

**BOROUGH OF SEWICKLEY  
ORDINANCE NO. 1271**

**AN ORDINANCE REQUIRING THE OBTAINING OF A PERMIT AND  
REGULATING THE OPENING AND EXCAVATION OF STREETS  
IN THE BOROUGH OF SEWICKLEY, PROVIDING PENALTIES  
FOR VIOLATIONS OF THE ORDINANCE, AND REPEALING  
ALL PRIOR ORDINANCES TO THE CONTRARY.**

**WHEREAS**, the Borough of Sewickley has determined that the opening and excavation of public streets, avenues, boulevards, roads, alleys or highways within the Borough, except for state highways located in the Borough, should be regulated so as to provide for adequate repair of the street following the excavation; and

**WHEREAS**, the Borough of Sewickley has determined that an appropriate fee for such street openings and excavation should be charged; and

**WHEREAS**, the Borough of Sewickley believes that the regulation of street openings and excavation is consistent with the health, safety and welfare of the citizens of the Borough of Sewickley.

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

Section 1 It shall be unlawful for any person or entity to make any opening or excavation of any kind in any street in the Borough of Sewickley without first having obtained from the Code Enforcement Officer a permit therefore in accordance with the provisions contained herein.

Section 2 No permit shall be granted under this Ordinance until the person or entity desiring the permit shall have made application therefore and shall have paid a permit fee of \$250.00. The Council of the Borough of Sewickley shall have authority in the future to increase by resolution the amount of the fee for a permit.

Section 3 No permit shall be granted until the applicant for the permit has filed a surety bond in the amount prescribed by the Code Enforcement Officer, based upon the extent of the work and the character of the street and street surface being disturbed by the opening and/or excavation. Such bond shall guarantee that the permit holder shall be responsible for maintaining the portion of the street disturbed by such opening or excavation and the restored surface thereof in accordance with the terms of this Ordinance for a period of 12 months after the completion of the excavating and resurfacing.

Section 4 No permit shall be granted until the applicant for said permit has shown that the applicant carries public liability insurance in an amount and with a company deemed satisfactory to the Code Enforcement Officer.

Section 5 It shall be the duty of any person or entity obtaining a permit:

(a) to confine such opening or excavation to the portion of the street and to the dimensions generally indicated on the permit.

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(b) to commence such work of opening or excavation on the date indicated in such permit, or as soon as practical thereafter, and to complete such work, along with the refilling of the excavation, and the restoration of the street surface as indicated hereafter, on or before the date of expiration of such permit.

(c) to notify the Code Enforcement Officer before such opening or excavation is to be refilled, and thereupon to complete such work of refilling and resurfacing to the satisfaction of the Code Enforcement Officer or designee and in strict conformity with the requirements of this Ordinance.

(d) while such work is underway, and at all times prior to the completion of the resurfacing of the street, to keep in place sufficient barricades, warning signs and warning lights or flares to guard the opening or excavation and to warn the traveling public of its location, such warning lights or flares to be lit and in operation at all times between sunset and sunrise and at all other times when visibility is such as to make their use necessary.

(e) to refill the opening or excavation and to resurface the portion of the street excavated for 25 feet on each side of the opening and from one curb across the entire width of the street to the other curb. The resurfacing shall be done in such a manner as to connect with the existing street surface adjacent to the new resurfacing at the same level so that there are no uneven portions of the street where the existing surface joins the newly resurfaced portion of the street.

Section 6 Any person or entity who shall violate any provision of this Ordinance or shall fail, neglect or refuse to perform any duty imposed by this Ordinance shall be guilty of an offense, and, for each and every such offense, upon conviction thereof, shall be sentenced to pay a fine of not more than \$500 and costs of prosecution. After one week's notice of the violation from the Code Enforcement Officer, if no attempt is made to correct said violation, each day thereafter shall constitute a separate offense.

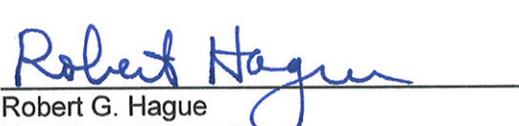
Section 7 This Ordinance shall specifically repeal Ordinance No. 951 enacted September 25, 1974, and any other Ordinances inconsistent with this Ordinance.

**ORDAINED AND ENACTED** into law this 17<sup>th</sup> day of November, 2008.

**ATTEST:**

  
Kevin M. Flannery  
Borough Manager/Secretary

**BOROUGH OF SEWICKLEY**

  
Robert G. Hague  
President of Council

**EXAMINED AND APPROVED** by me this 17<sup>th</sup> day of November, 2008.

  
John B. Wise  
Mayor