

**DALLAS TOWNSHIP
Luzerne County, Pennsylvania**

ORDINANCE #2024-3

**AN ORDINANCE OF THE TOWNSHIP OF DALLAS, LUZERNE COUNTY, PENNSYLVANIA
REGULATING PAVE CUTS**

BE IT ORDAINED by the Board of Supervisors of the Township of Dallas, Luzerne County, Pennsylvania, as follows:

SECTION I: Definitions and Word Usage.

The following words shall have the particular meaning assigned by this Section in the appropriate sections of this Ordinance.

- A. The word "shall" is always mandatory and not merely directory.
- B. Whenever in this Section the words "directed", "required", "permitted", "ordered", "designated", "prescribed" or words of the like import are used, it shall be understood that the direction, requirement, permission, order, designation, or prescription of the Township Engineer is intended; and, similarly, the words "approved", "acceptable", or "satisfactory" or words of like import shall mean approved by, acceptable to, or satisfactory to the Township Engineer.
- C. The following words, terms, and phrases when used in this Ordinance shall have the meaning ascribed to them in this Section, except when the context clearly indicates a different meaning:

APPLICANT – A Person submitting an Application for a Pave Cut Permit to the Township.

APPLICATION FOR A PAVE CUT PERMIT – A form provided to the utility by the Township noting pertinent data for the purposes of inspection and control by the Township and constituting a receipt for fees paid to the Township.

BACKFILL – Material used to replace or the act of replacing; material removed during construction.

BASE COURSE – The layer or layers of specified or selected materials or designed thickness placed on a subbase or a subgrade to support a surface course.

BRIDGE – A structure including supports, erected over a depression or an obstruction, such as water, highway or railway, which has a track or passageway for carrying traffic or other moving loads and having an opening measured along the center of the pavement of more than 20 feet between supports.

CAPITAL IMPROVEMENT – Preplanned to improve or upgrade an existing Facility or to install a completely new Facility providing new and additional service.

CONTRACTOR – A Person appropriately licensed and qualified to perform Pave Cuts in compliance with this Ordinance on a Project for which a Pave Cut Permit has been issued by the Township.

CULVERT – A structure under the pavement with an opening of 20 feet or less measured along the center of the pavement.

DETOUR – To send traffic by a circuitous route around a portion of a road that has been closed.

EMERGENCY – An unforeseen occurrence or combination of circumstances which calls for immediate action or remedy.

EMERGENCY REPAIR – Work necessitated by the rupture or sudden malfunction of existing underground Facilities.

EQUIPMENT – Machinery and equipment, together with the necessary supplies for upkeep and maintenance, and tools and apparatus necessary for the proper construction and completion of the work.

FACILITY(IES) – All the plant and equipment of a Public Utility, including all tangible and intangible real and personal property without limitations, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, controlled, furnished, or supplied for, by or in connection with the business and/or Service of any Public Utility.

GROUT – A mixture of cement, water, and sand.

IMPROVED AREA – The area within the Right-of-Way which has been constructed for Roadway purposes, including roadbed, pavement, shoulders, slope, sidewalks, drainage facilities, and other appurtenances.

INSPECTION – A careful or critical investigation, not necessarily limited to optical observation, but is understood to embrace tests and examinations for the purpose of ascertaining quality and compliance as prescribed in this Ordinance and discovering and correcting errors.

MONUMENT – A structure intended to mark the location of a corner; a permanent object natural or artificial which is a landmark established to indicate a boundary.

PAVE CUT – Any act of cutting, opening, excavation or otherwise disturbing the integrity of a Road.

PAVE CUT PERMIT – An authorization by the Township to perform a Pave Cut on a Project in compliance with this Ordinance.

PAVEMENTS – Riding surfaces of Roads comprised of machine-laid asphalt over a base of concrete, brick, Belgian block, crushed stone, bituminous concrete, or oil and stone.

PENNDOT – The Commonwealth of Pennsylvania Department of Transportation.

PERMIT TO OCCUPY RIGHT-OF-WAY – An authorization to occupy the Right-of-Way of a Road when a Public Utility Facility relocation is required for a Project, which may be combined with a Pave Cut Permit

PERMITTEE – A Person receiving a Pave Cut Permit from the Township.

PERSON – Individuals, partnerships, associations or corporations, and including their lessees, assignees, trustees, receivers, executors, administrators or other successors in interest.

PLANS – Drawings which show the location, character, and dimensions of the proposed Project and related road features, including layouts, profiles, cross sections, and other details of the Work.

PROJECT – The construction of new Facilities or Services, or the repair, maintenance or improvement of existing Facilities or Services, for which a Pave Cut Permit is required under this Ordinance.

