BOROUGH OF DORMONT

ORDINANCE NO. 1658

AN ORDINANCE OF THE BOROUGH OF DORMONT, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, AMENDING AND RESTATING CHAPTER 181, ARTICLE I, ("GENERAL PROVISIONS"); CHAPTER 181, ARTICLE II ("STREET OPENINGS"), TO UPDATE DEFINITIONS, TO ISSUE NEW STANDARDS AND PROCEDURES REGULATING OPENINGS AND EXCAVATIONS WITHIN THE MUNICIPAL RIGHT-OF-WAY IN THE BOROUGH; TO REQUIRE CURB-TO-CURB RESTORATION OF RIGHT-OF-WAY, AND TO UPDATE BOND AND INSURANCE REQUIREMENTS IN CONNECTION THEREWITH.

WHEREAS, Chapter 181, Article I ("General Provisions") and Chapter 181, Article II ("Streets Openings"), of the Code of the Borough of Dormont regulates the construction, opening, excavation, and restoration of sidewalks, streets and roadways in the Borough; and

WHEREAS, the Borough desires to update definitions, standards and procedures concerning and regulating openings and excavations within the municipal Right-of-Ways in the Borough; and

WHEREAS, the Borough desires to require curb-to-curb restoration of the municipal Right-of-Way; and

WHEREAS, the Borough desires to update insurance and bonding requirements for such openings; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Council of the Borough of Dormont, Allegheny County, Pennsylvania, as follows:

Section 1. Chapter 181, Article I, "General Provisions," is repealed in its entirety, and amended to state as follows:

§ 181-1. Roller-skating, skateboarding and bicycling restricted.

It shall be unlawful for any person to roller-skate, roller-blade, ride upon a bicycle or ride a skateboard on any sidewalk in a zoned commercial district at any time within the Borough or at any other location where it has been properly posted by the Borough that such activity is expressly prohibited.

§ 181-2. Duty of owner to maintain sidewalks.

It shall be the duty of each owner of property abutting any paved street in the Borough to maintain the sidewalk in front of such premises. When any sidewalk is found to need repair, the Borough shall provide written notice to the property owner requiring that the sidewalk be repaired within eighty (80) days. If the owner fails to comply within the time specified, the Borough may, at its option, cause the sidewalk to be repaired and shall recover the full cost and expenses thereof, together with applicable penalties, interest, and attorneys' fees as permitted by law. All such costs and charges shall constitute a municipal claim and lien against the property and may be filed and collected in accordance with the Pennsylvania Municipal Claims and Tax Liens Act, Act of May 16, 1923, P.L. 207, as amended, 53 P.S. § 7101 et seq.

§ 181-3. Curbs and gutters to be installed on unimproved streets.

The owners of all land facing unimproved streets where curbs and gutters have not been constructed in the Borough shall provide, keep and maintain a concrete curb. Such curbs and gutters shall be constructed in accordance with the usual and regular specifications for like improvements within the Borough. All such curbs and gutters shall be laid under the supervision of the Borough Engineer.

§ 181-4. Notice to install curbs and gutters.

In all cases where the owners of property in the Borough have not already laid the curbs and gutters provided for in § 181-3, such owners shall, within 80 days after service of notice by the Borough, cause such curbs and gutters to be made and laid, and on the failure of such landowners to make and lay such curbs and gutters within 80 days after the service of notice upon them, the Borough shall cause such curb and gutter to be made and laid and collect from the owners the cost thereof, with penalties, interest and attorneys' fees, as permitted by law. All such costs and charges shall constitute a municipal claim and lien against the property and may be filed and collected in accordance with the Pennsylvania Municipal Claims and Tax Liens Act, Act of May 16, 1923, P.L. 207, as amended, 53 P.S. § 7101 et seq.

§ 181-5. Preservation of Borough lien.

No provision of this article shall preclude the Borough from filing a municipal claim in order to preserve a lien as provided by law.

§ 181-6. Deposit of snow prohibited.

It shall be unlawful for any person to deposit or cause to be deposited on any highway, street or alley within the Borough any snow which has been removed from sidewalks or steps, driveways or any other private grounds.

§ 181-7. Accumulation of snow prohibited.

No snow which has fallen upon highways, streets or alleys in the Borough shall be piled or accumulated upon said highways, streets or alleys. All snow falling upon highways, streets and alleys in the Borough, if disturbed, must be removed to private grounds. The provisions of this section shall not apply to snow clearing and removal by the Borough.

