



City of Jeannette

Westmoreland County, Pennsylvania



BILL NO. 16-09

ORDINANCE NO. 16-09

AN ORDINANCE OF THE CITY OF JEANNETTE, COUNTY OF WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA REGULATING STREET OPENINGS, EXCAVATIONS AND PAVEMENT CUTS, ESTABLISHING THE NECESSITY OF PROCURING A PERMIT BEFORE EXCAVATION, PRESCRIBING THE METHOD AND MANNER OF REFILING SUCH EXCAVATION AND RESTORING THE PAVEMENT THEREUPON, PROVIDING FOR THE INSPECTION OF ALL WORK, PRESCRIBING THE CHARGES TO BE MADE FOR PERMITS AND THE REQUIREMENTS FOR THEIR ISSUANCE, PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH.

WHEREAS, the council of the City of Jeannette believes that the health, safety and welfare of those residents of the City and others travelling public streets, alleys and highways are affected by street openings, excavations and pavement cuts performed within same; and

WHEREAS, the Council of the city of Jeannette believes it is appropriate to enact regulations governing excavations within public highways, streets and alleyways, together with the refilling and repaving of same, in order to protect the public health, safety and well-being.

NOW, THEREFORE, WITH THE FOREGOING RECITALS BEING INCORPORATED HEREIN, IT IS HEREBY ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF JEANNETTE AS FOLLOWS:

ARTICLE I. SHORT TITLE/DEFINITIONS.

Section 1.1 – Short Title.

The short title of this Ordinance shall be and this Ordinance shall be hereinafter referred to as "The City of Jeannette Street Opening Ordinance".

Section 1.2 – Definitions.

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

- A. "Applicant" - shall mean any person, corporation, partnership or business entity who makes application for a Street Opening Permit.
- B. "Chief of Police" - shall mean the Chief of Police of the city of Jeannette or their authorized deputy or representative.
- C. "City" - shall mean the City of Jeannette, County of Westmoreland, Commonwealth of Pennsylvania, acting through its Council and Mayor, or other authorized representative.
- D. "City Manager" – shall mean the City Manager or their duly authorized deputy or representative.
- E. "City Engineer" - shall mean the Engineer of the City of Jeannette, or their duly authorized representative.



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- F. "City Foreman" - shall mean the Foreman of the Street and Sanitation Crew of the City of Jeannette or their duly authorized representative.
- G. "Director of the Department of Streets" - shall mean the Council member of the City of Jeannette in charge of the Department of Streets or their authorized deputy, representative or inspector.
- H. "Emergency" - shall mean any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties and which calls for immediate action or remedy.
- I. "Lane" – shall mean the distance from the curb to the center line of the roadway.
- J. "PennDOT" - shall mean the Commonwealth of Pennsylvania Department of Transportation.
- K. "Permittee" - shall mean any person, firm, association, partnership, corporation, public authority, public utility or any other entity who has been issued a Street Opening Permit and has agreed to fulfill all the terms of this Ordinance.
- L. "Permit" - shall mean a Street Opening Permit issued to a Permittee, which authorizes the Permittee to engage in the opening of a street, alley or public right-of-way within the City of Jeannette subject to the limitations of such permit and the terms of this Ordinance.
- M. "Person" - shall mean and include any natural person, partnership, firm, association, public or private utility, corporation or authority created pursuant to an Act of the General Assembly. Whenever used in any section prescribing and imposing a penalty, the term "person" as applied to associations, shall mean the partners or members thereof, and as applied to corporations, the officers thereof .
- N. "Spoil" - shall mean any and all waste materials, composition, concrete, asphalt, base or other fill or paving materials removed from the ground during the course of work performed under a Street Opening Permit that it not intended for reuse at the excavation site.
- O. "Street" - shall mean and include a public street, public easement, public right-of-way, public highway, public alley, public way, or public road accepted or maintained by the City, and shall include existing pavements, curbs, sidewalks and drainage structures.
- P. In this Ordinance, any reference in the singular shall also be deemed to include the plural and references in the masculine, shall be deemed to include the feminine and neutral terms.

ARTICLE II. STREET OPENING AND PAVING PERMITS.

Section 2.1 – Permit Required.

- A. STREET OPENING PERMIT. From and after the date of passage of this Ordinance, it shall be unlawful for any person or persons, firm, company, corporation or authority to cut, excavate or tear



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up any portion of any street, lane or alley of the City of Jeannette for any purpose whatsoever without first procuring a Street Opening Permit from the City of Jeannette Department of Streets as same shall be issued through the City Manager of the City of Jeannette.

- B. FORM AND EXECUTION. Application for a Street Opening Permit shall be in writing and on forms to be supplied by the City. Such form shall be completed, signed and verified by the person requesting such permit or, in the alternative, by a person duly authorized to act for and on behalf of a person, firm, corporation or authority for whose use and benefit the excavation or opening is to be made.
- C. EMERGENCY OPENINGS. Any person, utility, corporation, firm or authority maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances would pose a threat to the public health, safety and welfare, would demand that work be done immediately and that the permit could not reasonably and practically have been obtained beforehand. In the event an emergency opening occurs, the person, firm, company, corporation or authority making such excavation shall thereafter apply for a permit on the first regular business day upon which the City of Jeannette conducts business and said permit shall be retroactive to the date that the work was commenced.
- D. APPLICABILITY TO STATE ROADS. To the extent possible, the provisions of this Ordinance shall apply to City streets and highways within the limits of the City of Jeannette over which the Commonwealth of Pennsylvania Department of Transportation exercises maintenance and/or control by virtue of the operation of statutes and regulations associated with same.

