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**PART 1**  
**EXCAVATIONS IN STREETS**

**Definitions**

§101 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.

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

Manager: the Manager of the Municipality, or his authorized deputy, representative or inspector.

Newly-Improved Street: newly-constructed cartways including base and surfacing of either concrete or asphalt and reconstructed cartways surfaced with at least one and one-quarter (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 company subject to the Mt. Lebanon Community Antenna Cable Television Franchise, 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 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.

**Street Openings and Pavement Cuts**

§102 Permit Required. 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. 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. In all cases

where Emergency openings are necessary, the Police Department shall be notified prior to such opening.

- §103 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 ten percent (10%) of the amount specified in the permit, Permittee may apply to the Manager for an amended permit to permit the additional work. If the additional work desired to be performed by the Permittee exceeds ten percent (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.
- §104 Commencement of Work. Work for which a permit has been issued shall commence within thirty (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 thirty (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.
- §105 Permits Non-transferable. 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.
- §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 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.
- §107 Municipal Utility Cuts. All Street openings required by utilities owned and/or operated by the Municipality 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 Municipally-owned and/or operated utilities.
- §108 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 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 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 Municipality during the continuation of said work.

§109 Rights of Municipality. Every permit shall be granted subject to the right of the Municipality 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.

§110 Revocation of Permits. Any permit may be revoked by the Manager, after notice to the Permittee, for:

110.1 violation of any condition of the permit or of any provision of this Part 1;

110.2 violation of any other applicable provision of the Mt. Lebanon Code, or any law relating to the work;

110.3 existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of others.

A Permittee shall be granted a period of three (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.

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.

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 Municipality shall be recovered from the deposit or bond the Permittee has made or filed with the Municipality.

## **Applications and Permits**

§111 Duties and Responsibilities of Applicants. It shall be the duty and responsibility of any Applicant to:

111.1 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.

- 111.2 furnish in triplicate a plan showing the work to be performed under said permit. Two (2) copies of such plan shall be returned to the Applicant at the time the permit is granted.
- 111.3 agree to save the Municipality, 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.

§112 Duties and Responsibilities of Permittees. It shall be the duty and responsibility of any person receiving a permit to:

- 112.1 pay a minimum permit fee in an amount specified by the Manager in accordance with a schedule of fees, charges and expenses determined by the Commission. Said schedule of fees shall be posted in the office of the Manager. The Commission may alter the fee schedule from time to time by resolution adopted at any Public meeting of the Commission provided, however, that Public Utility Companies may elect to be billed monthly for such fees as they accrue, upon written notice to the Manager.
- 112.2 make a deposit to cover the cost of inspecting the work authorized by the permit and, unless the Permittee is granted permission to restore the Street surface as provided in §114.4 of this chapter, the cost of restoring the Street surface removed or damaged by the work done under the permit. The amount of such deposit shall be computed by the Manager as provided in Part 1 of this chapter. In the case of Public Utility Companies, the Municipality may waive this requirement of a deposit if said Public Utility Companies file with the Municipality their corporate bond in a form satisfactory to the Solicitor, conditioned upon the payment to the Municipality of all costs which would otherwise be covered by and paid out of such a deposit. In the event such Public Utility Companies elect to file such a bond, the Municipality shall bill such Public Utility Companies monthly for such costs as they accrue.
- 112.3 furnish a maintenance bond as required in Part 1 of this chapter, and, when the Permittee is granted permission to restore the Street surface as provided in §114.4 of this chapter, a performance bond as required in Part 1 of this chapter.
- 112.4 furnish a certificate of insurance as required in Part 1 of this chapter unless excepted from such requirement by the provisions of Part 1.
- 112.5 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.

- 112.6 present evidence, when required, that all materials, labor and equipment which are needed to complete such work as authorized by the permit are available.
- 112.7 keep the original copy of the permit and an approved copy of the plan (see §111.2) 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 the Municipal public works or police personnel.
- 112.8 Provide advance notification to operators of underground facilities about excavation, augering, blasting or other activities which may endanger underground facilities, using a one-call system if one is in operation.

