

ORDINANCE NO. 375

AN ORDINANCE REGULATING STREET OPENINGS  
AND EXCAVATIONS BY ANY PERSON, FIRM OR  
CORPORATION DOING WORK IN OR UNDER ANY  
STREET, ALLEY OR THOROUGHFARE WITHIN THE  
LIMITS OF THE BOROUGH, REQUIRING A PERMIT  
AND FEE FOR SAME.

WHEREAS, Borough Council by Ordinance No. 295, dated September 4, 1984, enacted certain rules and regulations concerning street openings and excavations within the Borough limits; and

WHEREAS, the Borough wishes to revise and update said Ordinance in accordance with the plan and recommendation submitted by the Borough engineer;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that Ordinance No. 295 is amended to read as follows:

§ 154-5. Permit required.

It shall be unlawful for any person, firm or corporation to make any opening or excavation in or under any street, alley or thoroughfare within the limits of the borough unless and until a permit therefore is secured from the proper borough official for each separate undertaking, such permit to be in a form prescribed by the borough.

§ 154-6. Permit fee; required details.

- A. The charge for said permit shall, for each separate undertaking, be one hundred dollars (\$100), plus cost for inspection and a deposit guaranteeing proper restoration (see Figure 1).
- B. Every such permit shall specify where said opening or excavation may be made, together with the probable length, width and depth thereof, and such further information as the official may require; and any additional surface to be disturbed may be endorsed on the permit by said official, provided that emergency breaks or leaks may be repaired and a permit therefore secured within forty-eight (48) hours thereafter.

- C. A completed application for street opening permit (see Figure 2) and corresponding fee according to the fee schedule must accompany the application.

**§ 154-7. Safety Precautions; liability for damage.**

- A. It shall be the duty of any person or persons, firm or corporation to whom a permit is issued or by whom any opening or excavation is made as aforesaid to provide and maintain proper vehicular and pedestrian traffic control including adequate guards, barriers and lights to prevent accidents, and they shall assume all risks and be liable for all damages by reason of the openings and excavations or any failure to properly fill the hole or trench and maintain the disturbed surface in a safe condition.
- B. Borough roads shall not be closed unless requested, in writing, and approved by the Road Foreman. Applicants must submit a detour plan, sign plan and any additional information required by the Road Foreman along with a road closure request. Roadways to be closed shall be conspicuously posted along the roadway to be closed a minimum of forty-eight hours in advance of the proposed closure. The posting shall be visible and easily read from vehicles utilizing the roadway and shall indicate the dates and times the roadway is to be closed. Provisions shall be made by the applicant for detours around the proposed road closure. All detours signs and additional traffic control shall be at the expense of the applicant. In all instances, emergency vehicles must be provided access to areas of the road closure. The applicant must submit a copy of the road closure request to the police department and Fire Chief in the district that is affected by the closure.

**§ 154-8. Standard procedures.**

- A. Damage to underground utility lines. Prior to the excavating of any opening, the applicant shall contact all utilities having underground installations in the Borough in accordance with Pennsylvania Act 187 (PA ONE CALL-1-800-242-1776), Prevention of Damage to Underground Utility Lines by Excavation or Demolition. Any person obtaining a permit for a street opening shall accept full responsibility for any damage caused in any way whatsoever to underground installations other than their own and shall make complete restitution for their repair or replacement. The PA ONE CALL serial number shall be provided to the Borough listing all utilities notified.
- B. Excavation. Excavation within existing cartways of the borough shall be done with hand-operated pneumatic tools and hydraulically operated equipment or by such other methods as will furnish a clean cut in the pavement and base without undue disturbance to subgrade or fragmentation of surrounding street or roadway. All material excavated shall be the responsibility of the person, firm, corporation, bureau or utility for proper disposal.