Section 2.2 – Permit Fees.

- A. AMOUNT OF FEE. The charge, or fee, for Street Opening Permits under this Ordinance shall be determined in accordance with the Permit Fee Schedule duly ordained and adopted by the Council of the City of Jeannette and attached hereto as Exhibit "A". The City Manager, or their authorized agent, shall, upon receipt of the properly completed application, determine the amount of the fee to be paid by the Permittee, such fee never being less than \$150.00. In the event the nature and extent of the work to be performed requires, a reasonable permit fee shall be set by the City Engineer based upon the nature and extent of the work to be performed.
- B. PAYMENT. The payment of any Permit Fee shall be made in certified funds to the Treasurer of the City of Jeannette at the time the Permit is received. The Permit Fee may be paid in the form of cash, Certified Check, Treasurer's Check or Cashier's Check in the amount of such Permit Fee, made payable to the City of Jeannette.



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- C. DEFICIENT PAYMENTS/VIOLATION OF ORDINANCE. If any payment made is less than sufficient to pay all fees and costs, the Permittee shall, upon demand, pay to the City an amount equal to the deficiency. No Permit shall be issued to the applicant until such time as the entire Permit Fee is paid. The failure to pay all or part of any Permit Fee shall be deemed a violation of this Ordinance and be subject to punishment as set forth hereafter. In addition, any person who causes a Street Opening Permit to issue without the payment of all or a portion of such Permit Fee, or the posting of any bond or insurance certificate as hereafter required, shall likewise be deemed to be in violation of this Ordinance and subject to the penalties set forth herein.
- D. INSPECTION CHARGES. In addition to the aforesaid Permit Fee, the City hereby establish and adopt that Schedule of Charges for inspections as may be incurred by the City in meeting the objectives and requirements of this Ordinance, a copy of such Schedule being attached hereto as Exhibit "B". The attached Schedule shall be open to public inspection in the Office of the City Manager of the City of Jeannette and shall be made available upon demand.
- E. FEES SET BY CITY ENGINEER. In the event the nature and scope of work requires the City Engineer to set a Permit Fee, the decision of the City Engineer as to the cost of work to be performed, or repairs made under their direction pursuant to the provisions of this Ordinance, shall be final and conclusive as to such cost.

Section 2.3 – Conditions and Issuance of Street Opening Permits.

- A. ISSUANCE BY CITY MANAGER. All Street Opening Permits required in Article II, Section 2 .1 A. of this Ordinance shall be issued by the City Manager of the City of Jeannette or their deputy or authorized agent and shall be subject to those conditions set forth hereafter.
- B. APPLICANT RESPONSIBLE FOR ALL COSTS, EXPENSES AND FEES. In addition to the payment of the Permit Fee set forth above, the Applicant shall pay the cost and expense of all work, including the cost of labor, materials, equipment, engineering costs and inspection costs incurred by the City of Jeannette associated with the operation of this Ordinance.
- C. SUBMISSION OF BONDS AND PLANS OF PROPOSED IMPROVEMENTS. As a condition to the issuance of the permit, the Applicant shall file a bond in accordance with Article VI, Section 6.2 of this Ordinance with the city Treasurer in an amount prescribed in such Section, the form of which has been approved by the City Solicitor. The application for a Street Opening Permit to excavate for the laying, relaying or repair of any gas and/or water mains, conduits or other such lines, shall include a plan or sketch indicating the street proposed to be excavated and the location, kind and size of pipes to be laid, relayed or repaired. Plans and specifications for new mains and conduits



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shall be subject to the review and approval of the City Engineer at the time application for a permit is made. No plan shall be approved nor will backfill be authorized to proceed unless all lines have a minimum of two (2) feet of cover for main lines and eighteen (18) inches of cover for customer service lines as measured from the top of the pipes or conduit to the subgrade of the paved or to be improved street. On all other streets, the amount of cover to be provided will be subject to approval by the city Engineer.

- D. APPROVAL BY CITY ENGINEER. If the Application for Permit involves the excavation for the purpose of laying sanitary or storm sewer laterals, the Applicant, or person duly authorized to act upon their or its behalf, shall first secure approval of same by the City Engineer and the Municipal Authority of the Westmoreland County as the case may be.
- E. WORK TO COMMENCE. Work for which a Street Opening Permit has been issued shall commence within ten (10) days following the issuance of such permit. If not commenced within the ten (10) day time period, the Permit shall automatically terminate. Permits thus terminated may be renewed upon the payment of an additional Permit Fee in an amount equal to the original Permit Fee required.
- F. COMPLETION OF WORK WITHIN REQUIRED TIME PERIODS/EXTENSIONS. Every Permit shall contain a statement of the time period upon which the work is anticipated to be completed and the Street Opening Permit shall expire on the completion date. If the Permittee is unable to complete the work described in such permit within the specified time, the Permittee shall, prior to expiration of the permit, present a written request for an extension of time setting forth the reasons for the requested extension to the City Manager. If in the opinion of the City Manager such an extension is necessary and not contrary to the public interest, the Permittee may be granted additional time for the completion of the work.
- G. REVOCATION OF PERMIT/NOTICE OF VIOLATION/NO NOTICE FOR FAILURE TO OBTAIN PERMIT. Any permit may be revoked at any time by the City Manager, after notice to the Permittee, for:
- a. violation of any condition of the permit or of any provision of this ordinance;
 - b. violation of any provision of any other applicable ordinance or law relating to the work; and/or;
 - c. the existence of any condition or the doing of any act constituting or creating a nuisance, endangering the lives or property of others or otherwise creating a threat to the public health, safety and well-being.

