

Chapter 16

Part D: *Permit for Street Excavation* **(OR1-1989)**

100.00 Definitions:

101.00 Person:

101.10 The word “person” as used in this ordinance shall mean and include any natural person, partnership, association, firm or corporation.

102.00 Street:

102.10 The word “street” as used in this ordinance shall mean and include any public street, road or alley in the Borough of Saegertown, from inside sidewalk line to inside sidewalk line.

102.20 “Street” shall not include any state highway or continuation thereof for so long as permits or openings in such state highways shall remain under the jurisdiction and control of the State Department of Transportation.

200.00 **Permit Required:**

200.10 It shall be unlawful for any person to make any openings or excavation in or under any street in the Borough of Saegertown without first having obtained a permit therefore from the Borough’s zoning officer.

200.20 For each separate undertaking, such permit and application to be in the form prepared by the Borough and containing a statement that the applicant agrees to the terms of this ordinance.

300.00 Application for Permit:

300.10 The application for the permit and every such permit shall state the location and extent of the proposed opening, the purpose.

300.20 The permit shall further state the days and times when such street may remain open pursuant to such permit.

300.30 It shall be a violation of this ordinance for the holder of any such permit to make any opening or excavation otherwise than as provided in the permit as to location, extent, purpose and time.

300.40 PROVIDED, however, in case of emergency breaks or leaks, repairs may be made without a permit, on condition that the permit is obtained within twenty-four hours of the work.

400.00 Time When the Work Permitted:

400.10 It shall be unlawful for any work to be performed other than between May 1st and October 15th of any year.

400.20 PROVIDED however, in case of emergencies, repairs may be permitted.

500.00 Bond:

500.10 Before a permit shall issue, the applicant shall be required, to obtain a bond which shall be executed by one or more surety companies legally authorized to do business in the Commonwealth of Pennsylvania.

500.20 Which bond shall be in the amount set by resolution of Council, and shall be conditioned upon the compliance with the terms and provisions of this ordinance.

500.30 Which bond shall be payable to the Borough of Saegertown.

500.40 In lieu of furnishings said bond, the applicant may post a cash bond as set by resolution of Council.

600.00 Barriers/Warnings Lights and Signs:

600.10 It shall be the duty and responsibility of the holder of every permit under this ordinance to provide and maintain proper and adequate guards, barriers, warning lights and warning signs to prevent accidents.

600.20 Such permit holder shall assume all risks and be liable for all damages by reason of the opening or excavation and by reason of any failure to refill the opening, and to prepare the same for resurfacing.

700.00 Resurfacing/Repair of Sidewalks Duty of Permit Holder:

700.10 It shall be the duty of every holder of permit under this ordinance to refill the opening or excavation thoroughly and completely with 2B stone tamping the 2B stone, or flowable concrete, so as to prevent any settling thereafter.

700.20 The surface of the street shall be finished with the same material as before the excavation, and properly sealed and graded, so as not to hold water.

700.30 If settling should occur, the holder of the permit must refill at the request of the Borough's zoning officer.

700.40 Section 700 altered by Chapter 16 Part F.

701.00 Damage to Blacktop:

701.10 Any person, company or corporation shall be responsible for repairs to any damage they cause to Borough streets or alleys, by any means.

701.11 The Borough shall make repairs to any such damage, and bill the responsible party for costs to bring the damage back to acceptable condition.

800.00 Violations:

800.10 Any person who fails to comply with this ordinance shall, upon conviction, be guilty of a summary violation and shall be sentenced to a Class C fine as set by resolution of Council for each violation.

800.20 Each day for which a failure to comply with this ordinance occurs shall be deemed to constitute a separation violation.

900.00 Enacted:

900.10 ORDAINED AND ENACTED this 17th day of April, 1989