

Chapter 110

STREETS AND SIDEWALKS

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[HISTORY: Adopted by Borough Council as noted; amendments noted where applicable updated through 2010.]

ARTICLE I
Street Openings and Excavations.
[Adopted by Ord. No. 92-8]

§ 110-1. Purpose.

Regulating the making of openings and excavations in the streets, Borough curbing and/or right-of-ways of the Borough of Delmont and the protection, refilling, resurfacing and repaving of the same, and providing for penalties for violation.

§ 110-2. Definition.

The following words, when used in this article, shall have the meanings ascribed to them as follows:

PERSON – Includes both singular and plural, and shall apply to any natural person, partnership, firm, association or corporation.

STREET – Any public street, avenue, road, alley, right-of-way, easement, highway or other public place located in the Borough of Delmont and established for the use of vehicles.

§ 110-3. Permit required.

It shall be unlawful for any person to open or make any excavation in any street, Borough curbing and/or right-of-way in the Borough of Delmont without first securing a permit therefor as hereinafter provided.

§ 110-4. Procedure.

Any person who shall desire to make any opening or excavation shall make application to the Borough Secretary and/or the Borough Subdivision Officer in writing. Such application shall be made upon blanks to be furnished by the Borough Secretary and shall set forth:

- A. The name of the applicant;
- B. The exact location of the proposed opening or excavation;
- C. The approximate size and depth thereof to include an additional one foot in each direction further out from the ditch or trench walls for purposes of providing an undisturbed surface and support for new pavement;
- D. Shall contain an agreement on the part of the applicant that the work shall be completed in full compliance with all of the ordinances of the Borough of Delmont and the laws of the Commonwealth of Pennsylvania in relation thereto;

- E. Shall be liable for, defend and hold harmless the Borough from and indemnify the Borough against any and all actions, suits, demands, claims, damages, injuries, payments, costs, attorney's fees and charges for and by reason of the proposed opening or excavation and all damages to persons or property resulting in any manner therefrom or occurring in the prosecution of the work connected therewith or from any other matter, cause or thing relating thereto;
- F. Within two years after the restoration of the surface as herein provided, if defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving;
- G. All persons or entities wanting to perform a street opening must provide 48 hours in advance of one's intent to make a street opening unless in such cases of emergency; and
- H. The applicant shall then tender with the permit application a check for the calculated permit fee as is required under § 110-5 of this article.

§ 110-5. Permit fees.

Before any permit shall be issued to open or excavate as set forth in this article, the applicant shall pay to the Borough Secretary a permit fee in an amount as shall be fixed by law or as may be determined from time to time by resolution of Borough Council. This fee shall cover the cost of inspection, related administrative services in the inspection of the street opening, incidental professional services to consult with respect to street openings, estimated costs, damages and/or performance security.

§ 110-6. Site restoration procedure and requirements.

- A. All parties opening or digging any of the public streets or alleys of the Borough for any purpose whatever shall backfill the opening or excavation in the following manner:
 - 1. If the street or alley is not open for public use, the excavation or open trench can be backfilled with the material excavated, compacting and filling layers not to exceed 12 inches in thickness.
 - 2. Whenever the excavation is in a street having a paved surface of brick, bituminous concrete, reinforced concrete, mixed in place bituminous surface (asphalt and stone chips) or any similar materials providing a stabilized surface other than the natural soil, the excavation shall be backfilled with 100% of No. 2-A modified crushed limestone. The backfill shall be thoroughly compacted in twelve-inch layers and brought to the level of the existing surface and covered with two inches of No. 2-B crushed limestone. All excavated material shall be loaded, transported and wasted off the site of the work area.

