

BOROUGH OF LIVERPOOL  
PERRY COUNTY, PENNSYLVANIA

ORDINANCE NO. 1-96

AN ORDINANCE OF THE BOROUGH OF LIVERPOOL, PERRY COUNTY, PENNSYLVANIA, REQUIRING ALL PERSONS WHO WISH TO INSTALL ANY UTILITY WITHIN BOROUGH STREETS OR OPEN CUT OR BORE UNDER ANY BOROUGH STREET TO FIRST OBTAIN A STREET DISTURBANCE PERMIT FROM THE BOROUGH; REGULATING THE MANNER OF STREET DISTURBANCE BY BORING OR OPEN CUTTING AND RESTORING; SETTING FORTH RELATED MATTERS; AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED BY THE BOROUGH OF LIVERPOOL IN COUNCIL ASSEMBLED:

SECTION 1: DEFINITIONS

- A. "Borough" means the Borough of Liverpool, Perry County, Pennsylvania, a municipality acting by and through its Council, or, in the appropriate cases, acting by and through its authorized representatives.
- B. "Person" means any individual, partnership, company, association, society, corporation, utility, or other group or entity, including a municipality or municipal authority.

SECTION 2: STREET DISTURBANCE PERMIT REQUIRED

- A. All persons wishing to install any utility within Borough streets or open, cut or bore under Borough streets must first obtain a Street Disturbance Permit from the Borough.
- B. Street Disturbance Permits will be reviewed and approved by a person appointed by the Borough Council of Liverpool.
- C. A fee, to be set by resolution of Borough Council, shall be paid by each applicant and no application shall be considered or acted upon until said fee is paid. Should the person appointed to review and approve Street Disturbance Permits determine, in his or her sole discretion, that the application requires review and comments by the Borough Engineer, then in that case the person so appointed shall notify the applicant of this determination and the applicant shall thereupon pay the Borough an additional amount, to be set by Resolution of Borough Council, to pay for said review. The applicant shall be responsible for all such engineering fees incurred by the Borough. Should the engineering fees exceed the sum paid by the applicant on account of Engineering fees, then in that case the applicant shall

Resolution on  
8/12/96  
set fee at  
\$150

be responsible to pay the difference to the Borough within thirty (30) days of notification of sum due and no permits shall be issued until said sum is paid in full.

- D. Application and authorization shall be made using a form or forms authorized by resolution of Borough Council.
- E. All applications for Street Disturbance Permits shall be submitted to the Borough, with the proper fee at least 30 days prior to the desired date of disturbance.

SECTION 3: RULES AND REGULATIONS GOVERNING INSTALLATION OF UTILITIES OR DIGGING OR BORING UNDER ANY BOROUGH STREET

- A. Disturbed portions of the highway, including, but not limited to, slopes and appurtenances and structures such as guide rails, curbs, signs, markings, drain pipes, driveways and vegetation, shall be restored by the permittee to a condition at least equal to that which existed before the start of work authorized by the permit, if the restoration is consistent with the Penn DOT "Standards for Roadway Construction". Additional restoration may also be required, upon written notification, to restore the structural integrity of the pavement or shoulder.
- B. If the permittee wishes to open pavement having a bituminous concrete surface and the Borough's wearing course is less than ten (10) years old, the permittee shall, in addition to the restoration conditions outlined in the permit and in this Section, bore under the street if required by the Borough or overlay the pavement in accordance with the following conditions:
  - (i) When a longitudinal opening longer than one hundred (100) linear feet has been made in the pavement, the permittee shall overlay the traffic lanes in which the opening was made, for the entire length of highway that was opened, in a manner authorized by the Borough.
  - (ii) When two (2) or more transverse openings have been made within one hundred (100) linear feet of pavement, the permittee shall overlay traffic lanes in which the openings were made, for the entire length of highway between the openings, in a manner authorized by the Borough.
  - (iii) If disturbed lanes adjacent to the undisturbed lanes are overlaid, the edge of the disturbed lane shall be saw cut or milled to a depth of 1.5 inches or the depth of the existing

surface course, whichever is less, for the length of the opening to insure a smooth joint, with proper elevation and cross section. A full width overlay may be authorized on various highways instead of saw cutting or milling the disturbed lane.

