

SCOTTDALE BOROUGH STREET OPENING APPLICATION

Permit Number _____

Date of Application _____

Name of Applicant: _____

Address of Applicant: _____

Location of Work: _____

Additional Location Information: _____

Date Work to Start O/A: _____

Date Work to be Completed O/A: _____

List of Charges:

	<u>Charges</u>	<u>Amount Paid</u>
Opening Fee	\$ _____	\$ _____
Issuance Fee	\$ _____	\$ _____
Supplemental Fee	\$ _____	\$ _____
Emergency Permit	\$ _____	\$ _____
Administration Fee	\$ _____	\$ _____
Restoration Fee	\$ _____	\$ _____
Additional Fee _____	\$ _____	\$ _____
Total Due	\$ _____	Total Paid \$ _____
		Amount Due \$ _____
		Amount Refunded \$ _____

Date Inspected: _____ By: _____

Date Billed; _____ By: _____

Date Paid: _____ By: _____

Date of Refund: _____ By: _____

Name of Person or Company Doing Work: _____

I understand Ordinance No.1180, and further agree that all specifications will be completed on or about the above date. I understand that I will be billed (after final inspection) for all fees due.

Person or Agent Responsible for Fee Payment

**BOROUGH OF SCOTTDALE
WESTMORELAND COUNTY, PENNSYLVANIA
RESOLUTION NO. 2014-01**

**A RESOLUTION OF THE BOROUGH COUNCIL OF SCOTTDALE BOROUGH,
WESTMORELAND COUNTY, PENNSYLVANIA, ESTABLISHING A FEE SCHEDULE
FOR STREET OPENINGS, PURSUANT TO CHAPTER 107 OF THE CODE OF THE
BOROUGH OF SCOTTDALE**

WHEREAS, the Borough Council of Scottdale Borough, Westmoreland County, Pennsylvania, [hereinafter "Borough"] has, by Ordinance, levied, assessed and provided for the collection fees to reimburse its costs for various municipal permits and services; and;

WHEREAS, following its review of duly enacted Ordinance No. 1180 of record, as part of Chapter 21, Part 1 of the Scottdale Borough Code and elsewhere, as well as the use of municipal resources in providing various municipal services and issuing permits, the Council has determined that its schedule of fees should be amended to reflect its actual costs; and,

WHEREAS, the Council is authorized by its duly enacted ordinances to review and modify its municipal fees for street openings;

NOW, THEREFORE, BE IT RESOLVED that

1. The Borough hereby adopts the following schedule of fees, effective February 10, 2014:

Street Opening Permit (Flat fee), \$150.00; plus \$1.00 per square foot;

Supplemental Fee of \$15.00 for each extension and submitted charge;

Emergency Permits, \$20.00;

Additional Fee of \$20.00 if applications are not filled out on the first available business day;

Additional Fee of \$100.00 if restoration work is not completed within six (6) months of street opening permit application;

Minimum use driveways, \$20.00

Low volume use driveways, \$30.00


Medium use driveways, \$45.00

High volume use driveways, \$75.00

2. Pursuant to the authority granted to the, the Council reserves its right to review and modify these and other municipal fees from time to time.

THIS RESOLUTION ADOPTED this 10th day of February, 2014.

Scottsdale Borough Council

by: 
President

ATTEST:


Secretary

BOROUGH OF SCOTSDALE
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 1180

AN ORDINANCE AMENDING CHAPTER 21 PART 1 OF THE SCOTSDALE BOROUGH CODE AND PRIOR ORDINANCES WHICH REGULATES STREET OPENINGS AND EXCAVATIONS, PERMITS FOR SUCH ACTIVITY, AND ESTABLISHING A SCHEDULE OF FEES FOR SERVICES AND REMEDIES AVAILABLE TO THE BOROUGH FOR RECOVERY OF COSTS FOR VIOLATIONS.

WHEREAS, Scottdale Borough Council has heretofore enacted ordinances and regulating the excavation and opening of any street, alley, or other public way or right of way owned controlled or maintained by the Borough of Scottdale; and,

WHEREAS, Scottdale Borough Council has determined that it is necessary to amend Chapter 21 Part 1 of the Scottdale Borough Code to enact a streamlined permitting and enforcement policy, and to enact a revised schedule of fees;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, as follows.

