

## **Chapter 21**

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**Part 1****Street Excavations and Openings****§21-101. Definitions.**

The following words, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

*Emergency*—any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

*Restoration fee*—a fee established by the Borough Council for openings in all Borough streets. The fee shall be equal to the future cost to mill and resurface the roadway, curb to curb, 25 feet from each end of the opening. The fee will be established by Borough Council by resolution and revised from time to time.

*Street*—a public street, public easement, right-of-way, public highway, public alley, public sidewalk, public way or public road accepted or maintained by the municipality or open for travel and use by the public, whether or not so accepted or maintained, including the entire area within the right-of-way thereof.

(Ord. 2399, 6/8/2015, §21-101)

**§21-102. Permit Required; Emergency Circumstances.**

1. It shall be unlawful for any person to make any tunnel, opening or excavation of any kind in or under the surface of any street without first securing a permit from the Borough of Carnegie for each separate undertaking.

2. Any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency or unforeseen circumstances demand the work to be done immediately, provided that the permit could not have reasonably and practically been obtained beforehand. In such cases where emergency openings are necessary, the Borough shall be notified prior to such openings by either fax (PA 1-Call) or telephone. The person shall thereafter apply for a permit on the first regular business day on which the office of the Borough of Carnegie is open for business, and said permit shall be retroactive to the date when the work was begun.

(Ord. 2399, 6/8/2015, §21-102)

**§21-103. Adherence to Terms of Permit.**

No permittee shall perform any of the work authorized by such permit in any amount greater than that specified in such permit. An application for a new permit shall be deemed to cover any such additional work, as may be added pursuant to the issuance of an amended permit within the limit specified herein. (addendum)

(Ord. 2399, 6/8/2015, §21-103)

**§21-104. Time Frame for Commencement of Work.**

Work for which a permit has been issued shall commence within 30 days after

issuance of the permit therefore. If not so commenced, the permit shall be terminated automatically unless the permittee applies for an extension of time within which to commence work. If such an extension is granted, the original permit shall remain in force for the period of time specified in the extension. Permits which terminate by reason of failure to commence work within 30 days after issuance thereof or within any extension of time granted hereunder may be renewed only upon the payment of an additional permit fee as originally required.

*(Ord. 2399, 6/8/2015, §21-104)*

**§21-105. Permits Nontransferable.**

Permits are not transferable from one person to another, and the work shall not be performed in any place other than the location specifically designated in the permit.

*(Ord. 2399, 6/8/2015, §21-105)*

**§21-106. Expiration of Permits.**

Every permit shall expire at the end of the period of time which shall be set out in the permit. If the permittee shall be unable to complete the work within the specified time, he or she shall, prior to the expiration of the permit, present, in writing, to the Borough Manager a request for an extension of time setting forth therein the reasons for the requested extension. If the Borough of Carnegie finds that the failure to complete the work under the permit within the time specified therein was due to circumstances reasonably beyond the control of the permittee and that an extension of time to complete the work under the permit is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work.

*(Ord. 2399, 6/8/2015, §21-106)*

**§21-107. Cuts Made by Borough Utilities.**

All street openings required by utilities owned and/or operated by the Borough shall be made and restored under the direction and supervision of the Borough of Carnegie. The permit, fee, deposit, insurance and bond requirements of this Part shall not be applicable to any openings made by Borough-owned and/or operated facilities.

*(Ord. 2399, 6/8/2015, §21-107)*

**§21-108. State and County Highways.**

The provisions of this Part shall not be applicable in those instances where the street or highway is maintained by the Commonwealth of Pennsylvania or by the County of Allegheny; provided, however, that any person applying for a permit to do work within the right-of-way of a street or highway maintained by the Commonwealth of Pennsylvania or by the County of Allegheny which would otherwise require a permit under the terms of this Part shall notify the Borough Manager at the time that said application is made and at the time that the work under any permit issued pursuant to said application is begun, so that proper safety precautions may be taken by the Borough during the continuation of said work.

*(Ord. 2399, 6/8/2015, §21-108)*

**§21-109. Right to Use Streets.**

Every permit shall be granted, subject to the right of the Borough, or of any other person entitled thereto, to use the street for any purpose for which such street may lawfully be used not inconsistent with the permit.

(Ord. 2399, 6/8/2015, §21-109)

**§21-110. Revocation of Permit.**

1. Any permit may be revoked by the Borough of Carnegie, after written notice to the permittee for:

- A. Violation of any condition of the permit or of any provision of this Part.
- B. Violation of any other applicable provision of the Borough Code or any other applicable ordinance, regulation or statute.
- C. The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of others.

2. A permittee shall be granted a period of 3 days from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked.

3. Written notice of any such violation or condition shall be served upon the permittee or his or her agent engaged in the work. The notice shall contain a brief statement of the reasons for revoking the permit. Notice may be given either by personal delivery thereof to the person to be notified or by certified or registered United States mail addressed to the person to be notified.

4. When any permit has been revoked and the work authorized by the permit has not been completed, the Borough of Carnegie shall do or cause to be done such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses incurred by the Borough shall be recovered from the deposit or bond of the permittee has made or filed with the Borough.

(Ord. 2399, 6/8/2015, §21-110)

**§21-111. Duties and Responsibilities of Applicant.**

It shall be the duty and responsibility of the applicant to:

A. Make written application for such permit with the Borough of Carnegie on such form as he or she shall prescribe. No work shall commence until the Borough Manager has approved the application and pan and issued a permit, and until the permittee has paid and provided all required fees, deposits, certificates and bonds.

B. Furnish, in duplicate, a plan showing the work to be performed under said permit. One copy of such plan shall be returned to the applicant at the time the permit is granted.

C. Agree to save the Borough, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit. The acceptance of a permit shall constitute such an agreement by the applicant whether the same is expressed or not.

(Ord. 2399, 6/8/2015, §21-111)

**§21-112. Duties and Responsibilities of Permittee; Fees.**

It shall be the duty and responsibility of any person receiving a permit to:

A. Pay a permit fee in an amount established by resolution of the Borough Council; provided, however, that public utility companies may elect to be billed monthly for such fees as they accrue, upon written notice to the Borough Manager.

B. Make a deposit to cover any additional costs borne by the Borough specifically related to the work authorized by the permit and, unless the permittee is granted permission to restore the street surface as provided in §21-114.4 of this Part, the cost of restoring the street surface removed or damaged by the work done under such permit. The amount of such deposit shall be computed by the Borough Manager as provided in §21-115 of this Part. In the case of public utility companies, the Borough may waive the requirement of a deposit if said utility companies file with the Borough their corporate bond in a form satisfactory to the Borough Solicitor, conditioned upon the payment to the Borough of all costs which would otherwise be covered by and paid out of such a deposit. In the event that such utility companies elect to file such a bond, the Borough shall bill such utility companies monthly for such costs as they accrue.

C. Pay a restoration fee equivalent to the surface area, curb to curb and 25 feet from each end of the utility opening multiplied by a cost per square yard. Said cost as established by Borough Council by resolution for future milling and resurfacing by the Borough.

(*Ord. 2399, 6/8/2015, §21-112*)

**§21-113. Regulations for Openings and Excavations.**

1. No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored.

2. No more than 100 feet measured longitudinally shall be opened in any street at any one time, except by special permission of the Borough of Carnegie.

3. All utility facilities shall be exposed sufficiently or their definite location shall be determined ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.

4. Pipe drains, pipe culverts or other facilities encountered shall be protected by the permittee.

5. Any person whose facilities are damaged or caused to be relocated by the permittee shall notify the permittee and the Borough of such damage thereafter may make the necessary repairs or relocation and file a claim against the permittee with the Borough for the cost of such repairs or relocation. Public utility companies concerned shall be notified by the Borough in sufficient time to determine the validity of the damage or relocation claims. The cost of such repair work or relocation work may be withheld by the Borough Manager from the deposit pending determination of liability for the damage.

