

ORDINANCE NO. 2026_529

AN ORDINANCE OF THE BOROUGH OF FOREST CITY, SUSQUEHANNA COUNTY, PENNSYLVANIA, REGULATING THE OPENING AND EXCAVATION OF STREETS, ALLEYS, AND PUBLIC RIGHTS-OF-WAY, ESTABLISHING PERMIT REQUIREMENTS, FEES, AND REPAIR OBLIGATIONS, AND PROVIDING PENALTIES FOR VIOLATIONS

WHEREAS, the Borough of Forest City, Susquehanna County, Pennsylvania, has the authority under the Pennsylvania Borough Code, 8 Pa.C.S. § 101 et seq., to regulate the use, maintenance, and repair of public streets and rights-of-way within its jurisdiction.

WHEREAS, the Borough Council of Forest City recognizes the need to protect the integrity of public infrastructure and ensure timely restoration of streets and rights-of-way following excavation or pave cuts.

WHEREAS, it is in the public interest to establish clear procedures, fees, and penalties for road openings to maintain safety, accessibility, and the condition of Borough infrastructure.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of Forest City, Susquehanna County, Pennsylvania, as follows:

SECTION 1: TITLE This ordinance shall be known as the "Forest City Borough Road Opening Ordinance".

SECTION 2: DEFINITIONS For the purposes of this ordinance:

Borough: The Borough of Forest City, Susquehanna County, Pennsylvania.

Pave Cut/Road Opening: Any excavation, cutting, or disturbance of the surface of any street, alley, sidewalk, or public right-of-way within the Borough.

Permittee: Any person, contractor, utility, or entity issued a permit under this ordinance.

Public Right-of-Way: Any street, alley, sidewalk, or other public thoroughfare under the jurisdiction of the Borough.

SECTION 3: PERMIT REQUIRED No person, contractor, utility, or entity shall make any pave cut, excavation, or opening in any street, alley, sidewalk, or public right-of-way within the Borough without first obtaining a road opening permit from the Borough. Applications for a road opening permit shall be submitted to the Borough Secretary or designated official on forms provided by the Borough, including detailed plans of the proposed work and a proposed schedule for completion, except for emergency repairs.

SECTION 4: Application for Permit

Permits shall be issued only to a person or their authorized agent 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.

Any person who shall desire to make any opening or excavation in any of the roads in the borough shall make application to the Borough Roadmaster, in writing, for that purpose. Such application and any required accompanying documentation shall be made upon blanks to be furnished by the borough and shall set forth — at minimum - the name of the applicant, the exact location of the proposed opening or excavation and the approximate size or depth thereof, the full scope of work to be included in the project, the date or dates during which such excavation is to be permitted and the date such excavation is to be refilled and resurfaced in the manner hereinafter provided. An applicant shall furnish a drawing of the proposed opening site upon request by the Borough Roadmaster.

The application 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 and the laws of the commonwealth in relation thereto and that the applicant shall well and truly save, defend and keep harmless the borough from and indemnify it against any and all actions, suits, 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. In the event that the suit shall be brought against the borough either independently or jointly with the permittee, and in the event of a final judgment being obtained against the borough either independently or jointly with the permittee, the permittee shall pay such judgment with all costs, including reasonable attorney's fees, and hold the Borough harmless therefrom.

The application for a permit shall be on a form prescribed by the Borough and the required number of copies (as resolved by the Borough Council, which resolution may be amended from time to time) shall be submitted to the Borough Roadmaster. The application for permit shall be accompanied by the required number of copies of a plan detailing the location and pertinent dimensions of the opening, the proposed installation and related street features (width of traveled roadway, right-of-way lines, distance to the nearest intersecting street, and for driveways, distance to side property lines), detailed restoration plans, and any other information deemed necessary by the Borough to confirm compliance with this Ordinance.

SECTION 5: PERMIT FEE A non-refundable permit fee of Three Hundred Fifty Dollars (\$350.00) shall be paid to the Borough at the time of application for each road opening permit. The fee shall cover administrative costs, inspection, and enforcement activities related to the road opening.

SECTION 6: Emergency Repairs

Nothing in **SECTION 3** shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or restoration or continuance of public utility service or other public service, but application for such permit and the fees shall be submitted as herein prescribed the next business day following the start of the work, after which time the remaining provisions, escrow monies, permit fees, Forest City

Borough of engineering and inspection of this Ordinance shall apply, including all restoration specifications.