- B. No part of a trench or excavation shall be tunneled or the walls of the excavation be undercut so as to leave the surface undisturbed, but all materials shall be removed to the full length, width and depth of the excavation, excepting in such cases as may be approved by the Supervisor of Streets. Prior to beginning the excavation of a paved surface, the area to be excavated shall be outlined in a square or rectangular shape having straight sides; the outline will then be cut by using a mechanical saw equipped with a diamond blade, providing a straight and uniform edge of the cut material.
- C. The party or parties to whom or for whom a permit may be issued shall assume all responsibility for the excavation made, respectively, by said party or parties, for backfilling the same and for all damages that may arise by reason of the digging of such trenches, excavations or the consequences thereof, the permittee's actions or reasonably required action.
- D. Whenever more of the public streets or alleys shall be excavated than specified in any permit, the party or parties to whom such permit shall have been issued shall secure from the Supervisor of Streets an extension of the original permit and shall pay for the extra square feet area removed, over and above the amount specified in the original permit, at the prices mentioned in the Schedule of Prices. In all cases where an extension of a permit to cover such extra excavation shall not have been obtained within 48 hours of the time of making said excavation, such person or persons violating the provisions of this section shall, in addition to paying the fees provided for in the extension permit, be subject to penalties provided in § 110-11 of this article.

§ 110-7. Performance security.

All work in connection with the openings in any street, including the excavation, protection, refilling, temporary paving or permanent paving, shall be done by the applicant at the applicant's own expense, subject to the supervision and approval of the Borough Subdivision Officer. The charge shall be paid by the applicant on the basis of the actual cost of the work plus 20%; nor shall said security as hereinbefore provided for be released within the period of one year after the completion of the backfilling and without a certificate from the Borough Council and/or the Borough Engineer given within that period that the work of the applicant has been approved.

§ 110-8. Special requirements.

- A. No opening or excavation in any street shall extend from the curblin into a street a distance greater than one foot beyond the center line of the street before being refilled and the surface of the street restored to a condition safe and convenient for travel.
- B. The work of the excavation shall be so conducted as not to interfere with water mains, sewers or their connections with houses, until permission of the proper authorities in connection with such subsurface lines or construction shall have been obtained.

- C. During the making of any excavation in any street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in a safe and passable condition, both day and night, by guards, barriers, lanterns and other devices, and all permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Borough from any loss in damages or otherwise which may or shall be occasioned at any time by the excavation or by any leak, explosion or other injury from any pipe, conduit or any other matter placed in the excavation.
- D. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Council, the Borough Subdivision Officer and/or the Borough Engineer, be unsatisfactory and the same shall not be corrected to either satisfaction within the time fixed by him, the Borough may proceed to correct such unsatisfactory work and charge the cost thereof plus 20% to the applicant.
- E. Any "One Call" charges assessed to the Borough because of the applicant's inquiry, said expenses assessed to the Borough shall be the applicant's responsibility.
- F. Any person not having paid any prior permit fees as per this article shall not receive a permit until the prior fees and costs of all penalties are paid and the new fees are paid.

§ 110-9. Emergency situations.

- A. If any emergency shall arise, it may be lawful for the person owning or responsible for the pipe, line, construction or apparatus, where necessary, to commence an excavation to remedy such condition before securing a permit, providing that the application for permit shall be made not later than the next business day thereafter and all other provisions of this article be fully complied with. If any emergency condition shall not be immediately attended to by the owner or person responsible, the Borough Council and/or the Borough Engineer, after such notice as he shall deem necessary, shall proceed to do the necessary required work of such emergency and charge the same on the basis of cost plus 20% to the person responsible.
- B. In case of emergency as per this section, the Fire Department must be notified, and written confirmation of said notice shall be made within 24 hours.
- C. In any emergency, the person or entity making the street opening shall still provide the information required under § 110-4 and be bound to the responsibilities and obligations as are required by this article.

§ 110-10. Collection.

Payment for all work done by the Borough under the provisions hereof shall be made by the person responsible therefor, under the provisions hereof, within 30 days after a bill is sent to such person by the Borough Secretary. Upon failure to pay such charge within such time, the same shall be collectible by the Borough in the manner provided by law for the collection of municipal claims.

§ 110-11. Violations and penalties.

- A. Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions of this article shall, upon conviction thereof before any District Justice having jurisdiction, pay a fine of not less than \$100 and not more than \$1,000, Borough attorney's fees and, in default of the payment of such fine and costs of prosecution, shall be imprisoned for not more than 30 days.
- B. The penalty shall be assessed at a rate of \$12 per foot of excavation of each foot not attained by permit.

ARTICLE II

Street Specifications.

[Adopted by Ord. No. 79-003.]