### **Street Opening Regulations**

#### **§113 Opening and Excavation Restrictions.**

- 113.1 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 unless specific prior permission is obtained from the Manager.
- 113.2 No more than two hundred fifty (250) feet measured longitudinally shall be opened in any Street at any one time, except by special permission of the Manager.
- 113.3 All utility facilities shall be exposed sufficiently or definite locations be determined ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.
- 113.4 Pipe drains, pipe culverts, or other facilities encountered shall be protected by the Permittee.
- 113.5 Any person whose facilities are damaged, or caused to be relocated by the Permittee shall notify the Permittee and the Municipality of such damage and thereafter may make the necessary repairs or relocation and file a claim against the Permittee with the Municipality for the cost of such repairs or relocation. Public Utility Companies concerned shall be notified by the Municipality 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.
- 113.6 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 bench mark within the Municipality 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 Manager. Permission shall be granted only upon condition that the Permittee shall pay all expenses incident to the proper replacement of the monument.

- 113.7 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.
- 113.8 When any earth, gravel, or other excavated material is caused to flow, roll, or wash upon any Street, the Permittee shall cause removal of same from the Street within eight (8) 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.
- 113.9 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 the United States Department of Army Corps of Engineers publication: Safety Requirements (1941 Edition, Revised 1951) and any future revisions thereto. Copies of the publication shall be made available in the office of the Manager for inspection by the public.

Barricading shall be in compliance with the regulations as set forth in the Municipality's Public Works Manual Street Barricading and Channelization Manual for Temporary Traffic Control, 1961 Edition, and/or the Commonwealth of Pennsylvania, Title 67, Transportation, Part 1, Chapter 203 Work Zone Control and any revisions thereto, whichever is applicable. 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 Municipality. 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.

- 113.10 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.
- 113.11 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 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 one-half (½) the sidewalk width open along such sidewalk line.

113.12 Work authorized by a permit shall be performed between the hours of 7:00 AM and 7:00 PM, Monday through Saturday, unless the 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.

113.13 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:

113.13.1 limitations on the period of the year in which the work may be performed;

113.13.2 restrictions as to the size, weight, and type of equipment;

113.13.3 designation of routes upon which materials may be transported;

113.13.4 designation of the place and manner of disposal of excavated materials;

113.13.5 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; and

113.13.6 regulations as to the use of Streets in the course of the work.

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

#### §114 Backfilling and Restoring Opening.

114.1 All pavement cuts, openings and excavations shall be made properly and backfilled properly by the Permittee according to Municipal specifications. Unless Permittee has been granted permission to restore the Street surface as provided in §114.4, Permittee also shall place a temporary surface on the pavement cut, opening or excavation in accordance with Municipal 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,

Permittee shall install temporary surface and maintain same in accordance with Municipal specifications until such time as weather conditions will permit restoration of the Street surface.

- 114.2 The Manager shall be notified by the Permittee during the forty-eight (48) hour period preceding beginning of backfilling of the date and approximate time at which backfilling will be begun.
- 114.3 No backfilling shall be accomplished unless or until the Manager is present or permission has been granted for backfilling after inspection by the Manager.
- 114.4 The work of final restoration, including both paving surface and paving base, shall be performed directly by the Municipality 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 Municipality 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 Municipal specifications and shall be subject to inspection by the Municipality.
- 114.5 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 a negotiated contribution from the Permittee for the resurfacing in place of patching of such Street if the total area of the proposed patch or probably damaged area exceeds twenty-five percent (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.
- 114.6 After excavation is commenced, the work of making and backfilling the same shall be prosecuted with due diligence.
- 114.7 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 the 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.
- 114.8 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.
- 114.9 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 (1) year and

not later than eighteen (18) months after the permanent restoration of the excavation has been made, providing the work authorized by the permit has been performed according to Municipal specifications. Prior to the issuance of a certificate, the Manager shall make a final inspection of the restoration to determine whether Municipal specifications have been adhered to.