6. Monuments of concrete, iron or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision or a precise survey reference point or a permanent survey benchmark within the Borough shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so

is first obtained, in writing, from the Borough. Permission shall be granted only upon the condition that the permittee shall pay all expenses incident to the proper replacement of the monument.

7. When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage.

8. When any earth, gravel or other excavated material is caused to flow, roll or wash upon any street, the permittee shall cause removal of the same from the street within 8 hours after deposit to permit safe flow of traffic. In the event that the earth, gravel or other excavated material so deposited is not removed as specified, the Borough Manager shall cause such removal, and the cost incurred shall be paid by the permittee or deducted from his or her deposit.

9. Every permittee shall place around the project such barriers, barricades, lights, warning flags and danger signs as shall be determined by the Department of Public Works/Borough Manager to be necessary for the protection of the public. Additional safety requirements may be prescribed by the Borough Manager and, where applicable, shall be in conformance with the requirements set forth in 67 Pa.Code, §203.1 *et seq.*, as amended, dealing with work zone traffic control. Copies of the publication shall be made available in the office of the Borough Manager for inspection by the public.

A. Whenever any person fails to provide or maintain the required safety devices, such devices shall be installed and maintained by the Borough. The amount of the cost incurred shall be paid by the permittee or deducted from his or her deposit.

B. No person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this Section.

C. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of access. Free access must be provided to fire hydrants at all times.

10. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Written notification must be provided to affected property owner and Borough 5 days in advance of work by the contractor.

11. Excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate dirt or dust nuisance, the Borough Manager may require the permittee to provide the boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the Borough of Carnegie. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee shall keep a passageway at least half of the sidewalk width open along such sidewalk line.

12. Work authorized to be performed by a permittee shall be performed between the hours of 7 a.m. and 7 p.m., Monday through Friday, unless the permittee obtains written consent from the Borough Manager to do the work at an earlier or later hour. Such permission shall be granted only in the case of any emergency or in the event that

the work authorized by the permit is to be performed in traffic-congested areas.

13. In granting any permit, the Borough may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to:

- A. Limitations on the period of the year in which the work may be performed.
- B. Restrictions as to the size, weight and type of equipment.
- C. Designation of routes upon which materials may be transported.
- D. Designation of the place and manner of disposal of excavated materials.
- E. Daily requirements as to the laying of dust, the cleaning of streets, the prevention of noise and other results offensive or injurious to the neighborhood, the general public or any portion thereof.
- F. Regulations as to the use of streets in the course of the work.

14. Hydra-hammer, headache ball. The use of a mechanical devise for the breaking of pavement, such as a hydra-hammer, headache ball, etc., will be permitted only under special written permission of the Borough of Carnegie.

(*Ord. 2399, 6/8/2015, §21-113*)

#### **§21-114. Backfilling and Restoration.**

1. All pavement cuts, openings, and excavations shall be made properly and backfilled properly by the permittee according to Borough specifications, including but not limited to the details attached hereto and incorporated herein at the Appendix 21-1-A to this Part. Unless the permittee has been granted permission to restore the street surface, as provided in subsection .4, the permittee also shall place a temporary surface on the pavement cut, opening or excavation satisfactory to Borough Department of Public Works standards. If the permittee has been granted permission to restore the street surface, but weather conditions are such as to prevent the completion of permanent restoration of the street surface at the time backfilling is completed, the permittee shall install a temporary surface in accordance with municipal specifications until such time as weather conditions will permit permanent restoration of the street surface.

2. The Borough Manager and Department of Public Works shall be notified by the permittee 48 hours in advance of backfilling and restoration. Such notice shall provide the approximate time each will begin.

3. No back filling or restoration shall be accomplished unless or until the Department of Public Works is present or permission has been granted for backfilling or restoration after inspection by the Department of Public Works.

4. The work of final restoration, including both paving surface and paving base, shall be performed directly by the Borough under the supervision of the Borough Manager; provided, however, that upon a public utility company's application for permission to perform the work of restoration, the Borough may grant permission to such public utility company to perform the work or restoration. In those cases, where such permission is granted, the work of restoration, including both paving surface and paving base, shall be performed by the permittee according to municipal specifications



and shall be subject to inspection by the Borough.

5. If the Borough of Carnegie finds that paving surfaces adjacent to the street openings may be damaged where trenches are made parallel to the street or where a number of cross trenches are laid in proximity to one another or where the equipment used may cause such damage, it is required that the permittee correct and return the disturbed area to its pre-disturbed condition.

6. After excavation is commenced, the work of making and backfilling the same shall be prosecuted with due diligence. Unless the provisions of subsection .1 of this Section apply, the permittee is required to complete permanent restoration of the street surface in accordance with Borough specifications within 7 days after repairs and/or installation are completed. Furthermore, the permittee shall be required to install and maintain a temporary surface in accordance with Borough specification during:

A. The period between the completion of repairs and/or installation and the commencement of final restoration.

B. The periods during the actual work when workers do not require access to the excavation.

7. Inspections of all work authorized by a permit shall be made by the Department of Public Works and/or the Borough Engineer at such times and in such manner as required to assure compliance with provisions of this Part. If the nature of the work to be performed under any permit is such as to require the services of a full-time inspector, the Borough Manager shall provide for the services of such inspector.

8. All costs of inspection shall be borne by the permittee. Such costs shall be based upon a schedule of charges on file in the offices of the Borough.

9. If any settlement in a restored area occurs within a period of 2 years from the date of completion of the permanent restoration and the permittee fails to make such correction after notification, any expense incurred by the Borough in correcting such settlement shall be paid by the permittee or recovered from his or her bond, unless the permittee submits proof, satisfactory to the Borough Manager, that the settlement was not due to defective backfilling.

10. In no case shall any opening made by a permittee be considered in the charge or care of the Borough or any of its officers or employees, and no officer or employee of the Borough is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of the police power when it is necessary to protect life and property; provided, however, that the Borough assumes charge when making final surface restoration, unless the permittee has been granted permission to perform the work or restoration of the street surface as provided in subsection 4.

(Ord. 2399, 6/8/2015, §21-114)

#### **§21-115. Deposits.**

1. *Computation of Deposit.* The Borough, upon receipt of a properly completed application, shall determine the amount of the deposit to be made by the permittee in accordance with the schedule of charges established pursuant to subsection .5 of this Section; provided, however that the minimum deposit required shall not be less than \$500. The deposit shall be paid at the time the permit is issued, and the deposit shall be used to reimburse the Borough for the cost of any work and/or materials furnished

by it in connection with work authorized by the permit, to cover the cost of all necessary inspections of said work or any other expenses incurred by the Borough in carrying out the provisions of this Part. In the case of a public utility company, the requirement of such deposit may be waived if such public utility company files with the Borough its corporate bond as provided in §21-112.B of this Part.

2. *Form of Deposit.* The deposit may be either in the form of a certified, treasurer's or cashier's check. Personal checks will be accepted and permit will be accepted once the check has cleared.

3. *Insufficient Deposit.* If any deposit is less than sufficient to pay all costs, the permittee shall, upon demand, pay to the Borough an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the Borough may institute an action to recover the same in any court or competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.

4. *Yearly Deposit.* Whenever any public utility company shall anticipate applying for permits for more than one street opening or excavation per calendar year and does not elect to file a corporate bond as hereinbefore provided, such public utility company may post one deposit in an amount and form as hereinbefore provided for that calendar year or part thereof to cover the cost of deposits which would otherwise be required for the anticipated permits.

5. *Deposit and Cost Schedules.* Yearly resolution shall establish a schedule of charges for inspections, labor, materials and other such expenses as may be incurred by the Borough in carrying out the provisions of this Part. This schedule shall be established by the Borough Manager in accordance with the reasonably anticipated costs to be incurred by the Borough making such inspections, including reasonable administrative and overhead expenses, and in accordance with the currently prevailing costs in the area for any labor and materials which may be provided by the Borough. The Borough Manager shall revise said schedule from time to time to reflect any increase or decrease in the costs used to establish said charges. The schedule shall be open to public inspection in the office of the Borough upon request.