§ 110-12. Title.

This article shall be known as the "Delmont Street and Road Ordinance."

§ 110-13. Purpose; word usage.

- A. The purpose of this article and all of its sections as of now or to hereafter be adopted is to regulate new road construction in order to protect the safety and health and provide for the general welfare of the Borough and its inhabitants by providing procedures and specifications of street and road construction within the Borough.
- B. In this article, words in the singular include the plural and words in the plural include the singular. The word "shall" is mandatory, unless otherwise indicated.

§ 110-14. Definitions.

As used in this article, the following words or phrases have the meaning indicated below:

APPLICANT – A landowner or developer, as hereafter defined, who has filed an application for development or approval of a plot, including his heirs, successors and assigns.

APPOINTING AUTHORITY – The Council of the Borough of Delmont.

COUNCIL – The Council of the Borough of Delmont.

COUNTY – County of Westmoreland.

DEVELOPER – Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

ENGINEER – Professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as engineer for the Borough of Delmont.

GOVERNING BODY – The Council of the Borough of Delmont.

RIGHT-OF-WAY – Land dedicated and publicly owned for use as a street.

STREET – Street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by public vehicular traffic or pedestrians. A street may also be identified according to type or use as designated in the Borough Subdivision Ordinance.

§ 110-15. Public street compliance required.

- A. All Borough streets including newly created streets intended for public dedication or repaving or repairs to a Borough street must comply with this article and the Delmont Subdivision and Land Development Ordinance and any and all other ordinances applicable to these activities.
- B. No public street or street intended to be dedicated to the public shall be designed, constructed, maintained or repaired without complying with the specifications required in this article.

§ 110-16. Submission of plans and profiles.

- A. The paving width (see the Subdivision and Land Development Ordinance), curbing requirements, grade and type of paving shall be established by and noted on detailed plans and profiles submitted to the Council separately if said subdivision of plans are not part of a subdivision plan as per the Borough Subdivision Ordinance. The road sketch included in the Subdivision and Land Development Ordinance is a typical road section with established paving width and specifications. The Council of the Borough of Delmont reserves the right to permit in certain instances the use of new materials not covered in this article for experimentation purposes, subject, however, to whatever rules, regulations and/or restrictions the Council shall see fit to apply in any particular instance. The plans and profiles for the street or road must be shown on a drawing 24 inches by 36 inches, and a reproducible tracing shall be furnished together with four prints.

- B. No street construction or designs may be affected until the entire development plan (i.e., street development plan and related specifications, storm sewer drainage utility systems affected, any other bridges, watercourse improvements, etc.) shall not be constructed unless these details have been submitted by a written plan to the Borough and then approved by Borough Council.

§ 110-17. Submission of drainage plans.

Detailed plans of the existing and proposed drainage facilities for said street or road and contiguous territory shall be submitted to the Council for its approval if said submission is not part of a subdivision as per other Borough statutes. These plans must cover a scope large enough to show the effect of the proposed drainage facility or facilities in any land or stream above and any land or stream below. This scope shall be determined by the inches. Four prints are to be provided.

§ 110-18. Permits and inspection fees.

- A. A road construction or repair permanent shall be secured by the developer, person, contractor or entity before starting a work. Said person(s) shall submit written plans and comply with the requirements of § 110-16 prior to the issuance of the permit. An initial \$100 for the permit application shall be paid to the Borough. Said person, entity or developer shall also be responsible for the review of the plans, including the hourly fee for inspection by the Borough Engineer, for the inspection services during construction of the Borough Engineer. The developer or person or entity shall be billed for the services rendered. These moneys must be paid prior to acceptance of the project by the Borough and prior to the release of any bonds or securities, if any.
- B. Inspection shall be required for all phases of road construction, including, but not limited to, subgrading, base installation, binder placement, finished course applications.

§ 110-19. Minimum construction requirements.

- A. Materials and methods. Gradations, consistency and types of materials, their content, mixture, handling and placement and methods of construction or repair, unless otherwise indicated by this article, shall be comply with the Pennsylvania Department of Highways Specifications Form 408, the latest edition as of the date that construction begins.
- B. Notice. The contractor shall notify the Borough one week in advance of starting work. He shall at all times during the progress of the work have a competent superintendent or foreman on the job site. Inspection of the road work will be done by an authorized agent of Borough Council and/or its Engineer.
- C. Preparation of subgrade.
 - 1. The subgrade shall be find grade to a tolerance of no more than 0.1 foot above and well rolled and 0.2 foot below the subgrade as shown on the plan.

