

Chapter 207

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Borough Council of the Borough of Port Carbon as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Code enforcement — See Ch. 102.

ARTICLE I
Construction of Curbs
[Adopted 12-10-1974 by Ord. No. 238-1974]

§ 207-1. Construction specifications.

From and after the effective date of this article, when curbs abutting on any public street within the Borough of Port Carbon are replaced or new curbs are installed, they shall be constructed in the following manner and of the following materials:

- A. All curbs shall be made of concrete with stone as an aggregate and having a compressive strength of at least 2,500 pounds per square inch.
- B. The curbs shall have the following dimensions: a minimum overall depth of 22 inches, a thickness of nine inches at the bottom of the curb and extending to within eight inches of the top of the curb, a thickness of eight inches at the top of the curb and tapering out to nine inches thick at a point eight inches below the top of the curb, the taper being on the street side of the curb.
- C. The top of the curb shall be so placed that it will conform to the lines and grades for the curbs on that particular street on which it is to be placed.

§ 207-2. Forms.

Forms for the curb shall be of metal, except wooden forms may be used on sharp curves and short tangent sections when approved by the Engineer. Forms shall be straight, free from warp, and of sufficient strength when staked to resist the pressure of the concrete without springing. At least three stakes shall be provided for each 10 feet of form. Metal forms shall be of approved section and shall have a flat surface on top, and wooden forms shall be one-and-one-half-inch surfaced planks. These forms shall be of a depth equal to the depth of the curb, designed to permit secure fastening of the face and back forms at the tops. These fastenings shall be constructed in a manner that will not obstruct satisfactory finishing and edging of the top of the curb but will permit removal of the inside or face forms. The outside or back forms shall be straight from top to bottom. The inside of the face forms shall have a batter from the top of the curb to the finished surfaced line of the pavement, as indicated on the Standard Drawings, and shall be straight from this line to the bottom. Steel templates 1/8 of an inch in thickness, of the width of the curb, shall be used to separate adjacent sections. All forms and templates shall be thoroughly cleaned and treated with an approved material as required, to prevent the concrete from adhering thereto. Oil, tarpaper or other material which will adhere to or discolor the concrete shall not be used. Forms and templates which are worn, bent, warped or broken shall not be used. The forms shall be accurately set to line and grade in a manner to prevent settlement or displacement.

§ 207-3. Excavation for curbs.

Excavation shall be made to the required depth, and the material upon which the curb is to be constructed shall be compacted to a firm, even surface. Where foundation underdrain is to be placed under the curb, the excavation for the curb shall be made in conjunction with the excavation for the underdrain.

§ 207-4. Pouring and finishing concrete.

The concrete shall be placed in the forms in horizontal layers not to exceed five inches and spaded sufficiently to eliminate all voids. An approved vibrator may be used when permitted by the Engineer. Where indicated or directed, drainage openings shall be made through the curb at the elevation and of the size required. The curb shall be depressed as indicated or directed. The top surface of the curb shall be finished true to line and grade in a smooth, neat and even manner by means of wood floats, and the edges of the face and back shall be rounded to a radius of not more than 3/4 of an inch and 1/4 of an inch, respectively, while the concrete is still plastic.

§ 207-5. Joints and reinforcements.

- A. The curb shall be constructed in uniform lengths or sections of 10 feet, except where shorter sections are necessary for closures or curves, but no section shall be less than four feet. Premolded expansion joints of 1/4 of an inch in thickness and cut to conform to the cross section of the curb shall be placed at the ends of sections of curved curb and at intervals of not more than 60 feet. Intermediate joints between sections shall be formed of two thicknesses of one-ply bituminous paper, cut neatly to the cross section of the curb and one paper placed on each side of the template. If the method of handling the work is such that the templates cannot be removed satisfactorily, the curb shall be constructed in alternate sections.
- B. At all curb joints, two reinforcement bars, No. 4 size and 24 inches in length, shall be embedded in the concrete. These bars shall be placed nine inches and 18 inches, respectively, below the top of the curb and in the center of its width. The portions of the bars extending into the tangent curb shall be rendered bondless with a coating of approved material and enclosed, in part, in approved tubes or caps which will provide a positive clearance pocket of at least 1/2 of an inch.