With the exception of violations for failure to obtain a Street Opening Permit where no such Notice



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shall be given, a Permittee may, at the sole discretion of the City Manager, be granted a period of three (3) days from the date of the Notice of Violation to correct the violation and to proceed with the diligent completion of the work originally authorized by the permit. Written notice of such violation containing an explanation of the nature and extent of the violation, shall be served upon the Permittee or their representative or agent engaged in the work at the site of same. The Notice shall contain a brief statement of the grounds relied upon for revoking the permit. Such Notice may be given either by personal delivery to the person or agent of the Permittee engaged in the work at the site or by Certified or Registered United States mail addressed to the Permittee. When any permit has been revoked and the work authorized by the permit has not been completed, the City may, at its discretion, elect to do such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. In the event of such election, all expenses incurred by the City of Jeannette shall be recovered from the Permittee, or their surety set forth hereafter, or other party who may be responsible for making such repairs as the case may be.

- H. RECORD KEEPING BY CITY. The City Manager, their deputy or authorized agent, shall keep a record of the Permit Application, the date of issuing such permit and of the place, character and extent of the excavation to be performed. Upon issuing any permit, the City Manager shall forthwith notify the City Foreman, the Police Chief, the Fire Chief and any other appropriate emergency service provider of the place, character and extent of the proposed excavations.
- I. OPENING PAVEMENT LESS THAN FIVE YEARS OLD/ADDITIONAL FEES. No permit shall be issued by the City Manager which would allow an excavation or opening to be cut in a pavement less than five (5) years old unless the applicant can clearly demonstrate that public health or safety require that the contemplated work be permitted or unless an emergency condition exists. If by special action of the City Manager a permit is issued to a person to open any pavement less than five (5) years old, an additional charge or penalty will be made for such opening, provided, however, that no such charge or penalty will be assessed in the event it is determined that the work is of an emergency nature. The additional charge or penalty shall be assessed in accordance with the Schedule of Permit Fees attached hereto.

ARTICLE III - REGULATIONS GOVERNING WORK.

Section 3.1 - Limits of Work:

- A. SIZE OF OPENINGS. When excavating in any street, lane or alley for the purpose of laying relaying, taking up or repairing any gas, water, sewer, or other pipes, mains or conduits, not more than 100 feet lineal measure or more than one city block shall be opened at one time.



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- B. **TIMELY REPAIR OF OPENINGS.** All streets, lanes and alleys excavated or torn up for the purpose of laying, relaying, taking up or repairing any water, sewer, gas, conduit or other pipes and appurtenances, and all test holes relating thereto, shall be immediately properly backfilled in accordance with the terms and conditions of this Ordinance .
- C. **TUNNELING UNDER STREETS.** Tunneling under paved streets is prohibited unless specially authorized in the permit issued by the City Manager. The foregoing notwithstanding, however, service lines, casings or conduits may be jacked or driven between openings provided the Permittee meets the following requirements:
- a. The Permittee has submitted a detailed plan for review by the City Engineer providing information as to how such jacking or driving operation is to be performed;
 - b. The City Engineer approves such plan and such plan becomes part of the Applicant's Permit; and
 - c. The Permittee agrees to assume full responsibility for damage to existing underground facilities and agrees to defend and hold the City of Jeannette harmless thereupon.
- D. **DISPLAY OF PERMIT AT SITE.** Every person making or supervising any excavation shall keep the Street Opening Permit at the excavation site and exhibit same to any policemen or any other authorized representative of the City upon request. It shall be the duty of any such officer to report to the City Manager the name of any person, firm, company, corporation or authority manning any excavation without such Permit or who is violating or who has violated any of the provisions of this Ordinance. Upon receiving a report that a person or entity has made a street opening provided for in this Ordinance without obtaining such Permit, the City Manager, or their duly designated deputy or agent, shall immediately issue a citation for violation of this Ordinance and shall cause the work to be stopped until such time that a Permit under this Ordinance is obtained.
- E. **IDENTIFICATION OF PERSON PERFORMING WORK.** During the progress of any work taking place under this Ordinance, a sign shall be maintained at the excavation site bearing the name of the public utility or contractor actually performing the work.
- F. **DAILY WORK STOPPAGES.** During the course of any given day within which work under this Ordinance is being performed, the Permittee, its agent and/or the contractor performing such work shall engage in daily work stoppages. Daily stoppage of work shall occur as follows:
- a. Except for emergency repairs of utility facilities, work within the pavement or shoulder shall be stopped prior to peak traffic hours that may exist on a particular highway on a particular day and as specified in the permit;
 - b. At the end of each work day, an opening in the right-of-way shall be closed in one of the



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following manners:

- i. By covering such opening with steel plates or bridging which are less than 6 feet in either length or width. The plates or bridging shall be extended a minimum of 18 inches from each edge of the opening and shall be secured in a safe manner.
- ii. Such opening may be backfilled consistent with the terms of this ordinance to the bottom elevation of the pavement or base course, or to the original surface elevation if outside the pavement and shoulder, provided, however, that said openings have the required protection under Article IV, Section 4 (D) of this Ordinance (relating to Work Zone Traffic Control) and an approved Traffic Control Plan until the surface is restored to its former condition.
- iii. At all times, the Permittee shall protect and secure its openings to provide for the safety of the travelling public, including motorists, bicyclist and pedestrians.

