

ORDINANCE NO. 25

AN ORDINANCE PROVIDING FOR THE OPENING, DIGGING INTO, EXCAVATING OR REMOVAL OF THE SURFACE OF ANY STREET, HIGHWAY OR ROAD; PROVIDING FOR THE APPLICATION FOR PERMIT; PROVIDING FOR A DEPOSIT OF BOND OR CASH TO INSURE COMPLIANCE WITH THE PROVISIONS OF THIS ORDINANCE; FIXING THE FEE FOR PERMIT; SETTING FORTH CONDITIONS GOVERNING REPLACEMENT OF AREA OPENED OR DUG INTO; PROVIDING PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

The Council of the Borough of Monroeville hereby ordains and enacts the following Ordinance.

SECTION 1. That any person, firm or corporation, desiring to open, dig into, excavate or in any way remove the surface of any street, highway or road within the Borough of Monroeville for any purpose whatsoever shall, prior to such action, make application to the Borough Secretary in writing for a permit to open, dig into, or excavate the said street. The said application for permit shall indicate thereon the name of the street, highway or road and the place at which the digging or opening will take place, and shall have attached thereto a reasonable sketch or diagram of the proposed opening, digging, or excavating.

SECTION 2. That upon payment of a fee of Ten (\$10.00) Dollars by the applicant for said street opening permit, the Borough Secretary, if she shall find that the terms of this Ordinance have been complied with, shall issue such permit to the applicant.

SECTION 3. That any person, firm or corporation receiving a permit for the opening, digging into or excavating of any street, highway, road or surface thereof shall take proper precautions for the regulation and control of traffic and of any and all sewer, gas or electric pipes, cables or conduits located nearby. Such persons, firms or coporations, upon the completion of the purpose for which the opening or excavation took place, shall replace the dirt or earth removed therefrom and flood and tamp the same so as to make the said replaced dirt or earth as firm and stable as the same was prior to its removal and after approval thereof by the Borough Engineer or other person designated by Borough Council, shall replace the surface in kind.

SECTION 4. That any person, firm or corporation, prior to the issuance of any street opening permit, shall deposit with the Borough Secretary a surety bond in proper form, approved by the Borough Solicitor, in a sum of not less than One Thousand (\$1000.00) Dollars, conditioned for the faithful compliance with the terms of this Ordinance. In lieu of said surety bond said person, firm or corporation, may upon approval of the Borough Solicitor, Borough Engineer, Borough Secretary or other person designated by Council, deposit cash in the amount of not less than Fifty (\$50.00) Dollars as security for the compliance with the terms of this Ordinance.

SECTION 5. That any public utility service company, such as supplies gas, electric, telephone, water or similar service, may deposit with the Borough, its own bond of assurance in the sum of Five Thousand (\$5000.00) Dollars, as permanent standing bond, in lieu of individual bonds, for any such street openings or excavations as may be required. Such utility companies shall comply in all other respects, with the provisions of this Ordinance.

SECTION 6. Should any person, firm or corporation, after having opened or excavated into any street, highway or road of the Borough of Monroeville, fail, neglect or refuse to comply with the terms of this Ordinance or the instructions or directions of the Borough Engineer or other person directed by Council to be in charge of said work, pertaining the said excavation or opening, the proper Borough officials shall proceed to have the said street or road placed in safe and transversable condition at the cost of the person, firm or corporation to whom the permit was issued, said cost to be deducted from the cost deposited aforesaid or in the event of a surety bond, the cost is to be billed to the person, firm or corporation. Upon the failure or default to pay such costs, the Borough Solicitor shall be and is authorized and directed to enter suit and to proceed against the bond for the collection of any amount due.

SECTION 7. Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction thereof before the Burgess or

any Justice of the Peace of the Borough in summary proceeding, be sentenced to pay a fine of not less than Twenty-five (\$25.00) Dollars or more than One Hundred (\$100.00) Dollars, together with costs of prosecution; upon each subsequent conviction, any person, firm or corporation shall be fined not less than Fifty (\$50.00) Dollars or more than One Hundred (\$100.00) Dollars, together with costs of prosecution; and in default of the payment of such fine and costs, and person or persons or the executive officers of such firm or corporation shall be confined in the Allegheny County Jail for a period of not more than thirty (30) days.

SECTION 8. All Ordinances or parts of Ordinances conflicting with any of the provisions of this Ordinance be and the same are hereby repealed insofar as the same are in conflict with the provisions of this Ordinance.

Ordained and Enacted this 14th day of September, 1953.

ATTEST:

BOROUGH OF MONROEVILLE

(Signed) Edyth Amalong
Borough Secretary

(Signed) Wm. J. Caughey
President of Council

Examined and Approved this 14th day of September, 1953.

(Signed) Samuel Jenkins
Burgess

C E R T I F I C A T I O N

I hereby certify that the foregoing Ordinance was duly and lawfully ordained and enacted by Council on September 14, 1953, and as the same is filed in the Ordinance Book and upon the records on file with the Borough Secretary.

Borough Secretary