2. All soft, plastic or rock areas in the subgrade shall be undercut to a depth of at least nine inches (or more if deemed necessary by the Borough Engineer) and shall be refilled with granulated slag or other approved material under the direction of the Borough Engineer.
3. The subgrade is to conform to the same crown as the paved surface.

D. Preparation of subgrade, subbase, base and wearing course.

1. The subgrade or road bed shall be constructed of compacted selected soil conforming to the approved grades and cross-section of the road. Compaction will not be less than 100% of the dry weight density of the material under compaction. When the specified stability cannot be obtained, excavate the material in the area to a minimum depth of 12 inches, replacing the area with No. 3 crushed limestone aggregate, compacting the material to obtain the required stability.
2. Subbase. The subbase course will consist of a uniform layer, two inches thick, after compaction, of No. 2-A modified crushed limestone for the full width of roadway including curbs.
3. Base. The base course will consist of a uniform layer of hot plant mix bituminous concrete base course, Form 408, Section 305, having a thickness of four inches after compaction. Base course shall be placed for the full width of the street including the forming of the wedge curb.
4. Wearing course will consist of two courses of hot plant mix bituminous concrete ID-2, Form 408, Section 430, having a thickness of one inch per course. During the initial paving of the street, the pavement will include a finished wearing course, one-inch-thick layer of ID-2, hot plant mix of bituminous concrete. After completion of all building or construction along a street or section of a street of the development, the developer correct all deficiencies that have occurred in the paving surface and place a finished wearing course of hot plant mix of ID-2 bituminous concrete having a thickness of one inch. The finished surface shall include surfacing the wedge curb.
5. Curb. Construct wedge curbs on all streets.

§ 110-20. Bituminous surface course ID-2.

- A. This course shall consist of two courses; binder course and wearing course, hot-mixed, hot-laid asphaltic concrete.
 1. The binder course shall consist of a minimum of 1 ½ inches of compacted ID-2 asphaltic concrete meeting the specifications of the Pennsylvania Department of Highways Specifications, Form 408, and shall be laid in the manner prescribed therein.

2. The wearing course shall consist of a minimum of one inch of compacted ID-2 asphaltic concrete meeting the requirements of the Pennsylvania Department of Highways Specifications, Form 408, and shall be laid in the manner prescribed therein.
- B. In the case of new roads or streets being constructed in new subdivision plans, refer also to other sections of this article and the Subdivision and Land Development Ordinance.

§ 110-21. Drainage.

- A. Subdrainage will be constructed along and outside the paved surface on the uphill side, except when the road has an elevated berm and rising ground elevation on both sides, then a subdrain will be constructed along both sides of the road. The size of the trench will have a nominal dimension of 12 inches wide by 18 inches deep. The trench will be lined with an approved geo-textile drainage fabric, Type C-1, Form 408, Section 735, similar to or equal to Propex 4545, by Amoco. The subdrain pipe will be four-inch ID, perforated pipe, rigid Type ASTM 2729 or corrugated plastic, flexible pipe placed on a two-inch bed of No. 2-B crushed limestone. The drain shall lead into a storm inlet. The drainage ditch shall receive a one-hundred-percent stone backfill of No. 2-B stone. There shall be sufficient width of drainage fabric to permit a one-hundred-percent overlap of the fabric over the top of the trench. Areas within the limits of the paved roadway that show signs of continued wetness (i.e., springs, etc.) shall be drained by installing a required subdrain leading to a storm inlet.
- B. Any drainage of newly constructed areas shall be certified to the Borough to be confined with the Pennsylvania Stormwater Management Act and also be approved by the Westmoreland Conservation District. The developer and/or person constructing said new road or drainage systems warrants to the Borough that they have complied with said Act and received the appropriate permits or clearances to proceed with construction.
- C. Storm drains. The construction of any street which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures will include the construction of a stormwater collection system. The system shall be of adequate capacity to manage a stormwater runoff having the intensity of a fifty-year frequency.
- D. Pipe. All pipe will have a minimum inside diameter of 15 inches. Pipe will be pre-cast concrete, Class R or better, tongue and groove joint or corrugated plastic polyethylene pipe with smooth interior.
- E. Inlets shall have a plane dimension of two feet by four feet with a minimum depth of three feet. Basins may be of precast concrete or poured in place concrete.
- F. Grates shall have a standard highway rating, two feet by four feet in size as manufactured by Allegheny Foundry Type M Inlet or equal.

