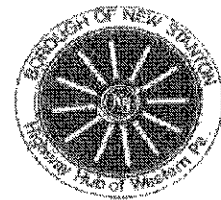


*Borough of
New Stanton, Pennsylvania*



451 North Center Ave,
New Stanton, PA 15672

Phone: 724-925-9700
Fax: 724-925-2709
e-Mail: boroughofnewstanton@verizon.net

STREET OPENING APPLICATION

Date: _____

Name: _____

Address: _____

Phone: _____

Contact Person: _____

Purpose of Work: _____

Location of Work (street): _____

Linear ft. of Street to be affected: _____

Actual Size of Work (sq. yd.): _____

Date Work Will Start: _____

Date of Completion: _____

Bond Required: _____

Bond Post: _____

Bond Expiration Date: _____

In accordance with the accompanying sketch, and subject to all the conditions, restrictions and regulations as set forth under Borough Ordinance 97-173 Chapter 21 Part 2 §201-212

Signature of Applicant

SCHEDULE OF FEES
FOR
BOROUGH OF NEW STANTON STREET OPENING PERMIT

1. APPLICATION FEE \$50.00

2. REVIEW & INSPECTION FEES:
 - a. Underground facilities
 - (i) physically connected facilities- \$20.00 for the first 50 feet or fraction thereof.

 - (ii) \$5.00 for each additional 100 linear feet or fraction thereof.

 - b. SURFACE OPENINGS (for each 100 linear feet or fraction thereof):
 - (i) \$40.00 for openings in pavements;

 - (ii) \$20.00 for openings in shoulder;

 - (iii) \$10.00 for openings beyond the shoulder.

 - c. MINOR SURFACE OPENINGS (openings of less than 36 square feet):
 - (i) \$30.00 for openings in pavement;

 - (ii) \$15.00 for openings in shoulder

 - (iii) \$10.00 for openings beyond the shoulder

 - d. ABOVE GROUND FACILITIES:
 - (i) \$20.00 for the first 10 physically connected facilities;

 - (ii) \$2.00 for each additional facility.

PART 2

STREET OPENINGS AND EXCAVATIONS

§201. DEFINITIONS.

In this Part, the following words shall have the meanings hereby ascribed thereto:

EXCAVATION - the digging of any trench or the tunneling or excavating through, into or under any street of the Borough.

PERSON - any natural person, partnership, association, firm, corporation or municipal corporation, other than the Borough.

STREET - the cartway, berm or right-of-way of any public street, road, drive, avenue or alley of the Borough.

(Ord. 89-141, 12/7/1989, §1)

§202. PERMIT REQUIRED TO MAKE OPENING OR EXCAVATION IN STREET.

1. It shall be unlawful for any person to make any openings or excavations in any street in the Borough without first having obtained a permit therefor from the Secretary of the Borough for a fee as hereafter set forth, together with a bond in an amount determined by the Borough as herein provided, sufficient to guarantee the proper repair of said street. Emergency leaks or breaks may be repaired without permit by the person responsible, provided a permit shall be secured within 48 hours of the time emergency work is commenced. In no event shall a permit be issued for other than emergency work for any street which has been newly constructed, reconstructed or paved within 1 year prior to the application for a permit. The Borough shall endeavor to give advance notice to all utilities involved of intended street paving to permit advance scheduling for such utilities on any street.
2. Schedule of Fees. Fees shall be as established from time to time by resolution of Borough Council. [Ord. 97-173]
3. If the Borough determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more persons to inspect the permitted work on a more than random and final basis, the permit will so indicate and the permittee shall be charged such additional expense and, at the time of issuance of the permit, deposit with the Borough a sum estimated by the Borough for such cost.

(Ord. 89-141, 12/7/1989, §2; as amended by Ord. 97-173, 2/6/1997)

§203. WARNING AND PROTECTIVE DEVICES; LIABILITY OF PERMIT HOLDER.

STREETS AND SIDEWALKS

It shall be the duty of every person to whom a permit shall have been issued and of every person making emergency repairs, in advance of issuance of a permit, to provide and maintain adequate guards, barriers and lights to prevent accidents, and such person shall assume all risks and liability for all damages by reason of the opening or excavation made by authority of such permit or in connection with such work, and by reason of any failure to fill the opening, hole, trench or excavation properly. Also, every person shall comply with the general provisions attached hereto concerning the matters set forth above, as well as all requirements concerning insurance.

(Ord. 89-141, 12/7/1989, §3)

§204. BACKFILLING OF OPENINGS; RESTORATION OF SURFACE.