SECTION 7: REPAIR AND RESTORATION REQUIREMENTS

Work Standards

All work shall be done in such a manner as is consistent with the safety of the public. Where traffic control is necessary, it shall be accomplished according to the relevant standards of the Pennsylvania Department of Transportation, including those standards detailed in PennDOT Publication 203 where applicable, and such other safety measures as determined by the Borough are required to provide for the safe movement of traffic through the work site.

Damage to Public Facilities

The permittee shall restore all pavement and road shoulders in accordance with the specifications contained in 9 of this Ordinance at the sole expense of the permittee. Permittee is solely responsible for repairing any failure of facilities, including but not limited to restoration work, within five (5) years of completion of the work. If the permittee fails to comply with this requirement, the Borough shall complete the necessary repairs and collect the costs as per 5 PERMIT FEES of this Ordinance.

Street Design Standards

All streets shall be constructed in accordance with Penn DOT Specifications, form 408, and in accordance with the standards contained in the following table; provided, however, that for local access streets including service roads and marginal access streets, the

Municipality will consider any alternative supported by a maintenance bond to be provided by the developer to cover a period of 3-years from the date on which the street is opened to traffic.

STREET TYPES	9.5 mm Superpave	25 mm Superpave	Aggregate Sub-base AASHTO#1 Coarse Aggregate w#10 choke (PennDOT 408)	Sub-base No. 2A	Shoulder Width
Arterial	1	8"		6"	10'

Collector Street				6"	10'
Local Access Street	1	6"	12"	4	8'
Marginal Access Street		4"	10"	4"	8'
Private Road	1			4"	8'
*Industrial Subdivisions	1			6"	8'
*Industrial Land Dev.	1			6"	8'
*Commercial Land Dev.	1	5"	10"	4"	8'
*Large Scale Dev.	1	4"		4"	8'

*Subject to review by borough depending upon proposed uses.

Depth of Pipes and Culverts. and Backfilling of Trench Subject to the specifications in Section 8 and 9 below:

SECTION 8. Depth of pipes and Culverts and Backfilling Trenches.

- 1 Temporary and permanent depth of pipes and culverts, and backfilling of trenches, shall comply with the standards established by Section 8 & 9 of this Ordinance and applicable Borough Resolutions, as amended from time to time.
- 2 The minimum cover over any pipe or culvert under the subgrade elevation shall be one (1) foot.
- 3 Any utility crossing a Borough road within a 2.5-foot depth from the surface shall be run through a PVC pipe Schedule 40 of the appropriate diameter to accommodate said utility from road right-of-way line to road right-of way line. Any utility crossing a Borough road deeper than a 2.5-foot depth from the surface shall be ran through a PVC pipe Schedule 80 of the appropriate diameter to accommodate said utility from road right-of-way line to road right-of-way line. All backfill and re-pavement restoration requirements of this Ordinance shall apply to said installations.
- 4 Trenches shall be backfilled with No. 2A coarse aggregate to the surface or to the bottom of the necessary Superpave where Superpave is needed for pavement restoration. All backfill material shall be placed in eight (8) inch layers with compaction by approved vibratory compaction equipment. Each layer for its full width shall be compacted to not less than ninety-seven (97) percent of the determined dry weight density.

- 5 The placement of utilities underground shall be identified on the ground surface with permanent markers as required by the Borough or in accord with the standard practice of the governing utility provider.

SECTION 9. Road restoration following installation of construction in, alone or under Borough Roads.

In all cases contractor must contact PA One Call three (3) days prior to any construction work. Permanent repairs to any and all pavement cuts should be made within fifteen (15) days of completion of the work designated in the permit; permanent repairs to any and all shoulder cuts shall be made within twenty (20) days of the work designated in the permit.

1. Utility Trench Construction greater than 6 feet outside the Edge of Pave on either side of a Forest City Borough Road
 - a. At a minimum, the utility company shall be responsible to remove broken parts of the edge of pave on each side of the Borough road.
 - b. Fill those areas with 25 mm Superpave (PennDOT 408) either to within 1 1/2 inches of existing road surface, if no overlay is required from the inspection process, or to the surface of the existing road surface, if an overlay is required.
 - c. Provide necessary depth of 9.5 mm Superpave (Penn DOT 408) to meet the existing pavement over the 25 mm Superpave (PennDOT 408) from above.
 - d. Provide necessary work as per inspection (g) 1-7 below.
 - e. Fill all potholes with 9.5 mm Superpave (PennDOT 408) to the surface of the existing road pavement
 - f. Seal interface of patch(es) and existing pavement surface with a 12-inch width of AC-20 asphalt.
 - g. Upon completion of utility construction (either parallel with road or crossing road), utility representative shall contact Forest City Borough stating all utility installation has been completed. Forest City Borough representative will perform a road inspection to determine damage(s) caused by aforesaid construction installation. Depending upon the outcome of the "after construction inspection of the borough road," the Borough will determine what rehabilitation will be necessary. Rehabilitation could include the following:
 - (1) 1-inch depth scratch coat over either half or full width of road
 - (2) 2-inch depth scratch coat over either half or full width of road
 - (3) Mill half width of borough road; repave with 1 1/2" depth of 9.5 mm depth Superpave
 - (4) Overlay of full width of the subject borough road (all pavement shall be PennDOT 408 Superpave, 9.5 mm wearing, 19.5 mm or 25 mm as determined during the borough inspection)
 - (5) A 2-foot width shoulder of 2A aggregate may be necessary.