§ 110-22. Street berm areas.

- A. Berms. The berm area shall be at least four feet wide at the lower side of the road and 10 feet wide at the uphill side, and if not undisturbed, virgin soil shall be compacted in six-inch to eight-inch layers. Any slopes or embankments beyond the four-foot or ten-foot area shall be sloped at one foot vertical to 1 ½ foot horizontal or better and shall be seeded with perennial rye grass at a rate of four pounds per 1,000 square feet and covered with mulch.
- B. Curbs. All wedge type curbs must be made from finish course material. Refer to the Borough Subdivision Ordinance.

§ 110-23. Catch basin and pipe.

- A. Catch basin specifications. Solid concrete blocks four inches by eight inches by 16 inches or precast or poured reinforced concrete type catch basins, two feet by four feet, may be used and shall conform to drawings included in these specifications (per drawings included in the Subdivision and Land Development Ordinance). The precast or poured reinforced concrete type catch basin is preferred by the Borough. Catch basins will be two feet by four feet and any increase will be done in modular increments.
- B. Specifications for pipes.
 - 1. Pipe for storm sewers shall be a minimum of fifteen-inch concrete pipe or as required by the size of the watershed. When being used under roads, it shall be reinforced concrete pipes. This pipe shall be in accordance with the Pennsylvania Department of Highways Specifications, Form 408, latest edition, or as it may be amended. All natural springs in new subdivisions shall be piped to the nearest catch basin with proper drain pipe.
 - 2. Corrugated metal pipe may be used in lieu of plain concrete pipe off the street right-of-way. This pipe shall be a minimum of 16 gauge and shall be in accordance with the Pennsylvania Department of Highways Specifications, Form 408, latest edition, or as it may be amended.
- C. Any and all catch basins or manholes for stormwater drainage shall be warranted by the developer to have a useful life of at least 20 years from the date that the construction of this structure is completed. The warranty is deemed implicit upon the contractor's advising the Borough that the project is completed and being offered for acceptance by the Borough or upon final payment for the project constructing said catch basin or manhole system.

§ 110-24. Calendar construction limitations.

Road construction work such as filling, berming, subgrade, final grade construction, base construction or surface construction cannot be commenced before April 15 and must be completed by October 15 of the same year. It is assumed that the weather conditions between these dates will be ideal for road construction. However, if adverse weather conditions occur between these dates, the contractor or builder must abide by the judgment of the Council in regard to permissible construction weather conditions.

§ 110-25. Maintenance bond.

The contractor or builder as previously indicated shall submit a performance bond after the ID-2 binder course is placed in the amount indicated in Section 6.03(c) and 7.01(c) of the Pennsylvania Department of Highways Specifications, Form 408, latest edition or as it may be amended, to guarantee the placement of the finish ID-2 wearing course. The contractor, upon completion of the final wearing course and as a condition for acceptance by the Council, must provide a two-year maintenance bond in the amount of 50% of the cost of the base, binder and wearing courses, said bond guaranteeing said base, binder and wearing course against deficiencies in workmanship and materials. Prior to conclusion of the two-year period for the maintenance bond, as mentioned herein, the contractor or developer shall notify the Borough to make a final inspection of the road. If the condition of the road is such that the Road Department deems that the road shall not be accepted as a Borough road, the developer or contractor shall have the duty to repair or replace said road so that it will be in proper condition to be accepted by the Borough. Nothing in this article, including services which the Borough may extend during the period of the performance bond and/or maintenance bond, shall be construed to mean that the road has been accepted as a Borough road.

§ 110-26. Special requirements and services.

