

**Chapter 95**  
**STREETS AND SIDEWALKS**

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[HISTORY: Adopted by the Borough Council of the Borough of Heidelberg 6-15-1999 by Ord. No. 531, approved 7-12-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 39.  
Property maintenance — See Ch. 86.

Zoning — See Ch. 112.

Part 1  
Street Excavations

ARTICLE I  
Terminology

§ 95-1. Definitions

The following words, when used in this Part 1, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

APPLICANT — Any person who makes application for a permit.

BOROUGH — The Borough of Heidelberg.

EMERGENCY — Any unforeseen circumstances or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

**MANAGER** — The Manager of the borough, or his authorized deputy, representative or inspector, or such other person as may be appointed by the Council of the borough to perform the duties of Manager hereunder. The Council of the borough reserves the right to perform any duties delegated to the Manager hereunder.

**NEWLY IMPROVED STREET** — Newly constructed cartways including base and surfacing of either concrete or asphalt and reconstructed cartways surfaced with at least 1¼ inch top of asphalt. It shall be the prerogative of the Director of Public Works to define the category of newly improved street and advise the proper utility companies of this designation.

**PERMITTEE** — Any person who has been issued a permit and has agreed to fulfill all the terms of this Part 1.

**PUBLIC UTILITY COMPANY** — Allegheny County Sanitary Authority (ALCOSAN), any cable television company or any company subject to the jurisdiction of and control by the Pennsylvania Public Utility Commission.

**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 borough, 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.

## ARTICLE II

### Street Openings and Pavement Cuts

#### § 95-2. Permit required.

- A. 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 Manager for each separate undertaking; provided, however, 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 circumstances demand the work to be done immediately, provided the permit could not reasonably and practically have been obtained beforehand. In such cases where emergency openings are necessary, however, the borough shall be notified prior to such openings in one of the following manners:
- (1) Fax notification.
  - (2) Telephone notification.
  - (3) PA One Call
- B. The person shall thereafter apply for a permit on the first regular business day on which the office of the Manager is open for business and said permit shall be retroactive to the date when the work was begun.

**§ 95-3. Street openings limited.**

No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount greater than that specified in the permit, except that where the permittee desires to perform additional work not in excess of an amount greater than 10% of the amount specified in the original permit, an application for a new permit shall be made. Any deposit or bond posted in connection with the original 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.

**§ 95-4. Commencement of work.**

Work for which a permit has been issued shall commence within 30 days after the issuance of the permit therefor. 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 or within any extension of time granted hereunder may be renewed only upon the payment of an additional permit fee as originally required.

**§ 95-5. 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.

**§ 95-6. 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 shall, prior to expiration of the permit, present in writing to the Manager a request for an extension of time, setting forth therein the reasons for the requested extension. If the Manager 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.

**§ 95-7. Borough utility cuts.**

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 Manager. The permit, fee, deposit, insurance and bond requirements of this Part 1 shall not be applicable to any openings made by borough-owned and/or –operated utilities.

**§ 95-8. State and county highways.**

The provisions of this Part 1 shall not be applicable in those instances where the street or highway is maintained by the commonwealth 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 1 shall notify the 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.

**§ 95-9. Rights of borough.**

Every permit shall be granted subject to the right of the borough or 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.

**§ 95-10. Revocation of permits.**

- A. Any permit may be revoked by the Manager, after notice to the permittee, for:
- (1) Violation of any condition of the permit or any provision of this Part 1.
  - (2) Violation of any other applicable provision of borough ordinances, the Borough Code or any law relating to the work.
  - (3) Existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of others.
- B. A permittee shall be granted a period of three 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.
- C. Written notice of any such violation or condition shall be served upon the permittee or his 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.
- D. When any permit has been revoked and the work authorized by the permit has not been completed, the Manager 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 thereby incurred by the borough shall be recovered from the deposit or bond the permittee has made or filed with the borough.

ARTICLE III  
**Applications and Permits**

**§ 95-11. Duties and responsibilities of applicants.**

It shall be the duty and responsibility of all applicants to:

- A. Make written application for such permit with the Manager on such form as he shall prescribe. No work shall commence until the Manager has approved the application and plan and issued a permit and until the permittee has paid and provided all required fees, deposits, certificates and bonds.
- B. Furnish in triplicate a plan showing the work to be performed under said permit. Two copies 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.

**§ 95-12. Duties and responsibilities of permittees.**

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

- A. Pay a minimum permit fee, the amount to be established from time to time by resolution of Borough Council.
- 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 § 95-14B of this Part 1, 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 Manager as provided in Article V of this Part 1. In the case of public utility companies, the Manager may waive this 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 such utility companies elect to file such a bond, the borough shall bill such utility companies monthly for such costs as they accrue.
- C. Furnish a maintenance bond as required in Article VI of this Part 1 and, when the permittee is granted permission to restore the street surface as provided in § 95-14D of this Part 1, a performance bond as required in Article VI of this Part 1.
- D. Furnish a certificate of insurance as required in Article VII of this Part 1 unless excepted from such requirement by the provisions of Article VII.
- E. Submit, when required by the Manager, 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.
- F. Present evidence, when required, that all materials, labor and equipment which are needed to complete such work as authorized by the permit are available.

- G. Keep the original copy of the permit and an approved copy of the plan (see § 95-11B) at all times while such work is in progress at the location for which such permit was granted and show such permit and/or plan upon demand by a borough official.
- H. Provide advance notification to operators of underground facilities about excavation, auguring, blasting or other activities which may endanger underground facilities, using a one call system if one is in operation.

#### ARTICLE IV Street Opening Regulations

##### § 95-13. Opening and excavation restrictions.

- A. 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.
- B. No more than 150 feet measured longitudinally shall be opened in any street at any one time, except by special permission of the Manager.
- C. All utility facilities shall be exposed sufficiently or definite location be determined ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.
- D. Pipe drains, pipe culverts or other facilities encountered shall be protected by the permittee.
- E. Any person whose facilities are damaged, or caused to be relocated by the permittee, shall notify the permittee and the borough of such damage and thereafter may make the necessary repairs or relocation and (in conjunction with notifying the borough of such) may file a claim against the permittee 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 Manager from the deposit pending determination of liability for the damage.
- F. 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 bench mark within the borough, shall not be removed or disturbed unless permission to do so is first obtained in writing from the Manager. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacement of the monument.
- G. 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.
- H. When any earth, gravel or other excavated material is caused to flow, roll or wash upon any street, the permittee shall cause removal of same from the street within eight hours after deposit to permit safe flow of traffic. In the event the earth, gravel or other excavated material so deposited is not removed as specified, the Manager shall cause such removal and the cost incurred shall be paid by the permittee or deducted from his deposit.

