

**OFFICIAL
BOROUGH OF BELLEVUE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 14-16

AN ORDINANCE OF THE BOROUGH OF BELLEVUE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NUMBER 83-25 OF THE BELLEVUE BOROUGH OF ORDINANCES AND SECTION 21-107, REGULATING THE MAKING OF OPENINGS AND EXCAVATIONS IN THE STREETS AND SIDEWALKS OF THE BOROUGH OF BELLEVUE PROVIDING FOR THE PROTECTION, REFILLING, RESURFACING AND REPAVING OF THE SAME; PROVIDING FOR THE ISSUANCE OF SPECIFICATIONS AND REGULATIONS; PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Borough of Bellevue, specifically Section 21-107 of the Borough Code of Ordinances, provides for permitting of street openings and excavations; and

WHEREAS, the Borough of Bellevue seeks a comprehensive Ordinance with regard to street openings and excavations in the streets and sidewalks within the Borough; and

WHEREAS, Section 21-2017 does not address responsibilities of contractors and utility companies who are engaging in improvements, construction and excavation within the Borough whether or not disrupting streets and sidewalks for a distance in excess of fifty (50) linear feet; and

WHEREAS, the Borough of Bellevue desires to impose upon anyone who performs any construction, improvement or excavation on any public street, avenue, road, alley, highway or other public place located in the Borough; and

NOW THEREFORE, be it enacted and ordained by the Borough of Bellevue and the Bellevue Borough Council, it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1. DEFINITIONS:

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

- a. **Applicant** – means any person who makes application for a permit.
- b. **Borough** – means the Borough of Bellevue, PA.

- c. **Code Director** - means the director of the Bellevue Code Department
- d. **Department** -- means the Bellevue Code Department.
- e. **Permittee** -- means any person who has been issued a permit and has agreed to fulfill all of the provisions of this ordinance.
- f. **Person** -- means any natural person, partnership, firm, associations, utility or corporation.
- g. **Street** -- means the entire right of way of a public street, public highway, public alley, public avenue, public road or public easement within the Borough limits, including the designated curb and sidewalk area.
- h. **Sidewalk** -- means a paved or concrete area or walkway adjacent to a street.
- i. **Emergency** -- means any condition constituting a clear and present danger to life or property by reason of escaping gas, exposed wires, or other breaks or defects in the user's line.
- j. **Inspection fee** -- means a fee paid by the permittee to the Borough to defray street opening inspection costs.
- k. **Degradation fee** -- means a fee paid by the permittee to the Borough to defray a percentage of the costs for resurfacing and reconstructing Borough streets resulting from the depreciation of streets associated with street openings.
- l. **Permit fee** -- means a fee paid by the permittee to the Borough to cover the costs of issuing, processing and filling the street opening permit.
- m. **Concrete** -- means soil cement, plain cement concrete or reinforced cement concrete and material contained in the base course of some Borough streets.
- n. **Department** -- means the public works department of the Borough of Bellevue.
- o. **Work Day** -- means normal business hours for Borough Government including Monday through Friday, except designated holidays.
- p. **Public Utility** -- means any utility company, excluding corporate authorities of the Borough.
- q. **Calendar Year** -- means January 1 through December 31, inclusive.

- r. **Corporate Authority** – means any governmental corporation initiated by Borough Council under the Municipal Authorities Act of 1945.
- s. **Sidewalk Area** – means that portion of the street right of way reserved for sidewalks.
- t. **Cost** – means actual expenditures incurred by the Borough for labor, equipment and materials, which include all fringe benefits and overhead.
- u. **User** – means the public utility, municipal corporation, municipal authority, or any other person who, or which uses a line to provide service to one or more customers.
- v. **Resurface** – means a process which provides a new wearing surface in a certain paved street area, with the same material that was existing prior to excavation.

SECTION 2. PERMIT REQUIRED AND EMERGENCY OPENINGS

- a. The opening of the surface of any street or sidewalk within the Borough other than by the corporate authorities of the Borough is hereby prohibited, unless a permit is obtained for that purpose in the manner hereinafter described. Such permit shall be issued by the Code Director when the person applying for such permit files an application with the Code Director in compliance with the provisions of this ordinance, and pays the fee hereinafter stated. Provided, however, that nothing herein contained shall be construed to permit the issuance of a permit for the making of a tunnel under any street or sidewalk within the Borough.
- b. If street or sidewalk openings are necessitated by emergencies, street and/or sidewalk opening permits shall be obtained on the first regular business day on which the Borough Office is open for business and such permit shall be retroactive to the date when the work was begun.
- c. A person performing street or sidewalk opening for an emergency shall verify the emergency nature of the circumstances in writing to the Code Director within five (5) days after such an emergency, on the street or sidewalk opening application.