§ 181-8. Prohibited construction; mixture of materials.

No sheds or buildings of any kind shall be constructed on the streets, highways or sidewalks of the Borough. No mortar or plaster shall be mixed on the surface of any of the paved streets or highways or sidewalks of the Borough. No materials or obstructions whatsoever shall be placed on any street, highway or sidewalk of the Borough within 25 feet either way or in front of any fire hydrant now located or which may hereafter be in the Borough. Persons obstructing any thoroughfare are required to display an illuminated lantern on the obstructions.

§ 181-9. Sidewalks to be kept clear.

All sidewalks in the Borough shall be kept clean and clear from all dirt, earth, rock, rubbish, glass, refuse matter and other obstruction, and all sidewalks shall always be allowed to remain open and unobstructed for the use of the public. All owners of premises or persons inhabiting premises abutting sidewalks in the Borough shall be responsible for ensuring that the sidewalks are free and clear of all dirt, earth, rock, rubbish, refuse matter and other obstructions. In addition, the owner or persons inhabiting premises of the abutting property shall keep sidewalk areas free from weeds, hedges and other similar obstructions always. When snow shall fall, the same shall be removed within 24 hours after the snow shall cease to fall. In the case of vacant or unoccupied property of owners residing outside of the Borough, the Borough may, at its option, cause any such dirt, earth, rock, rubbish, glass, refuse matter, snow or other obstruction to be removed or notify such nonresident owner to remove the dirt, earth, rock, rubbish, glass, refuse matter, snow or other

obstruction within 24 hours. In case of his or her failure to do so, the Borough shall remove the same and collect the cost thereof from such non-resident owner.

§ 181-10. Projections into area of sidewalk.

No steps, areaways, vault holes, cellar doors, basement windows or artificial structures or projections of any kind shall be allowed or permitted to encroach or project beyond the inner line of any sidewalk in the Borough, nor shall any building or structure or attachment thereto or any part of any building or structure, except roof cornices and door and window sills, be allowed or permitted to encroach upon, overhang beyond, or project over the inner line of any Borough right-of-way, including sidewalks, without the consent of the Council being first obtained thereto, which shall be evidenced by resolution passed in the regular manner, and without proof of insurance naming the Borough as an additional insured. In granting such consent, the Council may attach such conditions as it determines in its sole discretion.

§ 181-11. Pumps prohibited on sidewalks; exceptions.

A. It shall be unlawful for any person to place or erect any post, pump, gasoline pump, gasoline filling device, oil pump, oil filling device or other obstruction on any part of the sidewalks between the curb and the property line within the limits of the Borough.

B. The structures enumerated in this section are not intended to include poles and posts used by public service utilities.

§ 181-12. Location of poles, trees and lampposts.

All poles, trees and lampposts which may be located within the limits of any street shall be located between the sidewalk and the property line and not against the curb, or in conformity with Chapter 210, Zoning, whichever is more restrictive.

§ 181-13. Violations and penalties.

Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than $1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article

that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Allegheny County.

Section 2. Chapter 181, Article II, "Street Openings," is repealed in its entirety, and amended to state as follows:

§ 181-14. 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 or Public Utility Company who applies for a permit.

BOROUGH - the Borough of Dormont, Allegheny County, Pennsylvania.

EMERGENCY — Any unforeseen circumstances or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

MANAGER — The appointed Manager of the Borough, or an individual expressly designated by the Manager to act on the Manager's behalf, including an assistant manager, agent, consultant, inspector, the Borough Engineer, or the Borough Solicitor, provided such individual is acting within the scope of authority designated by the Manager.

SIDEWALK- That portion of a Street located outside the cartway and may include paved footway, unpaved grass lot, curb, and gutter.

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

PUBLIC UTILITY COMPANY ——Any entity subject to the jurisdiction of the Pennsylvania Public Utility Commission, or any authority, agency, or company that owns or operates facilities within the Right-of-Way to provide water, sewer, gas, electric, telecommunications, cable, or similar services to the public.

STREET — The improved portion of the Right-of-Way used for vehicular and/or pedestrian travel.

RIGHT-OF-WAY—The full width of land dedicated or otherwise devoted to public use, including the Street, cartway, Sidewalks, curbs, gutters, and all subsurface areas.

