

BOROUGH OF MT. OLIVER

ORDINANCE NO. 980

AN ORDINANCE OF THE BOROUGH OF MT. OLIVER AMENDING CHAPTER 215, STREETS AND SIDEWALKS, ARTICLE VI, STREET EXCAVATIONS AND OPENINGS, TO REQUIRE FINANCIAL SECURITY AND PROOF OF INSURANCE PRIOR TO THE ISSUANCE OF A PERMIT

I. The Council of the Borough of Mt. Oliver hereby ordains that Chapter 215, Streets and Sidewalks, Article VI, Street Excavations and Openings, of the Borough Code of Ordinances, Sections 215-24.9(A) and 215-24.10 be amended to read, as follows:

**§ 215-24.9. Bond Requirements.**

A. The permittee shall provide to the Borough with, prior to the issuance of the permit, financial security in a form acceptable to the Borough Solicitor, to guarantee faithful performance of work authorized by a permit granted pursuant to this article. The amount of the financial security shall be 100% of the estimated cost of restoring the street opening. The term of the financial security 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 Borough. If the permittee anticipates requesting more than one permit per year, as required by this article, he or she may furnish a single financial security to guarantee faithful performance in such amount as the Borough 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 Borough Solicitor, may be accepted in lieu of the corporate surety bond required by this section.

**§ 215-24.10. Liability Insurance.**

Prior to the issuance of the permit, each applicant shall provide a certificate of insurance to the Borough that reflects that the contractor, subcontractor or any other entity who shall actually perform the work under the permit is insured against all claims for damages because of bodily injury, including death, and from claims for damages to property which may arise out of or be related to the performance of work under the permit in an amount of at least \$2,000,000. Such insurance shall cover collapse, explosive hazards, underground work and work by equipment on the street and shall include protection against liability arising from completed operations. The specific amount of the insurance shall be prescribed by the Borough in accordance with the nature of the risk involved; provided, however, that the liability insurance for bodily injury shall be in an amount not less than \$250,000 for each person and \$500,000 for each accident, and for property damage in an amount not less than \$100,000 with an aggregate of \$300,000 for all accidents. The certificate of insurance shall also state that the Borough shall be given written notice at least 60 days prior to cancellation of such insurance. The Borough shall be listed as an additional insured and/or loss payee on all policies of insurance described

in this section. Public utility companies and authorities may be relieved of the obligation of submitting such a certificate if they submit satisfactory evidence, in a form acceptable to the Borough Solicitor, that they are insured in accordance with the requirements of this article 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.

II. If any provision of this Ordinance is for any reason held to be legally invalid, such decision shall not affect remaining portions of this Ordinance and they shall remain in full force and effect, and to this end, the provisions of this Ordinance are hereby declared severable.

III. In the event of any inconsistency between the provisions of this Ordinance and any prior Ordinance, the provisions hereof shall be determined to govern.

IV. This Ordinance shall be effective immediately upon adoption.

This Ordinance ORDAINED AND ENACTED INTO LAW by the Borough Council of the Borough of Mount Oliver at a duly assembled public meeting this 18<sup>th</sup> day of February, 2019.

ATTEST:

BOROUGH OF MOUNT OLIVER

  
\_\_\_\_\_  
Manager

By:   
\_\_\_\_\_  
President, Borough Council