

**HARVEYS LAKE BOROUGH
APPLICATION FOR PAVE CUT PERMIT
ORDINANCE 1 OF 2016**

PERMIT NUMBER: _____ DATE: _____

APPLICANT: _____

CONTACT: _____ PHONE NUMBER: _____

E-MAIL ADDRESS: _____

PROPERTY ADDRESS: _____

DESCRIPTION OF PROPOSED WORK: _____

PURPOSE OF EXCAVATION: _____

TYPE OF PAVEMENT: _____

DIMENSIONS IN SQUARE FEET: _____

SQUARE YARDS OF PAVEMENT TO BE REMOVED _____

DATE EXCAVATION BEGIN: _____ DATE EXCAVATION TO BE COMPLETED _____

DATE EXCAVATION TO BE REFILLED AND RESURFACED _____

DATE FOR INSPECTION OF EXCAVATION SITE: _____

SHOW EXACT LOCATION AND SIZE OF PROPOSED CUT IN DIAGRAM OF STREET BELOW:

_____ NAME OF STREET _____

_____ NAME OF STREET: _____

PROPOSED DEPTH OF EXCAVATION: _____ CROSS STREET(S) _____

TOTAL COST OF PERMIT: _____

THIS APPLICATION TO BE SUBMITTED AT LEAST TWO (2) WORKING DAYS PRIOR TO THE PROPOSED DATE OF EXCAVATION.
AN INSURANCE CERTIFICATION TO BE SUBMITTED WITH HARVEYS LAKE BOROUGH NAMED AS ADDITIONALLY INSURED
BY SUBMITTING THIS APPLICATION FOR A PAVE CUT PERMIT, THE APPLICANT HEREBY AGREES TO FAITHFULLY COMPLY WITH
EACH AND EVERY PROVISION CONTAINED IN THE BOROUGH'S PAVE CUT ORDINANCE. BY SIGNATURE BELOW THE APPLICANT
HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THE BOROUGH'S PAVE CUT ORDINANCE

BOROUGH OFFICIAL

APPLICANT

Chapter 12. Driveways and Curb Cuts

(History: Adopted by the Borough Council of the Borough of Harveys Lake 1-17-1989 by Ord. #2-1989. Amended 5-17-2016 by Ord. #1-2016)

§ 12-1. Definitions

The word "shall" is always mandatory and not merely directory. Whenever in this Chapter the words "directed", "required," "permitted," "ordered," "designated," or words of like import are used, it shall be understood that the direction requirement, permission, order, designation, or prescription of the Borough Engineer or its representatives or agents is intended. Similarly, the words "approved," "acceptable," "satisfactory," or word of like import shall mean approved by, acceptable to, and satisfactory to the Borough Engineer or its representatives or agents.

A. Application For A Pave Cut Permit --- A form provided the utility by the Borough noting pertinent data for the purposes of inspection and control by the Borough and constituting a receipt for services performed by the Borough.

B. Borough --- Harveys Lake Borough, Luzerne County, Pennsylvania; also including the Borough Engineer, Department of Public Works, Borough employees, agents, and representatives.

C. Capital Improvement --- Preplanned to improve or upgrade an existing, system or to install a completely new system providing new or additional service.

D. Emergency Repair --- Work necessitated by any emergency in which a main, conduit, or utility facility in or under any street breaks, bursts, or otherwise is in such condition as to immediately endanger the property, life, health, or safety of any individual.

E. Facilities --- All the plant and equipment of a public utility including all tangible and intangible, real and personal property 'without limitations, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, controlled, furnished or supplied for, by, or in connection with the business of any public utility; provided, however, that no property owned by the Commonwealth of Pennsylvania, or the Borough at the date when this Chapter becomes effective shall be subject to any of the terms of this Chapter, except as elsewhere expressly provided herein.

F. Inspection --- A careful or critical investigation not necessarily confined to optical observation but understood to embrace tests and examination for the purpose of ascertaining quality and compliance as prescribed in this Chapter and discovering and correcting errors.

