

**BOROUGH OF SOUTH CONNELLSVILLE
FAYETTE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 312

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH
OF SOUTH CONNELLSVILLE, FAYETTE COUNTY,
PENNSYLVANIA, REGULATING THE RESTORATION
AND STREETS WITHIN THE BOROUGH OF SOUTH
CONNELLSVILLE.**

WHEREAS, the Council of the Borough of South Connellsville is aware of inconsistencies regarding construction and repairs made to Borough streets;

WHEREAS, the Council of the Borough of South Connellsville desires to adopt an Ordinance ensuring that whenever repair activities take place on Borough streets, that such activities are done in a way that avoids inconsistent or patchwork repairs and ensures public safety on Borough streets;

WHEREAS, as used herein, the term "street," means and highway, street, roadway, alleyway, or any other paved stretch of land designed for use by motorized vehicles, whether owned and maintained by the Borough of South Connellsville, or any other governmental body.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of South Connellsville and it is hereby ordained and enacted as follows:

Section 1 - SCOPE

- (A) All matters concerning the construction, placing, opening, breaking, excavation, repair or alteration of any highway, street, curb, gutter or sidewalk, and their appurtenant structures, shall be considered within the scope of this Ordinance.
- (B) No highway, street, curb, gutter or sidewalk shall be constructed, placed opened, broken, excavated, repaired or altered within the Borough except in conformity with the provisions of this Ordinance, the Codified Ordinances of the Borough of South Connellsville, and the Acts of the Assembly of the Commonwealth of Pennsylvania and any rules promulgated thereunder.
- (C) No highway, street, curb, gutter, sidewalk or part thereof, already existing or hereafter to be constructed in the Borough, shall be altered in any manner that would violate any of the provisions hereof or any rule promulgated hereunder.
- (D) No driveway or other private access shall be connected or opened upon a street, highway or other public right of way in the Borough after the effective date of this Ordinance, except in conformity with this chapter.

Section 2 - RESTORATION

- (A) All openings, excavations or breaks shall be filled immediately with suitable materials in all respects satisfactory to the Borough Engineer, and any sidewalk, curb and gutter shall be replaced with the same type of paving as existed prior to the work undertaken, unless otherwise approved by the Borough Engineer. All work shall be done to the satisfaction of the Borough Engineer and in accordance with all Borough and PennDOT standards and specification, as set forth in PennDOT Publication Number 70, Guidelines for Design of Local Roads and Streets, as may be amended from time to time.

- (B) Any person who shall make an opening or excavation in any street or sidewalk in the Borough of South Connellsville shall perform all such opening or excavation work and the restoration work required hereunder in accordance with the standards and provisions set forth in 67 Pa. Code § 459.8, as amended. Likewise, any aboveground construction shall be performed in accordance with 67 Pa. Code § 459.9.
- (C) In addition to the foregoing work standards, the Borough Engineer shall be entitled to promulgate rules and regulations governing the opening, excavation, refilling, resurfacing and repaving of streets and sidewalks in the Borough of South Connellsville, and after the same have been approved by the Council of South Connellsville and entered upon the minutes of Council, any work to be done or performed by any applicant or permitted governed by the terms of this article shall be done in compliance with such rules and regulations. Copies of said rules and regulations shall be furnished to any person making application hereunder.
- (D) If and to the extent that any person shall open or excavate any portion of a street or sidewalk in a manner which results in 10 linear feet or more of such street or sidewalk being excavated on one side of the street only, then such person shall be required to repave the highway or street the full length of the excavation from the center line of the street to the curb or edge of the street where no curb exists on the side of the street being excavated and such excavation occurs on both sides of the street, then such person shall be required to repave the street the full length of the excavation from curb to curb or edge of the street to edge of the street where no curb exists.
- (E) Whenever excavations are less than six feet apart, restoration must include all trenches together in accordance with regulations.
- (F) Restoration work must be completed as soon as possible following completion of the work for which the digging or excavation was performed, and in all cases temporary restoration work shall be completed no later than 24 hours after such underlying work is completed and permanent restoration work shall be completed no later than 90 days after such underlying work is completed. Each day that such excavation work is not completed in compliance with these timing requirements shall be considered a separate offense and violation of this chapter.

Section 3 - PENALTY

- (A) Whoever violates or fails to comply with any of the provisions of this Ordinance, for which no penalty is otherwise provided, shall be fined not more than \$1,000 per offense and violation.
- (B) In default of the payment of any such fine and costs, the offender may be imprisoned for not more than 30 days in the County Jail or Workhouse, for each offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The penalty provided for herein shall be in addition to any fee, professional expenditure, deposit, charge, surcharge, interest, insurance or bond requirement or equitable remedy provided at law

Section 4 – PRIOR ORDINANCES

All prior Ordinances or Resolutions are hereby repealed in whole or in part to the extent inconsistent herewith.

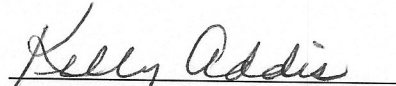
Section 5 – EFFECTIVE DATE

This Ordinance shall take effect immediately.

ORDAINED AND ENACTED this 11th day of March, 2019, by the Council of the
Borough of South Connellsville in lawful session duly assembled.

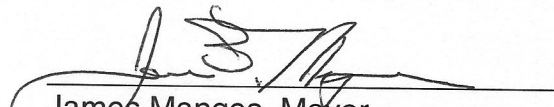
ATTEST:

BOROUGH OF SOUTH CONNELLSVILLE


Kelly Addis
Borough Secretary


Jerry Reagan
President of Council

EXAMINED AND APPROVED by me this 8th day of April, 2019.


James Manges, Mayor