

ROAD OPENING ORDINANCE NO 289

IT IS HEREBY ORDAINED AND ENACTED by the WAMPUM BOROUGH as follows:

SECTION 1. Definitions. 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:

EXCAVATION-any activity within the right-of-way of any street, alley, or cartway, which involves cutting, breaking, or disturbing the surface thereof. In this ordinance, the term OPENING shall have the same meaning as excavation.

STREET- any public street, avenue, road square, alley, highway, or other public place located in the borough and established for the use of vehicles, but shall not include State highways.

PERSON- any natural person, partnership, firm association, corporation, or municipal authority.

**WAMPUM BOROUGH, _____ LAWRENCE,
County, Pennsylvania**

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

SECTION 2. Permit Required. It shall be unlawful for any person to make any excavation of any kind in or under the surface of any street without first securing a permit from the borough for each separate undertaking. Application shall be made on a form provided by the borough. However, any person maintaining facilities in, under or above the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided the permit could not reasonably and practically have been obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the borough office is open for business and said shall be retroactive to the date when the emergency work was begun. All applicants shall pay a fee of Fifty Dollars (\$50) which fee may be raised or lowered by subsequent resolution. A permit shall be issued for a period not to exceed (30 days) and any application to renew an expired permit shall be treated as a new application including the payment of a new permit fee.

When application shall be made to open or excavate in excess of two (2) square yards, the applicant shall pay, in addition to the minimum fee, an additional fee at the rate of (\$5), for each additional square yard or fraction thereof to be opened or excavated upon such street pursuant to direction of Borough Council. In addition, the applicant shall pay (\$25) inspection or reinspection fees as billed by the Borough.

SECTION 3. Permit Approval/Disapproval. A permit may be issued to the applicant after all the requirements therefore have been filed. If the application is disapproved, written notice of disapproval together with reasons therefore shall be given to the applicant.

SECTION 4. Responsibility to Contact Utilities. The work authorized by the permit is subject to all the provisions of the Act of December 10, 1974, P.L. 852, No. 287, 1 et seq. (73 P.S. 176 et. seq.), as amended or supplemented from time to time. It shall be the permittees responsibility to contact the utilities that have recorded their facilities in compliance with said Act.

SECTION 5. Refilling of Excavation; Restoration of Surface; Responsibility for Defects Occurring Within 2 Years. Any person who shall excavate any street in the borough shall thoroughly and completely refill the opening or excavation in such manner as to prevent any settling thereafter, and shall restore the surface to the same condition as it was before excavation. The surface shall conform to the proper grade and be of the same surface covering as the part of the thorough fare immediately adjoining the opening.

If within two (2) years after the restoration of the surface as herein provided, defects shall appear therein, the applicant shall reimburse the borough for the cost of all necessary repairs to the surface.

SECTION 6. Responsibility of Permit Holder for Certain Work; Right of borough to Do Certain Work; Charges Therefore. All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by or for the person to whom or which the permit has been issued at his or its expense, and all such work shall be subject to the provisions of this ordinance and to the supervision and approval of the borough provided that the borough may if it deems it necessary to the proper performance of the work, require that cutting of the surface of streets and the backfilling, and resurfacing of all excavations therein shall be done by the borough in which event the applicant shall pay the actual cost of the work performed by the borough.

SECTION 7; Permittee Responsibilities for Future Relocation of Work. If at any time in the future the roadway is widened, reconstructed or the alignment or grades are changed, the permittee further agrees to change or relocate all or any part of the roadway at its own cost and expense.

SECTION 8; Payment for Work Done by borough ; Payment for all work done by the Borough under the provisions hereof shall be made by the person made liable therefore under the provisions hereof within thirty (30) days after a bill therefore is sent to such person by the borough. Upon failure to pay such changes within such time, the same shall be collected by the borough an action in assumpsit or in the manner provided by law for the collection of municipal claims.

SECTION 9; Limitations of Permits. Permits are not transferable from one person to another, and the work shall not be made in any place or to any extent other than that specifically designated in the permit.

SECTION 10. Revocation of Permits. Any permit may be revoked by the borough after oral or written notice to the permittee, for:

1. Violation of any condition of the permit or of any provisions of this Ordinance;
2. Violation of any provision of any other applicable ordinance or law relating to the work;
3. Existence of any condition or the doing of any constituting or creating a nuisance or endangering life or property.

When, notice of any such violation or condition shall be served upon the Permittee or his agent engaged in the work, the Permittee must immediately take the necessary corrective measure before proceeding further with any work for which the permit was originally granted.