G. Long Pave Cuts --- Pave cuts that are greater than 25 feet in length.

H. Municipal Corporation --- All cities, boroughs, towns, townships or counties of this

Commonwealth, and also any public corporation, authority, or body whatsoever created or organized under any law of this Commonwealth for the purpose of rendering any service similar to that of a public utility.

I. Pave Cut Log --- A chronological record of pave cuts as reported to the Borough containing permanent data as required by the Borough for the purposes of inspection and control.

J. Pavements --- Riding surfaces of machine laid asphalt over a base of concrete, brick, belgian block, crushed stone, bituminous concrete, or oil and stone.

K. Permittee --- A person or public utility to whom a permit has been granted for the opening in any paved thoroughfare, cutaway, or sidewalk in the Borough in accordance with the provisions of this Chapter.

L. Person --- Individuals, partnerships, or associations other than corporations and including their lessees, assignees, trustees, receivers, executors, administrators, or other successors in interest.

M. Public Utility --- Persons or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

1. Producing, generating, transmitting, distributing, or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.
2. Diverting, developing, pumping, impounding, distributing, or furnishing water to or for the public for compensation.
3. Transporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products by pipe lines or conduit for the public for compensation.
4. Conveying or transmitting messages or communications by telephone or telegraph to the public for compensation.

The term "public utility" shall not include:

1. Any person or corporation not otherwise a public utility who or which furnishes services only to himself or itself; or
2. Any bona fide cooperative association which furnishes services only to its stockholders or members and a nonprofit basis; or
3. Any producer of natural gas not engaged in distributing such gas directly to the public for compensation.

N. Service --- Is used in this Chapter in its broadest and most inclusive sense, and includes any and all acts done, rendered, or performed, and any and all things furnished or supplied, and any and all facilities used, furnished, or supplied by public utilities, in the performance of their duties under this Chapter to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two or more of them.

O. Small Area Pave Cuts --- Pave cuts that are 25 feet or less in length.

P. Special Pavement --- Riding surfaces of concrete, brick, belgian block, or cobblestone.

Q. Street --- Includes any street, highway, road, land, court, alley, public square, or place of whatever nature, whether dedicated or not, open to the use of the public as a matter or right for purposes of vehicular travel.

R. Utility Corridor --- An area within any public right-of-way, usually underground but not limited to same, reserved for and assigned to a specified utility by the Borough. The area to be used by the specified utility for placing and operating its facilities for transmitting and distributing its particular commodity or service.

S. Utility Relocation --- Utility relocation shall mean and include the adjustment, replacement, or relocation of utility facilities as required by a street construction or repaving project, such as: removing or reinstalling the facility, acquiring the necessary rights-of-way, moving or rearranging existing facilities, changing the type of facility, and any necessary safety and protective measures. It shall also mean the construction of a replacement facility functionally equal to the existing facility, where necessary for the continuous operation of the utility service, the project economy, or the sequence of street construction.

T. Work --- The furnishing of all materials, labor, equipment, and other incidentals necessary or convenient to the successful completion of the project and the fulfillment of all duties and obligations imposed by this Part.

§12-2. Permit:

A. Permit Required. A permit must first be obtained before any opening can be made in any paved thoroughfare, cartway, or sidewalk in the Borough.

B. Normal Permit Procedure. Applications for a pave cut permit shall be available at the Borough Building at 4875 Memorial Highway, Suite 101, Harveys Lake, Pennsylvania. An authorized agent of a utility or contractor may complete said application at the Borough Building. This shall be done a minimum of 24 hours in advance of a planned excavation. A copy of the completed application, signed by the Borough shall be in the hands of a competent person at the worksite described in said application and shall constitute a permit.

C. Contents of Application. The application for the permit shall state the name and address of the applicant, the nature, location, and purpose of the excavation, the date of commencement and the expected date of completion, as well as the length and width of the cut and such other data as

may reasonably be required by the Borough. When, in the sole opinion of the Borough, the excavation and/or construction planned is extensive, the Borough may require the application to be accompanied by plans showing the extent of the proposed excavation work and elevations of both the existing ground prior to said excavation and the purposes elevated surfaces, the location of the excavation work, and such other information as may be prescribed by the Borough.