§ 207-6. Removal of forms.

The forms shall not be removed within 48 hours after the concrete has been placed. No rubbing to correct irregularities will be permitted until the full curing period has lapsed. Any irregular surface shall be corrected by rubbing with a carborundum stone. Brush finishing or plastering will not be permitted, and all rejected curb shall be promptly removed and replaced at no expense to the owner. All joints in the curb shall be opened from top to bottom immediately after the forms are removed, and the edges adjacent to the joints shall be sharp and clean-cut. After the forms are removed, minor defects shall be filled with mortar composed of one part of cement and two parts of fine aggregate.

§ 207-7. Curing.

The curb shall be protected and cured in accordance with PDH Specification 408-60, Section 6.1.3 (14), except that paper shall not be used in the curing of this item for work.

§ 207-8. Backfilling.

After the concrete has attained the required strength, the spaces in front and back of the curb shall be backfilled with acceptable material in layers of not more than four inches in depth, which shall be thoroughly compacted mechanically to the required elevation

and cross section.

ARTICLE II
Sleigh Riding on Borough Streets
[Adopted 2-10-1987 by Ord. No. 1-1987]

§ 207-9. Prohibited act.

It shall be unlawful for any person or persons to sleigh ride on any streets, lanes or alleys within the Borough of Port Carbon and any and all other property owned by the Borough.

§ 207-10. Violations and penalties. [Amended 4-8-2008 by Ord. No. 1-2008]

Any person violating any of the provisions of this article shall, upon conviction, be punishable as set forth in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

ARTICLE III
Street Excavations
[Adopted 12-14-2004 by Ord. No. 3-04]

§ 207-11. Permit required.

It shall be unlawful for any person or persons, firm or firms, association or associations, corporation or corporations to make or cause to be made any excavation of any nature whatsoever in any street, avenue, alley or lane within the Borough limits without first securing a permit granting authority therefor as hereinafter provided.

§ 207-12. Definitions.

APPLICANT — Any person or persons, firm or firms, association or associations, corporation or corporations applying for and to whom a permit may be issued.

CURB HEIGHT — That portion of the curb which extends above the road surface.

EXCAVATION or EXCAVATIONS — The digging of any trench or excavation through or under the roadway or sidewalk or the cutting into or opening and removal of any of the pavement surfaces of any street, avenue, alley or lane within the Borough limits.

STREET SECTION — That portion of a street between two intersecting streets.

SUBSTANTIAL AREA OF DISTURBED ROADWAY — Any area of disturbed roadway greater than or equal to 35% of the total roadway area within a section of street.

§ 207-13. Application for permit.

- A. An application for the issuance of a permit shall be filed in the Office of the Secretary of the Borough upon forms furnished by the Borough for that purpose and shall be signed by the applicant. The said application shall set forth the location and purpose of the proposed excavation, the dates between which said excavation is to be open, the length, width and depth of the trench, the area of the roadway surfaces to be removed and the names of all persons interested in or to be benefited by the work to be done. The applicant shall agree to protect and defend and indemnify and save harmless the Borough officers or agents thereof from any claims, suits, actions and proceedings of every nature and description which may be brought against the Borough, officers or agents thereof for or on account of any accident or any other act, negligence or omissions of said applicant or his agents, servants or employees, and the Borough shall not in any way be liable therefor. A copy of the necessary road occupancy permit is attached hereto as Exhibit A.¹
- B. The applicant shall agree to pay the entire cost and expense incurred in the replacement of the excavations and that the Borough shall at times have the right and authority to correct any and all omissions in the conduct of the work and to have the power to charge thereof to the applicant. The expense so charged shall be deducted and paid by said Borough.
- C. The applicant shall also agree to safeguard and maintain in good order the surface

1. Editor's Note: Said Exhibit is one file in the Borough office.

and to assume all cost and expense due to defective backfilling for the period of one year after the date of the completion of the excavation, provided said date does not lie between November 15 and May 1, otherwise to date from the latter date.