114.10 If any settlement in a restored area occurs within a period of one (1) year from date of completion of the permanent restoration, and Permittee fails to make such correction after notification, any expense incurred by the Municipality 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.

114.11 In no case shall any opening made by a Permittee be considered in the charge or care of the Municipality, or any of its officers or employees, and no officer or employee of the Municipality 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 Municipality assumes charge when making final surface restoration, unless Permittee has been granted permission to perform the work of restoration of the Street surface as provided in §114.4.

## **Deposits**

§115 Computation of Deposit. 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 §119 of this chapter; provided, however, that the minimum deposit required shall not be less than fifty dollars (\$50). The deposit shall be paid at the time the permit is issued, and the deposit shall be used to reimburse the Municipality 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 Municipality in carrying out the provisions of this Part 1. In the case of a Public Utility Company, the requirement of such deposit may be waived if such Public Utility Company files with the Municipality its corporate bond as provided in §112.2 of this chapter.

§116 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.

§117 Insufficient Deposit. If any deposit is less than sufficient to pay all costs, the Permittee shall, upon demand, pay to the Municipality an amount equal to the deficiency. If the Permittee fails or refuses to pay such deficiency, the Municipality 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.

§118 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 (1) deposit in an amount and form as hereinbefore provided for the calendar year or part thereof to cover the cost of deposits which would otherwise be required for the anticipated permits.

- §119 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 Municipality 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 Municipality 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 Municipality. 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.
- §120 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.
- §121 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 Municipality in connection with said permit. In no event shall the permit fee be refunded.

### **Bond Requirements**

- §122 Performance Bond Where Municipality Does Not Restore Opening. In those instances where the Applicant or Permittee 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 Municipality 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 one hundred percent (100%) of the estimated cost of restoring the Street opening. The term 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 (1) permit per year as required by this Part 1, he may furnish one (1) 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.
- §123 Maintenance Bond. Each Applicant, upon the receipt of a permit, shall provide the Municipality with an acceptable corporate surety bond conditioned for compliance with the Street opening specifications of the Municipality 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 two thousand dollars (\$2,000). The term of each such bond shall begin from the completion date of the permanent restoration of the opening by the Municipality 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 (1) permit a year, he may file a continuing corporate surety bond conditioned for compliance with the specifications of the Municipality 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.

§124 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.

§125 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 Municipality for the cost of doing the work as set forth in the notice.

### **Liability Insurance**

§126 Insurance Requirements. Each Applicant, upon the receipt of a permit, shall provide the Municipality 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, that the liability insurance for bodily injury shall be in an amount no less than two hundred fifty thousand dollars (\$250,000) for each person and five hundred thousand dollars (\$500,000) for each accident and for property damages an amount no less than one hundred thousand dollars (\$100,000), with an aggregate of three hundred thousand dollars (\$300,000) for all accidents. 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.

## **Openings in New Streets**

- §127 Notice of Proposed Improvement. When the Municipality 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 Municipality 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 thirty (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 Municipal Engineer.
- §128 Restrictions Upon Opening Newly-Improved Street. 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 (5) 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.
- §129 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 (5) 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 charge shall be on a sliding scale and shall be equal to two percent (2%) of the cost of restoring the opening for each unelapsed month or fraction thereof of the five (5) year restricted period. Said penalty may be waived by action of the Commission.

## **General Provisions**

- §130 Street List of Underground Utility Installations.
- 130.1 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 Municipality or to or from premises of its inhabitants, or for any other purposes, shall file with the Manager, within one hundred twenty (120) days after the adoption of this Part 1, a written statement containing the names of the Municipality's Streets wherein the aforementioned facilities owned by such person are located.
- 130.2 Within ninety (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 §130.1 above.
- §131 Abandoned Facilities.
- 131.1 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 thirty (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.

- 131.2 When the Municipality 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 Commission, their removal is in the best interest of the Municipality. If the owner shall refuse to remove such facilities, the Municipality shall remove the abandoned facilities and the owner shall reimburse the Municipality for such removal.