- C. Backfilling. Backfill within the cartway area shall consist of No. 2A Subbase acceptable by the Engineer and/or Road Foreman, compacted to 97% proctor density in layers not to exceed eight (8) inches in depth up to the road surface. A buried metallic utility line marker must be placed twelve (12) inches below the proposed base course.
- D. Method of opening. When an opening is made in an existing paved street, the pavement shall be sawn. A one (1) foot wide "cut-back" around the entire perimeter of the excavation shall be made prior to final restoration. All saw cut lines shall be neat and not irregular.
- E. Restoration.
- (1) Temporary restoration.
    - (a) Temporary restoration consisting of bituminous patching material may be placed and properly compacted within the trench area.
    - (b) Responsibility: All temporary restoration shall be maintained by the person, firm, corporation or bureau or utility until weather conditions permit permanent restoration or as otherwise directed by the Borough Engineer and/or Road Foreman. During this period, any sinking or other deterioration of the trench shall be repaired. Temporary restoration must be placed within fourteen (14) days after completion of work or when weather conditions permit in accordance with PENNDOT Publication 408 in its latest edition.
  - (2) Permanent restoration. Restoration is to match the existing pavement type.
    - (a) Method I – Bituminous Roadway. All temporary restoration shall be removed from the trench area and additional material immediately adjacent thereto for a minimum distance of twelve (12) inches and a minimum depth of thirteen and one half (13-1/2) inches in order to accommodate permanent restoration. The entire area shall then be properly rolled and compacted. Upon the compacted subbase and/or subgrade shall be constructed an eight (8)-inch-thick No. 2A subbase course meeting the requirements of Section 350 of PENNDOT Publication 408, latest revision, followed by a four (4) inch-thick ID-2 bituminous concrete base course as per Section 305 of PENNDOT Publication 408 and a one and one half (1-1/2) inch-thick ID-2 bituminous wearing course as per Section 420 of the PENNDOT Publication 408. Upon completion of permanent restoration, the jointure of the existing cartway and new construction shall be sealed with hot bituminous material of the class and type designed for the surface course for a distance of six (6) inches on both sides thereof (see Figure 3 for details).

(b) Method II – Bituminous Overlay over Concrete Pavement. All temporary restoration shall be removed from the trench area and additional material immediately adjacent thereto for a minimum distance of twelve (12) inches and a minimum depth of seventeen and one half (17-1/2) inches in order to accommodate permanent restoration. The entire area shall then be properly rolled and compacted. Upon the compacted subbase and/or subgrade shall be constructed on eight (8) inch thick No. 2A subbase course meeting the requirements of Section 350 of PENNDOT Publication 408, latest revision, followed by eight (8) inch thick reinforced cement concrete pavement as per Section 501 of PENNDOT Publication 408, followed by one and one-half (1-1/2) inch thick ID-2 bituminous wearing course as per Section 420 of PENNDOT Publication 408. Upon completion of permanent restoration, the jointure of the existing cartway and new construction shall be sealed with hot bituminous material of the class and type designed for the surface course for a distance of six (6) inches on both sides thereof (see Figure 4 for details).

(c) Responsibility. The person, firm, corporation, bureau or utility responsible for permanent restoration shall maintain and repair said restoration for a period of one (1) year following completion of permanent restoration to the satisfaction of the Borough.

(d) All existing pavement markings must be replaced in kind.

F. Guidelines and plan. All work shall be in accordance with Pennsylvania Department of Transportation (PENNDOT) Publication 408, latest revision, and as shown on the details prepared by **alfred benesch & company**, Borough Engineer, being Figures 3 and 4, attached hereto and made a part hereof.

G. Miscellaneous. All excavation and restoration within rights-of-way and/or easements other than ordained streets or roadways of the borough shall be subject to replacement in kind acceptable to the Engineer/Road Foreman and in compliance with borough ordinances.

H. State and borough forms and regulations. Should the forms, specifications and/or regulations of the Commonwealth of Pennsylvania or the borough, which are incorporated by reference in this Article, be subsequently amended, replaced or in any other way changed, this Article shall be automatically amended to incorporate herein the subsequent, similar forms, specifications and/or regulations of the Commonwealth of Pennsylvania and the borough. It is the intent of this Article to achieve a strong degree of uniformity therewith.

**§ 154-9. Notice to repair, time limit; performance of work by borough.**

If the work in filling or maintaining the surface shall not be promptly or shall be unskillfully or improperly or incompletely done, the Borough Engineer and/or the Road Foreman may cause the same to be done in the manner he deems proper after at least ten (10) days' written notice to the permittee that the same be done; and the expense thereof, including any overhead expense, shall be charged to the permittee, together with ten percent (10%) additional as penalty. No permit shall be issued to any person, firm or corporation in default under this section until the costs and penalty herein provided are paid, and no further permit shall be granted to any person, firm or corporation, bureau or utility unless and until the openings or excavation already caused by him or it have been properly filled and the surface maintained as aforesaid, in safe condition and at the proper grade, of which said Engineer and/or Road Foreman shall be the judge.

**§ 154-10. Excavation to be responsibility of permittee.**

In no case shall any opening or excavation made by any person, firm, corporation, bureau or utility be considered in the charge or case of the borough or any officer or person employed by the borough, and no officer or employee is authorized to in any way take or assume any jurisdiction over such opening or excavation. However, if the person, firm, corporation, bureau or utility causing the opening to be made deems it to its advantage to employ the same workmen as do similar work for the borough, it may do so.

In the event an applicant requests a waiver from payments required prior to the excavation, a performance bond in an amount equal to one-hundred twenty percent (120%) of the estimated resurfacing cost shall be filed with the Borough. The estimated resurfacing cost shall be approved by the Borough Engineer and/or Road Foreman.