- (6) Trench restoration may include 12-inch depth of AASHTO #1 stone; 4-inch depth of 2A aggregate; 6-inch depth of 25 mm BCBC Superpave, and depending upon proximity to or within the borough road, a 1 1/2" depth of 9.5 mm Superpave shall be constructed.
- (7) Trench restoration may include milling an 8-inch depth, 2-4-foot width as determined by the borough site inspector's inspection and placement of 8" depth of 25 mm BCBC Superpave, and depending upon the proximity to or within the borough road, 1 1/2" depth of 9.5 mm Superpave shall be constructed.

2 Utility Trench Construction within 6 feet of the Edge of Pavement of a Forest City Borough Road shall mill and overlay half of the width of the borough road. If any portion of the pavement is broken or undercut, mill and pave full width of the borough road and as provided below.

- a. At a minimum, the utility company shall be responsible to remove broken parts of the edge of pavement on each side of the borough road.
- b. Fill those areas with 25 mm Superpave (PennDOT 408) either to within 1 1/2 inches of existing road surface, if no overlay is required from the inspection process, or to the surface of the existing road surface, if an overlay is required.
- c. Provide necessary depth of 9.5 mm Superpave (PennDOT 408) to meet the existing pavement over the 25mm Superpave (PennDOT 408) from above.
- d. Fill all pot holes with 9.5 mm Superpave (PennDOT 408) to the surface of the existing road pavement.
- e. Provide work as per inspection in (g) 1-7 below.
- f. Seal all pavement interface(s) of pothole patch(es), longitudinal joints, traverse joints etc. with AC-20 asphalt.
- g. Upon completion of utility construction (either parallel with road or crossing road), utility representative shall contact Forest City Borough stating all utility installation has been completed. Forest City Borough representative will perform a road inspection to determine damage(s) caused by aforesaid construction installation. Depending upon the outcome of the "after construction inspection of the borough road," the Borough will determine what rehabilitation will be necessary. Rehabilitation could include the following:

- (1) 1-inch depth scratch coat over either half or full width of road
- (2) A 2-inch depth scratch coat over either half or full width of road.
- (3) (3) Mill half width of borough road; repave with 1 %-inch depth of 9.5 mm depth Superpave
- (4) Overlay of full width of the subject borough road (all pavement shall be PennDOT 408 Superpave, 9.5 mm wearing, 19.5 mm or 25 mm as determined during the borough inspection)

(4) A 2-foot width shoulder of 2A aggregate may be necessary. (6) Trench restoration may include 12-inch depth of AASHTO #1 stone; 4-inch depth of 2A aggregate; 6-inch depth of 25 mm BCBC Superpave, and depending upon proximity to or within the borough road, a 1 1/2" depth of 9.5 mm Superpave shall be constructed. (7) Trench restoration may include milling an 8-inch depth, 2-4-foot width as determined by the borough site inspector's inspection and placement of 8" depth of 25 mm BCBC Superpave, and depending upon the proximity to or within the borough road, 1 1/2" depth of 9.5 mm Superpave shall be constructed.

