

BOROUGH OF SOUTHMONT
CAMBRIA, PENNSYLVANIA

ORDINANCE NO. 527

AN ORDINANCE OF THE BOROUGH OF SOUTHMONT, CAMBRIA COUNTY, PENNSYLVANIA, PROVIDING THAT NO ROADS OF THE BOROUGH OF SOUTHMONT BE OPENED OR CUT BY ANY PERSON, FIRM, CORPORATION, OR UTILITY WITHOUT FIRST SECURING A PERMIT IN ACCORDANCE WITH ORDINANCE AND REGULATIONS PURSUANT THERETO; PROVIDING FOR THE RESTORATION OF BOROUGH ROADWAYS WHEN OPENED; PROVIDING FOR CONSTRUCTION OF AND MODIFICATION OF DRIVEWAYS ENTERING BOROUGH ROADS; PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Borough of SOUTHMONT ("Borough") expends significant tax payer funds in order to construct, repair, rehabilitate, pave and otherwise maintain Borough roads; and

WHEREAS, the Borough's roads are opened or cut by other entities to lay pipes, utility lines or other types work; and

WHEREAS, when the Borough roads are opened or cut, the structure and integrity of the roadways are compromised causing roadways to be uneven, pavement to be broken and travel over said roadways to be an annoyance, difficult, and/or harmful to citizens and their vehicles.

WHEREAS, the Borough believes that it necessary to enact rules and regulations in order to protect its investment into its Roadways to make sure that those entities working upon, opening and cutting the Borough's roads are required to maintain and restore the Borough's roadways in such a manner that protects the integrity of said roadways; and

THEREFORE, IT IS ORDAINED BY THE BOROUGH OF SOUTHMONT, Cambria County, as follows:

SECTION 1. PURPOSE

The cost of improving and/or repaving significant portions of the Borough's roadways is significant and an important function of the Borough. Often, residents of a Borough must wait a number of years until the Borough has sufficient tax payer funds to improve or re-pave a large section of roadway. Because of the high-cost of re-paving large sections of roadway, the Borough takes measures to stretch the life expectancy of its roadways. When sections of roadway are cut or opened, it results in a collage or hodge-podge of patches and repairs that causes premature deterioration. Requiring that the roadway be repaired in a manner as specific herein is intended to prevent the patchwork of repairs and stretch the life expectancy of its roadways.

SECTION 2. **DEFINITIONS**

- a) **BOROUGH:** BOROUGH of SOUTHMONT, in Cambria County, Pennsylvania.
- b) **PLANNED PROJECT:** A project in which an engineered sketch or other drawings have been prepared ahead of time to show the details of the work or the scope of project to be performed. These details may include but are not limited to location of the facility(ies) requiring opening or cutting the roadway; the various grades, depths of materials, cuts, fills, obstacles, structures, width of roadway, right-of-way lines, and dimension to nearest intersecting road and the like.
- c) **PERSON:** Individual, partnership, corporation, Municipal Corporation, or authority, or any utility public or private.
- d) **PERMITEE:** Person who makes application for permit from BOROUGH and who is responsible for compliance with the provisions of this Ordinance.
- e) **ROAD OR ROADWAYS:** Any road, street, alley or way accepted by BOROUGH.
- f) **WORK:** Opening, constructing, tunneling, cutting, excavating, disturbing, altering, or modifying a BOROUGH Road.

SECTION 3. **PERMIT REQUIRED TO OPEN, CUT OR OCCUPY BOROUGH ROAD**

- a) No roadway owned or maintained by BOROUGH shall be opened, cut or disturbed for any purpose except under such conditions, restrictions, and regulations relating to the installation and conditions, restrictions, and regulations relating to the opening and disturbing of BOROUGH roadways as may be prescribed in Road Cutting/Occupancy Permits granted by the BOROUGH for such purpose.
- b) The application for a Permit shall be on a form prescribed by the BOROUGH, and delivered to the BOROUGH at least five (5) business days prior to the planned excavation and shall be accompanied by:
 - 1) A fee in accordance with the Schedule of Fees for Road Opening/Cutting/Occupancy Permits passed by Resolution of the Borough;
 - 2) Two (2) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled Roadway, right-of-way lines and the distance to the nearest intersecting public street, road or highway; and
 - 3) The Restoration and Maintenance Security required under Section 4 herein.

