

Chapter 177

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Borough Council of the Borough of Edgewood as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Animals on streets and public places — See Ch. 84.
Bicycles on sidewalks — See Ch. 89.
Peddling on streets — See Ch. 152.

Curbside placement of refuse and recycling
containers — See Ch. 169.
Vehicles and traffic — See Ch. 193.

ARTICLE I

Construction and Maintenance of Sidewalks, Curbs and Driveways
[Adopted as Ch. XX, Part 2A and B, of the 1972 Code]

§ 177-1. Construction of sidewalks, curbs and gutters.

All owners of property abutting any paved street that may hereafter be paved with brick, concrete, asphalt or other permanent material shall, upon 30 days' written or printed notice from the Borough Council, lay a sidewalk or sidewalks conforming to the regulations of this article. Where curbs and gutters are not already provided, Council may by similar notice require that curbs and gutters be laid. In case of the failure or neglect of any owner or owners of such property to comply with said notice and the requirements of this article, the Borough, under the direction of the Borough Engineer, shall cause the grading, paving, curbing and guttering to be done at the cost of such owner or owners, and shall collect from the owner or owners such cost, together with the penalties provided by law, and in the manner provided by law.

§ 177-2. Sidewalk width, location, material and specifications.

- A. All sidewalks shall have such width and location as may be directed by the Borough Engineer and approved by Council. Sidewalks shall be constructed of concrete four inches in thickness, mixed with one part air-entrained cement, two parts sand and four parts gravel. Materials must be approved by the Borough Engineer and meet with the specifications of the American Society for Testing Materials for such work. Concrete shall be laid on a foundation of four inches of cinders, broken stone or other approved type materials. The outer edge nearest the curb shall be laid at a grade providing 1/4 inch per foot rise from the curb to the sidewalk, and such grade shall continue across the sidewalk.
- B. The surfaces and edges of the sidewalk must be kept true to line and grade. Walks must be jointed every five feet with an open joint extending to the bottom of the concrete. Approved expansion joints in addition to cut joints must be placed not farther apart than 20 feet, and expansion joints must be placed where the walks meet the curbs, driveways or walks or steps leading to houses. At all street intersections, the walk shall be produced to the curblin. All curbs and gutters shall be laid and installed in the manner and according to the specifications approved by the Borough Engineer.

§ 177-3. Maintenance of sidewalks, curbs and gutters; notice to repair.

All sidewalks, curbs and gutters when constructed shall be kept in a safe and usable condition by the owner of the abutting property. Whenever in the judgment of the Street Committee of Council or the Borough Engineer any sidewalk, curb or gutter shall be in need of repair, it shall be the duty of the Borough Secretary to give written or printed notice to the owner or

owners of the abutting property to cause the same to be repaired within 10 days thereafter. In the event of the failure of the owner or owners to have such repairs made, the Borough may cause such repairs to be made and collect the cost thereof from the owner or owners in the manner and with the penalties provided by law.

§ 177-4. Repairs.

- A. Repairs to sidewalks, curbs or gutters shall be made in accordance with the requirements of this article for new sidewalks, curbs or gutters, and no sidewalks, curbs or gutters heretofore laid with materials and in locations or at grades not in accordance with this article shall be repaired except with materials, at locations and according to specifications prescribed by this article.
- B. When it shall become necessary in the repair of any sidewalk, curb or gutter to cut the roots of trees located in the highway, or in any manner to interfere with such trees, any work on the trees shall be done by the Borough of Edgewood.

§ 177-5. Supervision of work.

All sidewalks, curbs and gutters shall be laid and repaired under the supervision and subject to the approval of the Borough Engineer or his authorized agent, who shall be given not less than 24 hours' notice of such laying or repair.

§ 177-6. Barricades and warning lights required during work.

During the construction, repair or reconstruction of sidewalks, curbs or gutters, the abutting property owner or owners, or the contractor performing such work, shall cause to have proper barricades and warning lights placed surrounding the areas being repaired or improved.

§ 177-7. Sidewalks to be kept clean and clear of obstructions. ¹

The owner or owners of properties abutting sidewalks shall at all times keep said sidewalks clean and clear from all dirt, rubbish, garbage and refuse matter and open and unobstructed for the use of the public. Any such owner or owners failing to comply with or violating the provisions of this section, after notice of the same, shall, upon conviction thereof, be subject to the penalties set forth in § 177-13, and the Borough may cause the removal of any such obstruction, dirt or debris and collect the cost thereof from the owner or owners by a lien against the property, or otherwise, as provided by law.