6. *Decision on Costs.* The decision of the Borough Manager as to the cost of any work done or repairs made by him or her under his or her direction, pursuant to the provisions of this Part, shall be final and conclusive as to such cost, subject to such rights of appeal as may exist by statute.

7. *Refund of Deposit.* Upon notification by the permittee that all work authorized by the permit has been completed, and after restoration of the opening, the Borough Manager shall refund to the permittee his or her deposit, less all cost incurred by the Borough in connection with said permit. In no event shall the permit fee be refunded. (Ord. 2399, 6/8/2015, §21-115)

#### **§21-116. Bond Requirements.**

1. *Performance Bond Where Borough Does Not Restore Opening.* In those instances where the applicant has received or intends to apply for permission to perform the work of restoration of the street surface, each such applicant or permittee, upon receipt of a permit, shall provide the Borough with financial security, in a form acceptable to the Borough Solicitor and in compliance with the requirements of this Part to guarantee faithful performance of the work authorized by a permit granted

pursuant to this Part. The amount of the financial security shall be equivalent to the restoration guarantee schedule as stated in the fee calculation. The term of the financial security shall begin upon the date of positing thereof and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Borough Manager. If the permittee anticipates requesting more than one permit per year, as required by this Part, he or she may furnish a single financial security to guarantee faithful performance in such amount as the Borough Manager deems necessary. The amount of such bond shall be in relation to the cost of restoring pavement cuts to be made by the permittee throughout the year. In the case of a public utility company, its corporate bond, in a form satisfactory to the Solicitor, may be accepted in lieu of the corporate bond surety required by this Section and the requirements of this Part.

2. *Maintenance Bond.* Each applicant, upon the receipt of a permit, shall provide the Borough with financial security, in a form acceptable to the Borough Solicitor and in compliance with the requirements of this Part to guarantee the maintenance of the work authorized by a permit granted pursuant to this Part, as well as compliance with the street opening specifications of the Borough and the provisions of this Part. The Borough Manager and or Borough Engineer shall determine the amount of the bond, and it shall be in relation to the cost of restoring the pavement cut to be made by the permittee; provided, however, that the minimum amount of the bond shall not be less than \$2,000. The term of each bond shall begin from the completion date of the permanent restoration of the opening by the Borough and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Borough Manager. If the permittee anticipates requesting more than one permit a year, he or she may file a single financial security to guarantee maintenance of the work authorized by a permit granted under this Part, as well as compliance with the specifications of the Borough and the provisions of this Part, in such amount as the Borough Manager deems necessary. The amount of such bond shall be in relation to the cost of restoring pavement cuts to be made by the permittee throughout the year. In the case of a public utility company, its corporate bond, in a form satisfactory to the Solicitor, may be accepted in lieu of the corporate surety bond required by this Section and the requirements of this Part.

3. *Default in Performance.* Whenever the Borough of Carnegie shall find that a default has occurred in the performance of any term or condition of the permit, notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the Borough of Carnegie to be reasonably necessary for the completion of such work.

4. *Completion of Work.* After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, indemnify the Borough for the cost of doing the work as set forth in the notice.

(Ord. 2399, 6/8/2015, §21-116)

#### **§21-117. Liability Insurance.**

Each applicant, upon the receipt of a permit and prior to performing work under the permit, shall procure and maintain adequate insurance in an amount of at least \$1,000,000 to protect it from claims for damages because of bodily injury, including death, and from claims for damages to property which may arise out of or be related to the performance of work under the permit, whether such performance is by the

applicant or the applicant's subcontractor or anyone directly or indirectly employed by the applicant. Such insurance shall cover collapse, explosive hazards, underground work and work by equipment on the street and shall not include protection against liability arising from completed operations. The specific amount of the insurance shall be prescribed by the Borough Manager in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury and property damage shall be in an amount not less than \$1,000,000 per occurrence and \$1,000,000 aggregate. A certificate of insurance, in the amount required by this Section and in a form acceptable to the Borough Solicitor, shall be filed with the Borough Manager prior to commencement of work under the permit. This certificate of insurance shall also state that the Borough shall be given written notice at least 60 days prior to cancellation of such insurance. The Borough shall be listed as an additional insured and/or loss payee on all policies of insurance described in this Section. Public utility companies and authorities may be relieved of the obligation of submitting such a certificate if they submit satisfactory evidence, in a form acceptable to the Borough Solicitor, that they are insured in accordance with the requirements of this Part or have adequate provision for self-insurance. Public utility companies may file an annual certificate of insurance in lieu of individual certificates for each permit.

(*Ord. 2399, 6/8/2015, §21-117*)

#### **§21-118. Abandoned Facilities.**

1. Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any street is abandoned or the use thereof is abandoned, the person owing, using, controlling or having an interest therein shall, within 30 days after such abandonment, file with the Borough Manager a statement, in writing, giving in detail the location of the structure so abandoned. Whenever there are manholes or tunnels associated with any abandoned underground facilities, such manholes or tunnels shall be filled in at the time of abandonment and the Borough Manager notified thereof in writing.

2. When the Borough plans to pave or improve streets in which there are abandoned facilities, the owner of such facilities shall be notified to remove them if, in the opinion of the Borough Manager, their removal is in the best interest of the Borough. If the owner shall refuse to remove such abandoned facilities, the Borough shall remove the abandoned facilities and the owner shall reimburse the Borough for such removal.

(*Ord. 2399, 6/8/2015, §21-118*)

#### **§21-119. Notice to Abutting Owners and Tenants.**

1. If the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, the Borough of Carnegie may require the permittee to submit a list of owners and/or tenants and/or addresses of all properties abutting the area where the work authorized by the permit is to be performed. Upon receipt of such list, the Borough Manager shall notify the affected property owners and/or tenants of the proposed work to be done.

2. If the work to be undertaken by a permittee will affect other subsurface installation(s) in the vicinity of the proposed opening, the contractor shall notify the

owner(s) of such facilities of the proposed work.

(*Ord. 2399, 6/8/2015, §21-119*)

**§21-120. Notice to Police and Fire Authorities.**

The Borough Manager shall notify, in writing, Borough police and fire authorities of all street opening permits he or she grants of a nature that would require a street being closed. Such notification shall state the nature of the work to be done, the proposed beginning and completion dates and the location of each project.

(*Ord. 2399, 6/8/2015, §21-120*)

**§21-121. Violations and Penalties.**

1. Any person, firm or corporation who violates a provision of this Part, or who fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof, sentenced to pay a fine up to \$1,000 for each violation, plus costs, and, in default of payment of said fine and costs, to imprisonment to the extent permitted by law for the punishment of summary offenses.

2. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part found to have been violated. All fines and penalties for the violation of this Part shall be paid to the Borough Treasurer.

3. The Borough may also commence appropriate actions in equity, at law or other to prevent, restrain, correct, enjoin, or abate violations of this Part.