- c) An Application and Permit, along with its requirements, shall be submitted for each Planned Project. The BOROUGH may provide reasonable time limitations on the time frame for the Work to be completed. If a time limitation is provided, the Permit shall state the date in which the Permit shall expire.
- d) Commencement of Work authorized by the Permit shall begin within ten (10) days of the issuance of the Permit. Failure to commence work shall result in automatic termination unless the Public Works director was approved an extension.
- e) The applicant shall give notice to the BOROUGH when restoration work will begin and a paving schedule.
- f) Upon completion of the Work authorized by the Permit, the BOROUGH (Public Works Director, Codes Officer, BOROUGH Engineer, etc.) shall inspect the Work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the Permit and this Ordinance. Where any defect in the Work occurs and applicant fails to rectify the defect within thirty (30) days after notice from the BOROUGH, the Borough may take action pursuant to Section 3(d) of this Ordinance.
- g) The BOROUGH may revoke any Permit issued for violating any provision of this Ordinance or causing/creating any condition constituting a nuisance or endangering life or property.
- h) In the case of an emergency in which a main, conduit or utility facility in or under a Borough street breaks, bursts or is in a condition that will result in immediate danger to the life, health or safety of persons, the person(s), company or utility in charge of said main, conduit or utility facility shall take immediate action to cure the emergency situation without a permit. However, the persons, company or utility who is in charge of said main, conduit or utility facility shall apply for a permit and meet said requirements no later than the next business day that the Borough is open. An Application and Permit shall be required for each emergency/unplanned opening in a Borough Roadway.

SECTION 4. RESTORATION AND MAINTENANCE SECURITY

Any person seeking a Permit to do Work on a Road shall provide Restoration and Maintenance Security pursuant to the following standards and rules:

- a) The amount of security shall be determined by the BOROUGH with said amount to reasonably assure restoration and/or maintenance of the affected areas of Roads

- b) The security shall be held by the BOROUGH for a period of twenty-four (24) months from the date of completion of the Work and/or restoration in the event that there is a failure of the Work and/or restoration performed by permittee.
- c) The security shall be submitted in the name of the BOROUGH in the form of cash, irrevocable letter of credit issued by a bank maintaining an office in the Commonwealth of Pennsylvania, or surety bond issued by a corporation duly registered as a surety company in good standing with the Pennsylvania Insurance Department, all such instruments to be in form and substance acceptable to BOROUGH.
- d) The security, if cash, shall be held by the BOROUGH in a non-interest-bearing escrow bank account, and shall be returned to the permittee twenty-four (24) months following the restoration and maintenance obligations as set forth above without interest.
- e) The BOROUGH shall have the power to forfeit or otherwise seize and use the Restoration and Maintenance Security upon a reasonable determination that permittee has defaulted on its obligation to maintain and/or restore a Borough Roadway. BOROUGH shall also have authority to reduce the amount of security if it deems appropriate.
- f) The BOROUGH shall have the authority to waive the posting of Restoration and Maintenance Security hereunder where written approval has been provided by the Borough where provisions have otherwise been made for restoration and maintenance of the Work area.

SECTION 5. CUTTING OR OPENING ACROSS ROADWAY

- a) Opening, cutting or trenching shall not be permitted across the improved area of a Road unless authorized by the Permit. No work shall be performed in excess than that specified in the Permit.
- b) Opening, cutting or trenching across the improved area of a Road may be authorized by the Permit where drilling, boring, driving or tunneling are not feasible because:
 - (1) The subsurface is solid rock.
 - (2) There are other facilities located longitudinally under the improved area and their location precludes methods other than trenching; or
 - (3) Adjacent development in a very congested urban area makes the construction of a tunneling or boring shaft impossible.