G. STORAGE OF EXCAVATION MATERIALS. Materials either removed from the excavation site, including spoil, or materials used in conjunction with the work, shall be the responsibility of the Permittee, and shall be disposed of as follows:

- a. The Permittee shall keep the improved area free of material which may be deposited by vehicles travelling upon or entering onto the highway during the performance of work authorized by the permit.
- b. The Permittee is responsible for controlling dust conditions created by its own operations.
- c. Excess material, spoil and material that is not suitable for backfill shall be promptly removed and properly disposed of outside the right-of-way as the work progresses.
- d. Other materials shall be stored so that there is no interference with the flow of highway traffic or drainage.
- e. The Permittee shall not close any portion of the pavement or shoulder to vehicular or pedestrian traffic for the primary purpose of storing material. If the Permittee stores material on a sidewalk, pavement or shoulder, the Permittee thereby acknowledges its obligation and commitment to repair or reconstruct the pavement and the shoulder, if damaged, to its former condition in a manner approved by the City Engineer. Under no circumstances shall delivered materials be stored overnight on the pavement.
- f. In the event materials are stored on a sidewalk, the shoulder or pavement, the City Engineer may authorize the Permittee to restore the sidewalk, pavement or shoulder from superficial surface damage by using a seal coat or service treatment.



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Section 3.2 – Restoration of Openings.

- A. BACKFILLING. An opening shall be backfilled by the permittee in accordance with the following:
- a. The opening may first be backfilled with fine aggregate material, or granular material to protect the facility, placed to a height not to exceed 1 foot over the top of the facility, if the material is compacted in not more than 4-inch loose layers or as authorized by the City Engineer. To help protect its facility from future excavations, the permittee is encouraged to place a permanent colored ribbon at least 1 foot above its facility. If the facility is nonmetallic, the permittee is also encouraged to place a metallic ribbon at a depth from which the ribbon can be sensed by typical metal locating instruments.
 - b. The opening shall then be backfilled with select granular material, unless retained suitable material is authorized by the city Engineer, or other coarse aggregate material that may be specified in the permit. All backfilling shall be in compliance with the backfilling design drawing prepared by the City Engineer and attached hereto as Exhibit "C" unless otherwise specified by the City Engineer. Select granular material or other aggregate material will be required for use as backfill of openings in pavements, paved shoulders and improved (i.e. oil and chip) shoulders as well as unimproved (i.e. stabilized or earth surface) shoulders within 3 feet of the edge of the pavement. Retained suitable material will normally be authorized for use as backfill of openings outside shoulders and in unimproved shoulders more than 3 feet outside the edge of pavement and up to within 3 feet of the surface.
 - c. Backfill shall be compacted as follows:
 - i. General rule. Except as provided in subparagraph (ii) material shall be placed in loose layers not to exceed 8 inches if vibratory compaction equipment is used or as authorized by the City Engineer. Each layer shall be thoroughly compacted to preclude subsidence.
 - ii. Compaction outside pavement and shoulders. At least 15 days prior to the start of work, the applicant may submit its written compaction plan to the City Engineer requesting backfill in an opening outside the pavement and shoulder to be placed in layers thicker than 8 inches prior to compaction.
 - iii. The compaction plan shall include full details on equipment, materials and work methods as well as the permittee's acknowledgment of its obligation and commitment to regularly monitor the restored surface until 2 years after the acknowledged completion of the permitted work and to promptly correct failure or



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subsidence of the highway. The City Engineer may condition their approval of a compaction plan on the execution of a bond, if a part of the opening is within the approved area.

- iv. Existing pavement elevation. Compaction shall be completed to the bottom elevation of the existing pavement.
 - d. The City Engineer may require the permittee to have material proposed for use as backfill and compacted material tested, at the expense of the permittee, for conformance to applicable gradation and compaction requirements.
 - e. Openings in the pavement or shoulder that are made as the result of emergency work may be immediately backfilled with excavated material that is treated with a recognized chemical soil stabilizer at a minimum rate of 100 pounds stabilizer per cubic yard of backfill, if the stabilized backfill is compacted under paragraph (3) above .
 - f. Test holes shall be backfilled, as soon as safely possible, with existing type material or other material authorized by the City Engineer, and sealed under this Ordinance. The City Engineer may authorize test holes in the pavement or shoulder to be restored without a 1 foot cutback of the surrounding surface.
- B. RESTORATION OF BRICK OR UNIQUE SURFACES. In the event the scope of work calls for excavation of a brick, cobblestone or other unique surface, then backfilling and the restoration of that surface shall be accomplished as follows:
- a. At the time of application for a permit, the permittee shall submit a restoration plan for approval by the City Engineer;
 - b. Restoration of the surface shall be accomplished by the reuse of as much of the existing brick, cobblestone or original surface material as possible;
 - c. The restoration plan shall include the manner in which subsurface restoration and backfilling shall occur;
 - d. The City Engineer shall review the restoration plan prior to the issuance of the street opening permit, and may modify the proposed restoration plan to ensure that the surface is properly restored.
 - e. No permit shall be issued for opening a brick, cobblestone or other unique surface without the prior approval of the Applicant's restoration plan by the City Engineer.
- C. RESTORATION OF FLEXIBLE BASE PAVEMENTS. Base and surface restoration of flexible base pavements shall be performed under this subsection and as specified in the permit. Prior to replacement of the base course, 1 foot outside of each edge of the opening shall be sawed, in a



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neat straight line, to the top elevation of the existing aggregate subbase or stone base course, and the detached material shall be removed. Other surface opening methods such as cutting may be authorized if the methods result in the opened pavement having a neat straight vertical line.