§ 177-8. Removal of snow and ice from sidewalks. ²

The owner or owners of all properties abutting sidewalks shall be responsible for keeping and shall keep such sidewalk areas clear of snow and ice in a manner that will permit the safe use

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

of said sidewalk area by the public. Any such owner or owners violating the provisions of this section and failing to comply therewith within 12 hours after notice from the Borough to have accumulated snow or ice removed from the sidewalk areas shall, upon conviction thereof, be subject to the penalties set forth in § 177-13, and the Borough may cause the removal of such accumulated snow or ice and collect the cost thereof from the owner or owners in the manner provided by law.

§ 177-9. Permit required to construct or change driveway crossing sidewalk or curb.

From and after the passage of this article it shall be unlawful to cut or cause to be cut or to change or alter in any way any curb on the highways of the Borough of Edgewood, or to construct or reconstruct any driveway across the sidewalks, except in accordance with the regulations and after issuance of a permit as hereinafter stated.

§ 177-10. Application for driveway permit; fee; issuance or refusal; appeal from refusal.

- A. Whenever the owner of any property is desirous of cutting the curb or constructing a driveway across the sidewalks, or of altering or of changing either of them, he shall make written application to the Borough Secretary for a permit to do so. Said application must state location of lot, frontage on street, location and extent of curb to be cut or changed, layout of driveway, and method and materials to be used in the work.
- B. The Borough Secretary shall issue a permit for such work upon the approval of the application by the Borough Engineer, and upon the payment by the applicant of a fee as set forth in Chapter 118, Fees.³
- C. The Borough Engineer shall approve or refuse to approve the application within 48 of its receipt; provide that any person whose application has been refused shall have the right to appeal from the decision of the Borough Engineer to the Borough Council, who shall act as a Board of Appeal and grant a hearing on the question raised in said application, and after hearing decide as to the issue or refusal of said permit.

§ 177-11. Driveway construction; location.

- A. Curbs may be cut or lowered and driveways constructed to properties so that driveways shall not be more than 20 feet in width and not more than one driveway to a lot of less than 50 feet frontage. Lots having more than 50 feet frontage may have two driveways, provided that for gasoline service stations, public garages or other commercial or manufacturing properties more than one driveway may be permitted provided that not less than 20 feet space is left between driveways.
- B. Curbs shall be cut not less than four inches below the level of the street or gutter surface; and driveways shall be constructed with the equal of concrete mixed in the proportion of one part cement, two parts sand and four parts of gravel, not less than six inches in thickness and reinforced with wire mesh.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. Driveway must slope to the elevation of the sidewalk in not to exceed 18 inches from the outer face of the curb, except where the sidewalk is at a greater distance than 18 inches from the curb, the driveway may slope to the outer edge of the sidewalk. Driveways shall be so constructed that water running down the driveways from the lot will flow to the gutter and not along the sidewalk.
- D. The Borough Engineer shall be notified when forms are ready for concrete and he shall approve the same before concrete is poured.

§ 177-12. Abandonment of driveway.

Upon the abandonment of any driveway, the Borough Engineer shall notify the owner to replace the curb in similar condition to other curb on the same block; and in case of failure of the property owner to do the work within 10 days from such notice, the Borough may do the work and collect the cost, plus 10% thereon, from the property owner, in the manner provided by law for the collection thereof.

§ 177-13. Violations and penalties. ⁴

Any person, firm or corporation violating any provision of this article, except § 177-12 hereof, shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Each day's violation of any such provision shall constitute a separate violation.

ARTICLE II Excavations and Openings [Adopted as Ch. XX, Part 3B, of the 1972 Code]

§ 177-14. Definitions.

The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

APPLICANT — Any person who makes application for a permit.

BOROUGH — The Borough of Edgewood, County of Allegheny, Commonwealth of Pennsylvania.

EMERGENCY — Any unforeseen circumstance which calls for immediate action.

MANAGER — The Manager of the Borough of Edgewood or his authorized deputy, representative, or inspector.

PERMITTEE — Any person who has been issued a permit and has agreed to fulfill all the terms of this article.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

PERSON — Includes any natural person, partnership, firm, association, utility, or corporation.