1. Chapter 21 Part 1 of the Scottdale Borough Code and all prior ordinances and related amendments of the Borough of Scottdale, which regulate street openings and excavations, are hereby amended as follows:

§ 102. Permit Required

- A. The opening of the surface of any street, alley or other public way or right-of-way owned, controlled or maintained by the Borough of Scottsdale (hereinafter referred to as "borough street") is prohibited unless a permit is obtained for that purpose in the manner hereinafter described. Such permit shall only be granted when the applying party files an application on a form provided by the borough, pays the required fees, posts security, as may be required, and otherwise complies with all other terms and conditions set forth herein.
- B. Street opening permits are not required for the installation or replacement of a sidewalk or curb, provided that a sidewalk or curb permit has been obtained and provided that such installation in no way affects the street surface.
- C. Street opening permits shall not be required for work performed by Scottsdale Borough or by a party performing work under contract with the borough. At the discretion of the Borough Council, permit fees may be waived for contractors performing work on behalf of the Borough of Scottsdale. Such contractors are required to apply for a street opening permit, and to post a bond or other security, as set forth herein, or in accordance with the terms or conditions of any contract between the contractor and the Borough.
- D. The borough office or the Borough Manager must be notified within twenty-four (24) hours of any street opening or excavation necessitated by an emergency. A party performing such emergency street opening must apply for the street opening or excavation permit, in accordance with this Article, on the first business day following such emergency. Any party who commences any emergency street opening or excavation will be deemed to have impliedly consented to all of the provisions of this Article, including but not limited to those provisions dealing with fees, security and backfilling. In addition to the penalties set forth in § 10_____ herein, as well as any and all remedies for penalties provided by law, the Borough Manager is authorized to order the immediate cessation of any opening or excavation activity and the immediate repair and replacement of the surface to its original condition if the notice and application provisions set forth above are not complied with.

§ 103. Provisions for granting of permit.

Street opening permits shall only be granted upon compliance with the following express provisions:

- A. A written application, on a borough form, shall be filed with the office of the Borough Manager. Such application shall set forth the purpose for which such excavation is to be made, the site and location of the work, the full scope of work to be included in the project and the anticipated commencement and completion dates of the project, including refilling and

resurfacing. The applicant shall furnish a drawing or plan of the proposed opening or excavation upon request by the Borough Engineer, or the Borough Manager. In addition to the above, the applicant must set forth the estimated cost of the entire project. The borough shall have the right to require production of written verifications of such cost as may be appropriate.

- B. Prior to the issuance of such permit, every applicant shall pay to the borough the amount hereinafter required for the purposes specified.
- C. No permit shall be granted to any applicant unless all moneys due the borough for prior excavations made or for loss, damages or expenses in any manner occasioned by or arising from prior work done by the applicant are paid in full.
- D. The written application shall contain a provision in which the applicant agrees to indemnify and hold harmless the borough, its officers, employees and agents from any and all costs, damages and liabilities which may accrue or be claimed to accrue arising out of any work.
- E. Depending upon the size, scope and nature of the opening or excavation project applied for or upon the advice and recommendation of the Borough Solicitor, the applicant may be required to obtain and file with the borough a certificate of insurance protecting the borough against liability arising out of the work to be done. The amount of coverage shall be determined in accordance with the risk to the borough, the scope and length of the project and other such factors. Failure of an applicant to secure such certificate of insurance shall be sufficient reason for denying a permit.
- F. The applicant must comply with all applicable requirements of the Pennsylvania Workers' Compensation Act and provide proof of coverage to the borough, if applicable.

§ 104. Bond required.