- a. Exposed vertical and horizontal surfaces shall be prepared under §401 .3(f) of PennDOT Publication No. 408.
 - b. The base course shall consist of bituminous concrete meeting the requirements of Section 305 of PennDOT Publication 408 or other base course material authorized by the City Engineer. The base course material shall have a minimum depth of 5 inches or a depth equal to the existing base course, whichever is greater.
 - c. If required, the binder course shall consist of ID-2 material meeting the requirements of Section 421 of PennDOT Publication 408. The binder course shall have a minimum depth of 2 inches or a depth equal to the existing binder course, whichever is greater.
 - d. The wearing course shall consist of ID-2 material meeting the requirements of Section 420 of PennDOT Publication 408 or FJ-1 material meeting the requirements of Section 422 of PennDOT Publication 408. The wearing course shall have a minimum depth of 1 1/2 inch ID-2, or 1 inch FJ-1, or a depth equal to the existing wearing course, whichever is greater.
- D. RESTORATION OF PLAIN OR REINFORCED CEMENT CONCRETE PAVEMENTS. Base and surface restoration of plain or reinforced cement concrete pavements shall be performed under this subsection and as specified in the permit. Drilling is not permitted where sawing or cutting is required.
- a. Prior to replacement of the pavement, 1 foot outside of each edge of the opening shall be sawed the full depth of pavement in a neat straight line. The detached material shall be removed without damaging the adjacent pavement. The use of a pavement breaker is prohibited. The permittee may partially saw cut the pavement to a depth of at least 3 inches and cut the remaining pavement with a jackhammer weighing no more than 90 pounds, if:
 - i. The restored opening does not exceed 6 feet in either length or width.
 - ii. The restored opening is at least 2 feet from a pavement edge or joint.
 - iii. The highway average daily traffic--ADT-- does not exceed 5,000 vehicles per 24 hour period.
 - b. The replacement pavement shall consist of high early strength concrete equal in depth to the original concrete pavement or to a depth of 8 inches, whichever is greater.
 - c. On existing reinforced cement concrete pavements that are opened for more than 6 feet in



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either length or width, reinforcing steel, expansion tie bolts and load transfer devices shall be placed in accordance with PennDOT Roadway Construction Standard RC-26 (relating to concrete pavement maintenance).

- d. The permittee may be required to restore the structural integrity of a damaged cement concrete pavement by:
 - i. Replacing the opened pavement transversely the full lane width.
 - ii. Replacing the opened pavement longitudinally to a transverse joint or opening within 6 linear feet of the opening.
 - e. The surface shall be restored as follows:
 - i. After surface corrections have been completed and before the concrete becomes nonplastic, the surface shall be given a textured finish that matches the existing adjacent surface. The surface shall be cured under Section 501.3(k) of PennDOT Publication 408.
 - ii. Restoration of the binder and wearing courses of a cement concrete pavement which has a bituminous surface shall be done under subsection (C) (relating to the restoration of flexible base pavements).
- E. SHOULDER RESTORATION. Shoulder restoration shall be performed under this subsection and as specified in the permit.
- a. Paved shoulders. Paved shoulders shall be reconstructed and restored to a serviceable condition, of the same type as existed before the start of work, under Section 651, 653, 654, 656, 657 or 658 of PennDOT Publication 408, and PennDOT Roadway Construction Standard RC-25.
 - b. Other shoulders. Other shoulders shall be restored as follows:
 - i. The surface shall be restored with at least 2 inches of select granular material, or as authorized by the City Engineer.
 - ii. If the length of the open shoulder exceeds 100 linear feet, the shoulder shall be graded, rolled and--unless excused--penetrated with bituminous material specified in Section 461 of PennDOT Publication 408, at a minimum rate of .20 gallon per square yard and chipped or lightly sanded to prevent tracking of oil onto the pavement.
 - c. Outside existing shoulder. If the disturbed area extends outside the existing shoulder, the disturbed area outside the restored shoulder shall be properly graded and a ditch line shall be constructed wherever necessary to maintain highway drainage.



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- F. TEMPORARY PAVEMENT RESTORATION. Permanent restoration of a pavement or paved shoulder shall be required immediately upon completion of the work specified in the permit. However, temporary restoration of a pavement or paved shoulder may be permitted by the City Engineer prior to permanent restoration, under and subject to the following:
- a. The base shall consist of compacted select granular material with a surface of 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 PennDOT Publication 408.
 - b. 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 6 months or as specified in the permit, if it is properly maintained.
 - c. The temporary pavement shall be removed and permanent restoration performed under subsection (C), (D) or (E).
- G. APPURTENANCES TO UNDERGROUND INSTALLATIONS. Requirements relating to appurtenances to underground installations shall include:
- a. The top of every manhole, valve box or other access to the facility shall be at the same elevation as the surface in which it is located.
 - b. The surface surrounding manhole covers located in paved shoulders shall be paved with 4 inches bituminous concrete base course a distance of at least 1 foot around the structure to prevent washouts.
 - c. A manhole, including those cast-in-place, shall be constructed in compliance with current industry standards and Section 713.2(c) of PennDOT Publication 408.
- H. ADDITIONAL RESTORATION. Additional restoration shall be required as follows:
- 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 "Roadway Construction Standards" set forth herein. Additional restoration may also be required, upon written notification, to restore the structural integrity of the pavement or shoulder.
 - b. If the permittee opens pavement having a bituminous concrete surface and the wearing course for such road surface is less than 5 years old, the permittee shall, in addition to the restoration conditions outlined in the permit and in this section, overlay the pavement in