- c) No openings for the purpose of placing pipe lines or other structure under the improved surface of the road or highway by drilling, boring, driving or tunneling shall be made closer than three (3) feet to the edge of the road pavement, and trenches for conduits, water, steam, oil, gas pipes, sewers and other obstructions placed parallel with the road or highway shall be dug so that the near edge of the trench is at least three (3) feet outside of the edge of the road pavement with a minimum depth of three (3) feet below the surface of the road or highway, unless otherwise authorized in writing by the BOROUGH. A greater distance shall be used wherever practicable.
- d) Any trench or opening shall not be opened a distance of more than 25 feet at any one time. At no time will the permittee be permitted to leave more than 25 feet of trench open at the end of a work day.
- e) Where a tile drain or other structure of facility is encountered by permittee when performing its Work, it shall be replaced by the permittee in a manner satisfactory to the BOROUGH.

SECTION 6. **TEMPORARY RESTORATION**

- a) Cold or hot (SuperPave, ID -2, or other as approved) mix shall be installed immediately after work is performed in Roadway and berm. Compacted thickness shall be minimum two (2) inches.
- b) Maintain temporary paving in a condition satisfactory to the BOROUGH.
- c) Thirty (30) days after substantial completion of Work, permanent restoration must be completed as set forth in this Ordinance.

SECTION 7. **PERMANENT RESTORATION**

- a) Any person cutting, opening, trenching or otherwise modifying any Road shall comply with the requirements of this Ordinance.
- b) Where macadam is disturbed, the excavation or opening shall be made by a clean cut with a diamond wheel or similar instrument. Openings shall be saw cut back twelve (12) inches from the limit of the opening or trench.
- c) Any person opening or disturbing any Road shall backfill any resulting excavation with Type 2A aggregate as specified in the Pennsylvania Department of Transportation Publication 408, Section 703 (2) (c) – Table C. Backfill shall be limestone or shall demonstrate a dry weight in pounds per cubic

feet equivalent to or greater than limestone. Compaction of the aggregate shall be in lifts of no more than four (4) inches. Backfill shall be placed and compacted to within six and one-half (6½) inches of the existing road grade.

- d) Five (5) inches of SuperPave asphalt mixture Base Course shall be placed over the backfill in accordance with the Pennsylvania Department of Transportation Publication 408, Section 309, and shall conform to the most recent calculation methodology available from PennDOT. Unless otherwise directed, the design shall be HMA Base Course, PG 64-22, 0.3 to <3.0 million ESALS, 25 mm mix.
- e) One and one-half (1½) inches of SuperPave asphalt mixture Wearing Course shall be placed over the Base Course (see b above) in accordance with the Pennsylvania Department of Transportation Publication 408, Section 409, and shall conform to the most recent calculation methodology available from PennDOT. Unless otherwise directed, the design shall be HMA Wearing Course, PG 64-22, 0.3 to <3.0 million ESALS, 9.5 mm mix, SRL-G.
- f) The joints at all Road openings shall be cleaned and sealed in accordance with the Pennsylvania Department of Transportation Publication 408, Section 469. Joint sealer shall be PG 64-22, or approved equal.
- g) Where a road cut or opening occurs in a single lane of travel of a BOROUGH Roadway, the permanent restoration of the road cut or opening shall include the milling and overlay (Wearing Course) from curb to the middle of the Roadway.
- h) Where a road cut or opening occurs in the middle of the Roadway or within both lanes of travel, the permanent restoration of the road cut or opening shall require the milling and overlay (Wearing Course) from curb to curb or full roadway width.
- i) The BOROUGH may attach to this Ordinance, as an Appendix, technical drawings or sketches which provide guidance on the restoration and/or construction requirements of BOROUGH Roadways.

