

ORDINANCE NO. 1127

AN ORDINANCE amending SECTION V of Ordinance No. 1116, being an ordinance regulating the making of openings and excavation in streets, alleys and ways in the Borough of Donora and the protection, refilling, resurfacing and repaving of the same and providing penalties for violation thereof.

BE IT ENACTED AND ORDAINED by the Council of the Borough of Donora, and it is hereby enacted and ordained by and with the authority of the same:

Section 1. That SECTION V of Ordinance 1116 be and the same is hereby amended to read as follows:

SECTION V. After securing a permit from the Street Commissioner the applicant shall present the permit to the Borough Secretary and pay a fee as follows:

For a house connection, where the opening is in an improved street, Twenty-Five Dollars (\$25.00) for a 5' x 5' opening; for a house connection, where the opening is in an unimproved street, Twenty-five Dollars (\$25.00) for a 5' x 5' opening; for a permit for the laying of pipes, mains or conduits, either by tunnel or excavation, Three Dollars (\$3.00) for each lineal foot up to one hundred lineal feet, then One Dollar (\$1.00) for each lineal foot or fraction thereof, thereafter, in addition to the required permit of Twenty-Five Dollars (\$25.00). In addition to the permit fee, where an applicant secures a permit for work to be performed in an area where a parking meter stall or stalls will be unavailable for public use,

applicant shall be required to make restitution to the  
Borough in the full amount of lost parking meter  
revenue based on 100% occupancy of parking meter  
stall or stalls.

ORDAINED AND ENACTED into an ordinance this 12<sup>th</sup>  
day of December, 1972.

ATTEST:

James E. Peterson  
Borough Secretary

Arthur J. Thibodeau  
President of Council

EXAMINED AND APPROVED by me this 12<sup>th</sup> day of  
December, 1972.

ATTEST:

James E. Peterson  
Borough Secretary

Alfred P. DeCandia  
Mayor

SATURDAY, SEPTEMBER 4, 1971

**Legal Advertising**

**ORDINANCE NO. 714**  
**AN ORDINANCE REGULATING THE MAKING OF OPENINGS AND EXCAVATION IN STREETS, ALLEYS AND WAYS IN THE BOROUGH OF DONORA AND THE PROTECTION, REFILLING, RESURFACING AND REPAVING OF THE SAME AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

The Borough of Donora hereby ordains and enacts as follows:

**SECTION I**

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

(a). The word "street" shall mean any public street, avenue, road, square, alley, highway or other public place located in the Borough of Donora and established for the use of vehicles.

(b). The word "person" shall mean and include any natural person, partnership, firm, association or corporation.

In this ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

**SECTION II**

It shall be unlawful for any person to open or to make any excavation of any street in the Borough of Donora except in and upon those portions thereof established for the use of vehicles and walkways.

**SECTION III**

It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets or sidewalks in the Borough of Donora without first securing a permit therefor, as hereinafter provided.

**SECTION IV**

Any person who shall desire to make any opening or excavation in any of the streets or walkways in the Borough of Donora shall make application to the Street Commissioner in writing for the purpose. Such application shall be made in triplicate upon forms to be furnished by the Street Commissioner. And shall set forth the name of the applicant, the exact location of the proposed opening or excavation and the approximate size or depth thereof, and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the Borough and the laws of the Commonwealth in relation thereto, and that the applicant shall well and truly save, defend and keep harmless the Borough of Donora from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the production of the work connected therewith, or from any other matter, cause or thing relating thereto.

**SECTION V**

After securing a permit from the Street Commissioner the Applicant shall present the permit to the Borough Secretary and pay a fee in the amount of \$25.00 to cover the cost of inspection and other incidental services in connection therewith. In addition to the permit fee of \$25.00, any instance where an applicant secures a permit for work to be performed in an area where a parking meter stall or stalls will be unavailable for public use, applicant shall be required to make restitution to the Borough in the full amount of lost parking meter revenue based on 100% occupancy of parking meter stall or stalls.

**SECTION VI**

(A). Every person applying for a permit under this ordinance shall, in addition to the permit fee pay

unsatisfactorily, and the same shall not be executed in accordance with his instructions unless he has been fixed by him, or in the absence of the work for which the permit was granted is not completed within the time fixed by the Borough Street Commissioner, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 20% to the applicant.

**SECTION IX**

In the case of any leak, explosion or other accident in any sub-surface pipe, line, construction of apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus, to commence an excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter, and that all other provisions of this Ordinance are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Borough Street Commissioner, after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus 20% to such owner or person.

**SECTION X**

No new water or gas main shall hereafter be laid or constructed and no existing water or gas main shall be extended in any of the streets of the Borough until the exact location thereto and the plan therefor shall have been first approved by the Borough Council.

**SECTION XI**

Payment for all work done by the Borough under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within thirty (30) days after a bill therefor is sent to such time, the same shall be collectable by the Borough in the manner provided by law for the collection of municipal claims.

**SECTION XII**

Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions of this ordinance, shall upon conviction thereof before any Justice of the Peace or Magistrate, pay the fine of Twenty-five and no/100 (\$25.00) for the first offense and pay a fine of Fifty and no/100 (\$50.00) Dollars for the second offense, and pay a fine of One Hundred and no/100 (\$100.00) Dollars for the third and subsequent offenses plus the cost of prosecution shall be imprisoned for not more than thirty (30) days.

**SECTION XIII**

The provisions of this ordinance shall be severable, and if any provision thereof shall be declared unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent of the Borough Council that this ordinance would have been enacted had such unconstitutional, illegal, or invalid provision not been included herein.

ENACTED AND ORDAINED into an ordinance by the Borough Council of the Borough of Donora on the 5th day of August 1971.

/s/ Anthony A. Mastara  
President of Council

/s/ Thomas E. Petrus  
Borough Secretary

It has been examined and approved by me this 5th day of August 1971.

/s/ Albert F. Delandro  
Mayor

/s/ Thomas E. Petrus  
Borough Secretary

Sept. 4, 1971

