

**BOROUGH OF CANONSBURG
WASHINGTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1383

**AN ORDINANCE OF THE BOROUGH OF CANONSBURG, COUNTY OF
WASHINGTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING
CHAPTER 149 ARTICLE I STREET EXCAVATIONS, SECTIONS 149-1
THROUGH 149-16 OF THE BOROUGH CODE OF ORDINANCES**

WHEREAS, the Borough of Canonsburg has established various ordinances and Chapter 149, Article 1, governing Street Excavations; and

WHEREAS, the Borough of Canonsburg has determined that it is necessary to update and amend its regulations governing Street Excavations.

NOW THEREFORE, be it ordained by the Council of the Borough of Canonsburg, and it is hereby ordained and enacted as follows:

Section 1. **Section 149-1, “Definitions; word usage”** shall be amended as follows:

- a. **RESTORATION GUARANTEE FEE** - The amount of the financial security, in a form acceptable to the Borough Solicitor and in compliance with the requirements of this article, to guarantee faithful performance of the work authorized by a permit granted. The fee shall be equal to the schedule as stated in the fee calculation. Pavement replacement shall be calculated as the future cost to mill and resurface the roadway, curb to curb, 15 feet from each end of the opening for any street opening greater than 100 square feet. Restoration of streets for any excavation up to 100 square feet, shall be milled and resurfaced to repair the area of the utility opening with a minimum 5 foot cutback around the excavation. The fee will be established by Borough Council by resolution and revised from time to time. Reference § 149-15.1, Bond requirements.
- b. The remainder of Section 149-1 shall remain in full force and effect.

Section 2. **Section 149-12(b)** shall be amended as follows:

In the event that the permit fee as described above is less than sufficient to pay all costs for reviewing or administering the permit, the Borough shall invoice the permittee an amount equal to the deficiency and shall include all documentation to justify the cost. The permittee shall pay the deficiency within seven (7) calendar days or otherwise file an appeal to Borough Council, which will be heard as the next regular council meeting. Upon the failure

of a permittee to pay the deficiency, the failure of a permittee to file an appeal, or the failure of a permittee to pay the deficiency after a denial of an appeal, the Borough may institute an action to recover the same in any court of competent jurisdiction. Until such a deficiency is paid for in full, no additional permits shall be issued to such permittee.

Section 3. Section 142-12(c) shall be amended as follows:

Pay a restoration guarantee fee or submit a bond as set forth in Section 149-15.1, equivalent to the schedule as stated in the fee calculation. Pavement replacement shall be calculated as surface area, curb to curb, 15 feet from each end of the opening greater than 100 square feet.

Section 4. Subsection (d) shall be added to Section 149-12 as follows:

149-12(d) – For any excavation up to 100 square feet, pay a restoration fee equivalent to the schedule in the fee calculation. Pavement replacement shall be calculated as the surface area of the utility opening multiplied by a cost per square foot. In the event that excavation exceeds the center line of a street, replacement shall be calculated as surface area, curb to curb, 5 feet from each end of the opening. Said cost as established by Borough Council by resolution for future milling and resurfacing by the Borough.

Section 5. Subsection (o) shall be added to Section 149-13 as follows:

149-13(o) – No excavation work shall begin unless the permit holder notifies the Borough Manager no less than seventy-two (72) hours prior to excavation work beginning.

Section 6. Section 149-14(e) shall be amended as follows:

149-14(e) - After excavation is commenced, the work of making and backfilling the same shall be prosecuted with due diligence. The permittee is required to complete permanent restoration of the street surface in accordance with Borough specifications within 14 days after repairs and/ or installation are completed. Furthermore, the permittee shall be required to install and maintain a temporary surface in accordance with Borough specification during:

- (1) The period between the completion of repairs and/ or installation and the commencement of final restoration.
- (2) The periods during the actual work when workers do not require access to the excavation.

Section 7. Subsections (j) and (k) shall be added to Section 149-14 as follows:

- a. **149-14(j)** – Restoration of streets shall be milled and resurfaced on a curb to curb basis, 15 feet from each end of the opening.

- b. **149-15(l)** – Restoration of streets for any excavation up to 100 square feet, shall be milled and resurfaced to repair the area of the utility opening with a minimum 5 foot cutback around the excavation. In the event that the utility opening exceeds the centerline of any street, restoration shall be in the form of milling and resurfacing on a curb to curb basis, 15 feet from each end of the opening.

Section 8. **Section 149-15 Deposits** shall be repealed in its entirety:

Section 9. **Repealer**

It is the intention of Council of the Borough of Canonsburg that all ordinances that are in conflict with this ordinance are hereby repealed. Further, any ordinance or part of any ordinance not specifically mentioned in this ordinance that is not in conflict with this ordinance shall remain in full force and effect.


Section 10. **Severability.**

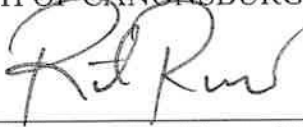
If any portion of this ordinance is declared by any Court of competent jurisdiction to be invalid, it is the intention of the Council of the Borough of Canonsburg that all other parts remain in effect.


ORDAINED AND ENACTED into law this 12th day of February 2024.

ATTEST:

BOROUGH OF CANONSBURG


Denise Lesnock, Borough Manager

By: 
Rich Russo, President of Council


David Rhome, Mayor