§132 Notice to Property Owners and Tenants Abutting Project.

- 132.1 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 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.

- 132.2 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.

§133 Notice to Police and Fire Authorities. The Manager shall notify in writing Municipal 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**  
**SIDEWALK CONSTRUCTION, REPAIR AND MAINTENANCE**

- §201 Notice to Construct or Repair Sidewalk. Whenever it shall be determined proper and necessary by the Commission that sidewalks shall be graded, constructed, paved, curbed, repaved, re-curbed or repaired in any public highway of the Municipality, the Commission shall direct the Manager, by resolution at any meeting of the Commission, to serve written notices upon the owners of property abutting on said public highways, requiring them to grade, construct, pave, curb, repave, re-curb or repair such sidewalks within thirty (30) days from the date of such notice. The notice shall specify the width of the sidewalk, the character of the same, whether of concrete, brick or other material, and the nature of the surfacing thereof.
- §202 Municipality May Do Work Upon Default of Property Owner. Upon failure of any owner of property abutting on said streets to do and perform any work required by the notice provided for in §201, within the time specified in such notice, the Commission shall cause the same to be done and collect the cost of the work and material from the abutting property owners, plus a penalty of ten percent (10%), in the manner provided by law.
- §203 Specifications. Whenever any sidewalk is constructed in a public highway of the Municipality, either by voluntary action of an abutting property owner or pursuant to notice under §201, the said sidewalk shall be constructed in conformity with plans and specifications approved by the Municipal Engineer and shall be subject to his inspection. All such sidewalk pavements shall be constructed in the location, to the width and of the material specified in the notice received by the property owner, or in case the said sidewalk is constructed without notice the same shall be constructed in the location, to the width and of the materials in accordance with specifications submitted by the Municipal Engineer upon application to him, and said sidewalks shall conform to the established grade of the street on which the same are laid, or to such grade as shall be fixed by the Municipal Engineer and Manager.
- §204 Permit Required for Work in Sidewalk. It shall be unlawful for any person to tear up, destroy, remove, deface or excavate, or otherwise damage any sidewalk or curb in the public highways of the Municipality, except in accordance with permit duly issued by the Manager upon written application to him.
- §205 Obstruction of Sidewalk Prohibited. It shall be unlawful for any person to deposit any dirt, glass, rubbish, garbage or refuse matter, upon any of the sidewalks in the public highways of the Municipality. The sidewalks shall be kept open and unobstructed at all times for the use of the public, and the owner of the abutting property shall keep the sidewalk areas free from weeds, hedges and other similar obstructions at all times; provided, however, that sidewalk food service is authorized in the LS, C and C-1 Zoning Districts with the written permission of the Zoning Officer pursuant to standards set forth in §701.5 of Chapter XX, Zoning, of the Mt. Lebanon Code.



§206 Snow Removal from Sidewalk.

- 206.1 “Snow Emergency” Defined. The term “Snow Emergency,” when used in this section, shall mean the accumulation of one (1) inch or more of snow or ice on sidewalks or other paved public pedestrian ways. Such snow or ice shall be removed from the sidewalk or other paved public pedestrian way within twenty-four (24) hours of such accumulation. If snow or ice accumulating one (1) inch or more falls again within that time period, a new Snow Emergency shall begin.
- 206.2 Vacant Properties and Multi-Family Dwellings. All owners, or agents of owners, of vacant property, or property upon which a multi-Family dwelling stands, abutting any sidewalk or other paved public pedestrian way, are required to keep that sidewalk or other paved public pedestrian way clear of snow and safe for pedestrian traffic during any and all Snow Emergencies.
- 206.3 One- or Two-Family Dwellings. All owners, or agents of owners, of property upon which a one-family or two-family dwelling stands, abutting any sidewalk or other paved public pedestrian way, and all tenants or occupants of any such one-family or two-family dwelling, are required to keep that sidewalk or other paved pedestrian way clear of snow and safe for pedestrian traffic during any and all Snow Emergencies.
- 206.4 Commercial or Business Properties. All owners, or agents of owners, of property used for commercial or business purposes abutting any sidewalk or other paved public pedestrian way, and all tenants or occupants of any such property, are required to keep that sidewalk or other paved pedestrian way clear of snow and safe for pedestrian traffic during any and all Snow Emergencies. From Monday through Saturday, between the hours of 7:00 A.M. and 10:00 P.M. such snow or ice shall be removed within four (4) hours of its accumulation.
- 206.5 Any person violating any of the provisions of this Section of the Code shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5) nor more than three hundred dollars (\$300) for each offense. Each day any violation of the Code may continue shall constitute a separate offense.
- 206.6 Any person violating any of the provisions of this Section of the Code shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5) nor more than three hundred dollars (\$300) for each offense. Each day any violation of the Code may continue shall constitute a separate offense.

