

BOROUGH OF SOUTH CONNELLSVILLE
FAYETTE COUNTY, PENNSYLVANIA

ORDINANCE NO. 332

AN ORDINANCE OF THE BOROUGH OF SOUTH CONNELLSVILLE, FAYETTE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NOS. 193, 229, AND 294, TO SET PERMIT AND APPLICATION FEES, REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Borough of South Connellsville previously adopted Ordinance Nos. 193, 229, and 294 relating to street opening permits; and

WHEREAS, the Borough Council of the Borough of South Connellsville desires to update Ordinance Nos. 193, 229, and 274 to set permit and application fees; and

WHEREAS, the Borough of South Connellsville has the power to enact ordinances “[t]o regulate the streets, sewers, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains, and the heights, grades, widths, slopes and their construction,” pursuant to the Borough Code, 8 Pa.C.S.A. § 1202(12); and

WHEREAS, the Borough of South Connellsville has the power to enact ordinances “[t]o prescribe reasonable fees for the services of the borough's officers and to enforce the payment of the fees,” pursuant to the Borough Code, 8 Pa.C.S.A. § 1202(1); and

WHEREAS, 15 Pa.C.S.A. § 1511(e) provides that “[a] public utility corporation shall have the right to enter upon and occupy streets, highways, waters and other public ways and places for one or more of the principal purposes specified in subsection (a) and ancillary purposes reasonably necessary or appropriate for the accomplishment of the principal purposes, including the placement, maintenance and removal of aerial, surface and subsurface public utility facilities thereon or therein. Before entering upon any street, highway or other public way, the public utility corporation shall obtain such permits as may be required by law and shall comply with the lawful and reasonable regulations of the governmental authority having responsibility for the maintenance thereof;” and

WHEREAS, 53 P.S. § 1991 provides that “[t]he proper corporate authorities of such municipality shall have the right to issue permits determining the manner in which public service corporations or individuals shall place, on or under or over such municipal streets or alleys, railway tracks, pipes, conduits, telegraph lines, or other devices used in the furtherance of business; and nothing herein contained should be construed to in any way affect or impair the rights, powers, and privileges of the municipality in, on, under, over, or through the public streets or alleys of such municipalities, except as herein provided;” and

WHEREAS, the Borough of South Connellsville has the power to enact ordinances “[t]o make regulations as may be necessary for the health, safety, morals, general welfare and

cleanliness and beauty, convenience, comfort and safety of the borough,” pursuant to the Borough Code, 8 Pa.C.S.A. § 1202(5); and

WHEREAS, the Borough of South Connellsville has the power to make and adopt all ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth as may be expedient or necessary for the proper management, care and control of the borough and its finances and the maintenance of peace, good government, safety and welfare of the borough and its trade, commerce and manufactures pursuant to the Borough Code, 8 Pa.C.S.A. § 1203.

BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of South Connellsville, Fayette County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Amendment of Section Three of Ordinance No. 294 to Set Permit and Application Fees. The Borough Council hereby amends Ordinance No. 294 and Schedule A, by deleting Section Three and replacing it with the following:

“Section Three: Schedule A, attached hereto, made a part hereof, and marked Schedule A, or such subsequent schedule as may be adopted, amended, or changed by subsequent ordinance or resolution of Borough Council, shall be the new fee schedule pertaining to the subject matter contained in Ordinance Nos. 193 and 229.”

Section 2. Amendment of Schedule A to Increase Permit and Application Fee. The Borough Council hereby amends Schedule A, by deleting Item 3 and replacing it with the following:

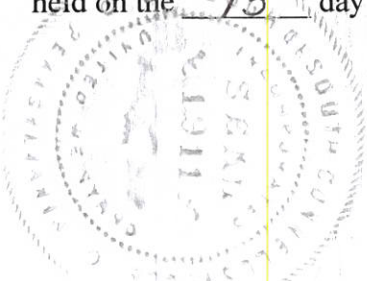
“3. For an opening, trench, excavation, tunneling, or boring of up to 2,000 square feet, the Permit Fee shall be \$550.00 per opening. A refund of \$200.00 will be issued to the Permittee after sixty (60) days following inspection by the Borough and completion and fulfillment of all requirements.”

Section 3. Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

Section 4. Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

Section 5. Effective Date. This Ordinance shall become effective immediately.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the Borough Council of the Borough of South Connellsville at a duly advertised public meeting held on the 13 day of February, 20 23.



BOROUGH OF SOUTH CONNELLSVILLE

By: George Jay

George Jay

President of Council

ATTEST: (SEAL)

Kelly Addis

Kelly Addis

Borough Secretary

Examined and Approved this 13 day of February, 20 23.

By: Donald E. Ringer

Donald Ringer

Mayor

