

*Borough of Ambridge, PA
Friday, November 2, 2012*

Article II. Street Openings and Excavations

[Adopted by Ord. No. 920; amended in its entirety 5-25-2004 by Ord. No.1195]

§ 265-3. Title, purpose, validity.

- A. This article shall be known as the "Ambridge Borough Street Opening Ordinance."
- B. The purpose of this article is to provide minimum standards to safeguard persons, to protect property, maintain the present level of ecology, and promote the public safety and welfare by regulating and controlling the opening or excavation of roadways and rights-of-way within the Borough of Ambridge.
- C. If any section, subsection, sentence, clause or phrase of this article is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article.

§ 265-4. Definitions and word usage.

- A. The following words, when used in this article, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

APPLICANT

Any person, as defined in this section, who makes application for a street opening permit.

EMERGENCY

Any condition constituting a clear and present danger to life or property by reason of escaping gas, exposed wires, or other similar or serious breaks or defects in an underground line.

PERMITTEE

Any person, as defined in this section, who has been issued a street opening permit and has agreed to fulfill the terms of this article.

PERSON

Includes any natural person, partnership, firm, association, utility, authority or corporation.

STREET

Any public right-of-way, street, avenue, road, square, alley, highway or other public place located within the Borough of Ambridge and established for the use of vehicles.

B. In this article, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

§ 265-5. Street opening permit required.

It shall be unlawful, except in cases of emergency, for any person to make any opening or excavation of any kind in or under any Ambridge Borough street or right-of-way without first securing a street opening permit. Minor excavations not within the paved or otherwise improved portion of any street and not greater than one foot in depth made for the purposes of installing, maintaining or replacing a driveway, sidewalk, mailbox or other similar appurtenance, which may be authorized or permitted under other ordinances of Ambridge Borough, shall be exempt. Any person making application for a street opening permit shall agree to the terms of this article as hereinafter provided.

§ 265-6. Requirements for street opening permit issuance.

It shall be the duty of the applicant to comply with the following express conditions and provisions before a street opening permit shall be granted:

- A. The applicant shall file a written application on the official form provided by Ambridge Borough. A separate application shall be filed for each and every project undertaken by the applicant at any one time and shall be signed by a responsible person authorized to sign the application.
- B. The applicant shall set forth the purpose of such opening, exact location of such opening, and size and depth of such opening.
- C. The applicant shall establish the date or dates during which such opening is to be made, including the date and time when temporary and/or final resurfacing is to be performed.
- D. The applicant shall provide and maintain public liability and property damage insurance in an amount sufficient to indemnify and save harmless the Borough of Ambridge from all liability for damages or injury done to persons and property which may be incurred by reason of such opening or any failure to properly protect, maintain, barricade, light, backfill and/or otherwise properly effect the same. The insurance shall be in an amount not less than \$1,000,000 for injury to persons and \$100,000 for injury to property. The applicant shall name Ambridge Borough as additionally insured and provide proof of said insurance to Ambridge Borough.
- E. The applicant shall deliver to Ambridge Borough a deposit in an amount as may be determined from time to time by Borough Council, which deposit shall be in United

States currency or certified funds and shall be calculated in accordance with § 265-8 of the within article, but in no event shall said deposit be less than \$500.

- F. Whenever any public utility or municipal authority maintaining underground facilities shall contemplate more than one street opening or excavation per calendar year, it may either follow the provisions of Subsection **E** above or, in the alternative, it may deposit the sum of \$1,000 in United States currency or certified funds with the Borough, which sum shall be held by the Borough in a non-interest-bearing escrow account, and which sum shall be utilized by the Borough as security for matters which are more specifically set forth in the Borough of Ambridge Street Opening Policy and Procedures Manual adopted by Borough Council. Moreover, the insurance requirements of Subsection **D** above may be waived upon receipt of notice of self-insurance by any public utility or municipal authority.

§ 265-7. Separate street opening permits required.

The applicant shall secure a street opening permit for each and every project undertaken by the applicant at any one time. In cases of emergency, the Police Department shall be notified, and a street opening permit shall be secured on the first official workday thereafter.

§ 265-8. Calculation of deposit or bond.

[Amended 12-28-2011 by Ord. No.1243]Ambridge Borough, upon receipt of the properly completed application, shall compute the amount of deposit or bond to be provided by the applicant to the Borough of Ambridge to reimburse said Borough for any cost of work and materials furnished for the backfilling or refilling of the opening or excavation and the restoring of the surface or replacing the pavement over any such opening or excavation, together with any expenditure for labor, material and/or inspection subsequently necessitated in the maintenance, repairing or resurfacing of any such opening for a period of two years from the date of completion, so as to leave any such street in as good a condition as it was before such excavation or opening. The amount calculated for deposit or bond shall include the estimated cost of the proposed surface and trench restoration work plus the cost of inspection and any other cost that may be directly charged to the opening or excavation. The total amount calculated shall be increased by 25% to determine the amount of deposit or bond.