PUBLIC UTILITY –

- (1) Persons now or hereafter owning or operating Equipment and/or Facilities in the Township for:
 - (a) Producing, generating, transmitting, distributing, or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.
 - (b) Diverting, developing, pumping, impounding, distributing, or furnishing water to or for the public for compensation.
 - (c) Transporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products by pipe lines or conduit to the public for compensation.
 - (d) Conveying or transmitting messages or communications by telephone, telegraph, cable, fiber optics or by any other means, to the public for compensation.
 - (e) Sewage collection, treatment, or disposal service to the public for compensation.
- (2) The term “Public Utility” shall not include:
 - (a) Any Person not otherwise a Public Utility furnishing services only to himself or itself;
 - (b) Any bona fide cooperative association which furnishes services only to its stockholders or members on a nonprofit basis; or
 - (c) Any producer of natural gas not engaged in distributing such gas directly to the public for compensation.

RESTORATION – The temporary or permanent restoration of a Road as required by this Ordinance.

RESTORATION AND MAINTENANCE SECURITY – Financial security provided by the Permittee to the Township to secure the restoration maintenance of Pave Cuts and which complies with Section 4 D of this Ordinance.

RIGHT-OF-WAY- Land used for Roadway and beyond the edge of the Roadway, including the shoulder, berm and swale areas needed for drainage and slopes. Examples of possible Right-of-Way widths are 20, 33, 40 and 50 feet.

ROAD OR ROADWAYS – Any road, street, alley, or way accepted and maintained by the Township.

SEAL COAT – A thin treatment consisting of bituminous or other approved material, usually with cover aggregate, applied to a surface course.

SERVICE(S) – Used in this Ordinance in its broadest and most inclusive sense and includes any and all acts done, rendered, or performed and any and all things furnished or supplied and any and all Facilities used, furnished, or supplied by Public Utilities in the performance of their duties under this Ordinance to their patrons, employees, other Public Utilities, and the public, as well as the interchange of Facilities between two or more of them.

SPECIAL PAVEMENT – Riding surfaces of concrete, brick, Belgian block, cobblestone, or material other than bituminous concrete.

STREET – Includes any street, highway, road, lane, court, alley, or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel.

SUBBASE – The layers of specified or selected material of designed thickness placed on its subgrade to support a base course.

SUBGRADE – The top surface of a roadbed upon which the pavement structure and shoulders including curbs are constructed.

TOWNSHIP – Township of Dallas, Luzerne County, Pennsylvania.

UTILITY RELOCATION – The adjustment, replacement, or relocation of Public Utility Facilities as required by road construction or repaving projects, such as removing or reinstalling the Facility, acquiring the necessary rights-of-way, moving or rearranging existing Facilities, changing the type of Facility and any necessary safety and protective measures. It shall also mean the construction of a replacement Facility functionally equal to the existing Facility where necessary for the continuous operation of the utility service, the Project economy, or sequence of road construction.

WORK – The furnishing of all materials, labor, equipment, and other incidentals necessary or convenient to the successful completion of the Project and the fulfillment of all duties and obligations imposed by this Ordinance.

SECTION 2 – Purpose and application.

It is in the public interest to regulate the location and construction of utility facilities and other structures within Township Right-of-Ways for the purpose of ensuring the structural integrity of the

roadway, economy of maintenance, preservation of proper drainage, and safe and convenient passage of traffic.

SECTION 3 – Permit required.

A Pave Cut Permit must first be obtained before any Pave Cut can be made in any Road.. Each Pave Cut Permit shall cover a maximum roadway opening of 100 feet in length. Fees must be paid to the Township at the time the permit is issued. Excluded from the permit requirement shall be any work in a highway under the jurisdiction of PennDot.

SECTION 4 – Normal permit procedures.

Applications for a pave cut permit shall be available from the Township Zoning/Code Enforcement Officer. An authorized agent of a Public Utility or Contractor may complete said application at the Township. This shall be done a minimum of 5 business days in advance of a planned Pave Cut. A copy of the completed application, signed by the Township, shall be in the hands of a competent person at the work site described in said application and shall constitute a permit.

