street or avenue under construction.
- C. An executed copy of the agreement for the construction of any such road, street or avenue between the road contractor and the builder or land owner has been submitted to and is in the possession of the Council of the Borough.
- D. The road contractor and builder or land owner has provided the Borough with a performance bond in the amount required by subpart A of this Part, which performance bond shall guarantee the completion of the said construction.
- E. The road contractor and builder or land owner enters into a written agreement with the Borough in the form provided by the Borough, which agreement shall incorporate all of the provisions of this Part, as amended and supplemented, and all of the provisions of subpart A of this Part.

(Ord. 74-47, 12/12/1974, §1)

§302. LENGTH OF AGREEMENT.

Any emergency snow and ice removal agreed to under the provisions of this Part shall continue in effect for a period of no longer than 1 year from the date of the execution of the agreement provided in §301(E), above.

(Ord. 74-47, 12/12/1974, §2)

§303. WORK DOES NOT CONSTITUTE ACCEPTANCE.

Emergency snow and ice removal or any other work performed on any road, street or avenue under construction in the Borough under an agreement authorized by this Part shall in no manner constitute an acceptance of said road, street or avenue by the Borough as a

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public street and the Borough shall not be obligated to perform any work or labor other than that provided in such agreement and for the term provided in such agreement.

(Ord. 74-47, 12/12/1975, §3)

§304. DAMAGES TO STREET.

The Borough shall not be responsible for any damages occurring to any such road, street or avenue, its drainage facilities, curbing or subbase by any act done or failed to be done in emergency snow and ice removal under any agreement authorized by this Part.

(Ord. 74-47, 12/12/1974, §4)

§305. LIABILITY.

The road contractor and/or builder or land owner shall indemnify and save harmless the Borough from any and all liability, claims, demands, actions and causes of action on account of any property damage, personal injuries and any and all other loss and damage of any kind or nature whatsoever caused by, resulting from or occurring on any road, street or avenue or its right-of-way or its drainage facilities which is receiving emergency snow and ice removal by the Borough under any agreement provided by or authorized by this Part.

(Ord. 74-47, 12/12/1974, §5)