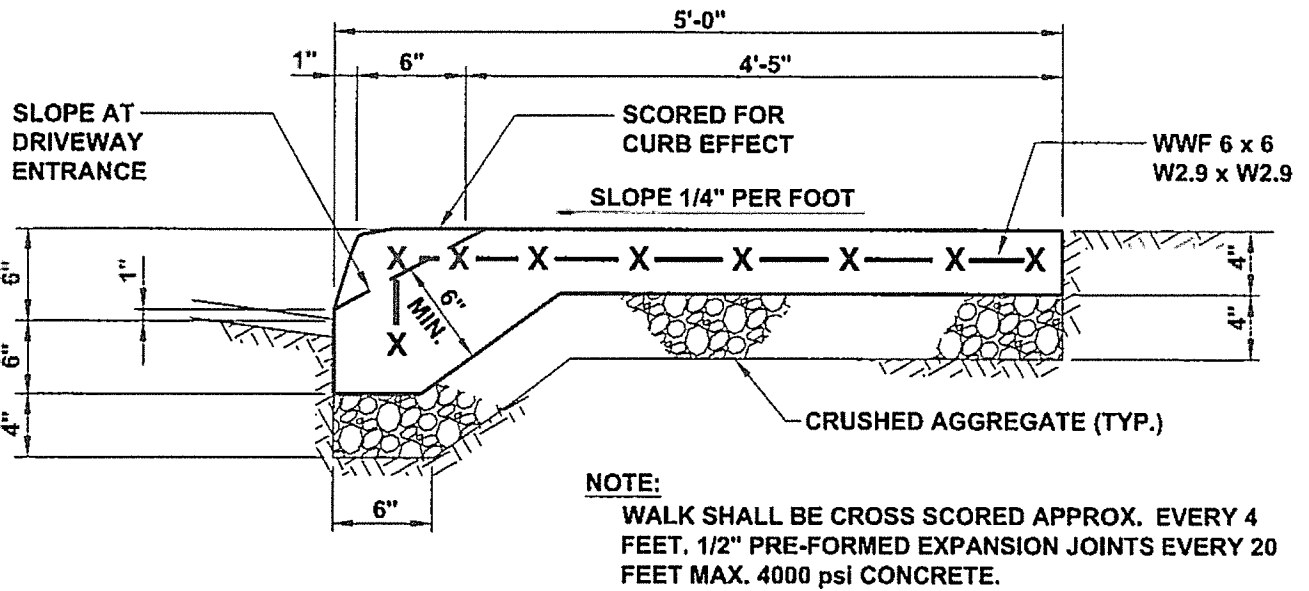
(*Ord. 2399, 6/8/2015, §21-121*)