When, in the opinion of the borough the Permittee has failed to take the necessary corrective measures and a condition or act constituting or creating a nuisance or endangering life or property exists; the borough may order the work to be performed by the appropriate borough designee or employee, and the cost thereof incurred by the borough shall be recovered from the bond the Permittee has filed with the borough. (In the event of no bond or inadequate a bond amount the amount may be recovered by the borough in accordance with Section 8 hereof). When the above action is deemed necessary by the borough, it shall constitute an automatic revocation of the permit and upon action filed by the borough the Permittee shall be subject to fine and penalties as are provided for herein.

SECTION 11. Inspection. The borough shall make such inspections as it may deem necessary of all work authorized by a permit. The borough is empowered to provide a full-time inspector if necessary to ensure compliance with the provisions of this Ordinance. All application inspection fees of \$25 shall be borne by the Permittee. Such costs shall be based on a schedule of fees adopted by the borough as revised from time to time by adoption of a Resolution. Said inspection fee shall be recovered by the borough in accordance with Section 8 hereof.

SECTION 12. Adoption of Specifications The borough does hereby adopt the specifications Contained in Exhibit A attached hereto and expressly made a part hereof.

The specifications and procedures set forth therein are made applicable to all

Permittees under this Ordinance, and the Permittee's application for a permit pursuant to the terms of this Ordinance shall constitute acceptance of all of the terms of the specifications which shall now or in the future be adopted by resolution of the borough in association with this Ordinance. The borough may hereafter, by Resolution, make changes in or add to the specifications.

SECTION 13. Maintenance and Performance Bonds. Applicants for permits shall submit, together with the application, a performance bond in the amount of One Thousand Dollars (1,000) for each permit for openings up to one hundred (100) square feet. For opening in excess of one hundred (100) square feet, the bonds shall be in the amount as shall be determined and approved by the borough.. In the case of those who maintain utilities under the streets and rights-of-way, of the borough the performance bond shall be so written as to cover each and every opening made. The performance bond shall guarantee the work performed by the Permittee for a period of two years (2).

. SECTION 14. Insurance Requirements. Each applicant, prior to the receipt of a permit, shall provide the borough with an acceptable certificate of insurance indicating that he is insured against claims for damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosion, hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. In order to protect the borough and the Permittee, the Permittee, shall provide a certificate of insurance for liability insurance in the amount of Five Hundred Thousand Dollars (\$500,000) for each occurrence, or Five Hundred Thousand Dollars aggregate for bodily injury, and Two Hundred Fifty Thousand Dollars (250,000) for aggregate property damage. Public Utilities and authorities may submit annually such evidence of insurance coverage in lieu of individual submissions for each permit.

SECTION 15. Penalty For Violation. Any person violating any of the provisions of this Ordinance or any regulations and specifications adopted thereunder shall, upon determination of the civil violation, be required to pay a fine of not less than Three Hundred Dollars (\$300), nor more than Six Hundred Dollars (\$600), for each violation. Any person who violates or permits the violation of this Ordinance shall, in addition to the payment of the fine, be obligated to pay all courts costs including reasonable attorneys' fees incurred by the borough. Each day that a violation is permitted to exist after notice by the borough shall constitute a separate violation.

SECTION 16. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

THE ORDINANCE shall become effective five (5) days after its adoption.

ORDAINED AND ENACTED at a duly constituted and held regular meeting of the Council of the Borough of Wampum, Lawrence County, Pennsylvania, this 8th day of January, 2007.

BOROUGH OF WAMPUM, LAWRENCE
COUNTY, PENNSYLVANIA

By: Lawrence Laughhead
President of Council

ATTEST:

Juan Beall
Secretary

Read and approved by me this 12th day of January, 2007.

JP Steffen
Mayor

EXHIBIT "A" OPENING AND EXCAVATION CONDITIONS.

1. No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored.
2. No more than one hundred (100) feet measured longitudinally shall be opened in Any street at any one time, except by special permission of the borough.
3. All utility facilities shall be located sufficiently ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.
4. Pipe drains, pipe culverts, or other facilities encountered shall be protected by the the Permittee.
5. Survey markers or monuments set for the purpose of locating or preserving the lines of any street or property subdivision,, or a precise survey reference point or a permanent survey benchmark within the borough shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the borough. Permission shall be granted only upon condition that the Permittee shall pay all expenses incident to the proper replacement of the monument. Any existing survey markers, which are removed or displaced by any construction operation shall be reset by a surveyor licensed to practice in the Commonwealth of Pennsylvania, with such work being completed at the Permittee's expense.
6. When work performed by the Permittee interferes with the established drainage system of any street, revisions shall be made by the Permittee to provide proper drainage to the satisfaction of the borough.
7. When any earth, gravel, or other excavated material is caused to roll, flow, or wash upon any street, the Permittee shall cause the same to be removed from the street within four(4) hours after deposit of such materials, or upon notice from borough to remove such materials. In the event the earth, gravel or other excavated material so deposited is not removed, the borough shall cause such removal, and the cost incurred by the borough to shall be recovered from the bond the Permittee filed with the borough.
8. Every Permittee shall place around the project such barriers, barricades, lights, warning Flags and danger signs as necessary for the protection of the public. Barricading shall be in compliance with the regulations as set forth by the Commonwealth of Pennsylvania,
Department of Transportation, Bureau of Traffic Engineering for the maintaining and Protection of traffic on construction projects and handbook for work area traffic control and protection of traffic revisions thereto.