SECTION 8. MULTIPLE ROAD CUTS

- a) If a Roadway is five (5) or more years old and a permittee causes two (2) or more cuts, openings or modifications in said Roadway within 100 feet of one another, permittee must mill and overlay the entire section of roadway between all openings, curb to curb or full Roadway width.
- b) If a roadway is less than five (5) years old and a permittee causes two (2) more cuts, openings or disturbances in said roadway within 300 feet of one another, permittee must mill and overlay the entire section of roadway between all openings, curb to

curb or full Roadway width. This more restrictive regulation is for the purpose of preventing the frustration of the Borough and its citizens who have secured significant tax payer/citizen funding to improve a section of roadway only to have its new investment marred by multiple road cuts. These multiple road cuts result in a patchwork of repairs which cause compromise to the structure and integrity of the new roadway and a deterioration to the new investment of the Borough.

SECTION 9. EQUIPMENT DAMAGING ROADWAY

- a) To protect the pavement and shoulders of existing Road surface, all equipment shall have rubber wheels or runners and shall have rubber, wood or similar protective pads between the outriggers and the surface unless otherwise authorized by the permit.
- b) In the event that other than rubber-equipped machinery is authorized for use, the pavement and shoulders shall be protected by the use of matting, wood or other suitable protective material having a minimum thickness of four (4) inches, unless the permit requires the permittee to repave the roadway full width.
- c) If the equipment damages the pavement or shoulders of the Roadway, the permittee shall restore the pavement or shoulders to their former condition, at the permittee's expense.

SECTION 10. TRAFFIC PROTECTION AND MAINTENANCE

- a) Maintenance and protection of traffic during Work shall be carried out in accordance with the requirements of the Pennsylvania Department of Transportation, as set forth in Publication No. 212 and Publication No. 213.
- b) The permittee shall provide and maintain all necessary precautions to prevent injury or damage to persons and property in accordance with instructions furnished by the PA DOT District Office. A traffic control plan shall be submitted to and approved by the BOROUGH and BOROUGH Engineer before detouring any traffic.
- c) Warning signs shall be placed in advance of the actual operation in such a manner as to be visible to the traveling public, and substantial barricades with adequate illumination shall be provided and maintained for any open trench or hole in the improved area. Blinking lights and/or barricades shall be used for overnight protection of area.
- d) Designated employees shall be assigned by the permittee to direct one-lane traffic. Flagmen shall be provided as specified in the permit and in accordance with Publication No. 213.

SECTION 11. **APPROVAL BY BOROUGH**

Approval by the BOROUGH of all or part of any permitted Work shall not constitute acknowledgment that the Work was performed in accordance with the Permit, nor shall such approval act as a release of the permittee or waiver by the BOROUGH of its right to seek performance or restitution from the permittee.

SECTION 12. **BOROUGH STANDARDS**

Work is to conform to BOROUGH standards. The Work shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the BOROUGH. If at any time it shall be found by the BOROUGH that the Work is not being done or has not been performed properly, the permittee, upon being notified by the BOROUGH, shall immediately take the necessary steps, at its own expense, to place the Work in a condition to conform to such requirements or standards. If any dispute arises between the permittee and the BOROUGH's inspector/agent, the BOROUGH's agent or inspector shall have the authority to suspend Work until the question at issue can be referred to and be decided by the BOROUGH.

SECTION 13. **TEMPORARY DRIVEWAYS**

Whenever a construction or demolition operation requires the movement of a vehicle from the property during the construction period, it shall be the responsibility of the permittee to install and maintain a stone-based driveway on the premises so as to prevent the tracking of mud and other debris onto the public Roadway. In the event that mud or other debris is transmitted onto the Roadway, it shall be the responsibility of the permittee to remove said mud and debris immediately from said Roadway.

SECTION 14. **PENALTIES & REMEDIES**

- a) Any violations of any provision of this Ordinance may be enforced by instituting a legal action consistent with the rules of procedure for summary proceedings before a District Justice. Upon conviction, a violator shall be liable to pay a fine of \$1,000 plus costs or upon default of payment of the fine and costs imposed, the violator may be sentenced and committed to the County Prison for a period not exceeding thirty (30) days. A separate offense under this Ordinance shall be deemed to occur for each day that a violation occurs.
- b) In addition to the above penalty, any person violating any provision of this Ordinance may be enjoined by civil proceedings.