SECTION 3. ISSUANCE OF PERMIT; BOND

Permits for the opening of any street or sidewalk shall only be issued upon compliance with the following express provisions.

- a. A written application shall be filed for each and every opening and signed by the person desiring such permit. The application shall set forth the purpose of the opening, extent, size, location of same, date or dates and time such

opening is to be permitted, and the date and time such opening shall be refilled and temporarily resurfaced in the manner hereinafter provided and shall provide that the applicant shall faithfully comply with every provision of this ordinance. All applications shall be accompanied by a plan or sketch showing the exact location, character and dimensions of the proposed opening for the installation of new work or the location of the alteration involving changes in the location of pipes, conduit, wires, or structures incidental thereto.

- b. Prior to the issuance of such permit, every applicant shall pay to the Borough the amount hereinafter required and for the purposes provided. No permit shall be granted to any applicant unless the applicant has paid all moneys then due the Borough for prior excavations made or for any loss, damages or expense in any manner occasioned by or arising from the work done by the applicant under the provisions of this ordinance.
- c. No permits shall be granted in any case until the applicant shall have executed and delivered to the Borough a bond in the amount hereinafter fixed, with surety which shall be either an approved surety or trust company or an individual who shall be the owner of real estate in Allegheny County, which is reasonably worth over and above all debts and encumbrances, at least double the amount of the necessary bond. The amount of the bond shall be: twenty-five thousand dollars (\$25,000) for each opening; thirty-five thousand dollars (\$35,000) for an indefinite number of openings; and bond shall be given up to the condition that the principal will indemnify and save harmless the Borough from any loss, damage or expense whatsoever, in any manner occasioned by or arising from the opening of any street, sidewalk, or work done in consequence thereof, or the manner of doing such work; and the bond shall remain in force for a period of twenty-four (24) months after the permanent resurfacing of each opening.
- d. Individual property owners who must open a street or sidewalk due to the repair or replacement of a private sewer lateral shall be required to post a bond in the amount of one thousand dollars (\$1,000.00) for any opening. This provision is intended to be an exception to Section 3(c) above.

SECTION 4. INSURANCE

An applicant shall file a properly executed Certificate of Insurance with the Borough and verify that the applicant is insured against claims for personal injury as well as against claims for property damages which may arise from or out of the performance of the excavation work, whether such performance be by the applicant or by anyone directly or indirectly employed by him. Such insurance shall include protection against liability arising from completed operations, underground utility damage and collapse of any property. Liability insurance for bodily injury shall be in an amount not less than three hundred thousand dollars (\$300,000) for each person and three hundred thousand dollars (\$300,000) for each accident and for property damages an amount not less than one hundred thousand dollars (\$100,000). Failure of an applicant to file a certificate of

insurance shall be sufficient reason for denying said permit. The applicant shall save harmless the Borough from any and all damages and liability by reason of personal injury or property damage arising from work done by the applicant under the provisions of this ordinance.

SECTION 5. FEES

- a. It shall hereafter be unlawful for any person, firm or corporation to open any street, alley or sidewalk in the Borough of Bellevue for any purpose whatsoever, without first obtaining a permit from the office of the Borough Secretary. The charge for said street and sidewalk permit shall be as follows:
 1. \$100.00 + 1.50 sq. ft. for an opening of a new street or sidewalk within one year of the opening of a new street or sidewalk;
 2. \$75.00 + 1.00 sq. ft. for an opening of a street that has been paved within 2-5 years prior to the date of the application; and
 3. \$60.00 + 1.00 sq. ft. for an opening of a street that has been paved over 5 years prior to the date of the application..
- b. Any street opening or sidewalk opening in excess of fifty (50) square feet in area shall constitute a separate street opening or sidewalk opening, and separate fees shall be paid for each such opening. For example, a street opening or sidewalk opening one hundred fifty (150) square feet in area shall require the payment of three (3) separate fees, and a street opening or sidewalk opening one hundred fifty one (151) square feet in area shall require the payment of four (4) separate fees.
- c. The permit fee and inspection fee shall be made payable to the Borough of Bellevue and paid to the Code Director prior to the issuance of the permit. The Borough shall have the right to waive fees for contractors performing work under contract with the Borough.
- d. In the event that a street opening is made or begun without a permit, all fees provided for in subparagraphs a. and b. herein shall be doubled.