- I. Every permittee shall place around the project such barriers, barricades, lights, warning flags and danger signs as shall be determined by the Manager to be necessary for the protection of the public. Additional safety requirements may be prescribed by the Manager, and where applicable, shall be in conformance with the requirements set forth in 67 Pa. Code 203.1 et seq., dealing with work zone traffic control. Copies of the publication shall be made available in the office of the Manager for inspection by the public. 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 deposit. 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.
- J. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants.
- K. 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 Manager may require the permittee to provide toe 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 Manager. 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 1/2 the sidewalk width open along such sidewalk line.
- L. Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless permittee obtains written consent from the Manager to do the work at an earlier or later hour. Such permission shall be granted only in the case of an emergency or in the event the work authorized by the permit is to be performed in traffic-congested areas.
- M. In granting any permit, the Manager 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:
  - (1) Limitations on the period of the year in which the work may be performed.
  - (2) Restrictions as to the size, weight and type of equipment.
  - (3) Designation of routes upon which materials may be transported.
  - (4) Designation of the place and manner of disposal of excavated materials.
  - (5) 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.
  - (6) Regulations as to the use of streets in the course of the work.

- N. Hydra-hammer; headache ball. The use of a mechanical device for breaking of pavement, such as a hydra-hammer, headache ball, etc., will be permitted only under special written permission of the Manager.

**§ 95-14. Backfilling and restoring opening.**

- A. All pavement cuts, openings and excavations shall be made properly and backfilled properly by the permittee according to borough specifications. Unless the permittee has been granted permission to restore the street surface as provided in Subsection D hereof, the permittee also shall place a temporary surface on the pavement cut, opening or excavation in accordance with borough specifications. 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 borough specifications until such time as weather conditions will permit permanent restoration of the street surface.
- B. The Manager shall be notified by the permittee during the forty-eight-hour periods preceding the beginnings of backfilling and restoration, and the approximate time each will be begun.
- C. No backfilling or restoration shall be accomplished unless or until the Manager or his designee is present or permission has been granted for backfilling or restoration after inspection by the Manager or his designee.
- D. The work of final restoration, including both paving surface and paving base, shall be performed directly by the borough under the supervision of the 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 of 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 borough specifications and shall be subject to inspection by the borough.
- E. If the Manager 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, he may require negotiated contribution from the permittee for the resurfacing in place of patching of such street if the total area of the proposed patch or probable damaged area exceeds 25% of the total pavement surfacing between curb faces or between concrete gutter edges. Such negotiations shall be carried on and contributions agreed upon prior to issuance of a permit.
- F. After excavation is commenced, the work of making and backfilling the same shall be prosecuted with due diligence. Unless the provisions of Subsection A of this section apply, the permittee is required to complete permanent restoration of the street surface in accordance with borough specifications within seven 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 specifications during:

- (1) The period between the completion of repairs and/or installation and the commencement of final restoration; and
  - (2) The periods during the actual work when workers do not require access to the excavation.
- G. Inspections of all work authorized by a permit shall be made by the Manager at such times and in such manner as required to assure compliance with provisions of this Part 1. 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 Manager shall provide for the services of such an inspector.
- H. All inspection costs shall be borne by the permittee. Such costs shall be based upon a schedule of charges on file in the office of the Manager.
- I. Upon completion of all work accomplished under the provisions of a permit, the permittee shall notify the Manager in writing. A certificate of final inspection shall be issued by the Manager to each permittee no sooner than one year and not later than 18 months after the permanent restoration of the excavation has been made, providing the work authorized by the permit has been performed according to borough specifications. Prior to the issuance of a certificate, the Manager shall make a final inspection of the restoration to determine whether borough specifications have been adhered to.
- J. If any settlement in a restored area occurs within a period of two years from 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 bond, unless the permittee submits proof satisfactory to the Manager that the settlement was not due to defective backfilling.
- K. 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 of restoration of the street surface as provided in Subsection D of this section.

## ARTICLE V Deposits

### § 95-15. Computation of deposit.<sup>1</sup>

The Manager, 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 § 95-19 of this Part 1; provided, however, that the minimum deposit required shall not be less than an amount as set from time to time by resolution of the Borough Council. 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

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<sup>1</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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 1. In the case of a public utility company, the requirements of such deposit may be waived if such public utility company files with the borough its corporate bond as provided in § 95-12B of this Part 1.

**§ 95-16. Form of deposit.**

The deposit may be either in the form of a certified, treasurer's or cashier's check or in lawful money of the United States.

**§ 95-17. 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 of competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.

**§ 95-18. 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 a deposit in the amount and form hereinbefore provided for the calendar year or part thereof to cover the cost of deposits which would otherwise be required for the anticipated permits.

**§ 95-19. Deposit and cost schedules.**

The Manager 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 1. This schedule shall be established by the Manager in accordance with the reasonably anticipated costs to be incurred by the borough in 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 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 Manager upon request.

**§ 95-20. Decision on costs.**

The decision of the Manager as to the cost of any work done or repairs made by him or under his direction, pursuant to the provisions of this Part 1, shall be final and conclusive as to such cost.

**§ 95-21. 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 Manager shall refund to the permittee his deposit less all costs incurred by the borough in connection with said permit. In no event shall the permit fee be refunded.

ARTICLE VI  
**Bond Requirements**

**§ 95-22. 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 an acceptable corporate surety bond to guarantee faithful performance of the work authorized by a permit granted pursuant to this Part 1. The amount of the bond shall be 110% of the estimated cost of restoring the street opening. The terms of the bond shall begin upon the date of posting thereof and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Manager. If the permittee anticipates requesting more than one permit per year as required by this Part 1, he may furnish one continuing corporate surety bond to guarantee faithful performance in such amount as the 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.

**§ 95-23. Maintenance bond.<sup>2</sup>**

Each applicant, upon the receipt of a permit, shall provide the borough with an acceptable corporate surety bond conditioned for compliance with the street opening specifications of the borough and the provisions of this Part 1. The Manager 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, the minimum amount of the bond shall not be less than an amount as set from time to time. The term of each such 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 Manager. If the permittee anticipates requesting more than one permit a year, he may file a continuing corporate surety bond conditioned for compliance with the specifications of the borough and the provisions of this Part 1 in such amount as the 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.

