

**BOROUGH OF PICTURE ROCKS
REGULATION OF STREET EXCAVATIONS**

AN ORDINANCE OF THE BOROUGH OF PICTURE ROCKS,
LYCOMING COUNTY, PENNSYLVANIA, REGULATING STREET
OPENINGS (EXCAVATIONS), SETTING FORTH REQUIREMENTS FOR
PERMITS, AND PROVIDING FOR EMERGENCY WORK AND FINISHING
INCOMPLETE OR SUBSTANDARD WORK.

SECTION I

DEFINITIONS AND INTERPRETATIONS

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 essentially the same meaning as excavation.

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

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

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

SECTION II

PERMIT REQUIRED TO MAKE OPENING OR EXCAVATION

It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets in the BOROUGH OF PICTURE ROCKS without first securing a permit therefore, as hereinafter provided.

SECTION III

APPLICATION FOR A PERMIT

Any person who desires to make any opening or excavation in any of the streets of the BOROUGH OF PICTURE ROCKS shall make application to the Borough Council or its designated representative in writing for that purpose. Such application shall be made upon forms to be furnished by the BOROUGH OF PICTURE ROCKS and shall set forth the name of the applicant, the exact location of the proposed opening or excavation, and the approximate size or depth thereof, and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the BOROUGH OF PICTURE ROCKS and the laws of the Commonwealth of Pennsylvania in relation thereto, and that the applicant shall well and truly save, defend and keep harmless the demands, payments, costs and charges for or by reason of the proposed opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

SECTION IV

PERMIT FEE

Before any permit shall be issued to open or excavate any street in the BOROUGH OF PICTURE ROCKS, the Applicant shall pay a permit fee in the amount designated by Borough Council from time to time by Resolution, to cover the cost of inspection, other incidental services in connection therewith, and the cost of future repair and maintenance. When application shall be made to open or excavate any longitudinal opening or excavation in excess of ten feet (10'-0"), the Applicant shall pay an additional fee at a rate set by Borough Council from time to time by Resolution.

SECTION V

ISSUANCE OF PERMITS RESTRICTED

Permits shall be issued only to persons furnishing public utility services or the owner or owners of the real property adjoining the location where such opening or excavation is to be made.

SECTION VI

INFORMATION CONTAINED IN PERMIT

Any permit issued hereunder shall specify the exact location where the opening or excavation is to be made, the approximate permitted size and/or depth thereof and the time within which the work for which the permit is granted is to be completed.

SECTION VII

PERMIT APPROVAL/DISAPPROVAL

A permit may be issued to the applicant after all the requirements therefor have been filed. If the application is disapproved, written notice of disapproval together with reasons therefor shall be given to the applicant in a reasonable period of time.

SECTION VIII

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, S1 et seq., as amended or supplemented from time to time. It shall be the permittee's responsibility to contact the utilities that have recorded their facilities in compliance with said Act. A partial list of utilities providing service in the BOROUGH OF PICTURE ROCKS and their office addresses may be obtained from the Lycoming County Recorder of Deeds.

SECTION IX

REFILLING OF OPENING OR EXCAVATION, RESTORATION OF SURFACE, RESPONSIBILITY FOR DEFECTS OCCURRING WITHIN TWO YEARS

Any person who shall open or excavate any street in the BOROUGH OF PICTURE ROCKS shall thoroughly and completely refill the opening or excavation in such a manner as to prevent any settling thereafter, and shall restore the surface to the same condition as it was before the opening or excavation, and such restoration shall be in accordance with the specifications of the Department of Transportation of the Commonwealth of Pennsylvania which are hereby adopted as specifications of the BOROUGH OF PICTURE ROCKS for restoration of surfaces of streets in the BOROUGH OF PICTURE ROCKS, as restored, the surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If within two (2) years after the restoration of the surface as herein provided, defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the BOROUGH OF PICTURE ROCKS for the total cost of all necessary repairs to the permanent paving.

SECTION X

RESPONSIBILITY OF THE PERMIT HOLDER FOR CERTAIN WORK; RIGHT OF BOROUGH OF PICTURE ROCKS TO DO CERTAIN WORK; CHARGES THEREFOR.

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 designated official, provided that the Borough Council or its designated representative may if he deems it necessary to the proper performance of the work, require that cutting of the surface of streets and backfilling of all excavations therein shall be done by the BOROUGH OF PICTURE ROCKS in which event the applicant shall pay the actual cost of the work performed by the BOROUGH OF PICTURE ROCKS.

SECTION XI

REQUIREMENTS FOR WORK; CORRECTION OF UNSATISFACTORY WORK; COMPLETION OF INCOMPLETE WORK

1. No opening or excavation in any street shall extend from the curb line into the highway a distance greater than one foot (1'-0") beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.

2. No more than five hundred feet (500'-0") longitudinally shall be opened in any street at any one time.

3. The work of excavation shall be so conducted as not to interfere with the water mains, sewers or their connections with the houses, or any other subsurface lines or constructions, until permission of the proper authorities in connection with such subsurface lines or constructions shall have been obtained.

4. No tunneling shall be allowed without the express approval of the Borough Council or its designated representative and permission thereof endorsed upon this permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough Council or its designated representative or an inspector designated by him, and shall be done only in a method approved by him.

