

504

AN ORDINANCE OF THE BOROUGH OF WEST PITTSTON
AMENDING ORDINANCE NO. 468 ENTITLED AN ORDINANCE
REGULATING THE CUTTING OF PAVEMENT OR STREETS
IN THE IN THE BOROUGH OF WEST PITTSTON

Be it enacted and ordained, it is hereby enacted and ordained by the Council of the Borough of West Pittston as follows:

I. Purpose of Amendment:

It is the purpose of this amendatory ordinance to amend certain provisions of Ordinance No. 468 commonly referred to as the Pave Cut Ordinance, related to the responsibility for restoration of pave cuts, the procedures and specifications for restoration, inspections and testing, and the fee schedule, as more specifically set forth and provided herein. Except to the extent specifically set forth and provided herein, the provisions of Ordinance 468 shall remain in full force and effect.

II. The section of Article II of Ordinance No. 468 entitled Permanent Pavement Restoration Fees and the subsection Permanent Pavement Restoration Fee Schedule are hereby repealed and amended/replaced by the following sections:

Responsibility for Restoration

All restoration made with cold patch shall be considered temporary. The permittee is responsible for all costs and expenses of making and maintaining temporary and permanent restorations of disturbed areas. Temporary restoration consists of a minimum of three (3) inches of bituminous material and is maintained in place until permanent restoration can be made.

Restoration by Utilities

Only utilities or their contractors will be permitted to make permanent restorations of openings in pavements. The restored pavements shall be guaranteed from failure from the date of completion until such time as the street is resurfaced by the municipality. Permanent restoration must be completed within thirty (30) days of the initial cut. Any cuts made in the months of November through March shall be permanently restored within thirty (30) days after hot asphalt becomes available. Any failure of restoration will be reported to the pertinent utility, and repairs by the utility will begin within twenty-four (24) hours after notification. Upon failure of the utility to repair the cut in a satisfactory manner, the municipality shall have the option to do the work or to contract to complete the work and bill the utility for the cost plus twenty percent (20%). In addition, penalties for noncompliance shall be levied against the utility or contractor.

Restoration Specifications

Prior to the placement of the base course, the existing base and surface must be exposed six (6) inches on each side of any depressions that may have developed. The concrete base course shall be replaced with high early strength concrete when temperatures are below forty degrees fahrenheit, for temperatures above forty degrees fahrenheit, three thousand (3,000) pounds per square inch concrete shall be used for the full depth of the adjacent base or a minimum six (6) inches to the bottom elevation of the existing asphalt wear course. After placement, the concrete shall be cured in accordance with Section 704.1 PennDOT Form 408. Following the concrete curing a tack coat of bituminous material Type E-1 will be applied. Restoration of flexible base pavements shall consist of BCBC for the full depth of the adjacent permanent base. The wearing course shall be placed at a minimum depth of two (2) inches and rolled to conform with the existing road, and the edges sealed. Surface treatments, such as sand or chip seals, are prohibited. On long cuts surface finishing must be rolled with not less than a six-ton roller. Small cuts may be finished with a mechanical tamper or vibrator. All openings, regardless of size, must be permanently restored.

III. The section of Article II of Ordinance No. 468 entitled Inspection and Testing is amended to read as follows:

A. The Municipal/Borough Street Commissioner or his designee shall inspect all cuts, backfilling and restoration work, and an inspection fee shall be charged. (See Fee Schedule) Such inspection fees shall constitute acceptance and approval of work performed by the utility or its contractor, but it is understood that such acceptance and approval does not relieve the utility of any responsibility under this Ordinance throughout the guarantee period.

B. At the discretion of the Municipality/Borough Street Commissioner or his designee, inspection of small cuts having an area of five (5) square yards or less shall not require visual observation when the work is in progress, but may be approved or rejected through subsequent examinations and/or testing.

IV. The first paragraph of the Section of Article II of Ordinance No. 468 entitled Testing and Improvements of Services by Utilities in Conjunction with Street Repaving and Procedures for New Pave Cuts is amended to read as follows:

Upon notification from the Municipality of a planned street repaving, resurfacing or reconstruction, all utilities will be required to test their lines and service and to schedule necessary capital improvements, or new main lines and service connections prior to resurfacing or reconstruction. Restoration of street cuts prior to resurfacing shall be determined at the discretion of the Borough Street Commissioner or his designee and the Borough by and through the Borough Street Commissioner may elect to charge a minimum fee of \$5.00 per square yard for the

pave cut size in lieu of the utility being required to permanently restore the pavement.

The remaining provisions of this Section as in Ordinance No. 468 shall remain without alteration or amendment.

V. The following new Section shall be added to Article II:

Test Borings

All test holes and borings shall require restoration. Restoration of bore holes shall follow immediately after testing the application of asphalt or other water-resistant plugs. A penalty will be charged for each test hole found unplugged. (See Fee Schedule)

VI. The section of Ordinance No. 468 entitled Fee Schedule shall be amended to read as follows:

STREETS AND SIDEWALKS

Fees shall be as follows:

| Permits/Services/Penalty | Fee |
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| Processing and issuing a permit, each | \$50.00 |
| Processing and issuing a permit to close road | No charge |
| Inspection | \$25.00 per hour |
| Penalty for failure to obtain a permit, each | Minimum fine/penalty of \$50.00 to maximum fine/penalty of \$600.00 plus costs, for each day a violation continues which shall constitute a separate offense. |
| Noncompliance with any section or part thereof, each day | Minimum fine/penalty of \$50.00 to maximum fine/penalty of \$600.00 plus costs, for each |