- A. Street signs. See the Borough Subdivision and Land Ordinance and Borough Zoning Ordinance.
- B. Snow removal. The contractor or developer, after having met all the requirements above mentioned, may request that the Borough provide snow removal to the residents of the new street or road. This service is rendered by the Borough; providing, however, that the contractor or developer signs an agreement with the Borough whereby the contractor or developer assumes all responsibilities of the effect of the snow removal on the road surface (like salt, cinders, scraping, etc.).
- C. Fire hydrants. See the Borough Subdivision and Land Ordinance.

§ 110-27. Street acceptances.

Streets accepted by Delmont Borough since 1985 are as follows:

- A. Valley Stream No. 6 Plan of Lots, plans dated October 30, 1980, and January 22, 1981, and accepted by the Borough Council on July 11, 1985. Developer, Roland Catarinella.
- B. Fairview Street containing a forty-foot right-of-way with street improvements contained therein in the Williamsburg Plan of Lots developed by Daniel Mistick and Robert Cawood, accepted by Borough Council on June 9, 1992, and reaffirmed on November 9, 1993.
- C. Valley Stream Drive having a right-of-way width on Valley Stream Drive; the right-of-way width is 50 feet for a distance of 1,190.78 feet. The center line of Valley Stream Drive shall be specifically described as shown in a drawing to be maintained in the Borough office depicting this roadway.
- D. Cherry Blossom Court. A fifty-foot right-of-way with improvements contained therein in the Cherry Blossom Plan of Lots as recorded in the Westmoreland County Recorder of Deeds Office in Plan Book Volume 91, pages 709-710, developed by Steve Catranel Construction Company, Inc., accepted by Borough Council on January 12, 1999, and as specifically described in a drawing to be maintained in the Borough office depicting this roadway.
- E. Heritage Court.
 1. A fifty-foot right-of-way with improvements contained therein as set forth in the Apple Hill Highlands Plan 2, recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania, Plan Book Volume 90, pages 1742 through 1747, developed by The Meritage Group, accepted by Borough Council on February 11, 2003. Plans and description of the roadway are appended to Ordinance 2003-2 and shall be maintained on file in the Borough offices.
 2. A center-line description of the aforesaid of street or roadway is more fully described and set forth in the detailed description attached hereto to Ordinance No. 2008-3.
- F. Apple Hill Drive.
 1. The portion of street or roadway having a sixty-foot right of way in portions and a fifty-foot right-of-way in other portions. Plans and descriptions of the roadway are appended to Ordinance Nos. 2006-5 and 2008-3 and shall be maintained on file in the Borough offices. The recorded plans depicting this roadway are:
 - a. Apple Hill Apartments Plan of Lots, Plan Book Volume 89, pages 1099 and 1100;

- b. Apple Hill Plan No. 1B, Plan Book Volume 89, pages 2349 through 2352, inclusive;
 - c. Apple Hill Highlands Plan of Lots, Plan Book Volume 90, pages 1199 through 1203, inclusive; and
 - d. Apple Hill Highlands Plan No. 2, Plan Book Volume 90, pages 1742 through 1747, inclusive.
2. Said street or roadway is now and shall hereafter be identified as Apple Hill Drive.
 3. A center-line description of the aforesaid of street or roadway is more fully described and set forth in the detailed description attached hereto to Ordinance Nos. 2006-5 and 2008-3.

G. Valley Stream Drive.

1. The portion of street or roadway having a fifty-foot right of way as indicated on the attached drawings and as set forth on the recorded plans. Plans and description of the roadway are appended to Ordinance Nos. 2006-6 and 2008-3 and shall be maintained on file in the Borough offices. This roadway is further described, dedicated and set forth on the Apple Hill Plan No. 1B, as recorded in the Office of the Recorder of Deeds as aforesaid in Plan Book Volume 89, pages 2349 through 2352, inclusive.
2. Said street or roadway is now and shall hereafter be identified as a portion of Valley Stream Drive.
3. A center-line description of the aforesaid of street or roadway is more fully described and set forth in the detailed description attached hereto to Ordinance Nos. 2006-6 and 2008-3.