RIGHT-OF-WAY SPECIFICATIONS — shall mean the technical standards, construction requirements, materials criteria, restoration obligations, safety measures, permitting conditions, and inspection protocols governing any work performed within a Right-of-Way. Such specifications shall include, without limitation, all applicable Borough specifications prepared by the Borough Engineer and adopted by the Borough Council, as the same may be amended from time to time, and attached

hereto as Appendix 1, together with any supplemental written directives issued by the Borough Engineer. Right-of-Way Specifications shall also include all applicable federal and state accessibility requirements, including compliance with the Americans with Disabilities Act (ADA) and applicable accessibility guidelines governing pedestrian facilities and curb ramps.

§ 181-15. Permit required; exceptions.

A. It shall be unlawful for any person to make any tunnel, opening or excavation of any kind in the Right-of-Way without first securing a permit from the Manager; provided, however, that any person maintaining pipes, lines or other underground facilities in or under the surface of any Street may proceed with an opening without a permit in an Emergency, provided that the permit could not reasonably and practically have been obtained beforehand. In such cases where an Emergency exists, Borough shall be notified prior to such openings in one of the following manners:

(1) Email to the Borough's general email address.
(2) Telephone notification.
(3) PA One-Call.

B. The person shall thereafter apply for a permit on the first regular business day on which the Borough offices are open for business, and said permit shall be retroactive to the date when the work has begun.

§ 181-16. Adherence to terms of permit.

No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount greater than that specified in the permit, except that where the Permittee desires to perform additional work not in excess of an amount greater than 10% of the amount specified in the permit, the Permittee may apply to the Manager for an amended permit to permit the additional work. If the additional work desired to be performed by the Permittee exceeds 10% of the amount specified in the original permit, an application for a new permit shall be made. Any deposit or bond posted in connection with the original permit shall be deemed to cover any such additional work as may be added pursuant to the issuance of an amended permit within the limit specified herein.

§ 181-17. Time frame for commencement of work.

Work for which a permit has been issued shall start within 30 days after the date of issuance of the permit. If not so commenced, the permit shall be terminated automatically unless the Permittee applies for an extension of time within which to start work. If such an extension is granted, the original permit shall remain in force for the period specified in the extension. Permits that are terminated because of failure to commence work within 30 days after issuance or within any extension of time granted

hereunder may be renewed only upon the payment of an additional permit fee as originally required.

§ 181-18. Permits nontransferable.

Permits are not transferable from one person to another, and the work shall not be performed in any place other than the location specifically designated in the permit.

§ 181-19. Expiration of permits.

Every permit shall expire at the end of the time that is set out in the permit. If the Permittee cannot complete the work within the specified time, he or she shall, prior to expiration of the permit, present, in writing, to the Manager a request for an extension of time setting forth the reasons for the requested extension. If the Manager finds that the failure to complete the work under the permit within the time specified in the permit was due to circumstances reasonably beyond the control of the Permittee and that an extension of time to complete the work under the permit is necessary and not contrary to the public interest, the Permittee may be granted additional time for the completion of the work.

§ 181-20. State and county highways.

The provisions of this article shall not be applicable in those instances where the Right-of-way is maintained by the Commonwealth or by the County of Allegheny; provided, however, that any person applying for a permit to do work within the Right-of-Way maintained by the Commonwealth of Pennsylvania or by the County of Allegheny which would otherwise require a permit under the terms of this article shall notify the Manager at the time that said application is made and at the time that the work under any permit issued pursuant to said application is begun, so that proper safety precautions may be taken by the Borough during the continuation of said work.

§ 181-21. Right to use Streets.

Every permit shall be granted subject to the right of the Borough or of any other person entitled thereto to use the Street for any purpose for which such Street may lawfully be used not inconsistent with the permit.

§ 181-22. Duties and responsibilities of Applicant.

It shall be the duty and responsibility of any Applicant to:

A. Make written application for such permit with the Manager on such form as he or she shall prescribe. No work shall commence until the Manager has approved the application and plan and issued a permit and until the Permittee has paid and provided all required fees, certificates and bonds. Written application may be submitted in person, by U.S. mail, or by email to the Borough's designated email address.