§207 Removal of Obstruction by Municipality. In the case of vacant or unoccupied property of owners residing outside of the Municipality, the Commission may cause any dirt, glass, garbage, snow, rubbish, weeds, hedges, or other obstructions to be removed from said sidewalks without notice and collect the cost of the removal thereof from such nonresident owner or owners.

§208 Driveway Through Sidewalk Areas. All private driveways to be constructed or reconstructed through areas which have existing sidewalks or areas where sidewalks may be constructed in the future shall be constructed as follows:

208.1 Driveway Construction Materials. The driveway shall be constructed of six (6) inch reinforced concrete from the back of curb to the back of the existing sidewalk or, if no sidewalk currently exists, a minimum of eight (8) feet from the back of said curb.

208.2 Driveway Grade. The grade of the driveway shall meet the grade of the existing sidewalk on either side, or if no sidewalk currently exists, the grade of the driveway shall fall to the back of curb at a minimum slope of one and one-half percent (1½%) to a maximum slope of four percent (4%).

208.3 Driveway Width. No driveway shall be less than eight (8) feet in width or more than eighteen (18) feet in width at a point six (6) feet from back of curb. The maximum width of a driveway at the back of curb shall be no wider than twenty-four (24) feet including returns.

208.4 Construction Plans Approved. The plan of construction for private driveways shall be approved by the Manager.

**PART 3**  
**BLOCKAGE OF STREET**

§301 Obstruction of Streets Prohibited. It shall be unlawful for any person to deposit, place or permit to remain any dirt, glass, rubbish, garbage, refuse matter, snow, ice, equipment, construction material (including bricks, stones, piping, sand, gravel, wood, siding, and tile), gardening material (including mulch and topsoil) upon an public highway, street, lane, alley, or road in the Municipality. The material state herein shall include any material that would alter, change, divert, impede, or dam the normal flow of storm water or would be carried by such normal flow into a public culvert or storm sewer. The material stated herein shall include any material that would otherwise block the free movement of traffic on such public highway, street, lane, alley, or road in the Municipality.

§302 Exceptions. Section 301 shall not apply to the following:

- 302.1 Vehicles lawfully parked or otherwise lawfully occupying the street;
- 302.2 Obstructions occurring pursuant to an approved Municipal program, such as the placement of leaves in a street during the leaf collection program;
- 302.3 Obstructions authorized by ordinance or pursuant to validly issued permit, such as street opening permit or block party permit;
- 302.4 Other obstructions authorized in writing by the Manager.

§303 Sump Pump and Pipe Drains discharge control. In order to protect against the adverse consequences of uncontrolled Sump Pump and Pipe Drain discharges, no person shall construct, install, improve, maintain, or permit to be operated on the person's owned or occupied property a Sump Pump or Pipe Drain onto a street, sidewalk or public right-of-way except as provided for below.

303.1 Definitions.

- 303.1.1 "Sump Pump" shall mean any device which allows any point discharge of water by forced pumping, pressure, or other force other than gravity.
- 303.1.2 "Pipe Drain" shall mean any device, pipe, downspout, or other object or configuration (including a swale or ditch) which discharges water by gravity.
- 303.1.3 "Manual" shall mean the Manual for Sump Pumps and Pipe Drains, as the same is prepared and as it is revised by the municipal engineer from time-to-time.