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<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**§ 95-24. Default in performance.**

Whenever the Manager shall find that a default has occurred in the performance of any term or condition of the permit, written 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 Manager to be reasonably necessary for the completion of such work.

**§ 95-25. 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.

ARTICLE VII  
**Liability Insurance**

**§ 95-26. Insurance requirements.**

Each applicant, upon the receipt of a permit, shall provide the borough with an acceptable certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the Manager in accordance with the nature of the risk involved; provided, however, it shall provide for a minimum of comprehensive bodily injury liability insurance including coverage on a personal injury basis and comprehensive property damage liability insurance not less than \$2,000,000 combined single limit. Public utility companies and authorities may be relieved of the obligation of submitting such a certificate if they submit satisfactory evidence that they are insured in accordance with the requirements of this Part 1 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.

ARTICLE VIII  
**Openings in Newly Improved Streets**

**§ 95-27. Notice of proposed improvement.**

When the borough shall improve or pave any street, the Manager first shall give notice to all persons owning property abutting on the street about to be paved or improved, and to all public utility companies and authorities operating in the borough, and all such persons, public utility companies and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street, within 30 days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Manager after consultation with the Borough Engineer.

**§ 95-28. Restrictions upon opening newly improved streets.**

No permit shall be issued by the Manager which would allow an excavation or opening in a paved and improved street surface less than five years old unless the applicant can demonstrate clearly that public health or safety require that the proposed work be permitted or unless an emergency condition exists.

**§ 95-29. Penalty for opening newly improved street.**

If, by special action of the Manager, a permit is issued to open any paved and improved street surface less than five years old, a penalty charge shall be made for the opening, except that the penalty shall be waived in the event the work is of an emergency nature. The penalty charged shall be on a sliding scale and shall be equal to 2% of the cost of restoring the opening for each unelapsed month or fraction thereof of the five-year restricted period. Said penalty may be waived by action of the Borough Council.

ARTICLE IX  
General Provisions

**§ 95-30. Street list of underground utility installations.**

- A. Every person owning, using, controlling or having an interest in pipes, conduits, ducts, or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, communication impulses, water or steam to or from the borough or to or from premises of its inhabitants, or for any other purposes, shall file with the Manager within 120 days after the adoption of this Part 1 a written statement containing the names of the borough's streets wherein the aforementioned facilities owned by such person are located.
- B. Within 90 days after the first day of January of each and every year, such person shall notify in writing the Manager of the changes necessary to maintain the street list required under Subsection A above.

**§ 95-31. Abandoned facilities.**

- A. Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any street is abandoned, or the use thereof abandoned, the person owning, using, controlling or having an interest therein shall, within 30 days after such abandonment, file with the 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 Manager notified thereof in writing.
- B. 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, 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.

**§ 95-32. Notice to property owners and tenants abutting project.**

- A. 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 Manager 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 Manager shall notify the affected property owners and/or tenants of the proposed work to be done.
- B. If the work to be undertaken by a permittee will affect other subsurface installation(s) in the vicinity of the proposed opening, the Manager shall notify the owner(s) of such facilities of the proposed work.

**§ 95-33. Notice to police and fire authority.**

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

**Part 2  
Street Obstructions**

**ARTICLE X  
Obstructions Prohibited**

**§ 95-34. Streets to be kept clear of dirt, mud, snow and ice; violations and penalties.**

It shall be unlawful for any person or persons to place, throw, plow, blow or otherwise distribute or cause to be placed, thrown, plowed or blown or otherwise distributed onto any highway, street, road or alley of this borough any accumulation of dirt, mud, snow or ice. Any person who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

**Part 3  
Curblines**

**ARTICLE XI  
Location and Construction**

**§ 95-35. Curblines on streets 60 feet wide and wider.**

The curblines on either side of all avenues, streets and roads that are 60 feet wide and wider shall be fixed, located and established parallel with and at a distance out from the adjacent property line, which distance shall be  $\frac{1}{4}$  of the total width of the street.

**§ 95-36. Curblines on streets 30 to 60 feet wide.**

The curblines on either side of all avenues, streets and roads that are 30 feet wide and less than 60 feet wide shall be fixed, located and established parallel with and at a distance out from the adjacent property line, which distance shall be  $\frac{1}{5}$  the total width of the street.

**§ 95-37. Curblines on streets 25 to 30 feet wide.**

The curblines on either side of all streets, roads, lanes and alleys that are 25 feet wide and less than 30 feet wide shall be fixed, located and established parallel with and at a distance out from the adjacent property line, which distance shall be  $\frac{1}{6}$  of the total width of the street.

**§ 95-38. Curblines on streets less than 25 feet wide.**

The curblines on either side of all streets, roads, lanes and alleys that are less than 25 feet wide shall be fixed, located and established parallel with and at a distance of six inches out from the adjacent property line.

**Part 4  
Street Grades**

**ARTICLE XII  
Datum**

**§ 95-39. Datum for street grades established.**

The datum for the grades of the streets, roads and alleys in the Borough of Heidelberg shall be as established by the U.S. Geological Survey.

**Part 5  
Central Business Sidewalk District**

**ARTICLE XIII  
District Regulations**

**§ 95-40. Central Business Sidewalk District created.**

There is hereby created within the Borough of Heidelberg a Central Business Sidewalk District along Route 50. This district is described as follows: All sidewalks adjacent to and/or abutting Route 50 are considered as being within the Central Business Sidewalk District of the Borough of Heidelberg.

**§ 95-41. Duty of property owners.**

It shall be the duty of the owners of all property abutting upon any sidewalk within the sidewalk district created in § 95-40 of this Part 5 to maintain and repair such sidewalk and any curbs and gutters at the edge of such sidewalks in a safe and usable condition as hereinafter prescribed.

**§ 95-42. Sidewalk plans and specifications.**

All sidewalks within said sidewalk district shall be maintained and repaired in accordance with plans and specifications established by the Borough of Heidelberg. Such plans and specifications shall be maintained by the Borough Manager in the official ordinance files of the borough and made available for inspection upon request.