B. Pay a permit fee in an amount as set forth by resolution of the Borough Council.

C. Identify all contractors and subcontractors that will perform work and provide contact information, license numbers, and insurance information for each contractor and subcontractor on the application. The Permittee shall notify the Manager within 48 hours of any change in contractors or subcontractors during the course of the permitted work

D. Furnish, in triplicate, a plan showing the work to be performed under said permit. The plan should show the size and location of the intended facility, the dimensions of the proposed Street opening, width of the roadway, Right-of-Way lines, property lines, and a dimension to the nearest intersecting Street, as well as proposed restoration plan. Two copies of such plan shall be returned to the Applicant at the time the permit is granted.

E. Provide proposed temporary traffic control plans and details showing the work to be performed under said permit.

F. Agree to indemnify, protect, defend, and save the Borough, its officers, employees, appointed officials, and agents harmless from all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit. The acceptance of a permit shall constitute such an agreement by the Applicant, whether the same is expressed or not.

G. The Manager shall serve as the primary authority for approving permit applications, directing inspections, and issuing a certificate of final inspection. The Borough Engineer shall serve in a technical advisory capacity and may conduct or direct technical inspections as requested by the Manager. All final permit approvals and certificates shall be issued by the Manager or his or her designee.

§ 181-23. Duties and responsibilities of Permittee.

It shall be the duty and responsibility of any person receiving a permit, including, but not limited, to all Permittees, contractors and subcontractors, to:

A. Provide photographs to the Manager of the pre-construction condition of the proposed Right of Way.

B. Furnish bonds as required in § 181-26 of this Ordinance.

C. Furnish a certificate of insurance as required in § 181-27 of this Ordinance.

D. Submit a list of owners and/or tenants and/or addresses of all properties abutting the area where the work authorized by the permit is to be performed

E. Present evidence, when required, that all materials, labor and equipment which are needed to complete such work as authorized by the permit are available.

F. Keep the original copy of the permit and an approved copy of the plan at all times while such work is in progress at the location for which such permit was granted and show such permit and/or plan upon demand by the Manager.

G. Provide notice, consistent with the Pennsylvania Underground Utility Line Protection Law, 73 P.S. § 176 et seq. (Pennsylvania 811), including:

(1) Submitting a locate request to the Pennsylvania One Call System no fewer than three (3) business days prior to the commencement of excavation or other ground-disturbing activity;

(2) Retaining the PA 811 ticket/confirmation number and making it available upon request by the Manager;

(3) Not commencing excavation until all required utility markings have been completed or the appropriate clearance has been received; and

(4) Re-notifying PA 811 if work does not commence within the validity period of the original ticket. The Borough shall not issue a permit until the Applicant certifies compliance with this subsection .

H. If the work to be undertaken by the Permittee is such that it will affect the use of properties abutting or adjoining the project, the Manager may require the Permittee to submit a list of owners and tenants and/or addresses of all properties abutting the area where the work authorized by the permit is to be performed. Upon receipt of such list, the Permittee shall notify the affected property owners and tenants of the proposed work to be done no later than 48 hours before work authorized by the permit begins.

I. If the work to be undertaken by a Permittee will affect other subsurface installation(s) in the vicinity of the proposed opening, the Permittee shall notify the owner(s) of such facilities of the proposed work.

J. During the excavation, construction, repair or relay, curing and backfilling of any portion of the Right-of-Way, the Permittee shall place and maintain, or cause to be placed or maintained, adequate hazard warnings to vehicular and pedestrian traffic by means of barricades, flares, lights or similar means. The Permittee shall be solely responsible and liable for the adequate placement of such hazard warnings, or contract with the Dormont Police for traffic control.

K. Whenever any pipe, conduit, duct, tunnel, or other structure located under the surface of any Right-of-Way is abandoned, or the use thereof abandoned, the person owning, using, controlling, or having an interest therein shall, within thirty (30) days after such abandonment, file with the Manager a statement in writing giving in detail the location of the structure so abandoned. Whenever there are manholes or tunnels associated with any abandoned underground facilities, such manholes or tunnels shall be filled in at the time of abandonment and the Manager

notified thereof in writing. When the Borough plans to pave or improve any area of the Right-of-Way in which there are abandoned facilities, the owner of such facilities shall be notified to remove them if, in the opinion of the Manager, their removal is in the best interest of the Borough. If the owner refuses to remove such abandoned facilities, the Borough shall remove the abandoned facilities, and the owner shall reimburse the Borough for such removal.

§ 181-24. Requirements and specifications.