STREET — Includes the entire right-of-way of a public street, public alley, or public way, within the Borough, but shall not include any state highway.

§ 177-15. Permit required. [Amended 3-18-1996 by Ord. No. 933⁵]

It shall be unlawful for any person to make any opening or excavation of any kind in or under the surface of any street or sidewalk, except for the replacement or repair of a sidewalk and only after first securing a permit from the Borough for each separate undertaking. Provided, however, that any person maintaining pipes, lines or underground conduits in or under the surface of any street by virtue of any law, ordinance or franchise may proceed with an excavation or opening without a permit when emergency circumstances demand the work to be done immediately for the preservation of the public health, safety or welfare, provided that the permit could not reasonably and practically have been obtained beforehand. Such person, however, shall thereafter apply for a permit on the first regular business day on which the Borough is open for business and said permit shall be retroactive to the date when the work was begun.

§ 177-16. Street openings restrictions.

No person to whom a permit has been granted under the provisions of this article shall perform any of the work authorized by such permit in any amount or quantity greater than that specified in the permit, except that upon the approval by the Manager, additional work may be done under the provisions of the permit in an amount not greater than 10% of the amount specified in the permit. Any deposit and bond posted in connection with the original permit shall be deemed to cover any such additional work as may be approved pursuant to this section within the limit mentioned herein.

§ 177-17. Commencement of work.

Work for which a permit has been issued pursuant to this article shall commence within 30 days after the issuance of the permit therefor. If not so commenced, the permit shall be automatically terminated. Permits thus terminated may be renewed upon the payment of an additional permit fee in the same amount as the original fee.

§ 177-18. Nontransferability of permits.

Permits issued under this article are not transferable from one person to another and the work shall be carried out only at the location specifically designated in the permit.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 177-19. Expiration of permits.

Every permit issued hereunder shall expire 10 days after the date stated in such permit when the opening is to be refilled and resurfaced. If the permittee shall be unable to complete the work within the specified time, he shall, prior to expiration of the permit, present in writing to the Manager a request for an extension of time, setting forth therein the reasons for the requested extension, which extension may be granted by the Manager upon proper cause.

§ 177-20. Duties and responsibilities of applicants.

It shall be the duty and responsibility of any person applying for a permit to:

- A. Make a written application for such permit with the Manager on such form as he shall prescribe, setting forth the purpose for which the opening is desired to be made; the extent, size and location thereof; the date or dates upon which said opening is to be made; and the date and time when said opening is to be refilled and resurfaced in the manner hereinafter provided. No work shall commence until the Manager has approved the application and issued a permit and until the person has paid and furnished all fees, deposits, certificates and bonds required by this article; provided, however, that, as provided in § 177-15 of this article, work of an emergency nature may commence before a permit has been issued when said permit cannot be practically obtained beforehand. The application for a permit shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the Borough and the laws of the Commonwealth of Pennsylvania in relation thereto.
- B. Furnish in duplicate when required by the Manager plans showing the extent of the proposed excavation work, the dimensions, the location of the excavation work, and such other information as may be prescribed by the Manager.
- C. Agree to save the Borough, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of said work to be done in said application. The acceptance of any permit under this article shall constitute such an agreement by the applicant whether the same is expressed or not.

§ 177-21. Duties and responsibilities of permittees.

It shall be the duty and responsibility of any person obtaining a permit to:

- A. Pay a basic street opening fee, per square foot, as set forth in Chapter 118, Fees. [Amended 12-28-1981 by Ord. No. 841; 3-18-1996 by Ord. No. 933⁶]
- B. Make a deposit as required by § 177-24 of this article.
- C. Furnish a certificate of insurance as specified in § 177-29 of this article.

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- D. Present, when required by the Manager, evidence that all materials, labor and/or equipment which are needed to complete such undertaking as authorized by the permit are available.
- E. Keep the original copy of the permit at all times while such work is in progress at the location for which said permit was granted and show such permit upon demand to any authorized representative of the Borough.

§ 177-22. Opening and excavation restrictions.