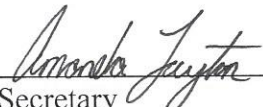
SECTION 15. SEVERABILITY

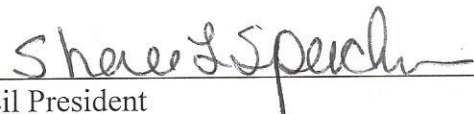
- a) If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions or sections of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof had not been included herein.
- b) Any Ordinance or part of Ordinance inconsistent herewith is hereby repealed insofar as it is inconsistent herewith.

ORDAINED AND ENACTED this 15th day of June, 2020, by Council of the Borough of Southmont and shall be effective immediately upon the passing and execution of all signatures.

Attest:

SOUTHMONT BOROUGH


Secretary


Council President

Approved this 15th day of June, 2020.

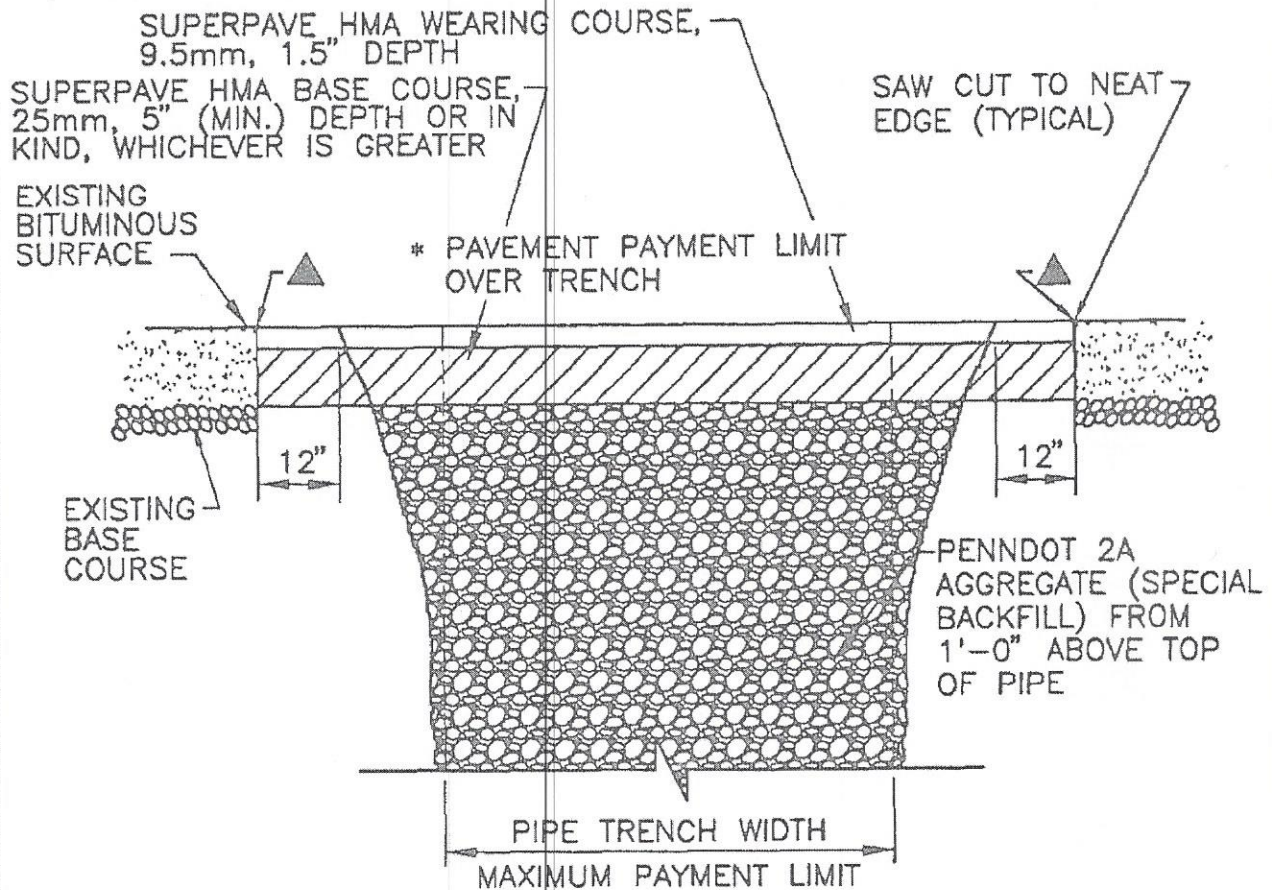

Mayor



STIFFLER, McGRAW & ASSOCIATES, INC.