An issued Pave Cut Permit shall consist of the following:

- A. One (1) completed and fully executed copy of the Application for a Pave Cut Permit.
- B. One (1) set of plans along with a digital copy, detailing the location and pertinent horizontal and vertical dimensions of the opening, the proposed utility installation, and related road features, including specific road location, center line, edges of pavement, outside edges of shoulders, curbing, guide rail, roadway drainage structures, and right-of-way lines;
- C. A fee paid to the Township in accordance with the schedule of fees for Pave Cut Permits in effect at the time the Pave Cut Permit is issued;
- D. Restoration and Maintenance Security in favor of the Township which complies with the following standards and rules:
 - (1) The amount of the Restoration and Maintenance Security required shall be determined by the Township Engineer to assure restoration of the Road and maintenance of the restored area for a period of 18 months in the event of Permittee's default to so restore or maintain the work area as required in this Ordinance.
 - (2) The Restoration and Maintenance Security shall be submitted in the name of the Township in the form of cash or letter of credit issued by a bank maintaining an office in the Commonwealth of Pennsylvania, all such instruments to be in form and substance acceptable to the Township Solicitor.
- E. Traffic Control Plan. A traffic control plan shall be submitted with the Application for a Pave Cut Permit whenever it will be necessary to close a portion of a travel lane during hours of darkness without work in active progress; or whenever it will be necessary to completely close a road to perform the permitted work. The plan shall clearly indicate how the work area, vehicular, and pedestrian traffic will be protected, maintained, and controlled. A traffic control plan shall

consist of a detailed drawing, showing the actual site conditions and the necessary traffic control requirements for the specific Project. The traffic control plan shall be in conformity with the most recent editions of the US Department of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices and PennDOT Publications 208 & 213.

- F. **Blasting Requirements.** When blasting methods will be used or when blasting is anticipated, a detailed plan of excavating, shoring, blasting, and backfilling procedures shall be submitted to the Township for approval at least 15 days prior to blasting.

No pre-drilling or blasting may be performed within the Right-of-Way unless authorized by the Pave Cut Permit and until the Permittee provides evidence of insurance for property damage and public liability as required by this Ordinance.

The blaster's license number shall be furnished.

- G. **Notification of digging.** It is the Permittee's responsibility to phone PA One Call at 8-1-1 prior to making any Pave Cuts.

SECTION 5 – Emergency Pave Cut Permit procedures.

In the case where an Emergency Repair is required, the Public Utility shall first notify the Township and inform it that an Emergency exists. When the Emergency occurs after normal Township working hours, on weekends, and holidays, the Township must be notified by reporting the Emergency to the Township Police Department. The Township Police Department will report same to the Township on the following workday.

SECTION 6 – Permits not requiring a fee.

Pave cuts necessitated by Township-sponsored public improvements will be on a non-fee basis but limited to a specific Project area. Work done outside the Project area will require a Pave Cut Permit fee. A list noting exact locations and dimensions of all such Pave Cuts shall be submitted to the Township at the completion of the Work. Notification to PennDot will be required for any Pave Cuts made in state highways located within the Township for which a highway occupancy permit has been issued.

SECTION 7 – Failure to obtain Pave Cut Permit.

All work done without a Pave Cut Permit shall be subject to a penalty in addition to regular Pave Cut Permit fees. Refer to Section 40 regarding penalties under this Ordinance.

SECTION 8 – Insurance protection.

The Applicant and Permittee shall protect, defend, indemnify, and save harmless the Township, its officers and/or agents thereof from all claims, suits, actions and proceedings of every nature and description which may be brought against the Township, its officers or agents thereof or on account of any injuries or damages to persons or public or private property because of any materials or appliances used in the work or by or on account of improper materials or workmanship or for or on account of any accident or any other act, negligence or omissions of said Applicant or his agents, servants, or employees, and the Township shall not in any way be liable therefore during the period on the Work

progress and the one-and-one-half-year guaranty period following the completion of the Work. Minimum insurance shall be:

- A. Two hundred fifty thousand dollars (\$250,000) liability per individual with \$500,000 limit for each occurrence for bodily injury.
- B. Two hundred fifty thousand dollars (\$250,000) liability for property damage.
- C. Workers Compensation Insurance as required by Pennsylvania law.
- D. Evidence of insurance in the form of a certificate or letter executed by a duly authorized representative of the Applicant's or Permittee's insurance carrier shall be submitted to the Township office each January 15th. Said evidence of insurance must include the provision that the Township shall be given proper advance notice of at least 30 days of cancellation or any material alteration in the Applicant's or Permittee's policy.

SECTION 9 – Safety precautions.

During the progress of the Work, the Applicant shall provide and maintain such barricades, warning signs, and flag-persons necessary to prevent accidents to the public and/or adjoining tenants. Minimum precautions must include, but should not be limited to, advance warning signs on all approaches to the work, safe crossing for pedestrians every 300 feet and barricades with flashers on each exposed side at fifty-foot intervals. All precautions shall be accordance with the Manual on Uniform Traffic Control Devices as adopted by the United States Department of Transportation Federal Highway Administration, 1971, Part IV, Traffic Controls for Street and Highway Construction and Maintenance Operations. If, in the opinion of the Township, there is a need for additional signs, barricades, flag-persons or other protective measures, then the Applicant and/or Permittee shall supply the same as directed by the Township.