303.2 New Sump Pump and Pipe Drain installations. Sump Pumps and Pipe Drains installed on or after January 1, 2021, shall comply with the following conditions and requirements:

303.2.1 The Sump Pump or Pipe Drain discharge shall be directed:

303.2.1.1 Onto an absorbent surface as grass, mulch, rock or soil so that the discharge will be dissipated and not immediately drain to the municipal right-of-way or adjacent properties; the discharge location shall be ten feet (10') or more from any property line and otherwise as approved by the municipal engineer or the engineer's designee based on factors including distance from a property line and the likelihood of discharge or saturation of the public right-of-way, sidewalks or neighboring property; or

303.2.1.2 Directly into a storm sewer conveyance system that has adequate capacity to accommodate the peak rate and volume of stormwater flow, or other drainage facility; or

303.2.1.3 If neither of the foregoing are available, in a location as approved by the municipal engineer or the engineer's designee.

303.2.2 The discharge location shall not create a public nuisance which is defined as any thing, condition or act which is or may become injurious or hazardous to the public.

303.2.3 The discharge shall not create a risk of a build-up of icing, standing water, algae growth or cause erosion on the street, sidewalk or in the public right-of-way.

303.2.4 The discharge shall not be directed to adjacent property in such a manner as to cause damage to the adjacent property, saturate the property, or create a nuisance.

303.2.5 Sump Pump and Pipe Drain discharges may not be directed into a municipal street or right-of-way unless written permission is granted by the municipal manager or the manager's designee based on the availability of a storm sewer that can accommodate the peak rate and volume of stormwater flow. The manager or the manager's designee is authorized to establish application and other forms for such permission, and the Commission may set a fee for such application by resolution.

- 303.2.6 The manual sets forth standards and guidance for compliance with this ordinance. The manual is incorporated herein by reference.
- 303.3 Existing Sump Pump and Pipe Drain installations. Sump Pumps and Pipe Drains installed prior to January 1, 2021, shall comply with the following conditions:
- 303.3.1 An existing Sump Pump or Pipe Drain discharge may continue at the location where the discharge was made before January 1, 2021, as long as such discharge does not:
- 303.3.1.1 Create a public nuisance which is any thing, condition or act which is or may become injurious or hazardous to the public; and
- 303.3.1.2 Create a buildup of icing, standing water, algae growth or cause erosion on the street, sidewalk, or public right-of-way.
- 303.3.2 An existing Sump Pump or Pipe Drain discharge that is causing a public nuisance or is creating a build-up of icing, standing water, algae growth or causing erosion on the street, sidewalk or public right-of-way shall be corrected by the owner to bring the Sump Pump or Pipe Drain discharge into compliance with the requirements with §303.2.
- 303.3.3 The municipal manager or the manager's designee may require the following:
- 303.3.3.1 The Sump Pump or Pipe Drain must have a point of discharge that is located a minimum of ten feet (10') or greater, as directed by the municipal engineer or the engineer's designee, from any property line or municipal right-of-way.
- 303.3.3.2 The discharge be directed within the limits of the owner's property onto an absorbent surface as grass, mulch, rock, or soil so that the discharge will be dissipated and not immediately drain to the municipal right-of-way or adjacent properties.
- 303.3.3.3 The discharge be directed into a municipal storm sewer conveyance system that has adequate capacity to accommodate the peak rate and volume of stormwater flow, or that a municipal storm sewer

conveyance system be extended to the owner's property to receive the discharge.

- 303.3.4 Costs for Sump Pump and Pipe Drain Discharge. Any and all costs for obtaining an approved Sump Pump or Pipe Drain discharge location and the construction of the same for either on private property or within the municipal right-of-way shall be borne by the property owner that operates the Sump Pump or Pipe Drain.