A. *No opening or excavation in any Street shall extend beyond the center line of the Street before being backfilled and the surface of the Street temporarily restored. The intent is to always provide at a minimum one lane of traffic wherever possible.*

B. *No more than 250 feet measured longitudinally shall be opened in any Street at any one time, except by permission of the Manager.*

C. *All pipes shall be bedded and backfilled.*

D. *All utility facilities shall be exposed sufficiently, or their definite location shall be determined ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.*

E. *Pipe drains, pipe culverts or other facilities encountered shall be protected by the Permittee.*

F. *Any person, utility, or municipal entity whose facilities are damaged or caused to be relocated by the Permittee shall notify the Permittee and the Borough of such damage and thereafter may make the necessary repairs or relocation and file a claim against the Permittee with the Borough for the cost of such repairs or relocation. Public utility companies concerned shall be notified by the Borough in sufficient time to determine the validity of the damage or relocation claims.*

G. *Monuments of concrete, iron 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 bench mark within the Borough shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained, in writing, from the Manager. Permission shall be granted only upon the condition that the Permittee shall pay all expenses for the proper replacement of the monument.*

H. *Provide erosion and sedimentation control in accordance with the Department of Environmental Protection, PA Code Title 25 Chapter 102, and the Allegheny County Conservation District.*

I. When work performed by the Permittee interferes with the established drainage system of any Street, provision shall be made by the Permittee to provide proper drainage.

J. The Permittee is responsible for damage caused to property owners as a result of work done under the permit.

K. When any earth, gravel or other excavated material is caused to flow, roll or wash upon any Street or Sidewalk, the Permittee shall cause removal of the same from the Street or Sidewalk within eight hours after deposit to permit safe flow of traffic. If the earth, gravel or other excavated material deposited is not removed as specified, the Manager shall cause such removal, and the cost incurred shall be paid by the Permittee or deducted from his or her bond.

L. Every Permittee shall place around the project such barriers, barricades, lights, warning flags and danger signs as shall be determined by the Manager to be necessary for the protection of the public. Additional safety requirements may be prescribed by the Manager and, where applicable, shall be in conformance with the requirements set forth in 67 Pa. Code Chapter 212, dealing with work zone traffic control. Copies of the publication shall be made available in the office of the Manager for inspection by the public.

(1) Whenever any person fails to provide or maintain the required safety devices, such devices shall be installed and maintained by the Borough. The amount of the cost incurred shall be paid by the Permittee or deducted from his or her bond.

(2) No 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 section

M. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be always provided to fire hydrants.

N. Excavated materials shall be laid compactly along the side of the trench and kept trimmed up to cause as little inconvenience as possible to public travel. To expedite the flow of traffic or to abate dirt or dust nuisance, the Manager may require the Permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the Permittee as directed by the Manager. If the Street is not wide enough to hold the excavated material without using part of the adjacent Sidewalk, the Permittee shall keep a passageway at least 1/2 the Sidewalk width open along such Sidewalk line.

O. Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless the Permittee obtains written consent from the Manager to do the work at an earlier or later hour. Such permission shall be granted only in the case of an Emergency or if the work authorized by the permit is to be performed in traffic-congested areas.

P. The use of mechanical devices for the breaking of pavement, such as a hydra-hammer, headache ball, etc., will be permitted only under special written permission of the Manager.

Q. In granting any permit, the Manager may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property 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, weight and type of equipment.

(3) Designation of routes upon which materials may be transported.

(4) Designation of the place and manner of disposal of excavated materials.

(5) Requirements as to the laying of dust, the cleaning of Streets, the prevention of noise and other offensive or injurious to the neighborhood, the general public or any portion thereof.

(6) Regulations as to the use of Streets in the course of the work.

§ 181-25. Backfilling and restoration.

A. General Requirements. All pavement cuts, openings, and excavations in the Right-of-Way shall be performed, backfilled, and restored by the Permittee in strict accordance with the Right-of-Way Specifications. The Permittee shall be responsible for all work. Where permanent restoration cannot be completed due to weather or other conditions beyond the Permittee's control, the Permittee shall install and maintain a temporary surface in accordance with the Right-of-Way Specifications until permanent restoration can be completed.

B. Notification. The Permittee shall notify the Manager not less than forty-eight (48) hours prior to the commencement of backfilling and prior to the commencement of restoration work.