D. Record of Permits. The Borough shall keep a record of all permits so granted, and, before granting the same, shall collect from the applicant a permit application fee in the amount set forth in the fee schedule set in this Chapter. Public utilities may be billed for permit fees monthly.

E. Subject to Enforcement. It shall be unlawful for any person, firm, or corporation to make any opening, cut, or excavation in or under any street, alley, or other thoroughfare within the limits of the Borough unless and until a permit therefor is secured for each separate undertaking. The police shall promptly prohibit any work to be done without a permit and shall halt any work in progress being performed without a permit.

F. Emergency Permit Procedures. In the case where an emergency repair, as hereinbefore defined, is found, the utility or person owning or controlling the main, conduit, or utility facility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health, and safety of individuals. The person or utility shall immediately notify the Borough and inform them that an emergency exists as soon as they become aware of such emergency. Such person owning or controlling such main, conduit, or utility facility shall apply for an excavation permit not later than the end of the next succeeding day during which the Borough office is open for business. Emergency pave cut applications shall be recorded in the pave cut log at the start of the next business day following the emergency in the same fashion as all other pave cut applications.

G. Non-Fee Permits. Pave cuts necessitated by Borough sponsored public improvements will be on a non-fee basis but limited to a specific contract area. A list noting exact locations and dimensions of all such cuts shall be submitted to the Borough Office at the completion of work. Notification will be required for any pave cuts made in State highways located within the Borough for which a Highway Occupancy Permit has been issued.

H. Penalty for Failure to Obtain a Permit. All work done without a permit shall be subject to a penalty plus regular fees as set forth in the Fee Schedule attached hereto.

§12-3. Insurance Requirements.

A. Insurance Protection. The applicant shall be insured as set forth below and shall protect, defend, indemnify, and save harmless the Borough, its officers and/or agents thereof, from all claims, suits, actions, and proceedings of every nature and description that may be brought against the Borough, its officers or agents thereof, for or on account of any injuries or damages to persons or public or private property because of any materials or appliances used in the work or by or on account of improper materials or workmanship or for or on account of any accident

or any other act, negligence, or omission of said applicant or his agents, servants, employees, successors and assigns, and the Borough shall not, in any way, be liable therefor during the period of the work progress and for the period following the completion of the work until the street is resurfaced or reconstructed by the Borough.

B. Insurance Coverages. Minimum insurance coverages carried by each applicant shall be:

1. Liability of one million dollars (\$1,000,000.00) for personal injury or death per individual with a limit of three million dollars (\$3,000,000.00) for each occurrence for bodily injury.
2. Liability of five hundred thousand dollars (\$500,000.00) for property damage.

C. Evidence of Insurance. A certificate or letter executed by a duly authorized representative of the applicant's insurance carrier shall be submitted to the Borough each January 15th. Said evidence of insurance must include the provision that the Borough shall be given proper advance notice of at least 30 days of cancellation or any material alteration in the applicant's policy.

§12-4. Work Restrictions.

A. Opening of a Street. Power driven concrete saws or air hammers shall be used on all cuts. The cuts must be of sufficient depth to provide a smooth edge. Opening in brick or belgian block-based streets shall be of sufficient width to expose -1/2 row of undisturbed interlocking stone. No pavement busters, such as drop hammers, hoe rams, and the like shall be used without the written permission of the Borough.

C. Safety Precautions. During the progress of work the permittee shall provide and maintain such barricades, warning signs, and flag-persons as may be deemed necessary by the Borough to prevent accidents to the public and/or adjoining tenants. Minimum precautions must include, but should not be limited to, advance warning signs on all approaches to the work, safe crossing for pedestrians each 300 feet, and barricades with flashers on each exposed side at fifty-foot intervals. All precautions shall be in accordance with the Manual of Uniform Traffic Control Devices as adopted by the U.S. Department of Transportation, Federal Highway Administration, 1971, Part IV, Traffic Controls for Street and Highway Construction and Maintenance Operations, or the most recent edition of the same.

