

**CONNELLSVILLE TOWNSHIP**  
**STREET CUTTING AND DIGGING ORDINANCE**

**ORDINANCE NO. 2018-3**

AN ORDINANCE OF THE TOWNSHIP OF CONNELLSVILLE REGULATING THE OPENING OR EXCAVATION OF TRENCHES OR EXCAVATIONS IN ANY PUBLIC STREETS, ALLEYS OR ROADS OF THE TOWNSHIP; REQUIRING PERMITS FOR SUCH ACTIVITIES; EXEMPTING ADJACENT PROPERTY OWNERS FROM THE REQUIREMENT OF OBTAINING A PERMIT UNDER CERTAIN CIRCUMSTANCES; AND, PROVIDING PENALTIES FOR VIOLATIONS OF THE REQUIREMENTS SET FORTH HEREIN.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Connellsville, Fayette County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

**Section 1. Permit Required Making Openings or Excavations in Streets, Alleys or Roads**

- (a) Whenever it is necessary for the digging or opening of trenches or excavations in any part of the public streets, alleys or roads of the Township of Connellsville, which shall include any part of the entire width of such public street, alley or road, including caraway, gutter, curb, driveway, inlet, shoulder, grass-plot, and/or sidewalk, (hereinafter denoted as a "public street, alley or road") a permit shall be secured from the Township Secretary of the Township. The applicant shall pay to the Township Secretary such fee or fees as shall be prescribed in the schedule outlined in Section 14 of this chapter. This schedule can be revised or amended upon approval of the Board of Supervisors by ordinance or resolution.
- (b) Provided that where any digging or opening of trenches or excavations shall be made in any improved street maintained by the Pennsylvania Department of Transportation, a Highway Occupancy Permit must be obtained from the Department of Transportation.
- (c) And further provided, however, that the title owner of a property immediately adjacent to and bordering any grass-plot or sidewalk of the Township shall not be required to obtain a permit for the digging or opening of trenches or excavations of such grass-plot or sidewalk, but shall be required to notify the Township Secretary at least three (3) days in advance of any digging or opening of trenches or excavations.
- (d) When calculating the size of the opening, a minimum trench width of two (2) feet shall be used.
- (e) Requests for opening more than one street cannot be combined into one (1) permit. Individual permits will be issued for each street.

**Section 2. Refilling of Openings.** All parties opening or digging any of the public streets, alleys or roads of the Township for any purpose whatsoever, shall refill the same in the following manner:

(a) That if the public street, alley or road be unimproved or consist of the natural ground of ordinary material the excavation or trench shall be refilled with the material excavated and thoroughly compacted by the adequate tamping;

(b) That, whenever the excavation is in a public street, alley or road paved with brick, concrete, amosite or with 2A modified, the excavation shall be filled solidly to the street level, but no pieces or parts of the paving of said improved surface which shall have been dug up, shall be used as backfill, and the brick, concrete or amosite or 2A modified removed there from shall be deposited at a suitable place and in such a manner that will not have an adverse effect on the Township or its residents.

(c) Backfilling of trenches shall be done in the following manner and as shown on Standard Drawing SD-100.

Zone 1: Backfill shall extend from the trench bottom to 1.0 foot above the pipe or conduit. Selection of backfill material shall be at the discretion of the Township. The backfill shall be solidly rammed down and tapped with proper tools made for this purpose.

Zone 2: Backfill shall extend from the top of Zone 1 to the bottom of the pavement. Backfill shall be 2-A Limestone. The backfill shall be installed in six (6) inch layer and shall be solidly tamped with mechanical tampers.

**Section 3. Replacement of Pavement and Surfacing.**

(a) All public streets, alleys or roads where disturbed by the trenching operations, shall be restored by the permittee or the title owner of the property immediately adjacent to and bordering the disturbed grass-plot or sidewalk who had the trenching operation performed and shall be repaved, resurfaced, or rebuilt using the same type of construction and surfacing as was in the original, except as otherwise specified herein. The requirements of this section shall not apply to streets maintained by the Pennsylvania Department of Transportation, where on such streets specifications of such Department shall be followed.

(b) All paving materials and paving methods used in the work covered by this section shall conform to the requirements contained in the current edition of the Pennsylvania Department of Transportation Specification Form 408.