- D. The applicant shall further agree to abide by all the terms and conditions of the ordinances under which the permit is granted, whether specifically mentioned in the application or not.
- E. No permit shall be granted to any applicant unless said applicant shall have paid to the Borough any and all monies when due to the Borough for prior excavations made or for any loss, damages or expense in any manner occasioned by or arising from the excavation of streets, alleys or highways of the Borough under prior permit.

§ 207-14. Warnings.

- A. The said applicant during the progress of the work shall provide and maintain such fences, barriers, "street closed" and "danger" signs, red lights and watchman as may be necessary to prevent avoidable accidents to the public and adjoining tenants. The convenience of the public and temporary approaches to and crossings of intersecting streets shall be provided for and kept in good condition where practicable. The sidewalks or portions of the street adjoining the work or its vicinity shall not be littered or obstructed more than necessary, and the drainage gutters and inlets to the stormwater sewers shall at all times be kept clean and unobstructed.
- B. Whenever an improvement project, either public or private, is in progress which involves streets of 1/2 block or more, it shall be the duty of the sponsor of said project to post at conspicuous points a billboard to be illuminated all night, at least six feet wide and eight feet high, captioned "Public (or Private) Project; Travel Street or Streets at Your Own Risk" (signed by the sponsor).
- C. All traffic control devices and measures must be in accordance with Chapter 203, "Work Zone Traffic Control," of Title 67 of the Pennsylvania Code. (Ord. 12/14/1998)

§ 207-15. Excavation requirements.

- A. Excavation shall be by open cut from the surface, and no tunneling or drifting will be permitted except by permission and so noted on the permit. The amount of trench opened and also the amount unfilled shall at all times be subject to the decision of the Department. No trench or excavation shall be undercut or have a greater width at the bottom than at the top. In case of slips or slides of the sides of the excavation, the same shall be trimmed to solid earth and the top surface cut back to the limit of the same before any backfilling is commenced. When necessary or required, the sides of a trench shall be sheathed and braced and rendered secure until the construction has been laid therein and the trench refilled. Care shall be taken not to move or disturb other subsurface structures, and in crossing these or running parallel with or near them, they shall be completed. The applicant shall maintain their respective services and shall repair all damage done to any of said structures. In rock excavation, all drilling and blasting shall be conducted with the greatest possible care and possible precautions taken to guard against accidents.

- B. All excavations shall be commenced and completed by the use of a reasonable workforce working around the clock, or in the alternative, all excavated material shall be removed and, at the cessation of work, suitable steel or wooden plates shall be placed over the excavation in order that traffic can continue over the excavation while it is not being worked.
- C. In backfilling, only approved crushed stone screening such as is recommended by the Borough shall be used. The method of backfilling shall be such as to ensure that the fill is thoroughly compacted. The method or methods used to compact shall be subject to the approval of the Borough, which shall have the power to issue regulations as to such method. In all unimproved streets, the surface of the trenches after being filled and settled shall be finished in a most workmanlike manner without needless delay and shall in every respect be equal in quality, character and materials to the street surface existing previous to making the excavation. In all improved streets, the crown of the surface must conform to the adjacent street surface until sufficient time has elapsed to warrant the restoration, either temporarily or permanently, of the pavement surface. All such restorations of pavement surface will be made by the Borough under existing contracts or by its own forces and the cost thereof charged to the applicant.
- D. In the replacement or restoration of permanent roadway surfaces, the Borough shall have the right and authority to cut back the surfaces and supporting base as far as may be deemed necessary to afford a good support upon firm earth or to remove any part of the surface and base which may have become injured by reason of the said excavation.
- E. The Borough may, at its option, immediately upon the completion by the applicant of the backfilling of a trench, proceed to permanently replace the base and wearing surface or, within five days from the date of the completion of the backfilling by the applicant or at any time thereafter, temporarily close up or repair the openings in the pavement surface by laying a brick, stone block or other form of pavement until such time as the pavement surface may be permanently restored by the Borough, the expense of such temporary restoration of the surface, as well as the correction of any omissions in the backfilling, to be at the expense of the applicant.

§ 207-16. Removal.