- A. All public utility companies requesting a permit to open or excavate the surface of a street shall furnish a properly executed corporate surety bond.
- B. All other persons or parties, including contractors, developers and property owners, may be required to furnish a corporate surety bond if, in the opinion of the Borough Engineer or the Borough Manager and based upon the size, scope and expected effect of a proposed excavation or opening, such security is necessary in order to guarantee surface replacement in accordance with the terms set forth herein.
- C. The bond, when required, shall be in effect for a period of not less than three (3) years from the commencement date of the project. The amount of the surety bond shall be a minimum of fifty thousand dollars (\$50,000.00). If the

cost of any street excavation, opening and required restoration exceeds such amount, additional bonding in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the project shall be required.

D. Whenever any public utility or municipal authority which owns, controls or maintains underground facilities in Scottsdale Borough reasonably anticipates more than one street opening or excavation per calendar year, it may post a bond for the calendar year or part thereof to cover any and all street openings anticipated. In such case the amount of the bond shall be approved by the Borough Council and the applicant's initial street opening permit in a calendar year will only be issued if the bond has been posted and the applicant has provided the Borough with an accurate and up-to-date map of its underground facilities. The approval of a calendar-year bond does not absolve the applicant of its obligation to obtain a separate street opening permit for each street opening to be performed by the applicant.

§ 105. Fees.

A. The minimum fee of one hundred fifty dollars (\$150.00) shall be paid upon application for a permit, as set forth herein. In addition to the minimum application fee, the borough shall be entitled to assess such additional fees as is set forth on the attached Fee Schedule. The Borough Council reserves the right to review the said Fee Schedule from time to time and amend the same by resolution of Council. All such additional fees assessed by the Borough Council must be paid by the applicant within thirty (30) days of its receipt of notice of the assessed fees.

§ 106. Revocation of permit; notice of violation.

A. All street opening permits are subject to revocation at any time by the the borough, upon recommendation of its Engineer or the Borough Manager, for:

- (1) Violation of any condition of the permit.
- (2) Violation of any provision of this section or Article or any other Applicable ordinance or law relating to the work.
- (3) The existence of any condition or act constituting or creating a nuisance or endangering the welfare, safety, lives or property of others.

B. Written notice of such violation shall be served upon the applicant/permittee or party engaged in the work. Such notice shall contain a brief statement of the reasons for revoking such permit and/or may contain a time period and

method by which the permittee may cure any such violation. Notice may be given either by personal delivery or by United States mail sent to the address listed on the original application.

- C. Upon revocation of any permit, a portion of any prepaid application fees not necessary to compensate the borough for the depreciation of its street shall be returned to the permittee. The determination of the portion of the application fees to be returned shall be entirely within the discretion of the borough, and its decision shall be final.

§ 107. Request for extension.

If any permittee is unable to complete the street opening or excavation on or before the date specified in the permit, the permittee must file a written application for an extension of time with the borough. Said application shall set forth the reasons for the request for the extension of time and shall contain an estimate of the additional time required to complete the project. A fee, as set forth on the attached Fee Schedule, shall accompany the extension application to defer the cost of processing and filing the same.

§ 108. Backfilling and restoration; costs.

The permittee shall be and remain responsible for backfilling and paving the opening and restoring the surface to its original condition and composition prior to the opening or cut. All backfilling and restoration shall be in accordance with the most current Pennsylvania Department of Transportation Publication 408 standards. In the event that the street excavation or opening or any required backfilling has not been completed prior to the date of expiration as set forth on the permit, the borough may take steps to backfill the opening or excavation and to replace the street surface. The borough shall invoice the permittee for all costs incurred by the borough in the performance of this work plus ten (10%) percent. Payment not made within thirty (30) days will be charged against the posted bond, including all fees and costs involved in the collection of this payment.

§ 109. Additional requirements of permittee.

The following requirements must also be complied with by the permittee:

- A. All stormwater drains or gutters shall be left open so as not to obstruct the free passage of water during any period of construction.
- B. All sidewalks and footways must be kept in a safe and passable condition during construction.
- C. All materials removed by the excavation, as well as backfilling materials, shall be stored in a safe place, as determined by the Borough Manager, pending completion of the project and backfilling.