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accordance with the following conditions:

- i. When a longitudinal opening longer than 100 linear feet has been made in the pavement, the permittee shall overlay the lanes in which the opening was made, for the entire length of highway that was opened, in a manner authorized by the City Engineer.
 - ii. When two or more transverse openings have been made within 100 linear feet of pavement, the permittee shall overlay lanes in which the openings were made, for the entire length of highway between the openings, in a manner authorized by the City Engineer.
 - iii. When 4 or more emergency openings have been made by the same permittee within 100 linear feet of pavement, the permittee shall overlay lanes in which the openings were made, for the entire length of highway between the openings, in a manner authorized by the City Engineer.
 - iv. If disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lane shall be saw cut or milled to a depth of 1 1/2 inch 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.
 - v. If disturbed lanes adjacent to shoulders are overlaid, the shoulder shall be raised, with material and in a manner authorized by the City Engineer 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:
- i. If more than 100 linear feet of longitudinal or transverse openings, or both, are made in the pavement, the City Engineer may require the permittee to overlay lanes in which the openings were made, for the entire length of highway that was opened, if the City Engineer determines that the rideability or structural integrity of the pavement has been impaired by the openings.
 - ii. If four or more openings are made by the same permittee within 100 linear feet of pavement, the district office 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.



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- d. Aggregate used in a bituminous overlay wearing course shall comply with skid resistance level (SRL) criteria specified in PennDOT Design Manual, Part 2, Chapter 11.
- e. If an opening is made in a bituminous concrete pavement within 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.
- f. At each end of an overlay, the permittee shall install a paving notch, under PennDOT Roadway Construction Standard RC-28, by milling, planing or other authorized method and provide a minimum 10-foot transition.
- g. The transition areas at each end of an overlay shall follow the contour of the surrounding surface.
- h. When pavement markings on more than 100 linear feet of highway are covered or destroyed by the permitted work, including overlays, they shall be replaced with temporary pavement markings, under 67 Pa. Code §203.72 (relating to temporary pavement markings) before opening the disturbed pavement to traffic. When the pavement surface is restored, pavement markings that were covered or destroyed shall be replaced in their former location.
- I. **SEALING.** Restored openings in the pavement or paved shoulder shall be sealed under Section 401.3(j)(3) of Publication 408 in the case of bituminous concrete or Section 501.3(n) of PennDOT Publication 408 in the case of cement concrete.
- J. **MULTIPLE OPENINGS BY MORE THAN ONE PERMITTEE.** In the event more than one utility company, permittee or contractor is excavating separately, and any portion of those excavations or patches resulting therefrom are within 100 feet of one another, then the road surface between such patches shall be milled and repaved under the direction of the city Engineer, with the costs of same prorated among the utility companies or permittees performing such excavation work.
- K. **NOTICE TO COMMENCE BACKFILLING.** The permittee shall notify the City Foreman of their intentions to backfill at least 24 hours in advance of starting. The City Foreman shall be present during the backfilling operation and the pouring of any concrete slab or surface course. Failure to provide such notice, or the failure of the permittee to have the backfilling and pouring of the concrete slab or permanent surface performed under the supervision of the City Foreman is a violation of this Ordinance, subject to the penalties prescribed herein. In addition, the failure to provide such notice and to obtain the supervision of the City Foreman may result in the removal of the backfill and slab and the performance of such work over to the satisfaction of the City Foreman. In the event it is necessary to remove and replace the improperly installed surface or backfill, all



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other Street Opening Permits for such permittee shall be immediately suspended and no further permits shall be issued to such permittee until the backfilling and permanent surface restoration work has been properly completed.

- L. SETTLEMENT WITHIN 5 YEARS OF BACKFILLING. Where an opening has been closed and a settlement occurs within 5 years from the date of the work, such settlement shall be considered to have been caused by faulty backfilling and shall constitute a violation of this Ordinance.

ARTICLE IV. SAFETY CONTROLS.

Section 4 – Street Closings.

- A. CLOSINGS FOR GENERAL EXCAVATION/NOTICE OF CLOSING. No portion of any street, lane or alley shall be or remain impassable for vehicular or pedestrian traffic by reason of any excavation for more than 1 week from the beginning of any work on same. The permittee shall notify the City of Jeannette Fire Department, Police Department, Street Department and Jeannette E.M.S. of such closing at least 48 hours in advance of such proposed closing. Any extension of the street closing time without penalty must first be approved by the City Manager or their authorized deputy or representative.
- B. CLOSING FOR REPAIRING MAINS, CONDUITS, ETC./NOTICE OF CLOSING. No portion of any street, lane or alley shall be or remain impassable for vehicular or pedestrian traffic by reason of any excavation for repairing mains, conduits or other pipes or appurtenances, or for laying or relaying new house connections for more than 2 days from the beginning of any work on same unless such approval is set forth in the Street Opening Permit. The permittee shall notify the Jeannette Fire Department, Police Department, Street Department and Jeannette E.M.S. at least 48 hours in advance of such proposed street closing. Any extension of the street closing time without penalty must first be approved by the City Manager or their authorized representative.
- C. CLOSINGS AFFECTING INTERSECTIONS. No intersection of the streets, lanes or alleys of the City shall be or remain impassable for vehicular or pedestrian traffic for more than 5 hours during the work upon any excavation mentioned in this Ordinance. The Permittee shall notify the Jeannette Fire Department, Police Department, Street Department and Jeannette E.M.S. at least 48 hours in advance of such proposed street closing. Any extension of the street closing time mentioned in this Ordinance without penalty must first be approved by the Chief of Police, their deputy, or their authorized representative.
- D. WORK ZONE TRAFFIC CONTROLS. Traffic in the work area subject to the Street Opening Permit shall be controlled consistent with the general terms, conditions, requirements and provisions of 67



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Pa. Code §203 relating to work zone traffic controls and meet the approval of the Chief of Police. The failure to employ work zone traffic controls consistent with 67 Pa. Code §203 or obtain approval of same by the Chief of Police shall be a violation of this Ordinance and subject to punishment hereunder.