All trenching and excavation shall conform to the requirements of the Pennsylvania Department of Labor and Industry standards for such work. Additional safety Requirements may be prescribed by the borough.

Whenever any person fails to provide or maintain the safety devices required by the borough such devices may be installed and maintained by the borough. The amount or cost incurred shall be paid by the Permittee.

No person shall willfully move, remove, injure, destroy, or extinguish any barrier, Warning light, sign or notice erected, placed or posted in accordance with the Provisions of this Ordinance.

9. Access to private driveways shall be provided except during working hours when Construction operations prohibit provisions of such access. Permittee must notify property owners in advance whenever a driveway is to be blocked. Free access must be provided at all times to fire hydrants.
10. The excavation shall be in two (2) classes, that portion in the area outside the cartway and that portion within the cartway.
 - A. For excavation outside the cartway, excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the borough may require the Permittee to provide toe boards or binds, and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the Permittee as directed by the borough. If the street is not wide enough to hold the excavated material without using part of an adjacent sidewalk, the Permittee shall keep a passageway at least one-half (1/2) the sidewalk width open along such sidewalk line.
 - B. For excavation within the cartway, all excavating material shall be wasted and removed from the site. This shall be done at the time of excavation or after excavation backfill has been completed. If excavation material is left at the site or until after completion of the work, all conditions stated in Paragraph 10. A. above shall be adhered to.
11. Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless the Permittee obtains written consent from the borough to do the work at other hours. Such permission shall be granted only in case of an emergency or in the event the work authorized by the permit is to be performed in traffic-congested areas.

12. In granted any permit, the borough may attach such other conditions as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property, or in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to: (1) Limitations on the period of time of the year in which the work may be performed; (2) Restrictions as to the size and type of equipment; (3) Designation of routes upon which materials may be transported; (4) The place and manner of disposal of excavated materials; (5) Requirements as to the laying of dust, the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof, and (6) Regulations as to the use of streets in the course of work.
13. During the progress of the work, gutters and waterways must be kept open or other provisions made for the removal of storm water. Street intersections may be blocked one-half (1/2) at a time, and the Permittee shall lay and maintain temporary driveways, bridges and crossings as, in the opinion of the borough are necessary to reasonably accommodate the traveling public.
14. The borough as well as the company or corporation owning any municipal or Utility company pipes, poles, or conduits, must be notified by the Permittee before any such facilities are removed or altered. In case any water or sewer lines, or any utility company gas or electric facilities including service connection and/or appurtenances are damaged, they shall be repaired by the Authorities having control of same, and the expense of said repairs shall be paid by Permittee directly.
- ✍ It shall be the responsibility of the Permittee to ascertain and verify actual location and elevation of existing pipelines or buried conduits in the path of the work before commencing excavation.
15. All excavations which are five (5) feet or more in depth or which exceed any State or Federal regulatory agency's stipulated maximum depth for unshored Excavations, or where excavations are in unstable material, excavations shall be shored. All shoring shall meet or exceed OSHA or State Labor Department requirements.
16. Following all excavations, the excavated area shall be restored in accordance with the specifications set forth in Exhibit "C." In additions, all restoration activities shall be performed and materials shall be replaced so that the replaced excavated surface does not deviate from its original height. (The borough may permit deviation on a case-by-case basis.)