- D. As may be deemed necessary by the Borough Manager for the safety and welfare of all persons and property, the permittee shall install or cause to be installed all necessary warning lights, illumination, barricades or other safety devices.
- E. Proper traffic control and warning signs must be in place and maintained in accordance with the current edition of Publication 213 of the Pennsylvania Department of Transportation.
- F. If ten (10) excavations occur in one block within a three (3) year period, the applicant must mill and pave to Borough specifications the entire road surface within that block, during its required restoration. For purposes of this section, a block is defined as an area of roadway between cross streets or nearest intersections.
- G. All backfilling shall be done with mechanical compaction and shall consist of layers not to exceed eight (8) inches in depth between each compaction.
- H. Replacement of bituminous paved area shall include, saw cutting in straight lines and milling and repaving the entire road surface from curb to center line plus twelve (12) inches on each side of the street opening. In the event that the street opening extends beyond the center line of the street pavement replacement shall consist of curb to curb and five (5) feet in each direction on either side of the street opening.
- I. Any and all other conditions relating to the project imposed upon the applicant/permittee and set forth on the permit must be complied with.

§ 110. Guarantee and maintenance of work.

Notwithstanding any bonding or other security requirements, the permittee shall guarantee and maintain the backfilling and restoration work for a period of 36 months following completion. Within this thirty-six-month-period, upon notification from the borough of the necessary correction work required, the permittee shall correct or cause to be corrected all deficiencies within five working days of receipt of the notifications. Any work not completed within this five-day period may be completed by the borough at the discretion of the Borough Manager. The borough shall invoice the permittee for all costs incurred by the borough in the performance of this work, plus ten (10%) percent. Payment not made within 30 days of the invoice date will be charged against the posted bond, including all fees and costs involved in the collection of this payment.

§ 111. Violations and penalties.

- A. Any person violating any provision of this Article shall, upon conviction thereof, be fined not less than \$100, nor more than \$300, for each and every

offense, together with costs, and in default of payment thereof shall be imprisoned for not more than 30 days. Each failure to obtain a permit or to comply with any of the requirements of this Article, as well as each and every day during which such violation continues, shall constitute a separate offense.

- B. In addition to the penalties set forth in the preceding subsection, the borough reserves the right to deny the issuance of any future street opening permit to any person or party who violates the provisions of this Article.
- C. Any person, party, organization, corporation or other entity who commences any opening, cutting, excavation, other digging or disturbance of the improved or unimproved surface or adjacent area of any public roadway, alley, or right-of-way, as defined in the applicable ordinances, without first obtaining a valid permit from the borough office, and paying the required fee, will be deemed guilty of a separate violation of said ordinance, in addition to any other sanctions or penalties imposed therein. If said person, party, organization, corporation or other entity, upon notice by the borough, or its duly authorized or appointed officials, ceases all activity and applies for the applicable permit, the borough office shall have the discretion to issue same upon payment of a fee which shall be no less than double the usual, timely application fee. This provision shall apply only to a first offense by any person, party, organization, corporation or other entity.
- D. In addition to any penalties or application fees set forth above in this article, any person, party organization, corporation or other entity who fails to obtain permits before conducting any of the activities set forth above, after the first offense, shall be assessed an additional penalty which shall be no less than double the prescribed fine for violations of said article
- E. The above provisions may be enforced by the Borough of Scottdale, through its Code Enforcement Officer or Officers, or through such other official designated by Council, for that purpose, in the usual and customary manner. The procedural rules for such enforcement shall be established by a written policy adopted by the Borough Council.

§ 112 Construal of provisions.

Nothing contained in this Article or any provision thereof shall be interpreted as prohibiting or limiting any other right or cause of action the borough may have, in law or in equity, against any party for any violation of the terms of this ordinance or matters related thereto.

- 2. All other sections and provisions of previous ordinances which are not amended or changed by this ordinance, and are not inconsistent with the terms and provisions set forth herein, are hereby ratified and reaffirmed and shall remain in full force and effect.

THIS ORDINANCE is ordained and enacted this 9th day of September, 2013.

BOROUGH OF SCOTTTDALE

by
President of Council

ATTEST:

Secretary

Approved this 9th day of September, 2013.

Mayor