

AMENDED PAVE CUT ORDINANCE

TOWNSHIP OF GLENBURN

ORDINANCE NO. 02 of 2007

AN ORDINANCE OF THE TOWNSHIP OF GLENBURN, LACKAWANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA, AMENDING PRIOR PAVE CUT ORDINANCE NO. 10 OF 1995, REQUIRING PAYMENT OF PAVE CUT FEES BY UTILITIES, CORPORATIONS, INDIVIDUALS OR OTHER ENTITIES WORKING UPON OR OPENING ROADS WITHIN THE TOWNSHIP OF GLENBURN:

FIXING PAVE CUT FEES FOR SUCH WORK AND PROVIDING FOR PENALTIES FOR VIOLATIONS OF SAID ORDINANCE.

Section 100: Short Title: This Ordinance shall be known and cited as:

"The Township of Glenburn Amended 2007 Pave Cut Ordinance."

Section 200: Definitions: The following definition shall apply in the interpretation and enforcement of this Ordinance:

200.1: Township. Where used, shall be the Township of Glenburn, Lackawanna County, Commonwealth of Pennsylvania, a Township of Second Class.

200.2: Road or Public Road: Shall refer to a road within the Township of Glenburn and shall include streets, lanes, alleys or courts, excepting State owned roads.

200.3: Pave Cut: Shall refer to any opening in a Road or Public Road, as defined in 200.2 above, made by a utility, corporation, individual or other entity within the Township of Glenburn.

When a longitudinal opening longer than 100 linear feet is made in the pavement, the entire roadway width shall be overlaid where the opening is made. When four or more transverse openings are made within 100 linear feet of pavement, the entire roadway width shall be overlaid where the openings are made. Overlay shall consist of 1½ inches of 9.5 mm Superpave Wearing Course. A milled paving notch, with a minimum 10 feet transition, shall be provided at each end of the overlay.

200.4: Specifications for Backfill and Pavement Restoration: All excavations in Township Roads shall be backfilled with No. 2A Coarse Aggregate meeting the requirements of Penn DOT Publication 408

Specifications, Section 703. Compaction shall be performed to produce a density of backfill of not less than 95 % of maximum density obtained at optimum moisture content per ASTM D-1557. Where the excavation is in a paved surface, the pavement shall be restored with 6 inches of 2A Subbase, 4 ½ inches of 25 mm Superpave Base Course, and 1 ½ inches of 9.5 mm Superpave Wearing Course, meeting the requirements of Penn DOT Publication 408 Specifications, Sections 350 and 409 respectively. Prior to replacement of the pavement, 1 foot outside of each edge of the opening shall be sawed the full depth of pavement and stone base in a neat straight line (1 foot cutback). The detached material shall be removed without damaging the adjacent pavement. The final pavement joint between new and existing pavement shall be sealed with PG 64-22 to a width of 4 inches either side of the joint. In cases where pave cuts are made between December 1 and April 15, the pavement restoration shall consist of cold patch or similar temporary material. Final pavement restoration shall be completed as specified hereinabove during the next paving season, but in no event later than October 31.

When a longitudinal opening longer than 100 linear feet is made in the pavement, the entire roadway width shall be overlaid where the opening is made. When four or more transverse openings are made within 100 feet linear feet of pavement, the entire roadway width shall be overlaid where the openings are made . Overlay shall consist of 1 ½ inches of 9.5 mm Superpave Wearing Course. A milled paving notch, with a minimum 10 feet transition, shall be provided at each end of the overlay.

200.5: Fee: Shall refer to the rate to be charged by the Township of Glenburn for Pave Cuts made by utilities, corporations or other persons within the Township of Glenburn.

FEE SCHEDULE FOR OPENINGS IN PAVEMENT

1. Surface opening (less than 36 square feet) \$ 50.00 Per Opening
2. Surface opening (greater than 36 square feet) \$ 100.00 Per 100 ft. Increment

200.6: Secretary: Shall refer to the person appointed as Township Secretary for the applicable fiscal year who shall be responsible for notifying said utilities, corporations or persons of the Pave Cut Ordinance and accepting payment of Pave Cut Fees.

200.7: Person: Shall refer to any natural person, partnership, association, firm or corporation,

200.8: Permit: Shall refer to the written application/permit to be obtained from the Township prior to any Pave Cuts being made, and shall be on a form prescribed by the Township.

Section 300: Authority:

WHEREAS, pursuant to Article X, Section 702, as amended, and Article XI, Sections 1101 and 1156, as amended, of the Second Class Township Code, the Glenburn Township Board of Supervisors have the power to oversee the repair and maintenance of roads within the Township and to prescribe the manner in which any person or entity may cut pavement within the Township of Glenburn; and

WHEREAS, the Glenburn Township Supervisors have the power to regulate, condition and restrict access to Township Roads; and,

WHEREAS, the Glenburn Township Supervisors are intent upon protecting Township roads and road work including, but not limited to, present and future paving projects for which the Township and its citizenry must pay, and are interested in protecting the aforementioned considerable road related expenditures;

WHEREAS, in consideration of these premises and in order to establish a procedure to implement the imposition and collection of pave cut fees, be it ordained and enacted by the Board of Supervisors of the Township of Glenburn, Lackawanna County, Commonwealth of Pennsylvania as follows:

Section 400: General Regulations:

Section 400.1: No utility, corporation, person or other entity may make any Pavement Cuts as defined in Section 200.3, without first giving thirty (30) days notice to the Township of Glenburn in the manner hereinafter provided. Said Notice requirement may be accelerated upon demonstration of an emergency affecting the health and well being of the citizenry of Glenburn.