17. Excavation involving the removal of bituminous or concrete paving in streets, private drives, and parking area trenching situations shall be accomplished by sawing or cutting the improved surface at the edges of the proposed trench at points one (1) foot on either side of the trench opening at ground surface. Sawing or cutting shall extend to full depth of existing surface. Where existing surfaces are damaged, taken up, undercut or unraveled by construction excavation operations which extend beyond the original saw or cut marks for removal, the Permittee in restoring such bituminous or concrete surfaces to original condition shall re-saw or cut the surface to a straight and even line six (6) inches beyond the furthest point of damage from the trench centerline.
18. When temperatures fall below 33 degrees F., all grouting and concrete materials entering into the construction are to be preheated and used while warm. When any mortar or cement concrete work is carried out under freezing conditions, the heated area must be maintained for at least twenty-four (24) hours or the installation shall be protected from frost by covering with hay, straw, or similar substance to a depth of at least two (2) feet before auxiliary heat is removed. Where areas cannot be appropriately protected by covering with hay or straw and where it is impractical to completely cover the work area with an enclosure heat the work area to at least 40 degrees F., the work shall be suspended.
19. The trench shall be excavated along the lines proposed by the permit holder and approved by the borough. All trenches shall have vertical sides, no tapering of said shall be permitted unless approved in writing. The width of the trench, unless otherwise approved shall be six (6) inches minimum and eighteen (18) inches maximum on each side of the utility pipe. The bottom of the trench shall be hollowed out so as to allow the body of the pipe to have a bearing throughout on the trench bottom. Ground adjacent to all excavations shall be graded to prevent water running in. Any accumulated water in the excavation shall be removed by pumping or other means approved by the borough prior to the placement of pipes or utilities and before backfill is begun.

**RESOLUTION NO. 1 - 2014
WAMPUM BOROUGH
LAWRENCE COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE BOROUGH OF WAMPUM, LAWRENCE COUNTY,
PENNSYLVANIA, GOVERNING ROAD OPENINGS FOR THE WAMPUM BOROUGH
AND TO SET A FEE SCHEDULE FOR SAID OPENINGS**

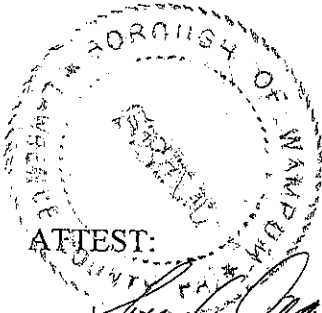
WHEREAS, the Borough Council of Wampum Borough, Lawrence County, Pennsylvania, has rules governing any activity within the right-of-way of any street, alley or cartway, which involves cutting, breaking, or disturbing the surface thereof in the Borough; and,

WHEREAS, at a regular meeting of the Borough Council held on the 13th day of January, 2014, at which time a motion was made, seconded and passed to authorize this resolution; and,

WHEREAS, to provide a fee schedule for permitting and inspection costs for road openings,

NOW, THEREFORE, the Borough Council of Wampum Borough hereby adopts and sets the fee schedule for all applicants at a rate of \$75.00 for each 2 square yard opening, with a \$5.00 charge per each additional yard plus a \$25.00 inspection fee for inspection or reinspection of said openings, the cost of which shall be borne by the permittee.

DULY ADOPTED and APPROVED this 10th day of February, 2014.



ATTEST:

Secretary

BOROUGH OF WAMPUM

Council President

Mayor

**RESOLUTION NO. 4 - 2017
WAMPUM BOROUGH
LAWRENCE COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE BOROUGH OF WAMPUM, LAWRENCE COUNTY,
PENNSYLVANIA, GOVERNING ROAD OPENINGS FOR THE WAMPUM BOROUGH
AND TO SET A FEE SCHEDULE FOR SAID OPENINGS**

WHEREAS, the Borough Council of Wampum Borough, Lawrence County, Pennsylvania, has rules governing any activity within the right-of-way of any street, alley or cartway, which involves cutting, breaking, or disturbing the surface thereof in the Borough; and,

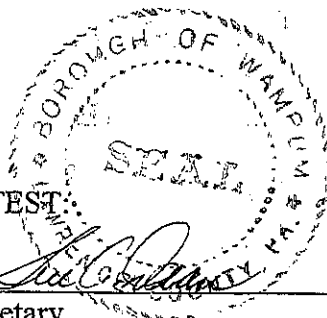
WHEREAS, at a regular meeting of the Borough Council held on the 10th day of April, 2017, at which time a motion was made, seconded and passed to authorize this resolution; and,

WHEREAS, to provide a fee schedule for permitting and inspection costs for road openings,

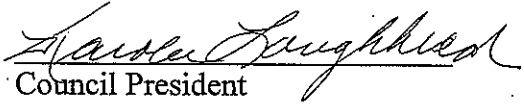
NOW, THEREFORE, the Borough Council of Wampum Borough hereby adopts and sets the fee schedule for all applicants at a rate of \$150.00 for each 2 square yard opening, with a \$5.00 charge per each additional yard plus a \$25.00 inspection fee for inspection or reinspection of said openings, the cost of which shall be borne by the permittee.

DULY ADOPTED and APPROVED this 10th day of April, 2017.

ATTEST:


Secretary

BOROUGH OF WAMPUM


Council President


Mayor