

Chapter 21

Streets and Sidewalks

Part 1

Street Cuts and Excavations

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Part 1**Street Cuts and Excavations****§21-101. Permit Required.**

It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any excavation, digging, or disturbing of a Borough street unless a street permit has been obtained from the Borough.

(Ord. 1990-3, 12/4/1990, §1)

§21-102. Application.

Any person, partnership, business, or corporation that desires to excavate, dig, or disturb a Borough street shall make an application for a street permit, in writing, to the Borough on forms supplied by the Borough. Such application shall contain the name and address of the applicant, the name and address of the contractor, the site location, a listing of any other permits required, a brief description of the proposed work, an estimate of the length of time required to complete the work, and a plan of the site showing the exact size and location of the proposed excavation, digging, or disturbing of the street.

(Ord. 1990-3, 12/4/1990, §2)

§21-103. Changes.

After issuance of the street permit by the Borough no change of any kind shall be made to the application, permit, plans, or work to be completed, without first obtaining the written consent of the Borough for such change. A request for any change shall be in writing and shall be submitted by the applicant to the Borough.

(Ord. 1990-3, 12/4/1990, §3)

§21-104. Completion.

A street permit shall be issued only for the estimated length of time for completion of the proposed work, but in no event shall such street permit be issued for a period in excess of 90 days without specific approval by Borough Council. The Borough may grant time extensions upon the written request of the applicant, setting forth sufficient and reasonable cause for the extension of such permit.

(Ord. 1990-3, 12/4/1990, §4)

§21-105. Restored and Repaired.

Any street upon which any excavation, digging, or disturbance has been made shall be restored and repaired, upon completion of the work, to a condition satisfactory to the Borough which said condition shall meet the standards and specifications as established by the Pennsylvania Department of Transportation for street and road construction.

(Ord. 1990-3, 12/4/1990, §5)

§21-106. Excavation.

1. Before backfilling any excavated area, the applicant shall notify the Borough office that the excavation is ready to be backfilled so that the same can be inspected by the Borough Manager, the Borough Engineer, or such other person authorized by Borough Council. No backfilling shall occur until such inspection has occurred.

2. All appurtenances, such as, but not limited to, guardrails, drain pipes, and similar items, shall be restored to a condition equal to that which existed before the start of authorized work.

3. No excavation shall interfere with the water system, sewage collection system, or underground utilities. The applicant shall be responsible for locating all utility lines prior to excavation.

4. The applicant shall take all necessary and reasonable precautions to keep the street in a safe and passable condition, both day and night, by providing suitable barricades, and guards to protect persons using the street or area adjacent thereto from injury. At night, any openings shall be marked with sufficient lights to warn persons using the street or area adjacent to the street of such opening. All street excavation permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify and save harmless the Borough from any loss of claim for damage, or otherwise, which may result as of any work or matter related to such work, in connection with the street excavation permit.

5. The applicant shall keep the area free of any materials that may be deposited by vehicles traveling upon or entering onto the street during the performance of any work authorized by the permit. The applicant shall be responsible for controlling any dust conditions created by the work. The applicant shall be responsible to remove and dispose of all excess materials.

6. In the event any subsidence occurs in the street opening after restoration has been made, the applicant shall be responsible to correct or replace the subsidence in accordance with the requirements as determined by the Borough Engineer.

7. Prior to the issuance of a street excavation permit, the applicant shall post with the Borough a bond for completion and for maintenance of the restoration for a period of 2 years in such amount as is reasonably determined by the Borough's Engineer, but not less than \$500. The applicant shall be responsible for and guarantee permanent restoration for a period of 2 years from the date of completion.

8. In the event any work being performed by or for an applicant shall, in the opinion of the Borough Engineer, be unsatisfactory, and the same shall not be corrected in accordance with instructions from the Borough Engineer within a reasonable time fixed by the Borough Engineer, or, in the event the work for which the permit was issued is not completed with the time established by the permit, the Borough may proceed to correct such unsatisfactory work, or complete any such work not completed, and to charge the cost thereof, plus 10 percent to the applicant.

9. Borough Council may, by resolution, adopt specifications, from time to time, for excavation, backfill and pavement restoration for street excavations within Lewisberry Borough.

(Ord. 1990-3, 12/4/1990; as added by Ord. 1992-2, 7/6/1992, §7)

§21-107. Application Fee.

The application fee for the street excavation permit shall be in such amount as established from time to time by resolution of Borough Council.

(*Ord. 1990-3, 12/4/1990; as added by Ord. 1992-2, 7/6/1992, §8; and as amended by Ord. 2007-2, 12/17/2007*)

§21-108. Penalties.

Any person, corporation, partnership, company, firm, association, or other entity who shall violate the provisions of this Part, upon conviction thereof, shall be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 1990-3, 12/4/1990; as added by Ord. 1992-2, 7/6/1992, §9; and as amended by Ord. 2007-2, 12/17/2007*)