H. Rose Court North.

1. Said street or roadway having a right-of-way in excess of 30 feet as indicated on the attached drawings and as set forth on the recorded plans. Plans and description of the roadway are appended to Ordinance Nos. 2006-7 and 2008-3 shall be maintained on file in the Borough offices. This roadway is further described, dedicated and set forth on the Apple Hill Plan No. 1B, as recorded in the Office of the Recorder of Deeds as aforesaid in Plan Book Volume 89, pages 2349 through 2352, inclusive.
2. Said street or roadway is now and shall hereafter be identified as Rose Court North.
3. A center-line description of the aforesaid of street or roadway is more fully

described and set forth in the detailed description attached hereto to Ordinance Nos. 2006-7 and 2008-3.

I. Rose Court South.

1. Said street or roadway having a right-of-way in excess of 30 feet as indicated on the attached drawings and as set forth on the recorded plans. Plans and description of the roadway are appended to Ordinance Nos. 2006-8 and 2008-3 and shall be maintained on file in the Borough offices. This roadway is further described, dedicated and set forth on the Apple Hill Plan No. 1B, as recorded in the Office of the Recorder of Deeds as aforesaid in Plan Book Volume 89, pages 2349 through 2352, inclusive.
2. Said street or roadway is now and shall hereafter be identified as Rose Court South.
3. A center-line description of the aforesaid of street or roadway is more fully described and set forth in the detailed description attached hereto to Ordinance Nos. 2006-8 and 2008-3.

J. Dogwood Drive.

1. Said street or roadway having a 50-foot wide right-of-way and being more fully described, dedicated and set forth on the Apple Hill Highlands Plan of Lots, as recorded in the Office of the Recorder of Deeds as aforesaid in Plan Book Volume 90, pages 1199 through 1203, inclusive.
2. A center-line description of the aforesaid of street or roadway is more fully described and set forth in the detailed description attached hereto to Ordinance No. 2008-3.

K. Rock Springs Road.

1. Said streets or roadways having a 50-foot right of way as set forth on the Rock Springs Plan of Lots as the same is recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania, in Plan Book Volume 89, page 913, and the Rock Springs Plan of Lots No. 2 as recorded in the Office of the Recorder of Deeds as aforesaid in Plan Book Volume 89, page 1650.
2. Said streets or roadways are now and shall hereafter be identified as Rock Springs Road.
3. A center-line description of the aforesaid of street or roadway is more fully described and set forth in the detailed description attached hereto to Ordinance No. 2008-4.
4. All stormwater and surface water management facilities and controls located in,

with or appurtenant to the aforesaid streets or roadways are accepted as portions of the public streets and shall hereafter be owned, maintained and operated by the Borough of Delmont.

L. Toll Gate Lane.

1. Said street or roadway having a 50-foot right of way as set forth on the Toll Gate Estates Plan of Lots as the same is recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania, in Plan Book Volume 89, page 156-157; and as further depicted in the Toll Gate Estates Plan Revision, Lots 5-6-7 as recorded in the Office of the Recorder of Deeds as aforesaid in Plan Book Volume 89, page 1182; and in the Toll Gate Estates Second Revision Plan as recorded in the Office of the Recorder of Deeds as aforesaid in Plan Book Volume 89, page 1408.
2. Said street or roadway is now and shall hereafter be identified as Toll Gate Lane.
3. A center-line description of the aforesaid of street or roadway is more fully described and set forth in the detailed description attached hereto to Ordinance No. 2008-5.
4. All stormwater and surface water management facilities and controls located in, with or appurtenant to the aforesaid street or roadway are accepted as portions of the public streets and shall hereafter be owned, maintained and operated by the Borough of Delmont.

M. Stefano Drive.

1. Said street or roadway having a 40-foot right of way as set forth on the White Oak Court Condominium – Plats and Plans – Phase I Plan as the same is recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania, as Instrument No. 200809170038785.
2. Said street or roadway is now and shall hereafter be identified as Stefano Drive.
3. A center-line description of the aforesaid of street or roadway is more fully described and set forth in the detailed description attached hereto to Ordinance No. 2008-6.
4. All stormwater and surface water management facilities and controls located in, with or appurtenant to the aforesaid street or roadway are accepted as portions of the public street and shall hereafter be owned, maintained and operated by the Borough of Delmont.