C. *Inspection. No backfilling or restoration shall be accomplished unless or until the Manager is present or permission has been granted for backfilling or restoration after inspection by the Manager.*

D. *Full-Width Street Restoration. Where a Street opening, excavation, or series of excavations affects or disturbs more than twenty-five percent (25%) of the width of the cartway measured between curb faces or gutter lines; or consists of multiple openings or trenches within the same block or within a distance of one hundred fifty (150) linear feet, whether occurring simultaneously or within a twelve (12) month period, the Permittee shall be required to perform or pay for full-width restoration of the cartway, from curb to curb, for the entire affected block or such portion thereof rather than performing partial or patch repairs.*

    (1) The restoration required by subsection D shall be performed by the Permittee, under Borough supervision, and shall comply with the Right-of-Way Specifications. The requirement for full-width restoration shall be a condition of permit issuance or continuation and shall not be subject to negotiation.

E. *Sidewalk and Curb Restoration. Where an excavation or series of excavations disturbs or removes more than twenty-five percent (25%) of a Sidewalk panel, contiguous Sidewalk section, or curb segment; or results in multiple repairs within a continuous Sidewalk or curb line; or is determined by the Borough Engineer to have compromised the structural integrity, appearance, or accessibility of the Sidewalk or curb, the Permittee shall be required to replace the full affected Sidewalk panel, curb section, or continuous segment rather than performing partial or patch repairs.*

    (1) The restoration required by subsection E shall be performed by the Permittee, under Borough supervision, and shall comply with all Right-of-Way Specifications. The requirement for Sidewalk and curb restoration shall be a condition of permit issuance or continuation and shall not be subject to negotiation.

F. *Time for Completion. The Permittee is required to complete permanent restoration of the Street surface in accordance with Right-of-Way Specifications within seven (7) days after repairs and/or installation are completed. Also, the Permittee shall be required to install and maintain a temporary surface in accordance with Right-of-Way Specifications during:*

    (1) The period between the completion of repairs and/or installation and the commencement of final restoration; and

    (2) The periods during the actual work when workers do not require access to the excavation.

G. Final Inspection. Upon completion of all work, the Permittee shall notify the Manager in writing. The Manager shall conduct a final inspection and may issue a certificate of final inspection upon determining that the work complies with the Right-of-Way Specifications. Issuance of a certificate of final inspection shall not relieve the Permittee of ongoing maintenance obligations or warranty responsibilities.

H. Warranty. If any settlement in a restored area occurs within a period of two years from the date of completion of the permanent restoration and the Permittee fails to make such correction after notification, any expense incurred by the Borough in correcting such settlement shall be paid by the Permittee or recovered from his or her bond or deposit, unless the Permittee submits proof, satisfactory to the Manager, that the settlement was not due to defective backfilling.

I. Responsibility for Restoration. In no case shall any opening made by a Permittee be considered in the charge or care of the Borough or any of its officers or employees, and no officer or employee of the Borough is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of the police power when it is necessary to protect life and property.

J. Authority of Manager. The Manager shall serve as the primary authority for approving permit applications, directing inspections, and issuing a certificate of final inspection. All final permit approvals and certificates shall be issued by the Manager or his or her designee.

§ 181-26. Bond requirements.

A. Performance bond. Upon receipt of a permit, Permittee shall provide the Borough with an acceptable corporate surety bond to guarantee faithful performance of the work authorized by a permit granted pursuant to this article. The amount of the bond shall be 110% of the estimated cost of the work to be performed under the permit. The term of the bond shall begin upon the date of posting thereof and shall terminate eighteen (18) months after receipt by the Permittee of a certificate of final inspection from the Manager. If the Permittee anticipates requesting more than one (1) permit per year, as required by this article, Permittee may furnish one (1) continuing corporate surety bond, in the amount of $100,000, to guarantee faithful performance in such amount as the Manager deems necessary. The amount of such bond shall be in relation to the cost of restoring pavement cuts to be made by the Permittee throughout the year.

B. Maintenance bond. Each Permittee upon the receipt of a permit, shall provide the Borough with an acceptable corporate surety bond conditioned for compliance with the Right-of-Way Specifications, and the provisions of this article. The Manager

shall determine the amount of the bond; provided, however, that the minimum amount of the bond shall not be less than $2,000.

(1) The term of each such bond shall begin from the date the Manager issues a certificate of final inspection following the permanent restoration of the opening of the Right-of-Way by the Permittee and shall terminate eighteen (18) months thereafter.