▲ POUR HOT BITUMASTIC MATERIAL TO SEAL ALL JOINTS BETWEEN EXISTING AND PROPOSED PAVEMENT.

* THE MAXIMUM PAYMENT LIMIT FOR PAVEMENT REPLACEMENT OVER THE TRENCH IS ARRIVED AT BY USING THE PAYMENT WIDTH OF PIPE TRENCH +2'-0". WHEN PAVEMENT IS PLACED AT A WIDTH GREATER THAN THE PAYMENT LIMIT, THE ADDITIONAL COST WILL BE BORNE BY THE CONTRACTOR.



NOTE:

CONTRACTOR WILL BE REQUIRED TO CUT BACK TRENCH AN ADDITIONAL 1', ON EACH SIDE, BEYOND ACTUAL EDGE OF TRENCH PRIOR TO PLACEMENT OF FINAL PAVEMENT AS SHOWN ABOVE. IF LESS THAN 3' OF PAVEMENT REMAINS BETWEEN THE EDGE OF TRENCH (AFTER CUT-BACK) AND THE EDGE OF EXISTING PAVEMENT, THAT SECTION OF PAVEMENT MUST BE REMOVED AND REPLACED AT THE DEPTHS SHOWN.

PAVEMENT REPLACEMENT
FOR BOROUGH ROADWAYS
TRENCH WIDTH PAVING
 (N.T.S.)

SD-33B1

Consulting Engineers

APPLICATION FOR SOUTHMONT BOROUGH ROADWAY OPENING/OCCUPANCY PERMIT

CALL BEFORE YOU DIG!
PENNSYLVANIA LAW REQUIRES
3 WORKING DAYS NOTICE FOR CONSTRUCTION PHASE
STOP CALL 811
Pennsylvania One Call System, Inc.

Any work performed on a Borough Road or within the right-of-way of a Borough road requires this form along with two (2) copies of a plan or sketch showing location and details of the proposed work. The permit fee shall be submitted with this application.

APPLICANT INFORMATION

Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Fax: _____ Email: _____

Applicant is (please circle response): Individual/Partnership Corporation Municipal Authority Other _____

Anticipated start date: _____

Anticipated completion date: _____

Required Data: Number of road cuts/openings in improved surface: _____;

Approximate square feet of the opening(s) in road: _____ SF.

Approximate distance/ liner feet of cut(s)/trench(es) in the road _____ FT.

Depth of trench(es) below surface of roadway: _____ in.

Number of openings within 100 ft of one another (if road is older than 5 years): _____;

Number of openings within 300 ft of one another (if road is newer than 5 years): _____

DESCRIPTION AND PURPOSE OF WORK (Attach additional sheets s necessary)

Applicant Signature: _____ Date: _____

Fee Schedule:

Road Cutting/Opening/Excavation Permit \$300

Inspection Fee (non-refundable): \$100.00 for openings of 100SF or less
x \$1.50/SF for every additional square foot over 100sqft.

Restoration Guarantee/Bond: \$6.50/SF

FOR BOROUGH USE ONLY: *DENIED*

APPROVED

Permit Issue Date: _____

Date Application Received: _____

Permit# _____

Application/Permit Paid: YES / NO

Plans received: *NO* *YES* If yes, are plans or documents satisfactory: _____

Inspection Fee Paid: _____

Restoration Guarantee/Bod Received: YES / NO. Amount of Bond: _____

Total Paid _____

Check No.: _____

Traffic control plan: *NO* *YES*