- E. STORAGE OF MATERIAL ON ROADWAYS. Material or spoil removed from excavations should be placed so as to occupy a minimum width of roadway. At street intersections, all spoils should be hauled away if possible and any surplus not later needed shall be removed from the work site immediately. When excavation takes place in an outer lane, the permittee shall confine excavation and spoil within the outer lane by use of bin construction or toe boards so as to prevent spoil from spreading into and blocking another traffic lane. The permittee shall also provide a guardrail on the traffic side of any trench. When excavation is in the curb lane, the spoil shall be placed on the curb side after first covering any gutter to permit free flow of drainage. Boxing of any spoil placed on the sidewalk is essential. Under those circumstances, a guardrail shall be placed on the traffic side of the trench as well.
- F. CLOSING FULL WIDTH OF STREET/DETOURS. In the event it becomes necessary to close any portion of a street for the full width of travel thereby excluding all traffic from the area, the permittee shall obtain approval at least 24 hours in advance of the closing from the Chief of Police and the permittee shall set up proper detours at the direction of the Chief of Police. Length of closing a street to all traffic shall be subject to the limits of time specified in Article IV, Sections 4 A., B. and C. above.

ARTICLE V. – PROPOSED STREET IMPROVEMENTS.

Section 5 - Effect Upon Utilities.

- A. UTILITY REPAIR OR REPLACEMENT AS PART OF OVERALL IMPROVEMENT PROJECT. In the event of an overall street improvement, the City Foreman shall give reasonable notice to all public utility companies operating in the City of the intention of the City to pave or improve a certain street and notify the utility company that they will have 30 days from the mailing date of such notice to lay, renew, repair or extend all underground facilities. The time for such laying, renewing, repair or extension of facilities may be extended upon written request to the city Engineer and the approval by the City Engineer of same. The extension or repair of service lines to a point outside the line of the proposed pavement is required to be available for structures which may be built on lots vacant as well as service lines to structures already in existence. The city may, after notice to all companies affected, and in the event that an affected company fails or refuses to comply with such



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notice, refuse a future permit to such company to open the affected street except in the case of emergency openings to make repairs. At the time of the emergency opening, if an investigation by the City Engineer indicates that the existing condition of the pipes or conduits needing repairs is due to such company's failure to lay, renew, repair or extend its underground facilities, then same shall constitute a violation of this Ordinance and be subject to punishment hereunder.

- B. **ENLARGEMENTS OR IMPROVEMENTS TO EXISTING SYSTEMS.** In adopting this Ordinance, the City recognizes that due to land use changes certain enlargements or improvements of the underground systems may become necessary on both improved and unimproved streets. Proposed changes to existing underground systems or proposed new lines or conduits shall be submitted to the City Engineer for approval.
- C. **ABANDONED FACILITIES OR SYSTEMS.** Whenever any pipe, conduit, duct, tunnel or other structure located under the surface of any street or the use thereof, is abandoned, the person or company owning, using, controlling or having any interest therein shall notify the City Engineer in writing of the intent to abandon. Such notice shall give in detail the location, depth and size of the structure to be abandoned. If the facts warrant the removal of the abandoned structure the person owning such structure shall be notified by the City Engineer and such person shall remove such structure at their expense within a time period to be prescribed by the City Engineer. The failure to remove such structure within the time limitation imposed by the City Engineer shall constitute a violation of this Ordinance and be punishable hereunder.

ARTICLE VI. – LIABILITY INSURANCE AND BONDING REQUIREMENTS.

Section 6.1 - Certificate of Insurance.

- A. **WORKER'S COMPENSATION AND LIABILITY INSURANCE REQUIRED.** Along with its application for a Street Opening Permit, the Applicant shall submit a Certificate of Insurance indicating that it carries Workers' Compensation Insurance and is otherwise insured against claims for damages for personal injury and property loss which may arise from or out of the performance of the work, whether such performance is by the Applicant, their subcontractor or any one directly or indirectly employed by the Applicant. Such insurance shall include protection against liability arising from completed operations. The amount of coverage shall be prescribed by the City Engineer in accordance with the nature of the risks involved; provided, however, that the liability insurance for bodily injury in effect shall be in an amount not less than \$100,000.00 for each person and \$300,000.00 for each accident and for property damage in an amount not less than \$50,000.00. The failure of the Applicant to provide such certifications shall be grounds for denying any permit.



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- B. ANNUAL INSURANCE CERTIFICATES FOR CERTAIN PUBLIC ENTITIES. Local Municipal Authorities and Public Utilities who regularly perform work within the City may file with the Chief of Police, on or before the 15th day of January each year, a Certificate of Insurance providing the minimum coverages set forth above. The City shall accept such Certificate as proof of coverage for all regular work performed by such authority or utility during the calendar year, provided the local Municipal Authority or Public Utility shall certify that such insurance shall be in place for the calendar year in which it is given. Nothing in this paragraph shall be deemed or construed to limit the ability of the City Engineer to require higher coverage limits if the scope of the work performed warrants same.