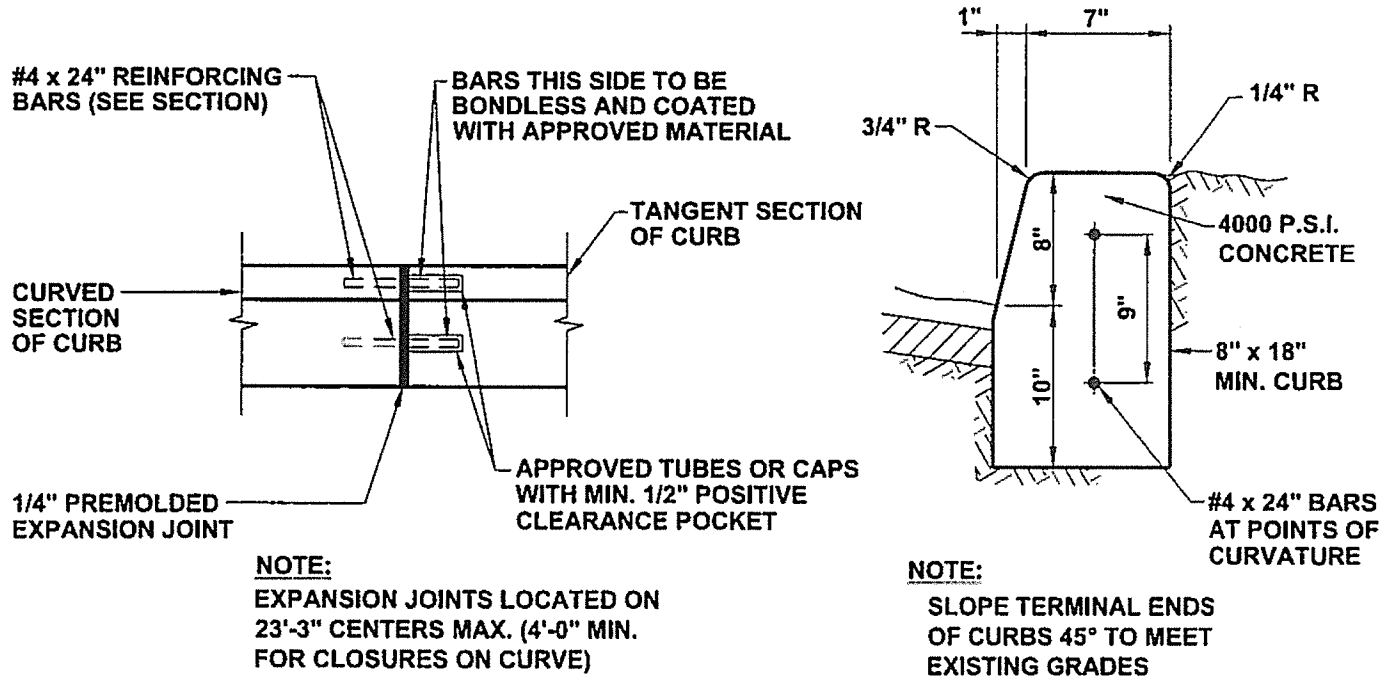
## **Appendix 21-1-A**







**TYPICAL CURB AND SIDEWALK DETAIL**



**POINTS OF CURVATURE**

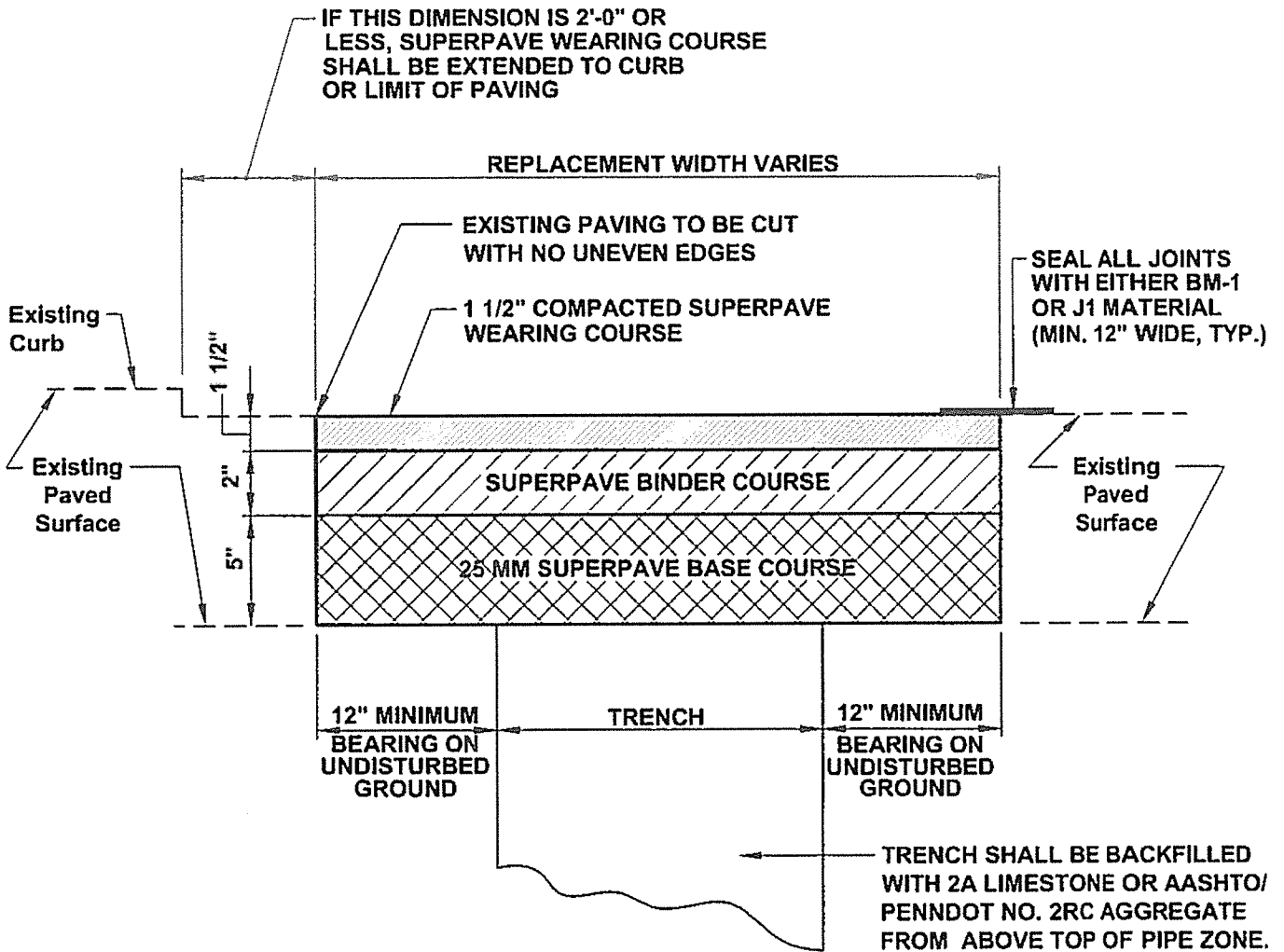
**SECTION**

**TYPICAL CURB DETAILS**

<p><b>KLH ENGINEERS, INC.</b> 5173 Campbells Run Road Pittsburgh, PA 15205</p>		<p><b>CURB AND SIDEWALK DETAIL</b></p>
<p>Not to scale</p>	<p>April 2010</p>	<p>Standard Detail SD-2-079</p>

**NOTE:**

REFERENCE SUPERPAVE  
PER PA DOT SECTION 409,  
MIXTURE & DESIGN STANDARDS



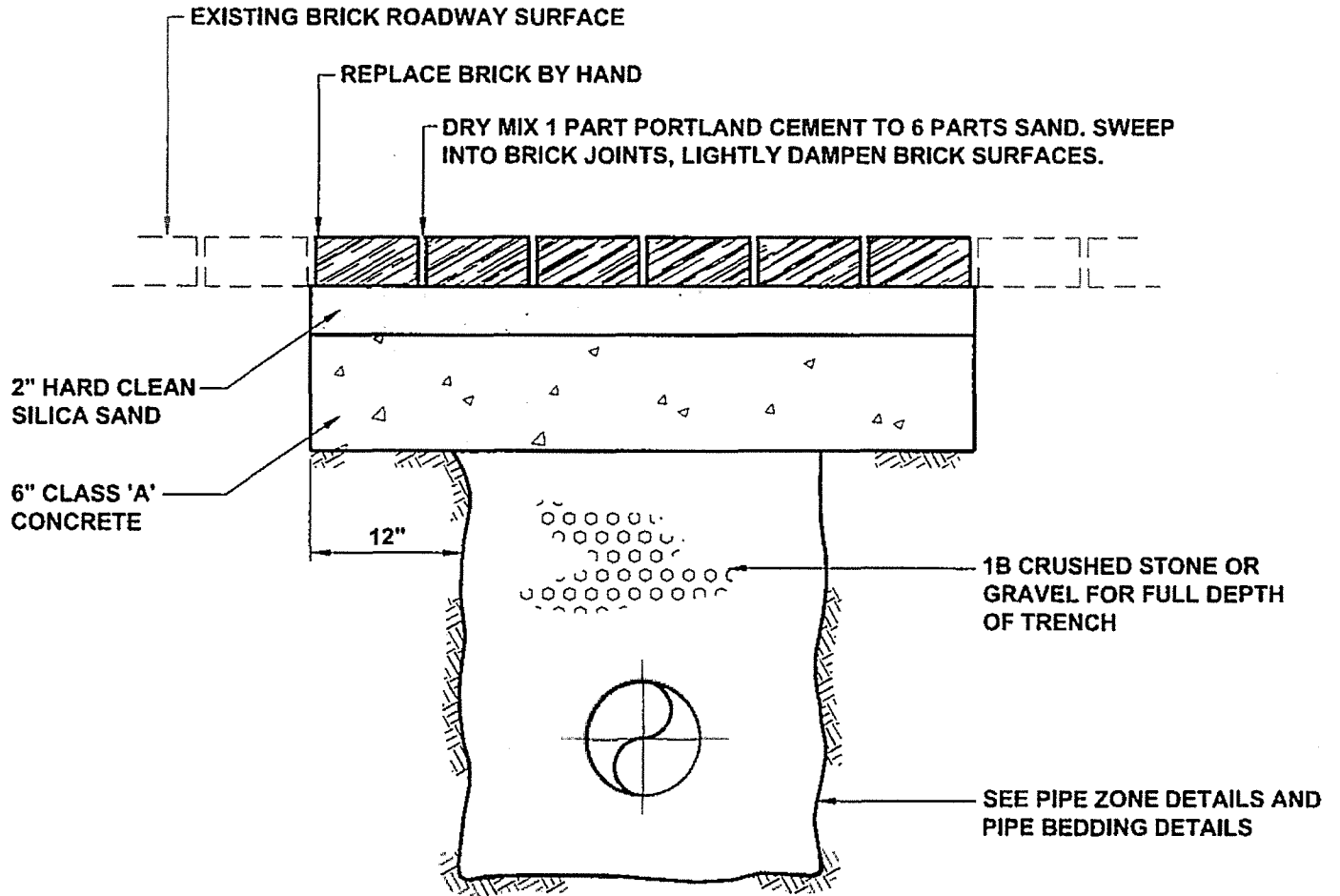
**NOTE:**

DURING COLD WEATHER WHEN SUPERPAVE MATERIAL IS NOT AVAILABLE FROM THE ASPHALT PLANTS THE TRENCH SHALL BE BACKFILLED WITH 2RC SELECT MATERIAL TO AN ELEVATION WITHIN 3" OF THE ROAD SURFACE. THE TRENCH SHALL THEN BE SURFACED WITH A TEMPORARY PATCH OF COLD PATCH MATERIAL. AS SOON AS THE ASPHALT PLANTS OPEN IN THE SPRING, THE CONTRACTOR SHALL REMOVE THE COLD PATCH AND 2RC MATERIALS AND SAW-CUT THE REQUIRED BENCHES AND THE SUPERPAVE MATERIAL SHALL THEN BE PLACED AND SEALED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE ON THE TEMPORARY PATCH AND SHALL KEEP A SMOOTH RIDING SURFACE ON THE STREET.

\* FOR CONCRETE SURFACED ROADWAYS, THE REQUIREMENTS OF PA DOT PUBLICATION 408 ARE REQUIRED.