**§ 95-43. Refusal of maintenance and repair; notice.**

- A. In the event that the owner or owners of any lot fronting on said sidewalks shall fail to refuse to maintain and/or repair said sidewalks and/or the curbs and gutters at the edge of said sidewalks, a notice shall be sent to said owner or owners to provide for a period of 30 days wherein said owner or owners shall make such repairs or provide such maintenance as shall be necessary under the terms of this Part 5.
- B. At the expiration of 30 days from the date of any notice as provided for in this section, if any owner or owners has or have failed to comply therewith the borough may cause the maintenance or repairs to be done at the cost of such owner or owners, plus 10% additional, together with all charges and expenses connected therewith and may file a municipal claim therefor, or collect the same by action in assumpsit in accordance with law.
- C. Any notice required by this Part 5 shall be served upon the owner of the premises to which the notice refers by first class mail addressed to such owner as appears in the official property records of the office of Deed Registry of the County of Allegheny. Additionally, if the owner is not a resident of the Borough of Heidelberg, then the notice shall also be served upon any agent or tenant of the owner, or upon the occupant of such premises to the extent that such persons are known. If the owner has no agent or tenant or there is no occupier of such premises, then service shall be by notice posted upon the premises.

**Part 6  
Sidewalk Obstructions**

**ARTICLE XIV  
Obstructions Prohibited**

**§ 95-44. Sidewalks to be kept clear of dirt, snow, ice and other obstructions; responsibility of property owners.**

It shall be the duty of the owners of all property abutting upon any paved sidewalk in the Borough of Heidelberg at all times to keep such sidewalk clean and clear of all dirt, rubbish, garbage or refuse matter, and at all times open and unobstructed for the use of the public. In case any snow or ice shall fall or be formed upon any such sidewalk, such property owner shall remove such snow or ice or cause the same to be removed therefrom within 12 hours after the same shall cease to fall or to be formed. Any person who shall violate any provision of this section, either by placing any dirt, rubbish, garbage, refuse matter or other obstruction upon any sidewalk or, if the owner of the abutting property, by failing to remove the same or by failing to remove snow and/or ice from the same within the time limit herein prescribed shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$600 plus costs and, in default of payment of said fine and costs, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part 6 continues shall constitute a separate offense.

**Part 7  
Sidewalk Construction and Repair**

**ARTICLE XV  
General Requirements**

**§ 95-45. Minimum width of new sidewalks; conformity to specifications.**

Pursuant to provisions of Article XVIII of the Borough Code of 1966, P.L. (1965) 1656, and any amendments thereof, all sidewalks hereafter constructed and laid out in the Borough of Heidelberg shall be of a width of not less than four feet and in conformity with specifications established by the Borough Engineer.

**§ 95-46. Manner of laying out sidewalks; establishment of grade.**

Said sidewalks shall be laid out by ordinance, wherein the grade shall be established, which grade or grades may be separate and apart from the grade or grades established for the cartway or roadway.

**§ 95-47. Curbs, gutters and drains.**

Curbs, gutters and drains on any street or streets of the borough shall likewise be set forth by ordinance.

**§ 95-48. Work to be done by property owners; maintenance thereafter.**

By ordinance, the Borough of Heidelberg may require the grading paving and repairing of any sidewalk or sidewalks, and the construction and repairing of curbs and gutters at the edge of sidewalks, by the owners of lots fronting thereon, who, when said sidewalks, curbs and gutters are so constructed, shall be responsible for keeping them in safe and usable condition.

**§ 95-49. Responsibility for cost of work.**

The borough may pay a portion of the cost and expense of grading and curbing sidewalks or may impose the total cost of any grading paving, repairing, curbing and guttering upon the owners of lots fronting thereon.

**§ 95-50. Notice to do work; time limit.**

Where the cost of any grading, paving, repairing, curbing and guttering is to be done at the cost of any owner or owners of lots fronting thereon, a notice shall first be prepared and served upon said owner or owners, said notice to conform with existing law, and to provide for a period of 30 days wherein said grading, paving, repairing, curbing and guttering shall be done in accordance with the terms of any ordinance duly enacted by the borough.

**§ 95-51. Authority for borough to do work at expense of defaulting property owner.**

After the expiration of 30 days from the date of any notice as provided for in § 95-50 above, if any owner or owners has or have failed to comply therewith, the borough may cause the grading, paving, repairing, curbing and guttering to be done at the cost of such owner or owners, plus 10% additional, together with all charges and expenses connected therewith, and may file a municipal claim therefor or collect the same by action in assumpsit in accordance with law.

**§ 95-52. Service of notice.**

Any notice shall be served upon the owner of the premises to which the notice refers, if such owner is a resident of the borough. If the owner is not a resident, then the notice may be served upon the agent or tenant or upon the occupier of such premises. If the owner has no agent or tenant or there is no occupier of such premises, then service shall be by notice posted upon the premises.

**§ 95-53. Abatement of nuisances.**

Where a nuisance results from the condition of a sidewalk and the safety of pedestrians is imminently jeopardized, the borough may abate the nuisance, with or without notice, and may collect the cost thereof in the same manner and to the same extent as in other cases of the abatement of nuisances.

**Part 8**  
**Accessibility of Curb Boxes**

**ARTICLE XVI**  
**General Requirements**

**§ 95-54. Curb boxes to be maintained at grade level.**

It shall be unlawful for any person, partnership, corporation or other legal entity to cover or otherwise obliterate any curb box or fail to bring to and maintain at grade level of real property any curb box located thereon.

**§ 95-55. Prospective operation or requirements.**

The provisions of § 95-54 of this Part 8 are intended to operate prospectively so that if any curb boxes are newly installed by any public utility company in any real property, or if any curb boxes previously installed by any public utility company are, in the normal course of operation of said public utility company, uncovered, then in all such cases said newly established and uncovered curb boxes shall be subject to the provisions of § 95-54 aforesaid, and any person, partnership, corporation or other legal entity covering, obliterating or failing to bring to and maintain said curb box at grade level of any real property wherein said curb box is located, shall be in violation of this Part 8.

**§ 95-56. Previously installed curb boxes; periodic inspection.**

In all cases where curb boxes previously installed on real property are covered or otherwise obliterated, or are not at grade level of the real property wherein they are located, said curb boxes, when uncovered by the public utility company, or successor thereof, which is the installer and/or owner thereof, shall be forthwith brought to grade level of the real property wherein they are located, and shall thenceforth be and remain uncovered and kept and maintained at grade level as aforesaid provided. This section is predicated upon the obligation and practice of every public utility company installing and owning curb boxes to make a periodic examination and inspection of any curb boxes, wheresoever installed, which shall be uncovered and at grade level of the real property wherein they are located.