(2) If the Permittee anticipates requesting more than one permit a year, Permittee may file a continuing corporate surety bond conditioned for compliance with the Right-of-way Specifications and the provisions of this article in such amount as the Manager deems necessary. The amount of such bond shall be in relation to the cost of restoration to be made by the Permittee throughout the year. In the case of a Public Utility Company, its corporate bond, in a form satisfactory to the Solicitor, may be accepted in lieu of the corporate surety bond required by this subsection.

A. Default in performance. Whenever the Manager finds that a default has occurred in the performance of any term or condition of the permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof and the time deemed by the Manager to be reasonably necessary for the completion of such work.

D. Completion of work. After receiving such notice, the surety must, within the time specified, either cause the required work to be performed or, failing therein, indemnify the Borough for the cost of doing the work, as set forth in the notice.

§ 181-27. Liability insurance.

A. Each Permittee, upon the receipt of a permit, shall provide the Borough with an acceptable certificate of insurance indicating that he or she is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance is by himself or herself, his or her subcontractor or anyone directly or indirectly employed by Permittee.

B. The certificate of insurance shall cover collapse, explosive hazards and underground work by equipment in the Right-of-Way and shall include protection against liability arising from completed operations.

C. The amount of the insurance shall be in an amount of no less than $500,000 for each person and $1,000,000 for each accident, and for property damage, in an amount no less than $500,000, with an aggregate of $1,000,000 for all accidents. A Public Utility Company may be relieved of the obligation to submit such a certificate if they submit satisfactory evidence that they are insured in

accordance with the requirements of this article or have adequate provision for self-insurance. A Public Utility Company may file an annual certificate of insurance in lieu of individual certificates for each permit.

§ 181-28. List to be furnished to Borough.

A. Every person owning, using, controlling or having an interest in pipes, conduits, ducts or other structures under the surface of any Right-of-Way used for the purpose of supplying or conveying gas, electricity, communication impulses, water or steam to or from the Borough or to or from premises of its inhabitants or for any other purposes shall file with the Manager, within 120 days after the adoption of this article, a written statement containing the names of the Borough's Right-of-Way wherein the aforementioned facilities owned by such person are located.

B. Within ninety (90) days after the first day of January of each year, such person shall notify, in writing, the Manager of the changes necessary to maintain the Street list required under subsection A above.

§ 181-29. Notice to police and fire authorities.

The Manager will notify, in writing, municipal police and fire authorities of all permits he or she grants that would require a Street to be closed. Such notification shall state the nature of the work to be done, the proposed beginning and completion dates and the location of such project.

§ 181-30. Violations and penalties.

A. Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of $1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the Borough correctional facility for a period not exceeding 10 days or to the county correctional facility for a period not exceeding 30 days. Each day that such violation exists shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this section, the Borough may enforce this article in equity in the Court of Common Pleas of Allegheny County.

B. In addition, the Borough of Dormont Police Department is authorized to order the immediate cessation of any work within the Borough Right-of-Way under the

following circumstances: (i) work is being performed without a valid permit; (ii) the Permittee or contractor fails to produce a copy of the permit upon demand; (iii) the Permittee fails to identify any contractor or subcontractor performing work at the site; (iv) the work presents an immediate danger to public safety; or (v) a notice of violation has been issued and the violation has not been corrected within the time specified therein. Any order to halt work by a Borough Police Officer shall be immediately complied with, and failure to comply shall constitute an additional and independent summary offense subject to the penalties set forth in this section.

Section 3. Effective Date / Repealer. This Ordinance shall become effective immediately upon enactment and shall repeal all prior inconsistent ordinances and resolutions to the extent of such inconsistency.

Section 4. Severability. If a final decision of a court of competent jurisdiction holds any provision of this Ordinance or the application of any provision of this Ordinance to any circumstance to be illegal or unconstitutional, the other provisions of this Ordinance and the application of such provisions to other circumstances shall remain in full force and effect.

ORDAINED AND ENACTED into law this 4th day of May 2026.

ATTEST **BOROUGH OF DORMONT**

_____ _____
John P. Stinner Amie M. Downs
Borough Manager Council President

EXAMINED AND APPROVED, this _____day of _____, 2026.

_____
Jason Walsh
Mayor

APPROVED AS TO FORM:

_____
Daniel C. Conlon, Esq.
Borough Solicitor

APPENDIX 1