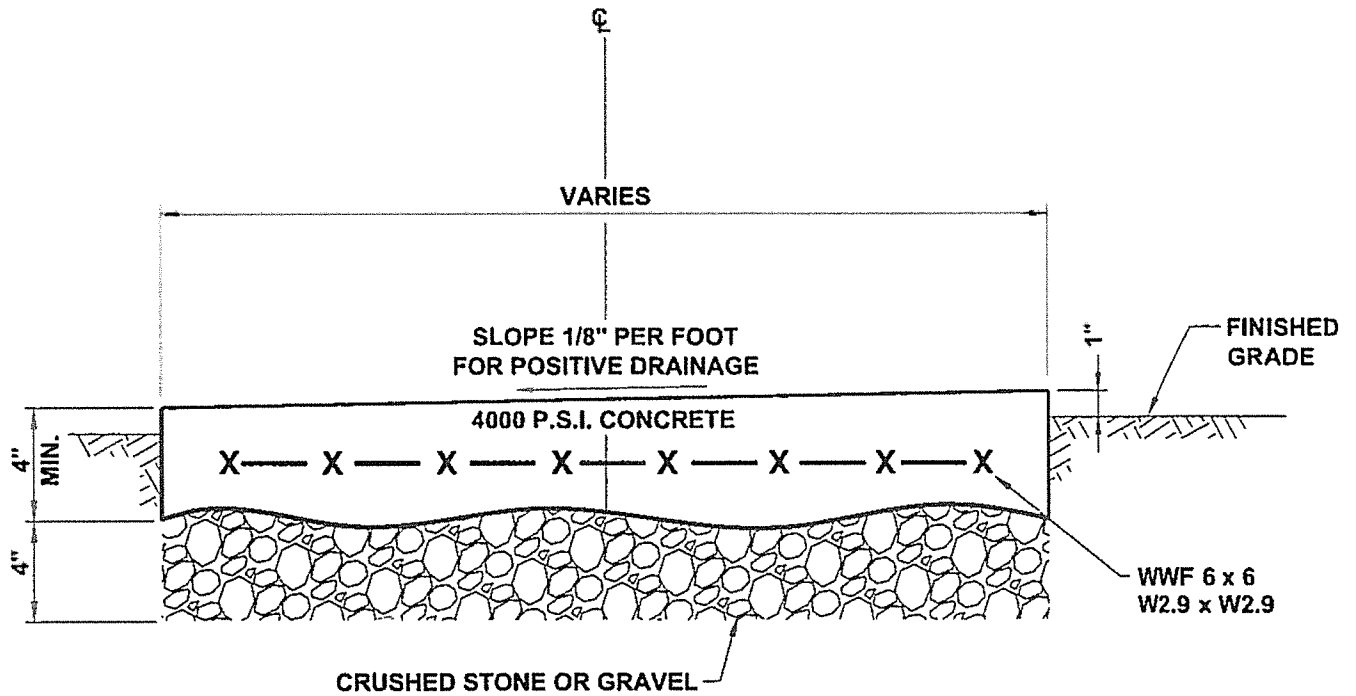
<p><b>KLH ENGINEERS, INC.</b> 5173 Campbells Run Road Pittsburgh, PA 15205</p>		<p><b>TRENCH BACKFILL AND PAVEMENT REPLACEMENT REQUIREMENTS FOR MUNICIPAL ROADS</b></p>
<p>Not to scale</p>	<p>April 2013</p>	<p>Standard Detail SD-2-062</p>

MATCH GRADE TO TRENCH. ALL DEPRESSIONS  
OUTSIDE TRENCH WIDTH TO BE RAISED IN  
ACCORDANCE WITH CONTRACT SPECIFICATIONS



OWNER'S REPRESENTATIVE WILL DESIGNATE DEPRESSED AREAS OUTSIDE TRENCH AREA TO BE RAISED. CONTRACTOR TO HAND REMOVE BRICK, ESTABLISH GRADE UTILIZING SAND, RELAY BRICK IN ACCORDANCE WITH CONTRACT DOCUMENTS. PAYMENT FOR DEPRESSED AREAS WILL BE BY SQUARE YARD AS DETERMINED BY OWNER'S REPRESENTATIVE.

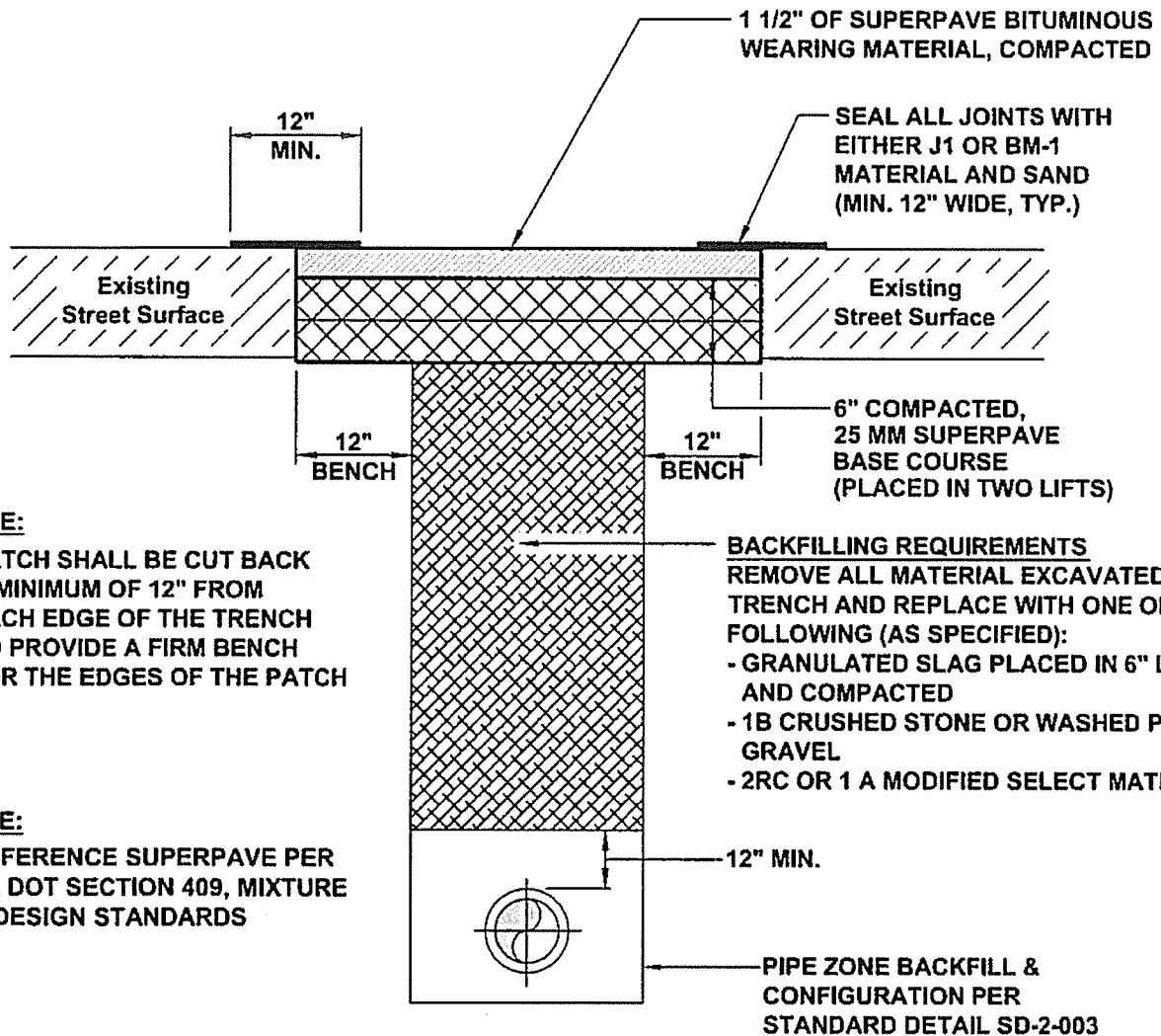
<b>KLH ENGINEERS, INC.</b> 5173 Campbells Run Road Pittsburgh, PA 15205		<b>RESTORATION OF BRICK SURFACE</b>
Not to scale	April 2010	Standard Detail SD-2-073



**NOTES:**

1. SAME THICKNESS OF CONCRETE, BASE AND WEARING SURFACE SLOPE TO BE MAINTAINED FOR WIDER OR NARROWER WALK.
2. WALK SHALL BE CROSS SCORED APPROXIMATELY EVERY 4 FEET 1/2" PRE-FORMED EXPANSION JOINTS EVERY 24 FEET.