D. Road Closings. No street in the Borough may be completely closed to traffic at any time. One lane of traffic must be able to pass unobstructed at all times. Flag-persons must be posted at the limits of work at all times to direct traffic through the work area, and all established traffic patterns must be maintained at all times. If all other means of traffic control have been exhausted, the Borough may permit a road to be completely closed temporarily only with the consent of the Chief of Police and the Fire Chief. When an emergency exists the Police and Fire Department shall be notified. An application form for a permit to close a street will be available from the Borough Office. The completed application bearing the signatures of the before mentioned officers shall be returned to the applicant and shall constitute a permit. A penalty shall

be imposed for failure to notify the Police Chief and Fire Chief as set forth in the Fee Schedule attached hereto.

E. Time Periods. For small area pave cuts of 25 feet or less the permittee shall be required to complete the temporary restoration within 48 consecutive hours of the initial cut during the normal working week excluding holidays and weekends. Extension time may be allowed upon appeal to the Borough Manager, provided the contractor substantiates sufficient reasons for the extension required. Work on long area pave cuts greater than 25 feet in length shall proceed in a continuous manner. Permits for long area pave cuts or capital improvements will not be granted during the months of November through March except by written permission from the Borough. The permittee shall coordinate planned cuts in the streets with the paving program of the Borough. A construction schedule comprising planned cuts shall be submitted to the Borough as they become available. The Borough will provide a paving program for a one-year period to the utilities prior to February 15th. Changes in the utilities schedule of planned cuts shall require confirmation from the Borough. Changes in the Borough paving program shall be submitted to all utilities at the earliest possible date to permit the utilities to adjust their respective schedule.

F. Scheduling. All excavations shall be commenced and completed by the use of reasonable work force. In congested areas the Borough may limit work to other than normal daytime working hours. At the cessation of work, adequate steel plates or wooden planking shall be placed over the excavation while it is not being worked on to ensure full traffic flow. The maximum length of any opening in the roadway shall be two 200 feet unless otherwise permitted, in writing, by the Borough.

G. Removal of Material. In peak traffic areas all excavated material shall be removed daily at the cessation of work. All gutters and drainage devices shall be kept clean of all debris and excavated material. Fire hydrants adjacent to the work shall at all times be readily accessible to fire apparatus, and no material or obstruction shall be placed within 15 feet of any hydrant.

H. Waste Material. Material that is unsuitable and any surplus of excavated material shall be considered waste and shall be disposed of by the permittee beyond the project limits. In no case shall waste material be left at the work site.

§12-S. Responsibility of Utility In Backfilling Cuts

A. Suitability of Materials. The suitability of material to be used as backfill shall be determined by the Borough. Fill must be compacted to a dry density at least equal to 95% of the maximum dry density attained by the "Modified Proctor" test, ASTM D 1557, latest revision, Method C or Method D, as designated by the Borough. All materials not conforming to the requirements of this Chapter, whether in place or not, shall be rejected. Such materials shall be removed promptly from the work site.

B. Backfilling Requirements. The Borough must be notified in advance of all backfilling for inspection purposes. In backfilling, 6 inch layers shall be placed in the deepest portion of the backfill, and as placement progresses, each 6 inch layer shall be horizontally constructed. Compaction operations shall be continued using mechanical tampers until each layer of fill is

compacted to a dry density at least equal to 95% of the maximum dry density attained by the "Modified Proctor" test, ASTM D1557, latest revision, Method C or Method D, as designated by the Borough.

C. Initial Layer. Granular or other suitable materials, as determined by the Borough, free from rocks and boulders shall be deposited in the trench simultaneously on both sides of the pipe for the full width of the trench to a height of at least 6 inches above the top of the pipe, placed and hand-tamped to fill completely all spaces under and adjacent to the pipe.