Section 400.2: Any utility, corporation, person or other entity seeking to make Pavement Cuts upon the Roads or Public Roads within the Township of Glenburn shall give the required thirty (30) day notice to the Township Secretary of their desire to make said Pavement Cut in addition to providing the date and road where said Pavement Cut is to be made, Those same provisions applicable to emergent situations as defined in Section 400.1 shall also be applicable to this section.

Section 400.3: The Pave Cut Fee Schedule shall be \$50.00 per opening for each surface opening **less than 36 square feet** and \$100.00 per one hundred foot increment for surface opening **greater than 36 square feet**.

Section 400.4: In the event that the utility, corporation, person or entity proposing the Pave Cut should require more than one cut per road, but not more than three cuts per Road which will not exceed 100 linear feet, then said utility, corporation, person or entity may pay multiple Pave Cut Fees in accordance with the above-referenced fee schedule in 200.5 may pay one fixed fee per road not to exceed \$100.00 for three pave cuts in one road of less than 100 linear feet. Pave cuts exceeding 100 linear feet shall be restored in accordance with 200.4 and 400.7.

Section 400.5: In the event that the Pave Cut must be made during the months of November-March in adverse weather conditions when hot bituminous mix is not available, the utility may temporarily repair the cut(s) in accordance with PA DOT standards with cold patch and return in proper weather conditions on 30 days notice from Glenburn Township to repair the cut(s) in accordance Glenburn Township specifications set forth herein. Sections 200.4 and 400.7.

Section 400.6: Upon receiving notification from the utility, corporation, person or entity as well as payment of the appropriate Pave Cut Fee in accordance with the aforementioned Pave Cut Fee Schedule, the Township Secretary shall issue a permit and receipt verifying compliance with this Ordinance and a record thereof shall be kept in the Glenburn Township Office Records. Said permit shall be valid for a period of 30 days from date of issue. All work shall be done in accordance with PennDot and Glenburn Township Engineering specifications

Section 400.7: All backfill and pavement restoration shall be in accordance with Section 200.4, specifically, All excavations in Township Roads shall be backfilled with No. 2A Coarse Aggregate meeting the requirements of Penn DOT Publication 408 Specifications, Section 703. Compaction shall be performed to produce a density of backfill of not less than 95 % of maximum density obtained at optimum moisture content per ASTM D-1557. Where the excavation is in a paved surface, the pavement shall be restored with 6 inches of 2A Subbase, 4 ½ inches of 25 mm Superpave Base Course, and 1 ½ inches of 9.5 mm Superpave Wearing Course, meeting the requirements of Penn DOT Publication 408 Specifications, Sections 350 and 409 respectively. Prior to replacement of the pavement, 1 foot outside of each edge of the opening shall be sawed the full depth of pavement and stone base in a neat straight line (1 foot cutback). The detached material shall be removed without damaging the adjacent pavement. The final pavement joint between new and existing pavement shall be sealed with PG 64-22 to a width of 4 inches either side of the joint. In cases where pave cuts are made between December 1 and April 15, the pavement restoration shall consist of cold patch or similar temporary material. Final pavement

restoration shall be completed as specified hereinabove during the next paving season, but in no event later than October 31.

When a longitudinal opening longer than 100 linear feet is made in the pavement, the entire roadway width shall be overlaid where the opening is made. When four or more transverse openings are made within 100 feet linear feet of pavement, the entire roadway width shall be overlaid where the openings are made. Overlay shall consist of 1 ½ inches of 9.5 mm Superpave Wearing Course. A milled paving notch, with a minimum 10 feet transition, shall be provided at each end of the overlay.

Section 500: Enforcement:

500.1: Any utility, corporation, person or entity making pave cuts upon Roads or Public Roads within the Township of Glenburn without furnishing the required notification and remitting the appropriate Pave Cut Fee as set forth herein at Section 400.1 or violating any other provision set forth in Section 400, General Regulation, may be cited in accordance with this Ordinance and upon conviction shall be sentenced to pay a fine of not more than \$300.00 and costs of prosecution as well as the costs of restoring and/or maintaining the Pave Cut(s) and roadways in accordance with PennDot and Glenburn Township Engineering Standards.

Failure to return to Glenburn Township to permanently repair a cut and/or roadway as required by 400.5 shall result in the imposition of a fine of not more than \$300.00 and costs of prosecution in addition to the imposition of costs as set forth in 400.5 above.

500.2: Responsibility for Enforcement:

In order to maintain uniformity of enforcement and centralized recordkeeping, the Glenburn Township Roadmaster and/or Secretary and/or Engineer shall be the primary enforcers of the regulations set forth in this Ordinance, making all violations known to Glenburn Township, who will thereafter initiate enforcement of these provisions as outlined in Sections 400 et seq.

Section 600: Validity:

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall **NOT** effect the validity of the Ordinance as a whole, or any part thereof.

Section 700: Superseding Effect:

This Ordinance shall supersede any prior Pave Cut Ordinances,

specifically Pave Cut Ordinance No. 10 of 1995 and to the extent that prior Pave Cut Ordinances are inconsistent herewith, those portions and/or Ordinances are rescinded.

Section 800: Effective Date:

This Ordinance shall become effective immediately upon publication and recording as required by law.

Glenburn Township Board of Supervisors

William Wicks, Chairman

_____, Supervisor

Frank Berardelli, Supervisor

Attest:

Secretary