§ 265-9. Regulations.

- A. The permittee shall take every necessary and reasonable precaution to keep the street in a safe and passable condition at all times by providing and maintaining any necessary guards, barricades, lights, signs or other such devices as may be required.
- B. No opening shall extend beyond the center line of the street before being refilled and the surface of the street restored to a condition safe and passable for travel by vehicles or pedestrians.

- C. No more than 100 feet, measured longitudinally, shall be opened in any street at any one time.
- D. The permittee shall provide and maintain all necessary shoring and/or bracing of openings so as to protect persons, roadways, utilities and adjacent land and buildings from damage resulting from shifting or subsidence of the adjacent land.
- E. No tunneling shall be allowed without express approval of Ambridge Borough and permission therefor endorsed on the street opening permit.
- F. Excavated or other material shall be placed or stored on the side of the operation farthest from the pavement unless otherwise designated by Ambridge Borough and in such manner that there will be no interference with the flow of water and/or traffic.
- G. Where a pipe drain, pipe culvert, or other structure or facility is encountered, it shall be replaced, restored, strengthened or protected by the permittee.
- H. No refilling of such excavation or opening shall be accomplished unless or until the Ambridge Borough Engineer or other authorized agent of Ambridge Borough shall be present.
- I. All openings and excavations shall be backfilled promptly with suitable material and thoroughly compacted in layers according to Ambridge Borough specifications and as the Ambridge Borough Engineer shall direct.
- J. Temporary surfacing, consisting of not less than two inches of bituminous cold patch material, shall be installed in all excavations within the paved portion of any street as soon as possible following the completion of the backfilling procedure. In no case shall the placement of bituminous cold patch material be delayed more than one business day following the completion of the backfilling procedure. Temporary surfacing shall be maintained for a period of at least two weeks free of depressions and mounds. After that length of time, and as soon as conditions permit, the temporary surfacing shall be removed and immediately replaced with the final surfacing. The final surfacing shall be completed in the presence of the Ambridge Borough Engineer or other authorized agent and in accordance with the applicable standard restoration detail or as otherwise directed by the Ambridge Borough Engineer or other authorized agent of Ambridge Borough.
- K. All restored surfaces must be at least 12 inches wider on each side than the excavated trench and shall be restored in strict accordance with the applicable standard restoration details and/or specifications and directions of the Ambridge Borough Engineer.
- L. Ambridge Borough shall provide notice to all persons owning property abutting on any street within Ambridge Borough about to be paved or otherwise improved and to all public utility companies and municipal authorities operating within Ambridge

Borough, and all such persons, public utility companies, and municipal authorities shall make all connections and any repairs thereto which would necessitate excavation of the street within 30 days from the giving of such notice, unless such time is extended in writing by Ambridge Borough. The repair and restoration of any street which has been paved or otherwise improved within five years of opening or excavation shall be made in strict accordance with the applicable standard restoration details and/or specifications and directions of the Ambridge Borough Engineer.

- M. In no case shall any opening or excavation made by a permittee be considered in the charge or care of Ambridge Borough or of any officer or person employed by Ambridge Borough, and no officer or employee of Ambridge Borough is authorized in any way to take or assume any responsibility over any such opening or excavation, except in the exercise of police power where and when it is necessary to protect life and property.

§ 265-10. Return of deposit.

One year from the date of completion, the permanent restoration of the opened or excavated street shall be inspected by the Ambridge Borough Engineer, who, if restoration shall be satisfactory and up to Ambridge Borough specifications, shall certify that such work is accepted by Ambridge Borough. Upon certification of acceptance of the work, the permittee shall be refunded his deposit less all costs incurred by Ambridge Borough.

§ 265-11. Inspections.

The Ambridge Borough Engineer or any other authorized employee of Ambridge Borough shall have the right to observe and inspect all work done under a street opening permit and shall see that all terms and conditions of this article are enforced and shall have the power and is hereby directed to prosecute every person violating any of the provisions contained herein. Such supervision and inspection shall be done at the sole expense of the permittee and shall be paid in full within 30 days of invoice.

§ 265-12. Violations and penalties.

Any person violating any of the provisions of this article shall, upon conviction thereof before the Magisterial District Judge, pay the full cost of street restoration and pay a fine of not more than \$600 plus costs of prosecution. In default of payment of such fine and costs, said person shall be imprisoned for not more than 30 days. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

§ 265-13. Fee schedule.

The fee for street opening permits shall be established by resolution from time to time by the Council. Payment of said street opening permit fee is a requirement for issuance of any street opening permit.

§ 265-14. Standard restoration details.

Standard restoration details, as prepared by the Ambridge Borough Engineer, are on file at the Ambridge Borough Municipal Building, and said details shall be complied with by all persons.