**§ 154-11. Restoration deposit required.**

In addition to all permits now or hereafter required and all permit fees required to be paid therefore, all persons, firms, corporations, bureaus or utilities or their agents shall deposit in cash the sum of four dollars per square foot (\$4/SF) of excavation for bituminous pavements or ten dollars per square foot (\$10/SF) of excavation for concrete pavements with the proper borough official before digging or excavating within any street within the borough or removing or destroying the paving thereof (see Figure 1).

**§ 154-12. Responsibility for costs.**

If the borough shall restore the street area affected to grade or repave the same, and if the cost of said regarding and repaving said street area and maintaining the same for a period of one (1) year thereafter shall be in excess of restoration deposit, then the person, firm, corporation, bureau

or utility digging or excavating said street area or removing or destroying said paving shall pay the excess of said cost over restoration deposit to the borough upon the completion of said regarding or repaving, and in the case of maintenance, upon and at the times said maintenance is required.

**§ 154-13. Refund of deposit.**

- A. If the borough should restore the street area affected to grade or repave the same, and if the cost of said regarding and repaving said street area and maintaining the same for one (1) year after said regarding and repaving are completed is less than restoration deposit, then the borough shall at the end of one (1) year after said regrading and repaving are completed, refund said excess to the person, firm, corporation, bureau or utility paying said deposit.
- B. If the person, firm, corporation, bureau or utility who digs or excavates said street area or removed or destroys the paving thereof, at its own expense, restores said street area to grade and repaves the same in a manner satisfactory to the borough Engineer and/or Road Foreman and maintains said area for a period of one (1) year after said regrading or repaving, then the borough shall, at the end of one (1) year after said regrading or repaving are completed, refund restoration deposit to the person, firm, corporation, bureau or utility who paid the same.

**§ 154-14. Violations and penalties.**

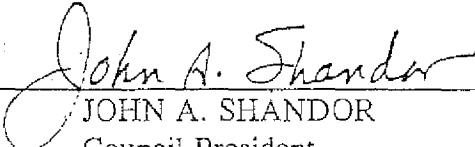
Any person, partnership, corporation, bureau or utility, or the partners or officers thereof, who or which violates any of the provisions of this Article shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than three hundred dollars (\$300) and costs of prosecution, and in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days, provided that each day's violation of any provision of this Article shall constitute a separate offense.

**§ 154-15. Public-service corporation.**


All public-service corporations desiring to disturb the paving on any borough street shall adhere to all the foregoing provisions in the previous sections. All restoration work, including application of a wearing surface, shall be accomplished by the public-service corporation. In the event that the Road Foreman determines that a substantial area of a street or highway will be disturbed by excavation to be performed by the public-service corporation, the Borough may require that the public-service corporation place a one-and-one-half (1-1/2)-inch ID-2 overlay to cover the entire width of the street which will be disturbed. Any public-service corporation desiring to disturb the paving on any Borough street may furnish a properly executed bond from an approved surety company conditioned for the faithful compliance with the ordinances of the Borough of St. Clair relating to the making of excavation in the streets and highways and

regulations made in pursuance thereof, in place of the cash deposit required under § 154-11. In the event any public-service corporation makes a number of openings each year, the amount of the bond shall be seventy-five percent (75%) of the previous year's permit, inspection and deposit fees, but in no case shall it be less than the particular project.

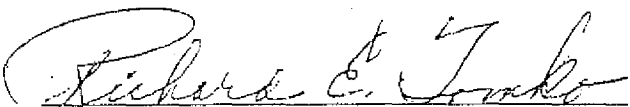
ORDAINED AND ENACTED this 2 day of September, <sup>2003</sup> A.D.,  
2003.

  
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JOHN A. SHANDOR  
Council President

ATTEST:

  
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ROLAND PRICE, JR.  
Borough Secretary

Approved by me this 2 day of September, 2003.

  
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RICHARD E. TOMKO  
Mayor

**BOROUGH OF ST. CLAIR**

16 S. Third Street  
St. Clair, PA 17970  
Phone: (570) 429-0640  
Fax: (570) 429-2829

**FIGURE 1: STREET OPENING ORDINANCE FEE SCHEDULE**

PERMIT ISSUANCE.....\$100.00

INSPECTION FEE – BASED ON AREA OF OPENING

- LESS THAN 30 SQUARE FEET..... \$25.00
- 30 SQUARE FEET TO 60 SQUARE FEET.... \$45.00
- GREATER THAN 60 SQUARE FEET..... ACTUAL TIME

RESTORATION DEPOSIT

- METHOD I (BITUMINOUS)..... \$4 PER SQUARE FOOT
- METHOD II (CONCRETE)..... \$10 PER SQUARE FOOT