SECTION 6. MATERIAL, DESIGN & CONSTRUCTION

Material, design and construction practices used shall meet those promulgated by the Pennsylvania Department of Transportation, specifically Publication 408 inclusive of updates. All areas requiring restoration, including the means and methods of trench restoration, shall meet the requirements of the adopted Borough restoration standards or if departing from these standards, such means and methods shall be submitted in writing to and approved by Bellevue Borough prior to any work commencing.

SECTION 6. REFILLING EXCAVATIONS

- a. All openings shall be refilled and resurfaced on or before the time specified in the permit according to the following methods:

- b. The work is to be done by cutting and removing a section of the improved roadway.
- c. The trench shall be backfilled in accordance with the specifications regulating street excavations within the Borough of Bellevue.
- d. In the event that the street or sidewalk to be opened has been constructed or reconstructed within 5 years of the date of the application for street or sidewalk opening, the applicant must repair the opening from curbside to curbside and shall be responsible for any additional costs incurred as a result.
- e. In the event that a temporary patch must be made due to inclement weather or additional construction requirements, the temporary patch shall be made of a minimum of 3 inches of cold patch materials and the permanent repair shall be made within 45 days of the opening.
- f. In the event that a street or sidewalk is opened during the period from November 1 through April 1 and a temporary patch is necessitated by inclement weather, all permanent repairs shall be made on or before April 30.
- g. Any street or sidewalk opening which occurs from May 1 through October 31 shall be permanently replaced within 45 days of the opening.
- h. Any public utility which is required to disturb more than 25% of a block within a 3 year period shall be responsible for overlay of the entire block. Said overlay shall be completed within 60 days of the completion of the final street opening in the block.

SECTION 7. TEST HOLES

A street opening permit shall be obtained for any test hole work. No test holes shall be made in or upon a greater surface of the highway than as specified in such permit, and no excavation may interfere with any water pipes, sewers, or drains of the borough, or any other underground utility service. Test holes shall be promptly backfilled in accordance with provisions set by the Borough.

SECTION 8. ONE CALL

It is the responsibility of each and every contractor to register the proposed excavation by registering with the "Pennsylvania One Call" System.

SECTION 9. GUTTERS, LIGHTS AND IDENTIFICATION

- a. All gutters shall be left open so as not to obstruct the free passage of water, and the sidewalks and foot ways must be kept in a safe and passable condition. All excavations or material from them shall have placed on them

sufficient lights and barricades to identify them from all directions during the day and after dark.

- b. If for safety purposes, the Department deems it necessary to install additional warning devices such as lights, barricades or signs, the permittee shall be notified of the decision and shall receive instruction on the installation. In case of emergencies the Borough may install all additional warning devices deemed necessary by the Department. The Borough shall invoice the permittee for rental and installation costs incurred from the date of installation until the permittee installs warning devices.
- c. If the permittee fails to install such devices, the Borough shall invoice the permittee for rentals and installation costs incurred from the date of installation until the date of removal. Payment not made by the permittee within thirty days of the invoice date will be chargeable against the posted bond including all fees and costs involved in the collection of this payment.

SECTION 10. ADDITIONAL WORK

In no case shall a permittee open or remove a greater area of street surface than specified in the original application. The permittee shall not open any street area at any location not specified in the original application. If the permittee determines during construction that an additional area of the street will have to be opened, he shall notify and secure permission from the department for the additional opening. Upon receipt of permission, the permittee shall file a supplementary application for the work no later than the next work day. Fee amounts as specified in this ordinance shall be followed for any subsequent fees associated with the supplementary applications.

