

## **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.

**SECTION 4: 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 5: REPAIR AND RESTORATION REQUIREMENTS** 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 ninety (90) days from the date the permitted work is completed, unless an extension is granted in writing by the Borough Manager 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 6: PENALTIES FOR NON-COMPLIANCE** Failure to complete repairs and restoration within the ninety (90) day period specified in Section 5 shall result in a fine of One Thousand Dollars (\$1,000.00) per day for each day the violation continues, beginning on the ninety-first (91st) day.

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 7: 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 8: EMERGENCY EXCAVATIONS** In the case of an emergency requiring immediate excavation (e.g., to repair a utility break posing an immediate threat to public safety), the permittee may commence work but shall apply for a permit within twenty-four (24) hours of the start of work and comply with all other provisions of this ordinance.

Emergency excavations are subject to the same repair, restoration, and penalty provisions as non-emergency work.

**SECTION 9: ENFORCEMENT** The Borough Manager, Code Enforcement Officer, or other 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 6.

**SECTION 10: 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 12: EFFECTIVE DATE** this ordinance shall take effect five (5) days after its adoption, as provided by law.

**ENACTED AND ORDAINED** this -----, by the Borough Council of Forest City, Susquehanna County, Pennsylvania.

ATTEST:

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Dennise Yankauskas, Secretary/Treasurer

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Jason Obelenus, President of Council