- A. Unless authorized by the Manager and on conditions prescribed by him, no openings or excavations in any street shall extend beyond the center line of the street.
- B. No permit shall be issued for an excavation extending more than 250 feet longitudinally in any street.
- C. The permittee shall determine the location of all utility facilities including sewers, storm drains, gas mains, water mains, telephone and electrical conduits and other utility obstructions sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.
- D. The work of excavation shall be so conducted as not to interfere with any utility lines or connections, or other underground facilities, unless permission of the proper authorities in connection with such facilities shall have been obtained.
- E. Where a pipe drain, pipe culvert, or other structure or facility is encountered, it shall be replaced, restored, straightened or protected by the permittee.
- F. If in the process of his work, the permittee damages any public or private utility property, the utility may make the necessary repairs and file a claim against the permittee with the Borough for the cost thereof. If the claim is not paid promptly by the permittee, the amount may be withheld by the Manager from the deposit, or charged against the permittee's performance bond.
- G. Any monument of granite, concrete, iron, steel, brass or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey benchmark within the Borough shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Manager to do so. Permission shall be granted only upon condition that the permittee shall pay all expenses incidental to its proper replacement.
- H. If any work performed under the permit interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage to the satisfaction of the Manager.
- I. When any earth, sand, gravel, rock, stone, or other excavated material is caused to be deposited upon or to roll, flow, or wash upon any street, so as to create a nuisance or endanger life or property, the person responsible therefor shall cause the same to be removed immediately from the street upon notification to do so by the Manager. In the

event it is not removed within eight hours after notification, the Manager shall cause such removal and the cost of such removal shall be paid by the permittee or deducted from his deposit.

- J. To protect the public, every permittee shall place around the project proper barriers, barricades, lights, warning flags and danger signs as shall be determined by the Manager. All safety requirements and precautionary measures shall be based upon and conform to Pennsylvania Department of Transportation specifications. Copies of this publication are available in the office of the Borough for inspection by any permittee. No unauthorized person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign, or notice erected, placed or posted in accordance with the provisions of this article.⁷
- K. Every permittee shall maintain safe crossing for vehicle traffic at all street intersections in all directions and safe crossings for pedestrians at intervals of not more than 300 feet. Lanes of traffic shall be held open at all intersections, where possible, by the removal of dirt and the use of covering plates. All plates must be firmly secured and the installation must be inspected and approved by the Manager or his representative.
- L. Access to private driveways shall be provided except during work hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants.
- M. All materials excavated shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. Wherever necessary, in the opinion of the Manager, in order to expedite the flow of traffic or to prevent the spreading of dirt into traffic lanes, temporary wooden plank walks shall be installed where the excavated area is muddy and causes inconvenience to pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee or his agent shall keep a passageway at least 1/2 the sidewalk width open along such a sidewalk line.
- N. In the case of any leak, explosion or other accident in any subsurface pipe, line, or other facility, it shall be lawful for the person owning or responsible for such facility to commence an excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter, and that all other provisions of this article are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such facility, the Manager, after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus 15% to such person.
- O. In granting any permit under this article, the Manager may attach such other conditions thereto as may be reasonably necessary to prevent danger to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property

7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

or in a manner likely to create a nuisance. Such conditions may include but shall not be limited to:

- (1) Limitations on the period of the year in which the work may be performed;
- (2) Restrictions as to the size and type of equipment;
- (3) Designation of routes upon which material may be transported;
- (4) The place and manner of disposal of excavated materials;
- (5) Requirements as to the laying of dust, cleaning of streets, the prevention of noises, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof; and
- (6) Regulations as to the use of streets in the course of the work.

§ 177-23. Pavement cuts; backfilling; restoring openings.

- A. All pavement cuts, openings and excavations shall be properly made and backfilled according to Borough specifications.
- B. Unless otherwise determined by the Manager, all restorations of street pavements shall be made by the permittee.
- C. The Manager must be notified by the permittee not more than 48 hours prior to the beginning of work of the date and approximate time at which work will be begun.
- D. No work shall be performed by the permittee unless or until the Manager shall be present or permission has been given by the Manager to proceed in his absence.
- E. Whenever it is necessary to break through existing pavement for excavation purposes and where trenches are to be four feet or over in depth, the pavement in the base shall be removed to at least six inches beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement, and a six inch shoulder of undisturbed material shall be provided in each side of the excavated trench. The face of the remaining pavement shall be approximately vertical. A power-driven concrete saw shall be used so as to permit complete breakage of concrete pavement or base without ragged edges. Asphalt paving shall be scored or otherwise cut in a straight line. No pile driver may be used in breaking up the pavement.
- F. No tunneling shall be allowed without the express approval of the Manager and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Manager or his representative and shall be done only in a method approved by him.
- G. The work of restoration when carried out by the permittee, including both paving surface and paving base, shall be performed as follows:
 - (1) Every person who opens or excavates any street in the Borough shall thoroughly and completely refill the opening or excavation and restore the surface of the street