SECTION 11. RESTORATION

- a. Anyone, including any person, entity, public utility contractor or homeowner who engages in any repair work, improvements, excavation, digging of any kind in any street, avenue, road, alley, highway or other public place located within the Borough, shall be required to restore roadway(s) and sidewalk(s) consistent with the Borough restoration standards and details, which shall change from time to time.
- b. Restoration requirements apply when excavation is being performed by some party / Applicant under same permit.
- c. Splitting work into separate permit efforts to avoid restoration requirements is prohibited under this Ordinance.
- d. All pavement restoration due to excavation, or opening of any dimension (*along the street length*) or where *ONE* opening of any dimension is made *longitudinally within a distance of 40 feet or more from another opening*, shall require the minimum restoration as listed below.

1. Existing pavement shall be saw cut, a distance of one foot minimum beyond the longitudinal dimensions of the street or sidewalk opening.
 2. Lateral pavement restoration shall be the length of the excavation and extend along the roadway width to the nearest asphalt "joint" of the roadway if more than one joint exists, or to the center of the roadway if no joint or a center pavement joint exists. If road or sidewalk opening is within two feet of the edge of asphalt or curb, then the restoration shall be from curb or edge of asphalt to the nearest joint of the roadway, or to the center of the roadway if no joint or a center pavement joint exists.
 3. Pavement and subbase material shall be excavated a depth of one foot and removed from within the perimeter of the saw cut area.
 4. A new pavement cross section, consisting of 6-inches well-compacted non-slag, (PennDOT graded 2A or AASHTO graded No. 57 aggregate) subbase material, 4-inches of compacted hot mix asphalt binder and two inches of hot mix wearing course, shall be provided and properly installed. All locations where new pavement meets existing pavement shall be sealed with the appropriate asphalt sealant.
 5. Finished restoration shall conform to that shown in Detail A of Exhibit A attached to this Ordinance.
- e. All pavement restoration due to *excavation in excess of 50 feet longitudinally or where two or more openings of any dimension longitudinally made within a distance of 40 feet or less* shall require the minimum restoration as listed below.
1. Excavation restoration shall be the same as that required under Section 3 for each street opening PLUS the following additional treatment.
 2. The entire excavated and restored area shall also be milled a minimum depth of one inch and resurfaced with hot mix asphalt wearing surface course across the entire width and length of the milled area. Entire length shall be defined as either; in the case of openings greater than 50 feet longitudinally, the length of excavation plus five feet; or in the case of two openings within a longitudinal distance of 40 feet or less from each other, the distance between the outside dimensions of the openings measured longitudinally, plus five feet on each side. Entire width shall be defined as from curb or edge of asphalt to the nearest joint of the roadway, or to the center of the roadway if no joint or a center pavement joint exists.
 3. The result shall be a seamless, lane-width roadway surface pavement overlay with sealed, keyed or saw-cut edges along the entire length of the excavation.
 4. Finished restoration shall conform to that shown in Detail B of Exhibit A attached to this Ordinance.
- f. Excavated areas affecting brick roadways (streets with partial or full exposed brick cross section) shall be restored to a condition equal or better than the condition of the roadway prior to the occurrence of the excavation. Such brick cross section shall include a concrete base upon which the replaced brick shall rest. Streets shall not be covered with asphalt wearing surface. Said method of

brick restoration shall be submitted to and approved by the Borough of Bellevue prior to any work commencing.

- g. In addition to pavement restoration, should any excavation or construction within the roadway disturb a section of sidewalk, the Borough Director of Administrative Services is hereby authorized to require a complete, whole or in part, replacement of the sidewalk within the area of disturbance or limits of construction.

SECTION 11. GUARANTEE OF WORK

The permittee shall guarantee and maintain his work for a period of twenty-four months from the completion and restoration and replacement work. Within this twenty-four month period, upon notification from the Borough of necessary correction work required, the permittee shall correct or cause to be corrected all restoration work required within five working days of receipt of the notification. The Department shall determine the extent of restoration required and method of correction. Any and all work not completed within this five day period may be completed by the Borough at the discretion of the Code Director. The Borough shall invoice the permittee for all costs incurred by the Borough in the performance of this work. Payment not made within thirty days of the invoice date will be chargeable against the posted bond including all fees involved in the collection of this payment.

SECTION 13. ENFORCEMENT

The Code Director or his representative shall have the right to inspect and supervise all work done under street opening permits and shall see that all terms and provisions of this ordinance are enforced and shall have the power and is hereby directed to prosecute every person who violates any of the provisions herein.