(c) Replacement of bituminous surfaces shall be done in the following manner, and as shown on Standard Drawing SD-100. The base course shall be a minimum of four (4) inches of Bituminous Binder Course 19.0mm. Super pave (fine grade) or concrete. The surface course shall be a minimum of an inch and one-half (1½) of bituminous Wearing Course 9.5mm Super pave (fine grade). Please see attached drawing form.

(d) For work performed on any of the few remaining brick public streets, alleys or roads in the Township, a concrete base course and a brick replacement will be required.

(e) For all unpaved public streets, alleys or roads or other unpaved areas used as streets, driveways or walks through which excavation has been made, the Zone 2 backfill shall be extended to the ground surface and shall be considered final surface.

(f) At joints between existing pavements and repaving work, the edges of the existing pavements shall be cut back parallel with the trench in straight lines and right angles, neatly trimmed and as approved by the Engineer. In all cases, pavement and replacement shall be extended to at least 6 inches beyond the edge of the trench onto undistributed base.

(g) When paving and compaction is completed, all joints shall be sealed using AC 20 Asphalt Cement or Emulsions E1, E6, or E8. This application shall be a minimum of six inches in width.

(h) The pavement or surface replacement as specified above shall be installed within twenty (2) working days after backfilling is completed. The permittee or the title owner of property immediately adjacent to and bordering an affected grass-plot or sidewalk who had the operation performed will be responsible for the excavation during this time period and shall visit the site daily to address any complaints or unsafe conditions and correct any complaints or unsafe conditions. If it is not possible to install the permanent pavement or surfacing after backfilling, for example, during the winter months, then temporary pavement or surfacing shall be installed. The temporary pavement should be complete no more than one business day after the backfill is complete. The temporary pavement shall be 4 inches of bituminous cold patch or with the approval of the Township Engineer, 2-A modified stone may be used on a temporary basis. The temporary pavement shall be thoroughly compacted. All temporary pavements shall be removed and replaced with permanent pavement by May 15.

(i) All disturbed areas requiring seedling shall be seeded and mulched and soil supplements applied, as required by the Pennsylvania Department of Transportation Specification Form 408.

(j) The requirement of this section shall not apply to streets maintained by the Pennsylvania Department of Transportation, but on such streets, specifications of such Department shall be followed.

**Section 4. Tunneling Restricted: Openings in Paved Streets.** No part of a trench on excavation shall be tunneled or undermined so as to leave the surface undisturbed but all material shall be removed to the full length, width and depth of the excavation, exempting in such cases as may be approved by the Township Engineer. The charges, however, shall be the same as if the surface has been removed. This section does not restrict approved methods of boring.

**Section 5. Extension of Permit to Cover Additional Work.** Whenever more of the public streets, alleys or roads shall be dug up than specified in any permit, the party or parties to whom such permit shall have been issued shall notify the Township Secretary and secure an extension

of the original permit and shall pay for the extra square feet of surface removed, over and above the amount specified in the original permit at the costs mentioned or referenced in Section 1 and Section 14 of this Ordinance. Such person or persons violating the provisions of this section shall, in addition to paying the fees provided in Section 1 and Section 14 of this Ordinance, pay to the Township and additional administrative and inspection fee of \$200.00 to cover the costs of identifying any violation, documenting such violation, and inspecting such violation to ensure further conformity with this Ordinance. Provided further, that in cases where excavations are made in streets maintained by the Pennsylvania Department of Transportation an increased cash deposit or bond shall be filed as set forth in Section 1 and Section 14 hereof.

**Section 6. Information Given in Permit.** When such permit is issued, it shall designate the locality at which the excavation is to be made, the kind of street surfacing and the approximate square feet of surface to be removed.

**Section 7. Responsibilities of Permit Holder, Adjacent Property Owner, and Township.**

(a) The party or parties to whom or for whom a permit may be issued or the title owner of property immediately adjacent to and bordering the excavated grass-plot or sidewalk who had the excavations operation performed shall assume all responsibility for the excavation made, for filling the same, repairing the improved surface and for repairing all reasonable damages that may arise from the digging of such trenches and excavations. The permittee or such title owner of adjacent and bordering property will maintain such trenches or excavations.

(b) With the exception of emergency situations, the Township must be notified, in advance, of backfilling and paving operations, so that the Township may inspect the performance of the work.