**§ 95-57. Definitions.**

As used in this Part 8, the following terms shall have the meanings indicated:

**CURB BOX** — A device ordinarily located near a curb or sidewalk and used to mark the place of a public utility turn-off connection and wherein the public utility's service or product to a building or structure erected on real property can be disconnected.

**§ 95-58. Unlawful acts.**

It shall be unlawful for any person, partnership, corporation or other legal entity to cover or otherwise obliterate any manhole cover, street curb box or other borough or public utility company device, installed, kept or maintained within the confines of this borough. The provisions of this section are not intended to apply to those installations which are covered for purposes of safety or shelter by the installer thereof.

**§ 95-59. Violations and penalties.**

Any person, firm or corporation who shall violate any provision of this Part 8 shall, upon conviction thereof, be sentenced to pay a fine of \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part 8 continues shall constitute a separate offense.

**Part 1, Appendix I**

**Bituminous Street Opening Detail**

**Brick Surface Reconstruction and Concrete Base Detail**

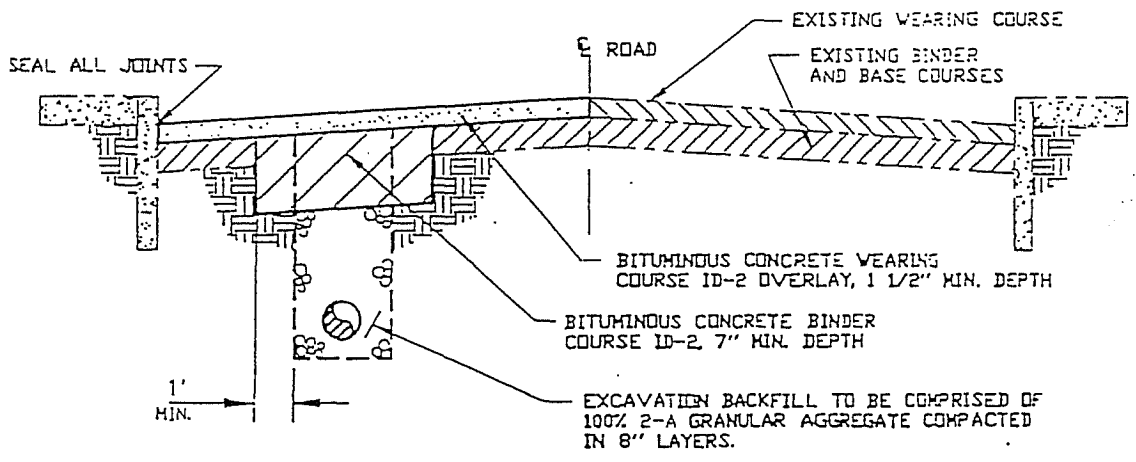
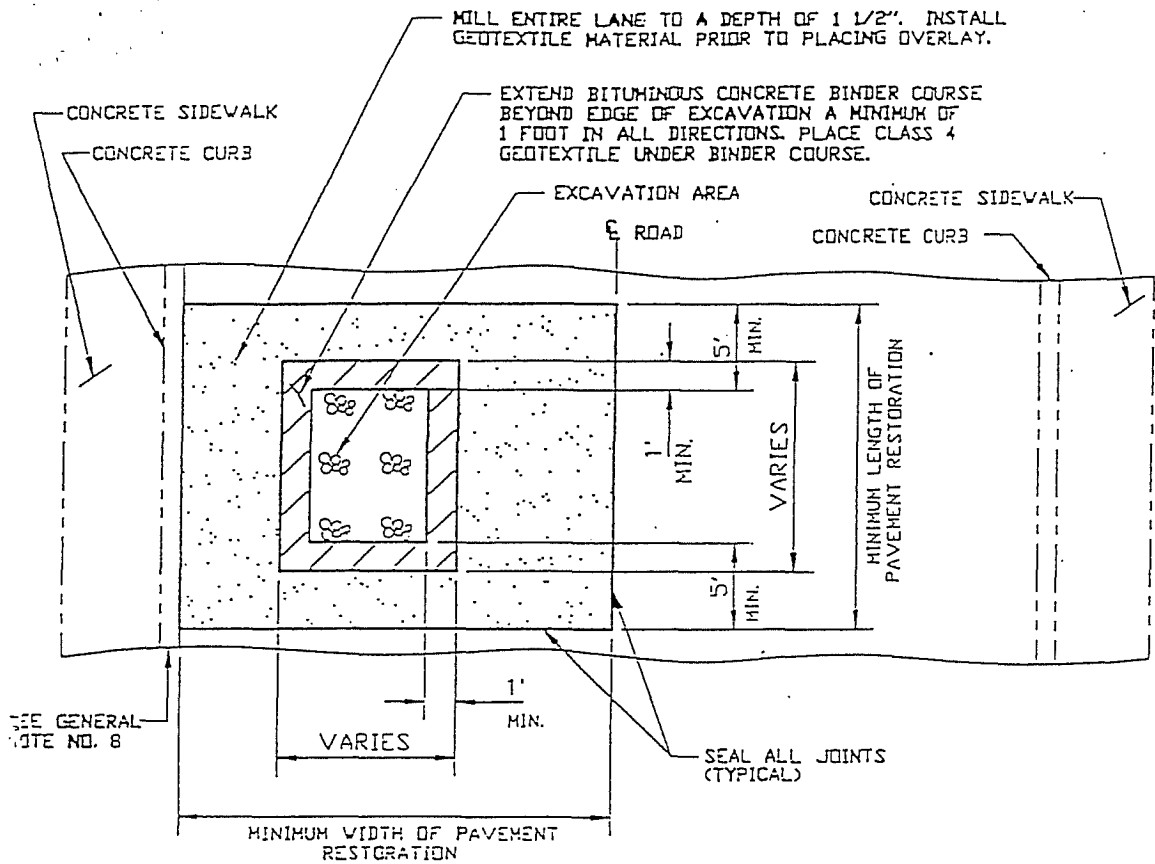
**Concrete Surface Reconstruction Detail**

**Bituminous Street Opening Detail**



# STREETS AND SIDEWALKS

## Bituminous Street Opening Detail



BITUMINOUS STREET OPENING DETAIL: CONDITION NO.1		DETAIL
STREET OPENING DOES NOT CROSS CENTERLINE OF ROAD		1
L. ROBERT KIMBALL ASSOCIATES, INC.		SHEET 1 OF 6