<b>KLH ENGINEERS, INC.</b> 5173 Campbells Run Road Pittsburgh, PA 15205		<b>CONCRETE WALKWAY</b>
Not to scale	April 2010	Standard Detail SD-2-080

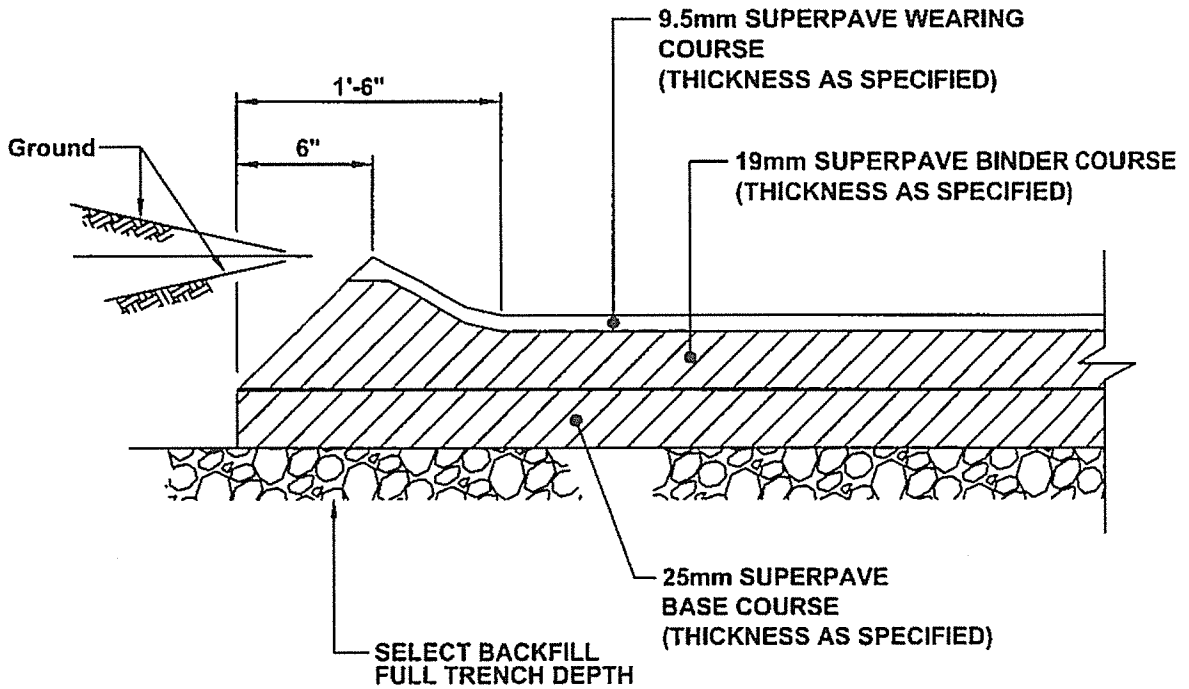


**NOTE:**  
DURING COLD WEATHER WHEN SUPERPAVE MATERIAL IS NOT AVAILABLE FROM THE ASPHALT PLANTS THE TRENCH SHALL BE BACKFILLED WITH BEDDING MATERIAL TO AN ELEVATION WITHIN 3" OF THE ROAD SURFACE. THE TRENCH SHALL THEN BE SURFACED WITH A TEMPORARY PATCH OF COLD PATCH MATERIAL. AS SOON AS THE ASPHALT PLANTS OPEN IN THE SPRING, THE CONTRACTOR SHALL REMOVE THE COLD PATCH MATERIAL AND SAW-CUT THE REQUIRED BENCHES AND THE SUPERPAVE MATERIAL SHALL THEN BE PLACED AND SEALED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE ON THE TEMPORARY PATCH AND SHALL KEEP A SMOOTH RIDING SURFACE ON THE STREET.

<b>KLH ENGINEERS, INC.</b> 5173 Campbells Run Road Pittsburgh, PA 15205		<b>TYPICAL DETAIL FOR          REPAIR OF PAVED          STREET OR ROADWAY          OPENING</b>
Not to scale	February 2012	Standard Detail SD-2-066

**NOTE:**

**REFERENCE SUPERPAVE  
PER PA DOT SECTION 409  
MIXTURE & DESIGN STANDARDS**



<b>KLH ENGINEERS, INC. 5173 Campbells Run Road Pittsburgh, PA 15205</b>		<b>ASPHALT WEDGE CURB RESTORATION</b>
<b>Not to scale</b>	<b>August 2014</b>	<b>Standard Detail SD-2-077</b>

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**Part 2****Curb Cuts and Driveway Construction****§21-201. Width of Driveways.**

All private driveways hereafter constructed across any pavement shall be of a width not less than 8 feet and the curb shall be curved back to the street edge of the foot walk on a radius of 1½ feet.

(*Ord. 2123, 2/9/1999, §1*)

**§21-202. Permit Required.**

Before any private driveway may be constructed across a sidewalk and before any curb cut may be made, a permit shall be obtained from the Borough of Carnegie. All driveways shall be laid according to the specifications furnished by the Borough of Carnegie at the time the permit is granted. All permits shall be publicly approved or denied by Borough Council.

(*Ord. 2123, 2/9/1999, §1*)

**§21-203. Fee.**

The fee for a driveway or curb cut permit shall be in an amount as established, from time to time, by resolution of Borough Council.

(*Ord. 2123, 2/9/1999, §1; as amended by Ord. 2384, 12/10/2012*)

**§21-204. Sidewalk Not to Be Disturbed.**

All paved portions of the sidewalk must not be disturbed, and the height and grade of same must remain the same as before the driveway was constructed. The balance of the pavement shall remain the same height and grade as before the construction of the driveway.

(*Ord. 2123, 2/9/1999, §1*)

**§21-205. Rectification of Improper Work.**

In case any person shall construct a driveway or curb cut and shall not conform to the requirements of this Part, the Borough Council may order such person, firm or corporation to remove the improper work and replace the same in compliance with this Part. Notice to remove and replace improper work shall be given by registered or certified mail, and shall state that the person, firm or corporation shall have 15 days from receipt of the notice to comply therewith. Upon noncompliance, the Borough may do or cause the requested repairs to be done and may levy the cost of its work on such owner as a property lien to be collected in any manner provided by law.

(*Ord. 2123, 2/9/1999, §1*)

**§21-206. Penalties.**

Any person, firm or corporation who shall fail to obtain a permit before constructing a private driveway or making curb cut shall, upon conviction thereof in an action

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brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2123*, 2/9/1999, §1; as amended by *Ord. 2384*, 12/10/2012)



**Part 3****Sidewalk Construction and Repair****§21-301. Construction or Reconstruction upon Notice; Time Limit.**

Every owner of real estate within the Borough of Carnegie shall, upon 30 days written notice from the Building Official, construct or reconstruct a sidewalk and/or curb, which shall conform to all applicable provisions of this Part, in front of and/or alongside such property.

*(Ord. 973, 4/14/1981)*

**§21-302. Repairs upon Notice; Time Limit.**

Every owner of real estate within the Borough of Carnegie shall, upon 10 days written notice from the Building Official, repair the sidewalk and/or curb, in the manner stipulated in such notice, in front of or alongside such property.

*(Ord. 973, 4/14/1981)*

**§21-303. Borough Work When Owner Defaults; Cost.**

Upon the neglect of any property owner to comply with any of the requirements provided in the preceding Sections of this Part, the Building Official shall, after notice, cause the sidewalk and/or curb to be constructed or reconstructed at the cost of such owner and shall collect the cost thereof and 10 percent additional, together with all charges and expenses, from such owner, and shall file a municipal lien therefor or collect the same by action in assumpsit.

*(Ord. 973, 4/14/1981)*

**§21-304. Service of Notices.**

All notices required by this Part shall be served as provided by law.

*(Ord. 973, 4/14/1981)*

**§21-305. Material for Sidewalks and Curbs; Specifications.**

All sidewalks and curbs shall be constructed, reconstructed and repaired of concrete or brick surface laid on concrete, according to specifications determined from time to time by the Borough Engineer and approved by Borough Council. Provided: where the existing sidewalk is of a material other than concrete and was originally constructed in conformity with a then valid ordinance of the Borough, and at least two-thirds of such sidewalk shall be in good repair, such sidewalk may be repaired of the same material of which it was originally constructed. Provided further: sidewalks constructed in developments by subdividers shall be further subject to the provisions of the Borough subdivision regulations [Chapter 22].