5. All openings or excavations shall be backfilled promptly with modified 2A stones and thoroughly compacted in layers, each of which layers shall not exceed eight inches (8") in depth. Backfilling shall be placed to within ten inches (10") of the surface.

6. A temporary paving of coldpatch premix, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving and maintained for a period of ninety (90) days.

7. On concrete base streets, such base shall be replaced with concrete and the minimum size of the opening or excavation shall be sixteen (16) square feet.

8. During the making of any excavation in the street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in a safe and passable condition both day and night by guards, barriers, lanterns and other devices, and all excavating permits granted hereunder are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the BOROUGH OF PICTURE ROCKS from any loss in damages, or otherwise whatsoever, which may or shall be occasioned at any time by the said excavation, or by any leak, explosion or other injury from any pipe, apparatus, conduit, or any other matter placed in the said excavation.

9. The applicant shall notify the Borough Council or its designated representative when the opening or excavation is ready for backfilling before any backfilling is done, when backfilling work is completed, when the temporary paving has been installed and when the street has been permanently restored so that inspections may be made.

10. In the event any work performed by or for a permit holder shall, in the opinion of Borough Council or its designated representative be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him, or in the event that the work for which the permit was granted is not completed with time fixed by the Borough Council or its designated representative, the BOROUGH OF PICTURE ROCKS may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus twenty percent (20%) to the applicant.

SECTION XII

EMERGENCY OPENINGS

In the case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus, to commence an excavation to remedy such condition before securing a permit, however, such application shall be made immediately and not later than the next business day thereafter, and all other provisions of this ordinance are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Borough Council or its designated representative, after such notice as it shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus twenty percent (20%) to such owner or person.

SECTION XIII

RESTRICTIONS REGARDING TREES AND SHRUBBERY

The permission herein granted does not confer upon the permittee or its contractors the right to cut, remove or destroy trees and/or shrubbery within the legal right-of-way except under specifications, regulations and conditions as the BOROUGH OF PICTURE ROCKS may prescribe.

SECTION XIV

WORK NECESSITATING OPENING OR EXCAVATION TO BE DONE PRIOR TO STREET IMPROVEMENT AND NOT UNTIL FIVE YEARS THEREAFTER; EXCEPTION

The Borough Council or its designated representative shall give timely notice to all persons owning property abutting on any street within the BOROUGH OF PICTURE ROCKS about to be paved or improved, and to all public utility companies operating in the BOROUGH OF PICTURE ROCKS, and all such persons and utility companies shall make all water, gas or sewer connections, as well as any repairs thereto which would necessitate excavation of the said street within thirty (30) days from the giving of such notice, unless such time is extended in writing for cause shown by the Borough Council or its designated representative. New paving shall not be opened or excavated for a period of five (5) years after completion thereof, except in the case of emergency, the existence of which emergency and the necessity for the opening or excavating or such paving to be determined by the Borough Council. If it is sought to excavate upon or open a sewer within five (5) years after the completion of the paving applicant shall make written application to the Borough Council, and a permit for such opening shall be issued only after express approval of the Borough Council.

Work necessitating opening or excavation to be done after street improvement under the Federal Department of Transportation Code 192.727 and Pennsylvania Public Utility Commission Code 59.36 of inactive services, the fee shall be determined by Borough Council from time to time by Resolution.

SECTION XV

PERMITEE RESPONSIBILITIES FOR FUTURE RELOCATION 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 structures covered by this permit which interfere with the improvement of the roadway at its own cost and expense.

SECTION XVI

CONDITIONS FOR LAYING AND EXTENDING UTILITY LINES

No new water, sewer, steam or gas main or electric, telephone or other utility line shall hereafter be laid or constructed, and no such existing main or line shall be extended, in any of the streets of the BOROUGH OF PICTURE ROCKS until the plan therefor shall have been first filed with the Borough Council or its designated representative and such plan, and the exact location of such main or line, approved by him. The Borough Council or its designated representative shall not approve the location of any such main or line at a depth of less than thirty inches (30") from the surface of the street unless it shall be convinced that locating the same at a depth of more than thirty inches (30") from the surface is impossible or impractical.

SECTION XVII

BOND REQUIRED

No company, corporation or association shall dig up any street or alley without first giving to the BOROUGH OF PICTURE ROCKS a bond with some acceptable trust or surety company as surety in the sum of ten thousand dollars (\$10,000.00), conditioned for the faithful performance of these provisions and ask for any and all damages, claims, demands, suits, costs and council fees occasioned or arising from the digging up, opening or closing of said streets and alleys.

SECTION XVIII

PAYMENT FOR WORK DONE BY THE BOROUGH OF PICTURE ROCKS

Payment for all work done by the BOROUGH OF PICTURE ROCKS under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within thirty (30) days after a bill therefor is sent to such person by the BOROUGH OF PICTURE ROCKS. Upon failure to pay such charges within such time, the same shall be collectable by the BOROUGH OF PICTURE ROCKS by an action in assumpsit or in the manner provided by law for the collection of municipal claims.

SECTION XXIII

EFFECTIVE DATE

This ordinance shall become effective on the 4th day
of February, 1991

ATTEST:

BOROUGH OF PICTURE ROCKS

William N. Dorman

WILLIAM DORMAN, BOROUGH SECY.

Richard W. Sprout

RICHARD W. SPROUT, PRES
BOROUGH COUNCIL

Approval Date: _____

Larry J. Ryder

LARRY RYDER, MAYOR