in accordance with the requirements of the Borough or specifications of the Department of Transportation of the Commonwealth of Pennsylvania, which specifications are hereby adopted as specifications of the Borough for restoration of surfaces of public streets in the Borough. If within two years after the restoration of the surface as herein provided defects shall appear therein resulting from defective workmanship by the permittee, he shall reimburse the Borough for the cost of all necessary repairs to the paving.⁸

- (2) Backfilling in any street opened or excavated pursuant to a permit issued hereunder shall be constructed to a degree equivalent to that of the undisturbed ground in which the trench was dug. Compacting shall be done by mechanical tampers or vibrators, by rolling in layers, as required by the soil in question and sound engineering practices generally recognized in the construction industry.
 - (3) Backfilling up to the first 18 inches above the top of the utility pipes or similar installations shall be done with thin layers. Each layer is to be tamped by manual or mechanical means. Layers that are hand-tamped shall not exceed two inches in thickness. Layers that are power-tamped shall not exceed four inches in thickness. The same requirements shall apply to the remainder of the backfilling if tamping is the method used for backfilling. Backfilling all pipes of over 24 inches in diameter shall be carried up to the spring line of the pipe in three-inch layers, with each layer moistened and thoroughly tamped with suitable mechanical equipment. The backfill around all pipes 24 inches or less in diameter shall be flooded or tamped as specified above to a depth of 18 inches above the top of the pipe before any additional backfilling is placed thereon.
 - (4) Whenever any excavation for the laying of pipe is made through rock, the pipe shall be laid six inches above the rock bottom of the trench and the space under, around and six inches above the pipe shall be backfilled with clean river sand, noncorrosive soil or one-quarter-inch minus gravel. Broken pavement, large stones, and debris shall not be used in the backfill.
 - (5) Backfilling shall be completed by placing the backfill material well up over the top of the trench. For dry backfilling, the material shall be compacted with a roller of an approved type or with the rear of a truck carrying at least five tons until the surface is unyielding. The surface shall then be graded as required.
- H. In the event that any work performed by or for a permittee shall, in the opinion of the Manager, be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him, or in the event that the work for which the permit was granted is not completed within the time fixed by the Manager, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 15% to the permittee or his surety.
- I. In addition to the responsibility of permittee for proper excavation, backfilling and surface restoration, as herein set forth, permittee shall be responsible for any damage to public or private property (including as public property the streets, curbs and sidewalks

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

of the Borough) caused by permittee in the prosecution of its work, and promptly repair such damage and make proper restitution therefor. In the event permittee fails to do so, the Borough may cause the same to be done and recover the expense thereof from permittee's deposit or performance bond.

- J. After such excavation or opening is commenced, the work of making and backfilling the same shall be prosecuted with due diligence so as not to obstruct the street more than is actually necessary. If the work is not so prosecuted, or if the work does not in the judgment of the Manager comply with the terms of this article, he shall so notify the person named in the permit and shall require such person, within three days after the service of such notice, to proceed with the diligent prosecution of such work, or properly to complete the same, as the case may be. If such notice is not complied with, the Borough may do such work as may be necessary to backfill such excavation, and to restore the street or part thereof excavated, to the same condition as before such excavation was made. All expenses incurred by the Borough shall be recovered from the permittee's deposit or surety. No further permit shall be granted any person unless and until any opening or excavation already made by him has met all requirements of this article.
- K. The Manager or his authorized agents may make daily inspections of all work authorized by permits issued pursuant to this article.
- L. Upon completion of all work accomplished under the provisions of the permit, the permittee shall notify the Manager in writing, on a form prescribed by him. A certificate of final inspection shall be issued by the Manager to the permittee no sooner than two years after the permanent restoration of the opening or excavation has been made, provided the work authorized by the permit has been performed according to Borough specifications. Prior to the issuance of a certificate, the Manager shall make a final inspection of the restoration to determine whether Borough specifications have been adhered to.
- M. If any settlement in a restored area occurs within a period of two years from date of completion of the permanent restoration, it shall in general be considered as conclusive evidence of defective backfilling. Any expense which may be incurred by the Borough in correcting such settlement shall be paid by the permittee or recovered from his surety.
- N. Unless part of the work is being performed by the Borough, no opening or excavation made by a permittee shall be considered to be in the charge or care of the Borough, or of any officer or person employed by the Borough, and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening or excavation, except in the exercise of police power, where and when it is necessary to protect life and property.
- O. If, in his judgment, traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the Manager, shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee 24 hours a day to the end that such excavation work may be completed as soon as possible.