3. Utility Construction within or on the Pavement of a Forest City Borough Road either Longitudinally or Transversely or Diagonally

- a. Saw-cut existing pavement to a width of at least 2 feet outside the diameter of the proposed underground utility line.
- b. Provide necessary work as per inspection (d) 1-5 below.
- c. After utility line placement, including the bedding material, the trench shall include:
- d. From the top of the bedding material the utility trench shall be backfilled with (Penn DOT 408) (depth will vary) to within 22 inches of the surface of the existing pave.
- e. After completion of the above AASHTO#57, construct a 12-inch (compacted) depth of AASHTO #1 stone (Penn DOT 408).
- f. After completion of the above AASHTO#1, construct a 4-inch depth (compacted) of AASHTO #57 (Penn DOT 408).
- g. After completion of the above AASHTO#57, construct a 6-inch depth of 25 mm Superpave (PennDOT 408) to the surface of the existing Borough road pavement. v.Fill all potholes, broken pieces of the edge of pavements (both sides of road pavement) with 25 mm Superpave (PennDOT 408).
- h. Construct 1 1/2 -inch 9.5 mm Superpave (PennDOT 408) overlay of the Borough Road, full width of the existing pavement, this paving shall be accomplished in one pass.
- i. Utility contractor shall be responsible for the lifting of all valve boxes, manhole lids and or shut offs. Provide a 12-inch seal of AC-20 asphalt at each joint with existing roadway pavement at the joint of the new pave with driveways at and around each valve box and manhole.
- j. Where borough roads consist of gravel surface, the permanent restoration must consist of PennDOT 2A coarse aggregate, placed and compacted to the surface for the entire trench width and length.
- k. Temporary restoration must be placed during the months of December, January, February, March and must remain in place for a minimum of 20 days. The temporary restoration must consist of a minimum 6-inch depth of 19 mm Superpave material. After the minimum 20-day period (after April 20) but prior to May 1, the temporary restoration must be

removed and the area saw-cut back one foot prior to the permanent restoration as per the permanent restoration detail. If plants are closed in December, January, February, and March, and no hot mix is available, the Borough could authorize the use of cold patch with a minimum depth of 10 inches. Should cold patch be used, the Borough Roadmaster or Borough's Engineer's weekly inspection of said utility cuts may require the utility's representative to rehabilitate the "cut" as necessary as determined by Forest City Borough representatives. Fees for such inspections shall be as per Section 5 of this Ordinance.

- l. Temporary utility trench backfill shall be as specified in Section 9.
- m. **Section 7.A.7** shall apply when applicable (multiple transverse road cuts or diagonal road cuts)
- n. Upon completion of utility construction (either parallel with road or crossing road), utility representative shall contact Forest City Borough stating all utility installation has been completed. Forest City Borough representative will perform a road inspection to determine damage(s) caused by aforesaid construction installation. Depending upon the outcome of the "after construction inspection of the borough road," the Borough will determine what rehabilitation will be necessary.

Rehabilitation could include the following:

- (1) 1-inch depth scratch coat over either half or full width of road
- (2) 2-inch depth scratch coat over either half or full width of road
- (3) Mill half width of borough road; repave with 1 1/2-inch depth of 9.5 mm depth Superpave.
- (4) Overlay of full width of the subject borough road (all pavement shall be PennDOT 408 Superpave, 9.5 mm wearing, 19.5 mm or 25 mm as determined during the borough inspection).
- (5) A 2-foot width shoulder of 2A aggregate may be necessary.

4. **Small Road Cuts**

- a. Small road cuts having a maximum size of 4 feet X 4 feet can be backfilled with 2A aggregate and tamped according to the above specifications to within 8 inches of the pavement surface.
- b. The remaining 8-inch depth to the surface of the existing pavement shall be filled with 19mm Superpave in two lifts compacted and the surface sealed with driveway sealer.
- c. Should damage occur to a borough road from the construction activities by heavy trucks, heavy equipment, or carelessness by contractors or owner, the signatory on the Highway Occupancy Permit and building permit shall be responsible to Forest City Borough for restoration.
- d. Trenching excavations in lengths equal to the road surface width and in parallel or otherwise to the road surface shall have the same restoration requirements as for pave cuts above for the manner of completion.
- e. If two pave cuts are made less than 500 feet apart, the entire area between the two pave cuts, including the two pave cuts and

100 feet to each side of the pave cuts shall be milled and resurfaced as described above for a full width of the entire length of the work area.

- f. If, within five years after the restoration of the surface as herein provided, defects shall appear, the applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving or, as directed by the Borough, may be required to reconstruct the road surface of the pave cut area to meet compliance.

5. Damage to Borough Roads

Should damage occur to a borough road from the construction activities by heavy trucks, heavy equipment, or carelessness by contractors or owner, the signatory on the Highway Occupancy Permit and building permit shall be responsible to Forest City Borough for restoration.