- (iv) If disturbed lanes adjacent to shoulders are overlaid, the shoulder shall be raised, with material and in a manner authorized by the Borough for the type of existing shoulder, so that the overlaid pavement and shoulder edges are at the same elevation.
- C. Regardless of the age of the wearing course, the Borough may require the following restoration:
- (i) If more than one hundred (100) linear feet of longitudinal or transverse openings, or both, are made in the pavement, the Borough may require the permittee to overlay traffic lanes in which the openings were made, for the entire length of highway that was opened, if the Borough determines that the rideability or structural integrity of the pavement has been impaired by the openings.
  - (ii) If four (4) or more openings are made by the same permittee within one hundred (100) linear feet of pavement, the Borough may require the permittee to restore the entire disturbed pavement between the openings by milling, planing or other authorized method and overlaying the entire disturbed pavement.
- D. If an opening is made in a bituminous concrete pavement within three (3) feet from the edge of pavement or other longitudinal joint or opening, the surface restoration shall be extended to the edge of pavement or other longitudinal joint or opening.
- E. At each end of an overlay, the permittee shall install a paving notch, under Standards for roadway Construction RC-28, by milling, planing or other authorized method and provide a minimum ten (10) foot transition.
- F. The transition areas at each end of an overlay shall follow the contour of the surrounding surface.
- G. When pavement markings on more than one hundred (100) linear feet of highway are covered or destroyed by the permitted work, including overlays, they shall be replaced with temporary pavement markings, before opening the disturbed pavement to traffic. When the pavement

(ii) Temporary pavement restoration shall be completed before traffic is allowed to travel on the disturbed area. The temporary pavement may be kept in place for up to six (6) months or as specified in the permit, if it is properly maintained.

(iii) The temporary pavement shall be removed and permanent restoration performed.

SECTION 4: ENFORCEMENT

A. Any person who shall violate this Ordinance shall be liable, upon summary conviction of a first offense and upon summary conviction for each subsequent offense, to a fine of not less than \$300, together with costs of prosecution in each case. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and shall be punishable as such.

B. Fines and costs imposed under the provisions of this Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law. The person empowered by Borough Council to issue permits hereunder shall hereby be authorized and empowered to file and initiate enforcement actions hereunder.

SECTION 5: SEVERABILITY

A. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of this Borough that such remainder shall be and remain in full force and effect.

SECTION 6: DECLARATION OF PURPOSE

A. It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of the health, safety and welfare of inhabitants of the borough.

SECTION 7: REPEALER

A. All ordinances or parts of ordinances inconsistent with this Ordinance shall be and the same are expressly repealed.

SECTION 8: EFFECTIVE DATE

A. This Ordinance shall become effective five (5) days after adoption, as provided by law.

surface is restored, pavement markings that were covered or destroyed shall be replaced in their former location.

- H. Restored openings in the pavement or opened shoulder shall be sealed under section 401.(j)(3) of Publication 408 in the case of bituminous concrete.
- I. Base and surface restoration of flexible base pavements shall be performed under this section and as specified in the permit. Prior to replacement of the base course, one (1) foot outside of each edge of the opening shall be sawed, in a neat straight line, to the top elevation of the existing aggregate subbase or stone base course, and the detached material shall be removed.
  - (i) Exposed vertical and horizontal surfaces shall be prepared under section 401.3(f) of Publication 408.
  - (ii) The base course shall consist of bituminous concrete meeting the requirements of section 305 of Publication 408 or other base course material authorized by the Borough. The base course material shall have a minimum depth of four (4) inches or a depth equal to the existing base course, whichever is greater.
  - (iii) The binder course shall consist of ID-2 material meeting the requirements of section 421 of Publication 408. The binder course shall have a minimum depth of 1.5 inches or a depth equal to the existing binder course, whichever is greater.
  - (iv) The wearing course shall consist of ID-2 material meeting the requirements of section 420 of Publication 408. The wearing course shall have a minimum depth of one (1) inch ID-2, or a depth equal to the existing wearing course, whichever is greater.
- J. Temporary restoration of a pavement may be required by the Borough prior to pavement restoration in accordance with the following:
  - (i) The base shall consist of compacted select granular material with a surface of two (2) inch bituminous material. If the existing pavement structure includes a course of subbase material, it shall be replaced to a depth equal to the existing course depth with material meeting the requirements of section 350.2 of Publication 408.

ENACTED INTO ORDINANCE THIS 13<sup>th</sup> DAY OF May,  
1996.

BOROUGH OF LIVERPOOL

By: Rick Knight  
President of Borough Council

ATTEST:

Conie B. Hoffman  
Secretary

APPROVED this 13<sup>th</sup> day of May, 1996.

Wendell C. Klein  
Mayor