In no case shall an applicant open or remove a greater area of surface and at no other location than specified in the original application; provided, however, that if at the time of actually doing the work it should be necessary to open or remove a greater area of surface than originally applied for, the applicant shall first notify and secure, by telephone or otherwise, the consent of the Department to do so, upon the express condition that the said applicant shall and will, before 12:00 noon of the following business day, file a supplementary application for the making of an additional excavation.

§ 207-17. Deposit. [Amended 4-8-2008 by Ord. No. 1-2008]

A deposit shall be made by the applicant with the Secretary of the Borough to cover the cost of street restoration in the event that the work performed by the applicant is unsatisfactory. This deposit shall be based upon a rate per square foot as affixed by

the Borough as set forth subsequently in this article, and said deposit shall be retained by the Borough for 12 months from the completion of the work of restoration and replacement. A fee in the amount set from time to time by resolution of the Borough will be paid by the applicant to cover the cost of issuing the permit and inspections of the surface restoration. Said fee is also to be established by the Secretary of the Borough in accordance with procedures subsequently established in these ordinances. In all cases where a permit has been issued and the work set forth in such permit has not been done, the same shall be canceled and the deposit fee paid for the same shall be repaid by the Borough. Any fee for issuance of the permit shall not be returnable.

§ 207-18. Restoration of surfaces.

- A. The Borough shall as soon as may be practicable to do so, permanently replace and restore the pavement surfaces in such manner and with like material existing in the roadway previous to the making of the said excavations, and shall estimate and charge the cost of making the said restorations and the maintenance thereof.
- B. The Borough shall, by proper voucher, refund to the said applicant the difference in cost of the replacement of said excavations and the amount deposited, and in case the cost of the replacement shall exceed the amounts so deposited, then the excess shall be charged to the applicant. The sums due the Borough shall be paid within 30 days from the date of rendering a statement to the said applicant, and no permit shall be issued to any applicant until all accounts due the Borough on previous permits granted to him and owing shall have been paid.

§ 207-19. Permit fees. [Amended 4-8-2008 by Ord. No. 1-2008]

All applicants must remit permit fees onto the Borough prior to receipt of permit and commencement of work. A schedule of fees for highway occupancy permits is set from time to time by resolution of the Borough Council.²

§ 207-20. Notification.

- A. Any utility, upon proper notification to the Secretary of the Borough, may secure a booklet of permits. When these utilities require a permit for a street opening, they shall:
 - (1) Complete the permit as required.
 - (2) Notify the Secretary of the Borough by telephone of the number of the permit, the location of the opening, and the size of the opening.
 - (3) Immediately mail the permit to the Secretary of the Borough.
- B. The utility shall notify the Secretary of the Borough 24 hours in advance of the street opening, unless said opening is deemed an emergency. In this event, the utility shall so inform the Secretary of the Borough.

§ 207-21. Resurfacing fees.

2. Editor's Note: Said schedule of fees is on file in the Borough offices.

- A. Every applicant shall deposit with the Secretary of the Borough such sums for making excavation as established from time to time by resolution of the Borough Council [**Amended 4-8-2008 by Ord. No. 1-2008**]
- B. In computing the area for the purpose of determining the amounts to be deposited, the size of the opening shall include the total area within the pavement cut (including the one-foot perimeter).
- C. The inspection fees shall be sufficient to cover the cost of the inspection. The Borough has the right to collect an estimated inspection fee from the applicant in advance of the inspection. If the estimated fee is in excess of the final fee, the difference between the two shall be rebated to the applicant; if the estimated fee is less than the final inspection fee, then the applicant shall pay the difference to the Borough.

§ 207-22. Payment of fees.

Every applicant, prior to commencing excavations, shall deposit with the Secretary of the Borough the fees required, unless a waiver is granted by the Secretary of the Borough. In the event a waiver is granted for payment prior to excavation, the applicant shall pay the Borough all fees by the 10th of the month following the month in which the excavations were made. It shall be the responsibility of each applicant who receives a waiver to tabulate the size of the opening and forward the monies to the Borough. These monies should include permit fees and resurfacing fees.

§ 207-23. Performance bond.

In the event an applicant requests a waiver from payments required prior to the excavation, a performance bond in the amount of \$2,000 shall be filed with the Secretary of the Borough.