D. Succeeding Layers. Succeeding layers of backfill beyond the granular fill may contain coarse materials, but shall be free from large pieces of rock, frozen material, concrete, roots, stumps, tin cans, rubbish, and other similar articles whose presence in the backfill would cause future settlement of the trench-or damage to the pipe.

E. Upper Layer. Whenever suitable material existing within the upper 4 feet of the finished grade of the paved or traveled portions of the street or roadway is removed by the excavation, the contractor or utility shall replace said material (or material of equal quality) as backfill in the upper 4 feet of the finished grade.

F. Wet Material. Material containing moisture in excess of that percentage which will ensure satisfactory compaction shall not be used as backfill material.

G. Dry Material. Material containing insufficient moisture to obtain satisfactory compaction shall be moistened before compaction.

H. Quality of Work. Backfilling will be done in such a manner as to obtain compaction through the entire length of backfill not less than that which exists adjacent to the excavation. The method of backfill shall be consistent with good engineering practice. Backfill shall begin soon as practical after the pipe or other construction has been placed and shall thereafter be carried on as rapidly as protection of the balance of the work will permit.

I. Roadways Passable. In all cases, the permittee shall blade and compact the roadway after the trench has been backfilled so that it shall be passable to traffic at all times. The permittee shall maintain the roadway in a condition acceptable to the Borough at all times until final approval of the entire work.

J. Responsibility for Damages. In the event a cut is made, and upon inspection, damage to another utility's underground facilities is discovered, it shall be the responsibility of the party making the cut to contact the Borough and all concerned pertinent utilities to instruct them (it) to have representatives inspect the condition before any backfilling is begun and it shall be responsible for the costs to repair any damage thereto.

§12-6. Preparation of Streets for Paving, Repair, or Reconstruction

A, Restoration. Prior to the placement of the base course, the existing base and surface must be exposed six inches on each side on any failures that may have developed. Restoration of flexible

base pavements shall consist of binder for the full depth of four inches. The wearing course 1D2 shall be placed at a minimum depth of two 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 pave cuts surface finishing must be rolled with not less than a six ton roller. Small pave cuts may be finished with a mechanical tamper or vibrator. All openings regardless of size must be permanently restored. In addition:

1. In all areas where cuts are made within 50 feet (center to center) of each other, the permittee shall be required to neatly cut and remove the area of pavement between these adjacent openings and shall patch as one trench.
2. For any two openings that are three feet or less in distance from their closest cut edges, the permittee shall be required to neatly cut and remove the area of pavement between these adjacent openings and shall patch as one trench.
3. For any longitudinal or transverse cut greater than 50 feet in length, the permittee shall be required to neatly cut and remove the area of pavement affected and resurface the full road width for the entire length of the longitudinal or transverse cut.
4. For all restorations requiring resurfacing of one lane or greater, the permittee is required to complete the following:
 - a. Resurfacing must be a minimum thickness of one and 1/8 inches and include leveling course and tac where needed; and
 - b. Original slope and crown must be restored unless approval is granted otherwise; and
 - c. Surface must be milled along all limits of work to provide a smooth transition into existing paved surfaces; and
 - d. Surface must be milled a distance of three feet from concrete gutters throughout the entire length of restoration; and
 - e. Manholes and catch basins must be raised to bring the top surface to a level of 0.5 inches below top of the paved surface once restored.
 - f. All finished joints must be sealed with an approved material (AC-20 or PG64-22).

B. Special Restoration. The permanent restoration of special type pavements, such as concrete, brick, belgian block, cobblestone gutters, or tiles, shall consist of relaying the original wearing course in accordance with the original installation specifications in such a manner as to prevent settlement or other deterioration.

C. Testing and Inspection. The Borough may inspect all cuts having an area of five square yards or more, and an inspection fee shall be charged. Such inspection fees shall constitute

acceptance and approval of work performed by the permittee, but it is understood that such acceptance and approval does not relieve the utility of any responsibility under this Chapter. Inspection of small cuts having an area of five square yards or less shall not require visual observation when the work is in progress, but may be approved by rejected through subsequent examinations and/or testing.