§ 177-24. Bond or cash deposit required.

The applicant at the time of submission of his application to the Borough shall execute and deliver to the Borough a bond in the amount hereinafter fixed with corporate surety approved by the Manager. Where the bond required is intended to cover an indefinite number of street openings, such bond shall be in the amount of \$5,000; where the bond is intended to cover one street opening only, such bond shall be in the sum of \$1,000. Such bond shall be given on the condition that the principal will perform all work authorized by the permit under and in accordance with the provisions and conditions of this article, and will indemnify and save harmless the Borough from any loss, damage or expense in any manner occasioned by, or arising from, the opening of such street, or the work done in consequence thereof, or the manner of doing such work, and will pay to the Borough any and all sums whatsoever which the said Borough may be compelled to expend for or by reason of the opening of such street by the principal, and that such bond shall remain in force until the issuance of the certificate of final inspection provided for in § 177-23L of this article; provided, however, that if any applicant shall not desire to furnish the aforesaid bond, he shall deposit with the Borough a sum of money in the form of cash or certified, treasurer's or cashier's check made payable to the Borough, equal to \$50 for each square yard, or part thereof, of the opening covered by the permit, which said deposit shall be made under the same conditions as set forth above for the surety bond.

§ 177-25. Default in performance.

Whenever the Manager shall find that a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the permittee and to the surety of the bond. Such notice shall state the work to be done and the period of time allowed by the Manager for the completion of such work.

§ 177-26. Completion of work.

After receipt of such notice, the permittee or his surety must, within the time therein specified, cause the required work to be performed. In the event the required work is not performed in accordance with and within the time specified in said notice, the Borough may cause such work to be performed and charge the cost thereof against the permittee and its surety.

§ 177-27. Terms of bond or money deposit.

The terms of each bond or money deposit posted shall begin upon the date of the posting thereof and shall end upon the receipt by the permittee of a certificate of final inspection from the Manager.

§ 177-28. Refund of deposit.

Upon issuance by the Manager of the certificate of final inspection with respect to any street opening, any deposit in the form of money received by the Borough shall be refunded to the permittee, less all sums due the Borough for work performed by it under the provisions of this article.

§ 177-29. Insurance requirements.

The Manager may require the applicant to furnish, prior to the issuance of the permit, a certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damages which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall provide complete third-party coverage for the Borough. The amount of such liability insurance for bodily injury shall be not less than \$100,000 for each person and \$300,000 for each accident and for property damages an amount not less than \$50,000. Failure of the applicant to file such certificate shall be grounds for denying a permit; provided, however, that franchised public utilities, and other governmental agencies, may be relieved of the obligation of submitting such a certificate if they do the work contemplated under the permit with their own personnel or with a contractor insured as required; however, such waiver shall not release any such organization from any and all liability under any of the obligations provided herein.

§ 177-30. Notice of improvements.

When the Borough shall schedule reconstruction of any street, the Manager shall first give notice to all persons owning property abutting on the street about to be reconstructed, and to all public utility companies operating in the Borough, and all such persons and utility companies shall do all known work that would necessitate excavation of the street, within 30 days from the giving of such notice. The time may be extended if permission has been requested in writing and has been approved by the Manager.

§ 177-31. Appeals.

Any person believing himself to be aggrieved by a decision of the Manager, or his refusal to grant a permit, shall have the right to appeal to the Borough Council within 30 days from the Manager's decision or refusal to grant a permit.

§ 177-32. Liability of Borough.

This article shall not be construed as imposing upon the Borough or any official or employee any liability or responsibility for damages to any person injured by the performance of any work for which a permit is issued hereunder; nor shall the Borough or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit or the approval of any work.

§ 177-33. Violations and penalties. ⁹

Any person violating any provision of this article shall for each and every violation, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Each day on which any violation shall continue shall constitute a separate violation.

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).