All persons opening or excavating any of the public streets of the Borough for any purpose whatsoever shall backfill the same in the manner following: all backfilling shall be with No. 2-A modified aggregate. Said aggregate shall comply with the requirements of §703 of Form 408 of the Pennsylvania Department of Transportation. All openings beyond the paved portion of any street but within 3 feet of the edge of the existing pavement shall be backfilled with No. 2-A modified aggregate. Said No. 2-A modified aggregate shall be placed or backfilled in all openings in layers of the maximum depth of 6 inches and thoroughly tamped. For openings in improved portions of any street, such openings shall be filled solidly to street level in accordance with the above requirements and the surface of said street shall be restored with material equal to or exceeding the surface of the original street. The street adjoining such opening shall be without ridges or depressions so that the street will be in as good a condition as it was prior to such opening. Upon completion of filling such opening, such person shall notify the Borough Engineer who shall thereupon inspect the area backfilled in order to ascertain if such work was done in a proper manner.

(Ord. 89-141, 12/7/1989, §4)

§205. TUNNELING OR UNDERMINING.

No part of a trench or excavation shall be tunneled or undermined so as to leave the surface undisturbed but all material shall be removed to the full length, width and depth of the excavation, excepting in such cases as may be approved by the Borough. The charges, however, shall be the same as if the surface had been removed. Any new openings in streets paved with reinforced concrete shall have the sides of said openings saw cut in a straight line for a minimum depth of 2 inches. All pavements, such as concrete, brick and asphalt surfaces overlaying a crushed stone base shall be removed 8 inches wider on each side of the proposed trench. The concrete between said lines is to be broken loose with a pavement breaker.

(Ord. 89-141, 12/7/1989, §5)

§206. VIOLATION IF WORK NOT COMPLETED BEFORE EXPIRATION DATE.

If the work of opening or of filling any opening or excavation, and of the replacing of the surface in a street, shall not be completed on or before the date of expiration of the permit therefor, the holder of such permit shall be guilty of a violation of this Part.

(Ord. 89-141, 12/7/1989, §6)

§207. RECTIFICATION OF IMPROPER OR INCOMPLETE WORK.

If any work of filling any excavation or replacing the street surface shall not be done on or before the date of expiration of the permit, or if any part of such work shall be unskillfully or improperly done, the Borough may cause the work to be done in such manner as it shall deem proper, and the expense thereof, including any overhead expense, and an additional amount of 10%, shall be charged against and collected by the Borough from such permit holder in the manner prescribed by law.

(Ord. 89-141, 12/7/1989, §7)

§208. BOROUGH NOT IN CHARGE OF WORK.

In no case shall any opening or excavation made by any person be considered in the charge or care of the Borough or any officer or employee of the Borough, and no officer or employee shall be authorized in any way to take or assume any jurisdiction over any such opening or excavation.

(Ord. 89-141, 12/7/1989, §8)

§209. PENALTY AND VIOLATION.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 plus costs and, upon default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day a violation of this Part continues shall constitute a separate offense.

(Ord. 89-141, 12/7/1989, §9; as amended by Ord. 97-173, 2/6/1997)

§210. BOND.

The permittee shall, before issuance of a permit, furnish security to the Borough to guarantee restoration and maintenance of the street affected by the permit covering the 2 year period after the Borough's acknowledged completion of the permitted work. This security may be in the form of a bond, in a form acceptable to the Borough; an irrevocable letter of credit from a financial institution acceptable to the Borough; or an escrow account with an institution and in a form acceptable to the Borough. The bond shall be in the amount determined by the following schedule:

STREETS AND SIDEWALKS

- A. \$1,000 for the first 75 square feet of opening.
- B. An additional \$50 for each additional 3 square feet of opening.

(Ord. 89-141, 12/7/1989, §10)

§211. OCCUPANCY.

The "General Provisions and Specifications Regulating Occupancy of Township Right-of-Way," attached hereto, are hereby adopted as the general provisions for such occupancy in the Borough of New Stanton.¹

(Ord. 89-141, 12/7/1989, §11)

§212. MUNICIPAL LIABILITY.

The granting of a permit pursuant to this Part shall not constitute a representation, guarantee or warranty of any kind by the Borough, or by any official, employee or agency thereof, of the practicability or safety of the proposed use, and there shall be created no liability upon the Borough, its officials, employees or agencies by reason thereof.

(Ord. 89-141, 12/7/1989, §12(B))

¹Editor's Note: The "General Provisions and Specifications Regulating Occupancy of Township Right-of-Way" are on file in the Borough office.