# STREETS AND SIDEWALKS

## BOROUGH OF HEIDELBERG BITUMINOUS STREET OPENING DETAIL

### CONDITION NO. 1 STREET OPENING DOES NOT CROSS CENTERLINE OF ROAD General Notes - Work in conjunction with Detail 1

1. Prior to commencement of any street opening work, a permit must be obtained from the Borough of Heidelberg as required by ordinance.
2. All materials and construction methods shall conform with the latest edition of the Pennsylvania Department of Transportation Publication 408 specifications.
3. All streets sidewalks and driveways shall be saw cut to a neat clean, edge prior to placement of bituminous material.
4. All excavated areas within pavement, driveways or sidewalks shall be backfilled with 100% 2A granular aggregate compacted in 8 inch layers.
5. Prior to the placement of ID-2 bituminous concrete binder course, remove all temporary bituminous material from the excavation area. Saw cut and remove all existing bituminous material, extending a minimum of 1 foot beyond the edge of the excavation area, to a minimum depth of 8 1/2 inches. Place a layer of PennDOT approved Class 4 geotextile over the area to receive the ID-2 bituminous concrete binder.
6. Coat all vertical asphalt surfaces with AC-20 tack coat and place a minimum of 7 inches of ID-2 bituminous concrete binder in the prepared area.
7. When the excavation area does not cross the centerline of the road, the street shall be milled to a depth of 1 1/2 inches for a minimum of 5 feet parallel to each side of the excavation area and extending from the curb line to the centerline of the road (see note No. 8).
8. If the street being worked on has bituminous concrete wedge curbs rather than concrete curbs the pavement repair shall extend to the back of the bituminous concrete wedge curb.
9. For streets with a centerline grade of 8% or less, prior to placing the 1 1/2 inch ID-2 bituminous wearing course, the entire milled area shall have a geotextile material such as Petromat, or approved equal, placed in the prepared area described above. For streets with a centerline grade greater than 8%, the geotextile shall be deleted.
10. Place 1 1/2 inches of ID-2 bituminous concrete wearing course over the entire surface described above. The gutters and asphalt joints are to be sealed with a 12 inch wide AC-20 bituminous seal coat and covered with fine sand.

## HEIDELBERG CODE

11. All disturbed areas affected by the excavation are to be restored to a condition at least equal to that which existed prior to the construction.
12. Upon acceptance of the street opening repair work by the Borough, the party responsible for the work shall provide a 2 year maintenance bond for 110% of the documented actual cost of the excavation repair.

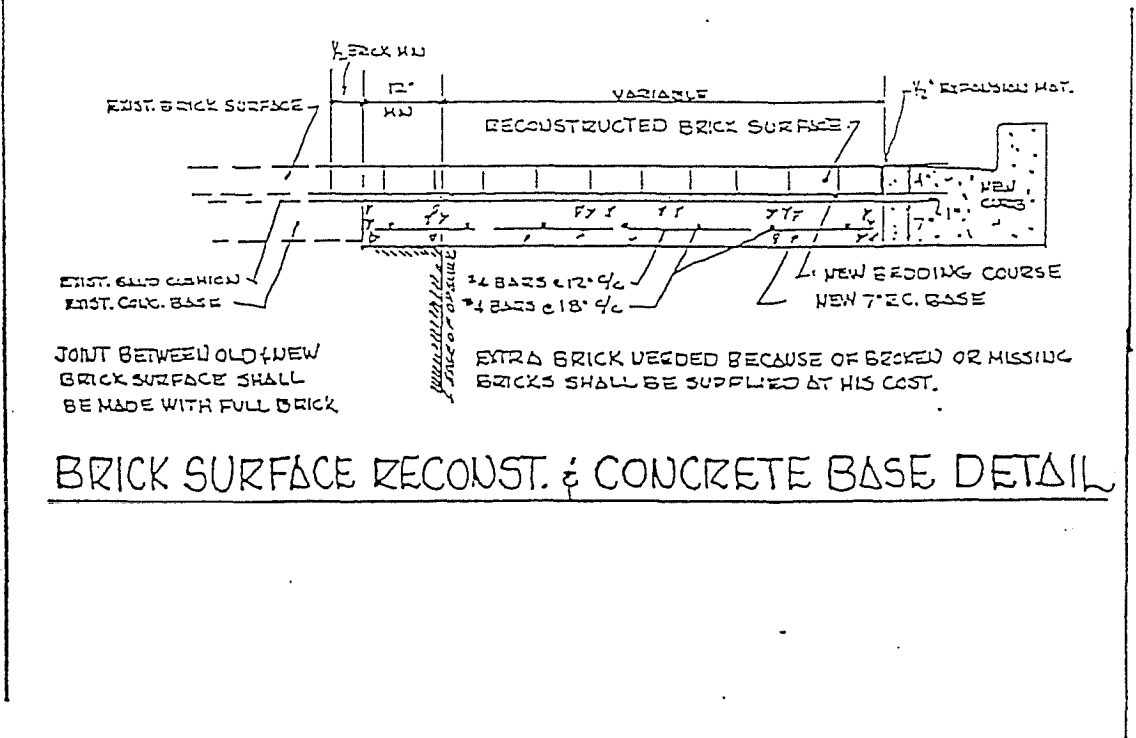
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L. ROBERT KIMBALL AND ASSOCIATES

