

# **CHAPTER 37**

## **STREET OPENINGS AND EXCAVATIONS**

BOROUGH OF WYALUSING  
ORDINANCE 37

AN ORDINANCE NO. 37 STREET OPENINGS AND EXCAVATIONS, OF  
THE CODE OF THE BOROUGH OF WYALUSING, COUNTY OF BRADFORD,  
COMMONWEALTH OF PENNSYLVANIA.

The Borough of Wyalusing hereby ordains and enacts as follows:

Part I, Excavations in Streets

ARTICLE I, Standards and Procedures

§ 1. Conditions to be met.

It shall be unlawful for any person, firm or corporation to make any opening or excavation in or under any street, alley or thoroughfare within the limits of the Borough of Wyalusing unless and until the following conditions are met:

- A. A street opening permit is obtained from the Borough of Wyalusing.
- B. A maintenance surety bond is registered annually with the Borough of Wyalusing.
- C. All other conditions of this Part I are met.

§ 2. Definitions.

As used in this Part I, the following terms shall have the meanings indicated:

BCBC -- Bituminous concrete base course.

DISCHARGE POINT -- The location of the flow of the stormwater entering into a body of water and/or existing stormwater system.

PERSON -- Includes all individuals, firms or corporations.

STORM SEWER -- A sewer, which carries storm- and surface waters and drainage, but excludes sewage and industrial wastewaters other than cooling waters and other unpolluted waters.

STREET -- Includes alleys and thoroughfares.

§ 3. Permit required; fee; bond requirements.

- A. Each person shall apply to the Borough of Wyalusing for a permit to open an excavation in borough streets. The application for said permit shall be made in the office of the Borough Secretary. No permit shall be issued until the person has met the maintenance bond requirements of this Part 1.
- B. The fee for the street opening permit shall be the following:
  - \$100 for openings up to 50 square feet.
  - \$200 for openings 51 square feet to 100 square feet
  - \$300 for openings of 101 square feet to 200 square feet
  - \$400 for openings of 201 square feet and larger
- C. All persons, firms or corporations performing the actual work of opening the street and making excavations, backfill and repairs as herein provided shall be required to furnish the Borough of Wyalusing, in the amount of \$25,000, a standard street opening bond. Said bond shall be a surety bond issued by a bonding company acceptable and subject to the approval of the Wyalusing Borough Council.
- D. All openings shall be refilled as soon as possible and, in the absence of an emergency, no later than 24 hours after the opening is made. All openings shall be completely restored to original condition with five (5) business days from the issuance of the permit.
- E. All openings and the repaving of streets shall be maintained by the person doing the same for a period of five (5) years from the date of completion of the repaving. Said duty to maintain shall apply particularly to, but not to be limited to, any settling in said opening below the level of the remaining portion of the street and, further, to maintenance of the paved surface of the open portion of the street.
- F. The application for the permit and every such permit shall specify a time when said opening or excavation may remain open and the place where said opening or excavation may be made, together with the probable length, width

and depth thereof, and such further information as may be required. Any additional surface to be disturbed and any additional time required may be endorsed on the permit by said foreman, provided that emergency breaks or leaks may be repaired and a permit therefore secured before the end of the next business day.

- G. Notwithstanding anything herein to the contrary, any person, firm or corporation may apply for a waiver of the provisions of the above-referred Subsection C, provided that the owner of the property abutting the street proposed to be opened advises the Borough of Wyalusing, in the form of a written affidavit, that the purpose for the proposed opening is for sewer line or water line connections, sewer line repairs or any other purpose incidental to the enjoyment and use of said property, and provided further that the person, firm or corporation performing the actual work shall furnish the Borough of Wyalusing a one-year maintenance bond in the amount of \$2,500. Said bond shall be a surety bond issued by a bonding company acceptable and subject to the approval of the Wyalusing Borough Council.
- H. Failure to apply for the permit shall result in a fine of \$500 for each occurrence. In the event of an emergency situation, the person or corporation performing the actual work must notify the office of the Borough Manager of the emergency repair within two (2) hours of the start of business on the first business day preceding day of the emergency repair. Failure to notify the Borough Manager in accordance with the regulations in this section shall result in a fine of \$500 for each occurrence.
- I. The Wyalusing Municipal Authority shall be exempt from the requirement under Section A to pay a fee for a street opening, shall be exempt from Section C the requirement to post a \$25,000 street opening bond, and shall be exempt from Section G the requirement to post a one year maintenance bond in the amount of \$2,500. However the Wyalusing Municipal Authority shall be required to comply with all other sections of the ordinance in particular the section requiring them to repair and replace any street opening that they make in the course of operating the Borough's municipal sewer and water systems.

#### § 4. Construction specifications.

Whenever any such opening shall have been made, pursuant to the provisions of this Part I, in any of the streets, alleys, highways or pathways within this borough, it shall be the duty of the person or persons, firm or corporation making said openings to perform the following:

- A. Openings shall have straight edges, prior to final restoration in accordance with 4C(1). Openings shall be square or rectangular in shape.
- B. Compaction shall be such that the integrity of the patch is maintained for at least the time specified in 3E. Soil that has exceeded liquid limits may not be used as permanent back fill. The Borough of Wyalusing shall be notified of all excavations.
- C. The subject contractor shall have two options of installing asphalt material immediately after soil backfilling is completed as follows:
  - (1) Four compacted inches of BCBC in the opening to the height of one inch below the existing road level and one compacted inch of ID-2A in the opening to be even with the existing road level. The outside perimeter of the opening shall be sealed with asphalt sealer.
  - (2) Install two inches of acceptable compacted cold patch even with the existing road level. The cold patch option is an interim patch only. The cold patch shall be removed and replaced with the material as outlined in Subsection C(1) of this section. The contractor is responsible for maintaining the integrity of the temporary patch until final restoration is completed. This final restoration shall be completed within 30 days of the excavation unless the contractor has other arrangements confirmed with the Borough Manager or the designated representative.
- D. It shall be the duty of any person to whom a permit is issued or by whom any opening or excavation is made, as aforesaid, to provide and maintain proper and adequate guards, barriers and lights to prevent accidents, and he or it shall assume all risks and be liable for all damages by reason of the openings and excavations.
- E. All work done by any person to whom a permit may be granted shall be subject to and under the direction, supervision, inspection and control of the Borough of Wyalusing and shall be carried on only under the foregoing conditions, restrictions and regulations and to the entire satisfaction of the borough. The Borough Manager shall delegate the authorized representative to perform the physical inspection.
- F. Unless in the event of an emergency situation, no contractor shall be permitted to disturb any portion of a street that has been paved within five (5) years from the date that the street has been paved by the Borough.

- G. In the event that a street must be disturbed to make an emergency repair, the contractor and all of its successors shall be liable for any repair necessary for a period of no less than one (1) year and no greater than five (5) years.

This ordinance will take effect immediately.