Section 6.2 – Bonds.

- A. BONDS REQUIRED. Each Applicant, at the time of issuance of a Street Opening Permit, shall provide the City with the following bonds:
- a. When the permittee is a franchised utility, a Corporate Continuing Bond from year to year in a minimum amount of \$20,000.00; and
 - b. When the permittee is not a franchised utility or government agency, a Cash Bond in an amount to be determined by the City Engineer, said amount to be equivalent to the City Engineer's estimate of all costs, fees and expenses necessary for the performance of the work and in meeting compliance requirements with the provisions of this Ordinance.

The City Engineer may require a higher bond of a franchised utility in the event he determines that the scope of the work requires same.

- B. FAILURE TO PERFORM/NOTICE/EXECUTION ON BONDS BY CITY. Whenever the City Manager shall find that a permittee has failed to perform any term or condition of any permit, he shall give written notice of such failure to the permittee and to the surety of the bond posted. Such notice shall state the failure of performance, the work necessary to be done, the estimated cost thereof and the period of time deemed by the City Manager to be reasonably necessary for the completion of such work and when such work shall recommence. In the event the non-performance has not been cured within the time period set forth in such notice, then the City may perform such work at the expense of the permittee and surety and may execute upon the surety's bond to recover the costs and expenses of same. Any payment by the surety's bond shall not absolve the surety or the permittee from any further liability resulting from the permittee's failure to perform the work. If a cash bond has been posted, notice of non-performance as provided above shall be given to the permittee and if compliance is not had within the time specified, the City Manager shall proceed



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without delay, and without further notice or proceedings whatsoever, to use the cash deposited, or any portion of such deposit, to cause the required work to be performed. In the event the cash deposit is insufficient to cover the costs of the completion of the work, the City may, at its option, pursue any remedy at law or in equity to collect the balance of completion costs from the permittee or any other person responsible for the work. In the event the balance of such cash deposit is sufficient to cover the cost of the completion of the work, any remaining balance shall be returned to the permittee, or to its successors or assigns, after deducting the cost of the work.

- C. **INTERFERENCE WITH WORK OR WORK SITES/PENALTIES.** No person shall interfere with or obstruct the ingress or egress to or from any such premises by an authorized representative or agent of any surety or of the City when engaged in completing the work required to be performed under the permit or in complying with the terms or conditions thereof. Any attempt by any person or entity to interfere with or obstruct work performed under this Ordinance shall be in violation thereof and subject to those penalties set forth herein.

ARTICLE VII – PENALTIES FOR VIOLATION.

Section 7 – Fines and Remedies.

- A. **FINES .** Whoever violates any of the provisions of this Ordinance shall be guilty of a summary offense and, upon conviction thereof, be subject to the payment of a fine of not less than \$300.00 nor greater than \$600.00 together with any costs of suit. Each day that a violation continues shall constitute a separate summary offense. Failure to pay any fine imposed for a violation of this Ordinance shall result in the incarceration of the failing party for a period of not less than thirty (30) days.
- B. **ALL REMEDIES CUMULATIVE.** Any and all remedies set forth herein for violations of this Ordinance are cumulative. Nothing contained herein shall be deemed or construed to limit or restrict the ability of the City to pursue any action, act law or in equity, to enforce the terms of this Ordinance, remedy violations thereof, or correct deficient work or conditions at its discretion.

ARTICLE VIII – SEVERABILITY/REPEALER.

Section 8.1 – Severability.

- A. **NO EFFECT ON REMAINING PROVISIONS.** If any section, subsection, sentence, clause, phrase or a portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portions hereof.



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Section 8.2 – Repealer.

- A. SPECIFIC ORDINANCES REPEALED/CONSTRUCTION. This Ordinance specifically repeals City of Jeannette Ordinance No. 98-02 and Ordinance No. 02-03 and any and all other Ordinances, or parts of Ordinances inconsistent herewith. In the event the terms and provisions of this Ordinance are inconsistent with any other Ordinance within the City of Jeannette, the provisions of this Ordinance shall be deemed to be controlling.

This Ordinance is duly Ordained and Enacted by the Council of the City of Jeannette at a public meeting held this 14th day of December, 2016.

THE CITY OF JEANNETTE

Richard R. Jacobelli
Mayor and President of Council

ATTEST:

Michael L. Nestico
City Manager



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Exhibit A Permit Fee Schedule

- A. Basic Fee: \$85.00
- B. Longitudinal Openings
 - i. \$25.00 for the first 15' and \$25.00 for each additional 20', or part thereof, thereafter)
 - b. Opening in Pavement (\$50.00)
 - c. Opening in Shoulder (\$30.00)
 - d. Opening Outside Pavement and and Shoulder (\$20.00)
- C. Surface Opening Less than 36 Square Feet (Each Opening):
 - a. Opening in Pavement (\$40.00)
 - b. Opening in Shoulder (\$25.00)
 - c. Opening Outside Pavement and Shoulder (\$20.00)
- D. Non Emergency Test Holes (\$15.00 per hole)



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Exhibit B

Schedule of Charges for Inspections, Labor, Materials, Etc.

- A. Backfilling Inspection When Determined To Be Necessary By The City Engineer: \$25.00 Per Hour Charge