N. Newhouse Park Road. **(Added 11/10/2010 per Ordinance No. 2010-4)**

1. Said street or roadway having a 33-foot right of way is depicted on a plan or drawing prepared by the Borough engineer attached as Exhibit "A" to Ordinance No. 2010-4, a copy of which will be maintained as part of the official records of Delmont Borough.
2. Said street or roadway is now and shall hereafter be identified as Newhouse Park Road.
3. A center-line description of the aforesaid of street or roadway is more fully described and set forth in the detailed description attached as Exhibit "B" to Ordinance No. 2010-4, a copy of which will be maintained as part of the official records of Delmont Borough.

§ 110-27.5. Street and alley vacation.

Streets or alleys which have been formally vacated by Delmont Borough are as follows:

A. Portion of an unnamed alley adjacent to State Route 66. **(Added 8/10/2010 per Ordinance No. 2010-3)**

1. That portion of said unnamed alley bounded on the easterly end by Route 66, beginning at the southeasterly corner of Tax Map #25-02-13-0-016; thence along the southerly line of said Tax Map #25-02-13-0-016, North 65° 00' West a distance of 31.0 feet to the southwesterly corner of said Tax Map #25-02-13-0-016; thence across the unnamed alley, South 25° 00' West a distance of 12.0 feet to a point on the northerly line of Tax Map #25-02-13-0-017; thence along said northerly line of Tax Map #25-02-13-0-017, South 65° 00' East a distance of 34.71 feet to a point at the northeasterly corner of Tax Map #25-02-13-0-017 at the western edge of Route 66, thence along the western edge of Route 66, North 07° 49' 07" East a distance of 12.56 feet to the place of beginning. Having an area of 394 square feet.
2. A map or plan depicting the area of alley being vacated is attached as Exhibit "A" to Ordinance No. 2010-3 as adopted August 10, 2010.

B. An unnamed alley bounded on the north by Lindsay Street and on the south by East Pittsburgh Street. **(Added 4/9/2019 per Ordinance No. 2019-2)**

1. That unnamed alley bounded on the North by Lindsay Street, beginning at the northeasterly corner of Tax Map No. 25-02-13-0-101, now or formerly of the Trinity United Church of Christ of Delmont, and thence along the easterly line of said Tax Map No. 25-02-13-0-101 a distance of 154' to the southeasterly corner thereof at its intersection with East Pittsburgh Street; thence across the unnamed alley a distance of 20' to the southwesterly corner of Tax Map No. 25-02-13-0-217,

now or formerly of Shaun P. Blackham; thence along the westerly line of Tax Map No. 25-02-13-0-217 in a northerly direction to the northwesterly corner of said Tax Map Parcel a distance of 154' to a point on the southern line of Lindsay Street; thence across the unnamed alley and along the southerly line of Lindsay Street a distance of 20' to the point at the place of beginning.

2. A copy of the Westmoreland County Tax Map generally depicting the area of the alley being vacated is attached as Exhibit "A" to Ordinance No. 2019-2 as adopted April 9, 2019.

§ 110-28. Violations and penalties.

- A. Any and all penalties or violations permitted under the Borough of Delmont Subdivision and Land Development Ordinance, Zoning Ordinance or any other ordinances pertaining to said violation.
- B. Any person, partnership or entity who, after being the owner or agent of an owner of any lots, tract or parcel of land or who constructs any improvements on any property within the Borough and does not comply with this article shall be guilty of a summary offense upon conviction thereof and shall pay a fine not exceeding \$1,000 per lot or development and/or be imprisoned for not more than one year. For the purpose of this article, each day of a violation shall be considered a separate punishable offense. In addition to the criminal penalty set forth above, the guilty offender shall also be responsible for:
 1. The costs of the removal of said street, road or other improvement referred to by this article when the same does not comply with the specifications or requirements of this article; and/or
 2. The cost of completing said improvements described or affected by this article in order to bring them into compliance with the specifications set forth herein.

§ 110-29. Conflicting ordinances; interpretation of provisions.

All ordinances or parts thereof which are in conflict with this article, the more restrictive criteria for the developer or third party shall be applicable.