*(Ord. 973, 4/14/1981)*

**§21-306. Location and Width of Paving; Grassplots.**

The width of sidewalks and curbs, the portion of the width of such sidewalk that

shall be paved, and the portion thereof, if any, that shall be left unpaved as a grassplot, and the location of such paved and unpaved portions, shall be as specified in the most recent and still valid ordinances establishing such widths and lines for the street or alley along which a sidewalk is to be constructed, reconstructed or repaired. Provided: when a sidewalk shall be paved to less than the full established width, the paved portion shall be not less than 5 feet in width, 2½ feet thereof to be on each side of the center line, and this permissive arrangement for the purpose of uniformity shall not abrogate or set aside the regular full width of any such sidewalk.

*(Ord. 973, 4/14/1981)*

**§21-307. Conformity to Grades and Lines.**

All sidewalks and curbs shall be constructed, reconstructed and repaired and the grading therefor shall be done upon the line and grade obtained by the property owner from the Building Official and not otherwise. Upon notice, as provided in §21-301 or §21-302 of this Part, as the case may be, such work of construction, reconstruction or repair shall be done by the owner or owners of such property.

*(Ord. 973, 4/14/1981)*

**§21-308. Authority of Building Official; Inspections.**

It shall be the duty and responsibility of the Building Official to determine, in the case of any individual property, whether or not the sidewalk and/or curb shall be reconstructed or repaired, and, if so, the specific part or parts thereof to be reconstructed or repaired. The Building Official may, during the course of work of construction, reconstructing or repairing any sidewalk and/or curb, visit the site of such work to ascertain whether such work is being done according to requirements, and he, or one of his assistants, shall visit any such site for such purpose whenever requested by the property owner. Within 48 hours after the completion of the work of construction, reconstruction or repair of any sidewalk and/or curb, it shall be the duty of the owner of the property where such work was done to notify the Building Official of such fact, so that he may inspect such sidewalk and/or curb to determine whether such work was done in conformity with the requirements of this and all other applicable ordinances.

*(Ord. 973, 4/14/1981)*

**§21-309. Initiative of Property Owner; Conditions.**

Any property owner may, upon his own initiative and without notice from any Borough authority, construct, reconstruct or repair a sidewalk and/or curb in front of or alongside his property, provided such owner shall first make application to the Building Official and shall conform to the requirements of this and any other applicable ordinances as to line and grade and as to the material to be used and that he shall also notify the Building Official as required by §21-308 of this Part, within 48 hours after the completion of such work.

*(Ord. 973, 4/14/1981)*

**§21-310. Penalty for Violation.**

Any person who shall violate a provision of this Part or shall fail to comply with any of the requirements thereof shall be guilty of a violation of this Part, upon conviction

thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 973, 4/14/1981; as amended by Ord. 1047, --/1988; and by Ord. 2384, 12/10/2012)*



**Part 4****Snow and Ice on Sidewalks****§21-401. Removal of Snow, Ice and Hail Mandatory.**

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough to fail to remove from the sidewalk abutting said property all snow, ice, hail or sleet within 24 hours after the same shall have been ceased to fall thereon and to keep said sidewalks free and clear of all snow, ice, hail or sleet thereafter.

(*Ord. 2156, 10/10/2000, §1*)

**§21-402. Depositing on Street or Alleyway Unlawfully.**

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough in removing said snow, ice, hail or sleet as set forth in §21-401 hereof, to deposit same on the traveled cartway of any dedicated or undedicated public street or alleyway within the Borough.

(*Ord. 2156, 10/10/2000, §2*)

**§21-403. Fire Hydrants to Remain Visible and Accessible.**

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough in removing said snow, ice, hail or sleet as set forth in §21-401 hereof, to deposit same in such a manner as to do any of the following:

- A. Obscure visibility of any fire hydrant.
- B. Obstruct or impede access to any fire hydrant.

It shall be unlawful for any person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough to violate any provision of this Part and any such person, association, firm, partnership, corporation or any other entity owning, possessing or occupying any property along any dedicated or undedicated public street or alleyway within the Borough, so violating any provisions herein, shall, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2156, 10/10/2000, §5; as amended by Ord. 2384, 12/10/2012*)

**§21-404. Municipal Liens.**

Any matters referred to herein as being unlawful shall be declared to be nuisances and removable as such. If the cost of such removal is not promptly paid, a municipal lien shall be filed therefore or such cost otherwise collected as authorized by law.

*(Ord. 2156, 10/10/2000, §4)*

**§21-405. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

*(Ord. 2156, 10/10/2000, §5; as amended by Ord. 2384, 12/10/2012)*

**Part 5****Obstructions on Sidewalks****A. Obstructions Prohibited****§21-501. Obstructions Prohibited.**

From and after the enactment of this Part it shall be unlawful for any person, firm, or corporation to construct, erect, or maintain within the public right-of-way in the Borough of Carnegie any obstruction.

(*Ord. 2411, 3/9/2015, Art. III*)

**§21-502. Removal of Obstructions Required.**

Within 10 days after the enactment of this Part every person, firm or corporation owning, maintaining or using any obstruction within the public right-of-way in the Borough of Carnegie, shall remove the same from said sidewalks, and the ownership, maintenance, or use of the same after the expiration of said 10-day period is hereby declared to be unlawful.

(*Ord. 2411, 3/9/2015, Art. III*)

**§21-503. Penalty for Violation.**

Any person, firm, or corporation violating any of the provisions of §§21-501 or 21-502 of this Part, shall, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2411, 3/9/2015, Art. III*)

**§21-504. Exceptions.**

Sections 21-501 and 21-502 of this Part shall not be construed to include necessary, telephone, electric light, or other poles of public utility companies operating under franchise grants of the Borough, or any poles, cables, wiring, antennas, supportive structures and other facilities erected by authority of the Borough or of the Pennsylvania Department of Highways.

(*Ord. 2411, 3/9/2015, Art. III*)

**§21-505. Borough May Remove Obstruction and Assess Cost.**

The Borough is hereby authorized to remove or cause to be removed from the public right-of-way in the Borough, any obstruction erected, maintained, owned or used in violation of any of the provisions of §§21-501 or 21-502 of this Part, and to collect the cost of such removal, with any additional charge authorized by law, from the person,

firm, or corporation erecting, maintaining, owning, or using such obstruction.  
(*Ord. 2411, 3/9/2015, Art. III*)



**B. Special Permits for Restaurants****§21-511. Special Permit for Restaurant.**

The owner of a restaurant may file for a special permit to use the sidewalk in front of the restaurant establishment as an outdoor café. The application for the special permit shall be filed with the Code Enforcement Officer. The Code Enforcement Officer shall issue the special permit, provided that the application complies with all of the following conditions:

A. The special permit for the outdoor café must be obtained annually and shall only apply to the period from May 1 through October 15. In order to defray the costs of the Borough in processing said application, the application must be accompanied with a non-refundable filing fee in an amount as established, from time to time, by resolution of Borough Council. [*Ord. 2384*]

B. Under no circumstances will the owner of the restaurant serve or permit any alcoholic beverages to be opened or consumed by the customers or patrons of the restaurant on the sidewalk area. Violation of this provision will result in the automatic revocation of the permit.

C. The application must be accompanied by a certificate of insurance naming the Borough as an additional insured, for general liability to persons or property as a result of the use of the sidewalk area.

D. The tables and chairs will be located so that the general public will have a minimum right-of-way of 5 feet to walk on the sidewalk. Under no circumstances will the owner of the restaurant cause any obstruction which will violate the minimum right-of-way of 5 feet. Any violation of this Section will result in the automatic revocation of the permit.

E. The special permit will not be issued for the use of the sidewalk within 20 feet, in either direction, or any fire hydrant.

F. The special permit for the use of the sidewalk shall not be issued under any circumstances where it may cause or create any danger or may affect the health, safety or welfare of the Borough, or its citizens.

(*Ord. 1052*, 10/10/1989, §1; as amended by *Ord. 2384*, 12/10/2012)