SECTION 14. PENALTY

- a. Any person violating any provision of this ordinance shall be subject to a fine of not less than one hundred dollars (\$100) or more than three hundred dollars (\$300) for each and every offense, together with costs. The failure to obtain a permit to comply with any requirements of this ordinance and each and every day during which such violation shall continue shall constitute a separate offense.
- b. The Borough reserves the right to deny the issuance of future street opening permits to any person who violates the provisions of this ordinance. This provision in no way shall prohibit or limit the right of the Borough to bring legal action against the permittee.

SECTION 15. REPEALED

Any Ordinance or part of Ordinance or Resolution inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

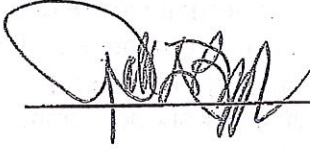
SECTION 16. EFFECTIVE DATE

This Ordinance shall become effective immediately upon passage.

ENACTED AND ORDAINED into law by the Council of the Borough of Bellevue this
22 day of July, 2014.

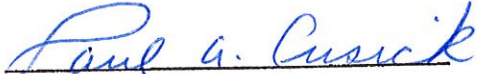
ATTEST:

THE BOROUGH OF BELLEVUE



By: _____
Council President

Examined and approved this 22 day of July, 2014.

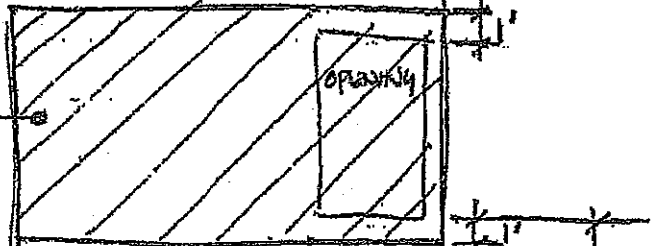


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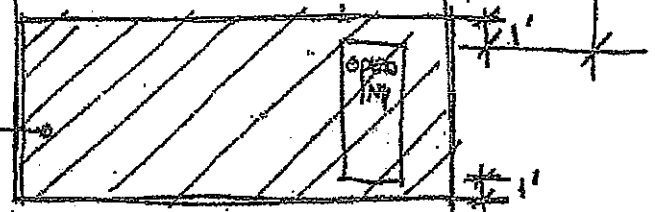
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AREA OF FULL
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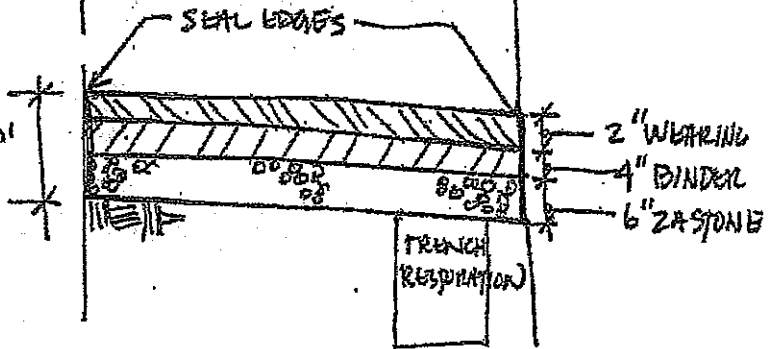
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AREA OF FULL
DEPTH PAVEMENT
RESTORATION



PLAN VIEW

FULL-DEPTH
PAVEMENT
RESTORATION



SECTION VIEW

EXHIBIT A
DETAIL A

EL ROAD

CURB

AREA OF FULL DEPTH PAVEMENT RESTORATION

OPENING

5' 1'

> 50'

5' 1'

AREA OF MILL AND OVERLAY

AREA OF FULL DEPTH PAVEMENT RESTORATION

OPENING

5' 1'

≤ 40'

AREA OF FULL DEPTH PAVEMENT RESTORATION

OPENING

5' 1'

PLAN VIEWS

SEAL EDGE

1" MILL AND OVERLAY

SEAL EDGE

FULL DEPTH PAVEMENT RESTORATION ← 12'

2" WEARING

4" BINDER

6" 2A STONE

EXHIBIT A
DETAIL B

TRENCH RESTORATION

SECTION VIEW