(c) The party or parties requesting street opening permit shall make such request to the Township at least three (3) days in advance of the proposed excavations, except that in an emergency situations, the excavations may be made, provided however, that the permit request be made within a reasonable time after the excavation is started. In all such emergency situations, the party or parties wanting to perform the excavations should make an effort to notify the Township prior to performing the excavations.

(d) Provided further that in any case where the digging of such trenches or excavations occurs in an improved street maintained by the Pennsylvania Department of Transportation, then in such event said parties shall assume all responsibility for restoring the same in accordance with the adopted standards of the Pennsylvania Department of Transportation for the particular type of construction.

(e) The permittee shall provide and maintain public liability and property damage insurance in an amount sufficient to indemnify and save harmless the Township from all liability for damages or injury done to persons or property which may be incurred by reason for such opening or any failure to properly protect, maintain, barricade, light, backfill and/or properly effect the same. The insurance shall not be in an amount less than \$1,000,000.00 for injury to

persons and \$3,000,000.00 for injury to property. The permittee shall name the Township as additionally insured and provide proof of said insurance to the Township.

**Section 8. Fees Payable Prior to Issuance of Permit.** Before the issuance of any permits under the provisions of this Ordinance, there shall be filed on a record in the office of the Township, a receipt signed by the Township Secretary that all of the fees required by the provisions of this Ordinance and set forth in the application for a permit shall have been first paid to the Township Secretary and no permit shall be issued or valid unless the provisions of this section shall have been fully complied with, except where prior arrangements have been made by utility companies to pay for total excavations on a monthly basis.

**Section 9. Verification of Extent of Excavations.** In all instances where the Township Engineer and the Board of Supervisors may grant permission to dig up public streets and alleys, the Township Engineer shall verify the extent of the excavations.

**Section 10. Permit Holder to Remove and Dispose of Excess Excavated Materials.** All excess of excavated materials on any street shall be promptly removed from the street by the party or parties receiving the permit or such title owner of adjacent or bordering property, and they shall deliver and dispose at their expense to a permitted disposal area.

**Section 11. Correlation with Other Ordinances.** The provisions of this Ordinance shall nowise impair the provisions of any ordinance or ordinances providing for the giving of bonds to the Township by any party or parties for breaking ground or occupying any of the streets, roads, avenues, lanes or alleys within the Township, except that no bond shall be exacted for repairing the street or keeping it in repair, other than these portions of this Ordinance applicable to streets maintained by the Pennsylvania Department of Transportation.

**Section 12. Disposition and Use of Permit Fees.** The fees received by the Township Secretary in pursuance of the provisions of this Ordinance shall by him be placed in a fund designated "Trenching Fund" and the monies appropriated from said fund, from time to time, shall be used exclusively for the payment of bills resulting from the issuance of Street Opening permits.

**Section 13. Penalty for Violation.** Any person who violates any provision of this Ordinance shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) and/or imprisonment not exceeding ninety (90) days for each offense, in addition to any other penalties provided by law and/or under this Ordinance. Each day that a violation of this Ordinance continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate violation and offense. For purposes of this Ordinance, the term "person" shall include any natural person, partnership, firm, corporation, company, or association.

**Section 14. Schedule of Permit Fees.**

(a) The required permit fee must accompany the Street Operating Permit Application unless being paid on a monthly basis.

(b) Fee Schedule. The fee shall be \$500.00 per opening, trenching, or excavation, with a refund of \$200.00 after sixty (60) days upon completion of all requirements; provided, however, that the fee for opening or trench in excess of 2,000 square feet shall be negotiated between the Township and the permittee.

**Section 15. Inspections.** Any authorized employee of the Township or the Township Engineer shall have the right to observe and inspect all work done on any public street, alley or road or under the street opening permit and shall see that all terms and conditions of this Ordinance are enforced.

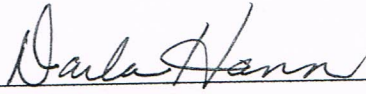
**Section 16. Repealer.** Any ordinance or parts of ordinances inconsistent herewith are hereby repealed.

**Section 17. Effective Date.** This Ordinance shall take effect immediately upon enactment.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Connellsville, Fayette, County, Pennsylvania, this 9th of August, 2018.

BOARD OF SUPERVISORS OF  
CONNELLSVILLE TOWNSHIP,  
FAYETTE COUNTY, PENNSYLVANIA

ATTEST:

  
\_\_\_\_\_  
Secretary

  
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Chairman