D. Repaving and Reconstruction. Upon notification from the Borough of a planned street resurfacing or reconstruction, all utilities will be required to test their lines and services and to schedule necessary capital improvements and service connections prior to resurfacing or reconstruction. Thereafter cuts will be permitted in the new pavement only in an emergency. Pave cuts made in new pavement shall be subject to a penalty (see Fee Schedule). Essential services for a new building construction shall not include the addition of an alternate or secondary source of fuel, water, heat or other service not included in the original construction or regarded as essential to the original construction. Pavement shall be considered new for a period of five years, from the date of placement.

E. Limestone and Monuments. No limestone or monument in the Borough may be removed, altered, or buried at any time. When pave cuts or road construction require the temporary removal of a limestone or monument it must be preserved at the site and reset at the direction of the Engineer. All costs incident thereto, including surveys, shall be charged to the utility or contractor. A penalty shall be imposed for failure to report the removal or alteration of a limestone or monument, Burial or paving over a limestone or monument shall carry a penalty for each stone or monument covered. In addition, all costs incidental to exposing and/or resetting a limestone or monument shall be charged to the utility or contractor.

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

G. Replacement of Pavement Markings. The utility and/or its contractor must replace in kind all pavement markings damaged or removed by pave cuts and work incident thereto. All markings must be replaced within 5 days after permanent restoration. The Borough shall contract to have the necessary repairs made and bill the utility.

H. Temporary Restorations. 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 inches of bituminous material and is maintained in place until permanent restoration can be made.

I. Permanent Restoration. 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 through two winters. Permanent restoration must be completed within 30 days of the initial cut. Any cuts made in the months of November through March shall be permanently restored within 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 24 hours after notification. Upon failure of the utility to repair the cut in a satisfactory manner, the Borough shall have the option to do the work or to contract to complete the work and bill the utility.

J. Replacement of Electronic Traffic Control Devices and Ancillary Equipment.

Electronic traffic control devices and ancillary equipment damaged or removed because of pavement excavations or work incident thereto must be replaced by the utility or its contractor, in kind, in whole or in part as required by the Borough. The Borough shall contract to have the necessary repairs made and bill the utility.

K. Determination of Lines and Grades by the Engineer. The Borough Engineer shall have the final decision for the determination of lines and grades for street construction. This decision shall be based on good engineering practice and Borough standards.


L. Utility Corridor. Vertical Assignments for New Street Construction. The following depths for pipes and conduits are assigned to the utilities operating under this Part:

1. Gas lines shall be a minimum of 30 inches below subgrade,
2. Water lines shall be a minimum of 36 inches below subgrade - a water main shall be a minimum of five feet below sub grade.
3. Electric lines and conduits shall be a minimum of 24 inches below subgrade.
Telecommunication lines and conduits shall be a minimum of 36 inches below subgrade.

M. Location of Shut-Off Valves. All shut-off valves for water mains and gas mains, and branches, may be installed within the limits of the highway right-of-way lines. All shut-off valves on service lines and other pipes shall be installed outside the highway right-of-way lines.

N. Horizontal and Aerial Utility Corridors. Aerial installations of electric power transmissions and telecommunications lines suspended from supporting poles having their base and/or support wires within the public right-of-way and interfering with a roadway construction, reconstruction, or repair project shall be relocated upon written order from the Borough to a point specified therein. The Engineer may require the utility to place its aerial facilities underground where it is deemed necessary or desirable. Hereafter, aerial installations shall be placed subject to approval by the Engineer. The Engineer shall assign horizontal corridors on a case by case basis for all new construction. All gate boxes, shut-off valves, and other regulating devices underground for individual customers for gas, water, steam, electric, and telecommunications lines shall be located inside the inner line of the curbstone, or, in the case where no curbing exists, to a point specified by the Engineer or his agent.

