

## Chapter 169

# UTILITY CONTACT REGULATIONS

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**[History: Chapter adopted by the Council of the Borough of Whitehall 2-15-06 as Ord. No. 988, pursuant to Ord. No. 984 adopted 9-21-05. Other amendments noted where applicable.]**

**§ 169.1.      DEFINITIONS.**

For purposes of this Ordinance, the following terms are defined as follows:

**CONTRACTOR** - Any person who or which performs excavation or demolition work for himself or another person

**DEMOLITION WORK** - The partial or complete destruction of a structure, by any means, served or adjacent to a line or lines.

**EXCAVATION WORK** - Any activity which requires a permit to be issued by the Borough of Whitehall including but not limited to the use of powered equipment or explosives in the movement of earth, rock or other material, and includes but is not limited to anchoring, augering, backfilling, blasting, boring, digging, ditching, drilling, driving-in, grading, plowing-in, ripping, scraping, trenching, and tunneling or other similar related activities.

**LINE OR FACILITY** - Any underground conductor or underground pipe or structure used in carrying or providing gas, oil, or oil product, sewage, water, or other service, including cable, electrical or telephone lines to one or more consumers or customers of such service and the appurtenances thereto, regardless of whether such line or facility or structure is located on land owned by a person or public agency or whether it is located in an easement or right-of-way. This term includes drainage and traffic loops.

**PERSON** - An individual, corporation, partnership, incorporated association, municipal authority, school district or other similar entity.

**POLICE DEPARTMENT** - The Police Department of the Borough of Whitehall.

**§ 169.2. LINE OR FACILITY CONTACT.**

In the event that any Person through the course of Excavation Work or any other type of activity:

169.2.1. Damages, dents or causes any break or leak in the Line or Facility or to the coating or cathodic protection of the Line or Facility; or

169.2.2. Creates a situation where that person reasonably believes that they may have damaged dented or caused any break or leak in the Line or Facility or to the coating or cathodic protection of the Line or Facility; or

169.2.3. In the Course of the work discovers any damage, dent, break or leak in the Line or Facility or to the coating or cathodic protection of the Line or Facility;

169.2.4. The Person shall within 60 minutes contact the Police Department and inform them of the incident.

**§ 169.3. LIABILITY OF THE BOROUGH OF WHITEHALL.**

The notification of the incident to the Police Department does not relieve the Person from any liability for the damage caused to the Line or Facility, or from any direct or indirect consequences of the contact, nor does it relieve the person from any obligation to mitigate or repair the damage, or to notify or provide any information to any other party as required by law or contract.

**§ 169.4. PENALTIES.**

Any person who has committed an unlawful act under Section 2 of this Ordinance Part shall, upon conviction, be subject to a fine not to exceed One Thousand (\$1,000.00) Dollars for each violation.

**§ 169.5. SEVERANCE CLAUSE**

Should any section, paragraph, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of said Ordinance shall not be affected thereby, and shall remain in full force and effect.