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STREETS AND SIDEWALKS

Brick Surface Reconstruction and Concrete Base Detail

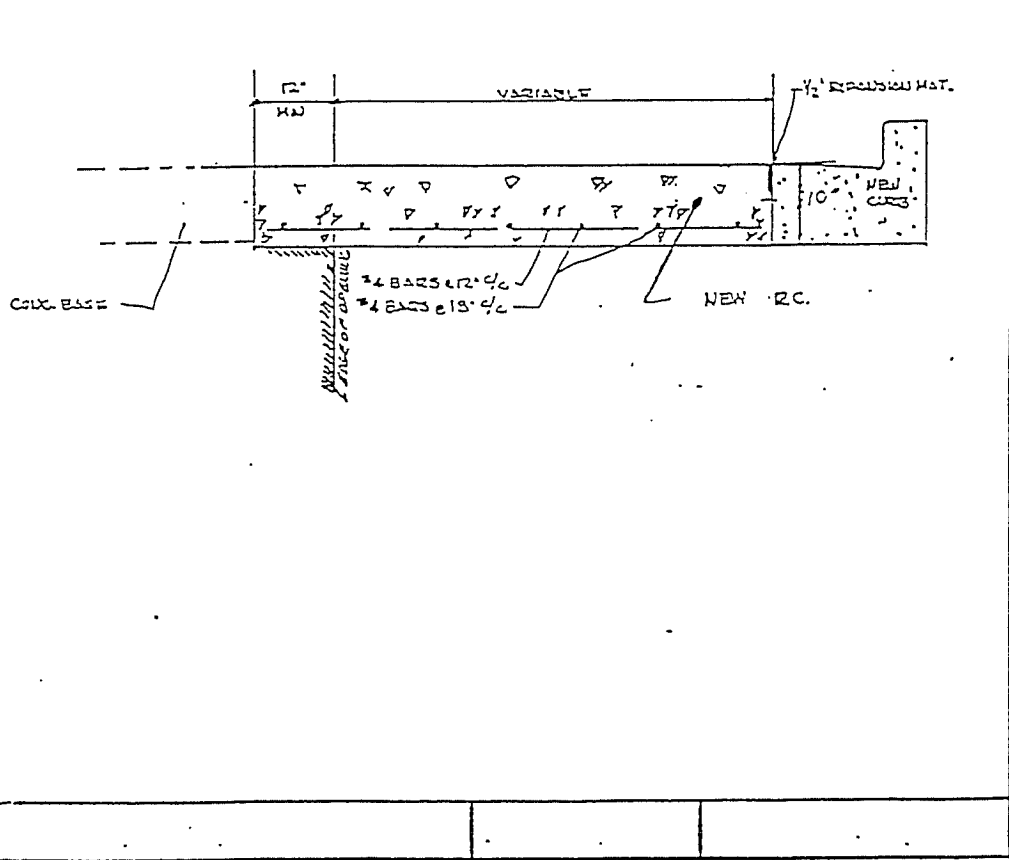


BRICK SURFACE RECONSTR. & CONCRETE BASE DETAIL



# STREETS AND SIDEWALKS

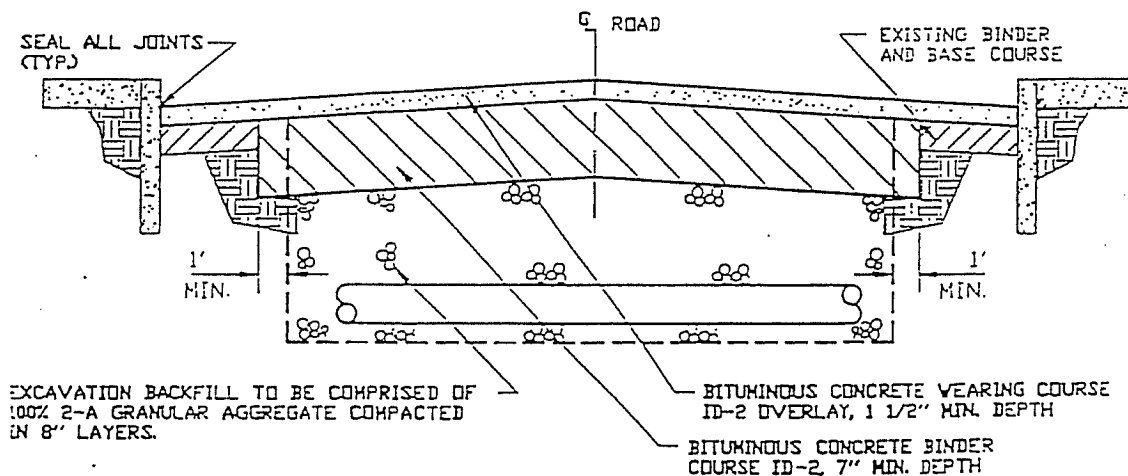
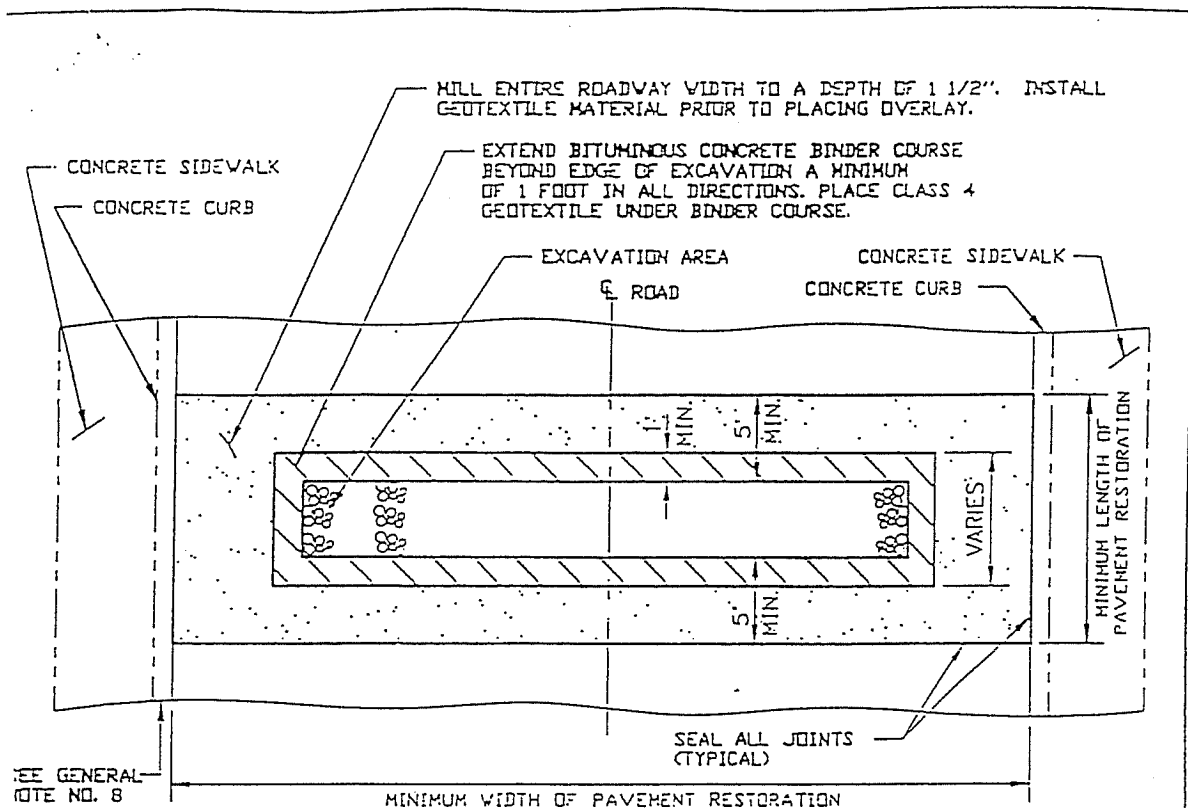
## Concrete Surface Reconstruction Detail