6. WORK COMPLETION/INSPECTION

1. Permittee shall give written notice to the Borough within three (3) business days following completion of the work authorized by permit.
2. Permittee shall provide written notice to the Borough within three (3) business days following completion of any required restoration of Borough Roads and/or rights-of-way.
3. The Borough shall give timely notice to all persons owning property abutting on any road within the Borough about to be paved or improved and to all public utility companies operating in the Borough, 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 said street within 30 days from the giving of such notice, unless such time is extended, in writing, for cause shown by the Borough. New paving shall not be opened or excavated for a period of five years after the completion thereof, except in the case of an emergency, the existence of which emergency and the necessity for the opening or excavation of such paving to be determined by the Borough. Any person who desires to excavate a street for a utility within five years after completion of the paving shall make written application to the Borough, and a permit for such opening shall be issued only after express approval of the Borough.
4. Any street or court that has received bituminous resurfacing (paving) within a five-year period shall be milled to a depth of 1.5 inches and resurfaced with appropriate material with (scratch leveling course) and (wearing course 1 1/2 inches) depth curb to curb and 10 feet beyond the farthest point of the pave cut edge in any direction by any person who shall open or excavate any street or court for any purposes; this includes emergency-related work. All restoration work shall be completed within and no later than 30 days from the day recorded for the excavation.

5. Inspection in the Borough, through its designated representative, shall cause the work and, separately, all restoration to be inspected and when necessary, enforce compliance with conditions prescribed by the permit and this Ordinance employing, where necessary, professional expertise at the Permittee's expense for said purpose. The Borough may reinspect the work authorized by the permit not more than five (5) years after its completion, and if any settlement of the road surface or other defect shall appear in or caused by the work, contrary to the conditions, restrictions, standards and regulations of the Borough (or PennDOT, where applicable) or the permit, the Borough may enforce compliance herewith. If the Permittee fails to rectify any defect which presents an immediate or imminent safety or health problem within forty-eight (48) hours and/or any other defect within ten (10) days of written notice from the Borough to do so, the Borough may cause the work to be performed and impose upon the Permittee the cost thereof together plus an additional twenty percent (20%) of such cost to offset administrative costs. Moreover, the Borough may seek any and all remedies available to it under law or equity for any violation of this Ordinance.

Completion Deadline: All repairs and restoration of the street, alley, sidewalk, or public right-of-way disturbed by a pave cut or excavation shall be completed within fifteen (15) days from the date the permitted work is completed and permanent repairs to any and all shoulder cuts shall be made within twenty (20) days of the work designated in the permit. unless an extension is granted in writing by the Road Master or designated official.

Standards: All repairs and restoration shall be performed in accordance with Borough specifications and standards, including but not limited to proper compaction, paving, and surface restoration to match the existing roadway condition.

Inspection: The Borough shall inspect the restoration work to ensure compliance with Borough standards. The permittee shall notify the Borough at least forty-eight (48) hours prior to completion of restoration for scheduling an inspection.

SECTION 10: PENALTIES FOR NON-COMPLIANCE Failure to complete repairs and restoration within the fifteen (15) day period specified in Section 9 shall result in a fine of One Thousand Dollars (\$1,000.00) per day for each day the violation continues, beginning on the sixteenth (16th) day, shoulder of the road would be twenty (20) days with fines starting on the twenty-one (21) day period specified in Section 9 shall result in a fine of One Thousand Dollars (\$1,000.00) per day for each day the violation continues. .

Fines shall be assessed and collected as provided by law, and non-payment may result in additional legal action, including but not limited to liens against the permittee's property or other remedies available under Pennsylvania law.

The Borough reserves the right to perform or contract for the necessary repairs and bill the permittee for all costs incurred, in addition to the fines specified herein, if the permittee fails to complete the required restoration.

SECTION 11: BOND REQUIREMENT The Borough may require the permittee to post a performance bond or other financial security in an amount sufficient to cover the cost of restoration, as determined by the Borough Engineer or designated official. The bond shall be released upon satisfactory completion of the restoration work and approval by the Borough.

SECTION 12: ENFORCEMENT The Road Master or other Borough Official, or another designated official shall be responsible for enforcing this ordinance. Violations of this ordinance may be prosecuted as a summary offense under Pennsylvania law, in addition to the fines specified in Section 10.

SECTION 13: SEVERABILITY If any section, subsection, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 11: REPEALER All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 13: EFFECTIVE DATE this ordinance shall take effect five (5) days after its adoption, as provided by law.

ENACTED AND ORDAINED this 6th **DAY of APRIL 2026** by the Borough Council of Forest City, Susquehanna County, Pennsylvania.

ATTEST:



Dennise Yankauskas, Secretary/Treasurer



Jason Obelenus, President of Council Forest City Borough