O. Commencement of Utility Relocation Activities. Upon receipt of a letter from the Engineer authorizing the start of physical work, the utility shall commence work within 30 days unless otherwise stated by the Engineer with reasonable cause shown in order to clear the construction area. The utility shall perform the relocation work in accordance with the approved plan of the Engineer.



§12-7. Fees.

The Borough shall, by Resolution, set the Fee Schedule for all costs imposed under jurisdiction of this Ordinance, including a permit fee schedule and cost recovery for services provided by the police, Department of Public Works, fire, legal, and engineering departments, and for all costs incurred in prosecution.

§ 12-8. Enforcement

A. Delegation of Authority to the Department of Public Works. The Borough Council, by this Chapter, establishes that the responsibility and authority for the administration and enforcement of the Chapter shall rest in the Department of Public Works.

B. Street Inspectors. The Borough may appoint persons to enforce this Chapter. These agents shall have the authority and responsibility for the enforcement of tills Chapter as vested in the Department of Public Works.

C. Non-Compliance. When work performed by a utility or contractor under this Chapter is found in violation of same, the contractor or utility may be given the opportunity to make corrections as required by the Borough. If the corrections are not completed in the specified time or not completed as specified, the Borough may suspend all work whether completed or in progress in noncompliance with this Chapter, and take appropriate safety precautions. All work performed or contracted for by the Borough to attain compliance in this regard shall be billed to the utility or contractor. In addition, a penalty for non-compliance shall be imposed.

D. Resumption of Suspended Work. The utility shall actively resume work upon order from the Borough after a suspension.

E. Penalties for Non-Compliance. If the permittee fails to make adequate corrections to work found in non-compliance with this Chapter in the time specified, a penalty shall be imposed until said corrections are completed to specifications.

F. Non-Issuance. The Borough reserves the right to bar any contractor or his employee from working within the Borough limits whose work is found in non-compliance with this Chapter. The Borough reserves the right to refuse issuance of a permit to any applicant who fails to maintain pave cuts in accordance with this Chapter, or who fails to pay sums due the Borough within 30 days from the date of billing. The Borough reserves the right to refuse issuance of a permit to cut new pavement.

G. Pertaining to General Contractors. At the discretion of the Borough, licensed contractors, other than those under contract to a utility, may be permitted to make an opening, cut or excavation in the Borough's public streets. Sections pertaining to public utilities shall be applicable to licensed contractors.

§12-9. Penalties



A. Acknowledgment of Guilt. Any person charged with violating any provision of this Chapter may sign an acknowledgment of the offense committed, either before or after the beginning of suit, and pay to any duly authorized agent of the Borough, the maximum penalties provided by the resolutions of the Borough Council, together with costs accruing to that date. Such person shall receive a printed receipt therefor, which shall bear the imprint of the seal of the Borough and the signature of the Director of Public Works or a Council Member, which shall be evidence of full satisfaction of the offense committed.

B. Penalties. Any person, firm, or corporation who shall violate any provision of this Chapter, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Chapter continues or each Section of this Chapter which shall be found to have been violated shall constitute a separate offense.

C. Civil Action. In addition to the foregoing, the said Borough may pursue such other and additional remedies as may be authorized by the said Act of July 10, 1947, P.L. 1481, as amended.

§12-10. Fee Schedule

General Fee Schedule

<u>Permit/Service/Penalty</u>	Fee
Processing and Issuing Permit (each)	\$75.00
Processing and Issuing Permit to Close Road	n/c
Inspection – First Hour (minimum inspection)	\$40.00
Inspection – Per Hour after First Hour	\$25
Penalty for Failure to Obtain Permit (each)	\$300
Penalty for Non-Compliance with any other section Or Part thereof (each Day)	\$100

Permanent Pavement Restoration Fee schedule

<u>Pave Cut Size (square feet)</u>	Fee per Square Foot or Part thereof
Less than 50	\$5
50 to 100	\$4.60
Over 100	\$4.50