§ 207-24. Method of openings.

- A. When an opening is made in an existing paved street, the pavements shall be cut one foot wider around the entire perimeter of the intended excavation.
- B. All lines shall be neat and not irregular.
- C. Prior to the excavating of any opening, the applicant shall contact all utilities having underground installations in the Borough in accordance with Pennsylvania Act 287, for prevention of damage to underground utility lines by excavation or demolition. Any person obtaining a permit for a street opening shall accept full responsibility for any damage caused in any way whatsoever to underground installations other than his own and shall make complete restitution for their repair or replacement.

§ 207-25. Backfilling and resurfacing.

- A. All openings or excavations shall be backfilled immediately upon completion of work and in no case shall remain open for a period exceeding 24 hours from the completion of repair work, unless otherwise approved by the Chairman of the Street Committee of the Borough.

- B. Material excavated from a street opening shall not be used for backfill.
- C. The excavation shall be backfilled with 2A modified aggregate conforming to the Pennsylvania Department of Transportation specifications and compacted with pneumatic or mechanical tampers in eight-inch lifts to within six inches of existing surface. The last inches shall be completed with four inches of bituminous concrete base course and two inches of ID-2 wearing course. All openings shall be sealed in accordance with Pennsylvania Department of Transportation specifications.
- D. All sidewalks shall be restored with concrete surface approved by the Borough Engineer.
- E. In the event that bituminous material is not available, temporary "cold patch" conforming to the Pennsylvania Department of Transportation specifications shall be used as temporary surface only, and it shall be the responsibility of the holder of the permit to maintain the street surface until permanent repairs can be made.
- F. If the holder of the permit fails at any time to place sufficient bituminous material as a temporary surface or maintain such temporary bituminous material to a level of the adjacent street surface unaffected by the opening, the Borough reserves the right to immediately take over maintenance of such opening and charge the cost thereof in addition to the cost of permanent paving restoration.

§ 207-26. Inspection.

Every opening or excavation made in any public street or alley of the Borough shall be inspected by an authorized representative of the Borough. It shall be the responsibility of the applicant to inform the Secretary of the Borough of its excavating and backfilling schedule in order for the Borough to properly inspect said opening.

§ 207-27. Public service corporation.

All public service corporations desiring to disturb the paving on any Borough street shall adhere to all the foregoing provisions in the previous sections with the exception that final street restoration work will not be done by the Borough. All restoration work including application of wearing surface shall be accomplished by the public service corporation. In the event that the Chairman of the Street Committee determines that a substantial area of a street or highway will be disturbed by excavation to be performed by the public service corporation, the Borough may require that the public service corporation place a one-and-one-half-inch ID-2 overlay to cover the entire width of the street which will be disturbed. Any public service corporation desiring to disturb the paving on any Borough street may furnish a properly executed and approved surety company bond conditioned for the faithful compliance with the ordinances of the Borough relating to the making of excavations in the streets and highways and regulations made in pursuance thereof, in place of the cash deposit required under § 207-17 of this part. However, the public service corporation shall be required to pay to the Borough an amount equal to 15% of the applicable resurfacing fees for payment of supervision and inspection by the Borough. In the event any public service corporation makes a number of openings each year, the amount of the bond shall be 40% of the previous year's permit fees but in no case shall it be less than the particular project. When an ID-2 overlay is required, the following conditions apply:

- A. Potholes less than or equal to two square feet in size shall be repaired by the public service corporation at no cost to the Borough.
- B. Potholes greater than two square feet in size shall be repaired by the Borough prior to construction of the overlay at the Borough's expense.
- C. In the areas where the curb height is less than or equal to four inches, the overlay shall be tapered to a depth of 3/4 inch at the curblines.
- D. In areas where the curb height is greater than four inches or no curb currently exists, the full-depth overlay shall extend to the curblines.

§ 207-28. Noncompliance. [Amended 4-8-2008 by Ord. No. 1-2008]

Any person violating any of the provisions of this article shall, upon conviction, be punishable as set forth in Chapter 1, General Provisions, Article I, General Penalty, of this Code.