# STREETS AND SIDEWALKS

## Bituminous Street Opening Detail



BITUMINOUS STREET OPENING DETAIL: CONDITION NO.2  
STREET OPENING CROSSES CENTERLINE OF ROAD

DETAIL  
2

L. ROBERT KIMBALL ASSOCIATES, INC.

JAN. 1993

SHEET 4 OF 6



## STREETS AND SIDEWALKS

### BOROUGH OF HEIDELBERG BITUMINOUS STREET OPENING DETAIL

#### CONDITION NO. 2 STREET OPENING CROSSES CENTERLINE OF ROAD General Notes - Work in conjunction with Detail 2

1. Prior to commencement of any street opening work, a permit must be obtained from the Borough of Heidelberg as required by ordinance.
2. All materials and construction methods shall conform with the latest edition of the Pennsylvania Department of Transportation Publication 408 specifications.
3. All streets sidewalks and driveways shall be saw cut to a neat, clean edge prior to placement of bituminous material.
4. All excavated areas within pavement, driveways or sidewalks shall be backfilled with 100% 2A granular aggregate compacted in 8 inch layers.
5. Prior to the placement of ID-2 bituminous concrete binder course remove all temporary bituminous material from the excavation area. Saw cut and remove all existing bituminous material, extending a minimum of 1 foot beyond the edge of the excavation area, to a minimum depth of 8 1/2 inches. Place a layer of PennDOT approved Class 4 geotextile over the area to receive the ID-2 bituminous concrete binder.
6. Coat all vertical asphalt surfaces with AC-20 tack coat and place a minimum of 7 inches of ID-2 bituminous concrete binder in the prepared area.
7. When the excavation area crosses the centerline of the road, the entire roadway width shall be milled to a depth of 1 1/2 inches for a minimum of 5 feet parallel to each side of the excavation and extending from face of curb to face of curb if concrete and back of curb to back of curb if bituminous wedge curb (see Note No. 8).
8. If the street being worked on has bituminous concrete wedge curbs rather than concrete curbs, the pavement repair shall extend to the back of the bituminous concrete wedge curb.
9. For streets with a centerline grade of 8% or less prior to placing the 1 1/2 inch ID-2 bituminous wearing course, the entire milled area shall have a geotextile material such as Petromat, or approved equal, placed in the prepared area described above. For streets with a centerline grade greater than 8%, the geotextile shall be deleted.
10. Place 1 1/2 inches of ID-2 bituminous concrete wearing course over the entire surface described above. The gutters and asphalt joints are to be sealed with a 12 inch wide AC-20 bituminous seal coat and covered with fine sand.

L. ROBERT KIMBALL AND ASSOCIATES  
92-1752-A074-A001UN.002

## HEIDELBERG CODE

11. All disturbed areas affected by the excavation are to be restored to a condition at least equal to that which existed prior to the construction.
12. Upon acceptance of the street opening repair work by the Borough, the party responsible for the work shall provide a 2 year maintenance bond for 110% of the documented actual cost of the excavation repair.

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**Part 1, Appendix II**

**Application for Street Opening Permit**



STREETS AND SIDEWALKS

BOROUGH OF HEIDELBERG  
APPLICATION FOR STREET OPENING PERMIT

Date: \_\_\_\_\_

Applicant's Name and Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Regular Phone: \_\_\_\_\_ Emergency Phone: \_\_\_\_\_

Type of Opening: \_\_\_\_\_ Pavement \_\_\_\_\_ Sidewalk \_\_\_\_\_ Driveway \_\_\_\_\_ Sod \_\_\_\_\_ Other

Address of Opening: \_\_\_\_\_

Size of Opening: \_\_\_\_\_ Wide x \_\_\_\_\_ Deep x \_\_\_\_\_ Long

Purpose of Opening: \_\_\_\_\_  
\_\_\_\_\_

We will restore the area in accordance with  
Borough specifications: \_\_\_\_\_ Yes \_\_\_\_\_ No

Permit fee: \$60.00 (plus \$0.50 for each additional foot over 50 feet)

\$ \_\_\_\_\_

We will start work on: \_\_\_\_\_

We agree to perform this work in accordance with the provisions of the Borough Street  
Opening Ordinance. We will call the Borough for the required inspection.

Approved for Issuance:

\_\_\_\_\_  
Borough Manager

Date: \_\_\_\_\_







## STREETS AND SIDEWALKS

### Street Opening Procedure

- | MUNICIPALITY                                                                                    | UTILITY                                                                         |
|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
|                                                                                                 | 1) Applies for permit at Borough office.                                        |
| 2) Application is complete, permit is issued.                                                   |                                                                                 |
|                                                                                                 | 3) Begins excavation.                                                           |
|                                                                                                 | 4) Forty-eight hours prior to backfilling notifies designated Borough official. |
| 5) Permission granted for backfilling to begin.                                                 |                                                                                 |
|                                                                                                 | 6) Backfilling completed.                                                       |
|                                                                                                 | 7) Forty-eight hours prior to restoration notifies designated Borough official. |
| 8) Permission granted for restoration to take place.                                            |                                                                                 |
|                                                                                                 | 9) Restoration completed.                                                       |
| 10) Bills utility for permit.                                                                   |                                                                                 |
| 11) Between 1 year and 18 months the final inspection is conducted and a certificate is issued. |                                                                                 |



## STREETS AND SIDEWALKS

### Emergency Street Opening Procedure

MUNICIPALITY	UTILITY
	1) Notifies the Borough in one of the following manners: A) Fax B) Telephone C) PA One Call
2) Office generates an application for a permit.	2) Begins excavation.
	3) On the first regular business day on which the office of the Manager is open they apply for a permit.
4) Application is completed. Permit is issued.	
	5) Forty-eight hours prior to backfilling notifies designated Borough official.
6) Permission granted for backfilling to begin.	
	7) Backfilling completed.
	8) Forty-eight hours prior to restoration notifies designated Borough official.
9) Permission granted for restoration to begin.	
	10) Restoration completed.
11) Bills utility for permit.	
12) Between 1 year and 18 months the final inspection is conducted and a certificate is issued.	