SECTION 10 – Road closing prohibited; lane closing restrictions.

No Road in the Township may be completely closed to traffic at any time. One lane of traffic must be able to pass unobstructed at all times. Flag-persons must be posted at the limits of Work at all times to direct traffic through the work area, and all established traffic patterns must be maintained at all times. If all other means of traffic control have been exhausted, the Township may permit a Road to be completely closed temporarily only with the consent in advance of the Township Manager. When an Emergency exists which requires the closing of a Road, the Township Police and Fire Departments shall be notified in advance of the closing of any Road.

SECTION 11 – Time limits for completing work.

For small area Pave Cuts less than 25 feet in length, the Public Utility or Contractor shall be required to complete the temporary Restoration within five days of issuance of the Pave Cut Permit or 48 consecutive hours of the initial Pave Cut, whichever comes first, during the normal working week, excluding holidays and weekends. Extension time may be allowed upon appeal to the Township, provided that the contractor substantiates sufficient reasons for the extension required. Work on long Pave Cuts, those over 25 feet in length, shall proceed in a continuous manner. Pave Cut Permits for long

cuts or Capital Improvements will not be granted during the months of November through March, except by written permission from the Township Board of Supervisors. The Public Utility or Contractor shall coordinate planned Pave Cuts in the Township Roads with the paving program of the Township. A construction schedule comprising planned Pave Cuts shall be submitted to the Township as they become available. The Township will provide a paving program for a one-year period to the Public Utilities prior to April 15th. Prior to April 1st of each year, all Public Utility companies must file with the Township their detailed schedule for Public Utility Pave Cuts in Roads to be paved by the Township. All Public Utility Pave Cuts must be completed well in advance of the Township's paving program. Changes in the Public Utilities' schedule of planned Pave Cuts shall require written consent of the Township if said changes would conflict with the Township's paving program. Changes in the Township's paving program shall be submitted to all Public Utilities at the earliest possible date to permit the Public Utilities to adjust their respective schedules.

SECTION 12 – Scheduling.

All Pave Cuts shall be commenced and completed by the use of a sufficient work force. In congested areas, the Township may limit work to other than normal daytime working hours. Further, at the cessation of work for the day, adequate steel plates may be required during non-working hours to secure the area of the Pave Cut while it is not being worked on to ensure full traffic flow. The maximum length of the opening in the roadway shall be 100 feet, unless otherwise permitted, in writing, by the Township Board of Supervisors.

SECTION 13 – Photo documentation.

At least 15 days prior to initiating any Pave Cut, the Permittee shall deliver photo documentation to the Township verifying the preconstruction condition of the Road and Right-of-Way in accordance with the following:

- A. The Road and Right-of-Way that will be disturbed shall be photo documented in its entirety with color videotape, color film, or digital. Photo documentation shall be compatible with Township office viewing equipment.
- B. If photo documented Road and Right-of-Way surface conditions or locations are not discernable, complete or otherwise acceptable, the Township will either return the photo documentation to the Permittee for resubmission or the Township will create its own photo documentation record and shall be reimbursed for the costs by the Permittee within 30 days after receipt of the Township's invoice.
- C. The date of photo documentation shall be identified on each cartridge, reel, slide, print or disk.
- D. Photo documentation of all roadway cuts is required to avoid responsibility for pre-existing conditions of the Road and Right-of-Way.

SECTION 14 – Removal of excavated material; blocking of hydrants prohibited.

All excavated material shall be removed daily at the cessation of work for the day. All gutters and drainage devices shall be kept clean of all debris and excavated material. Fire hydrants adjacent to the

Work shall be at all times readily accessible to fire apparatus, and no materials or obstructions shall be placed within 15 feet of any hydrant.

SECTION 15 – Waste material.

Material which is unsuitable and any surplus of excavated material shall be considered waste and shall be disposed of by the Public Utility or Contractor beyond the Project limits. In no case shall waste material be left at the Work site.

SECTION 16 – Equipment used for openings.

Power-driven saws or air hammers shall be used on all cuts in Portland cement or asphalt pavements. The cuts must be of sufficient depth to provide a smooth edge. No pavement Busters, such as drop hammers, hoe rams and the like, shall be used without the written permission of the Township in advance of such use.

SECTION 17 – Excavation and dewatering or shoring.

The Contractor shall provide all necessary pumps, dams, drains, ditches, flumes, well points and other means for excluding and removing water from trenches and other parts of the work and for preventing the slopes from sliding or caving. The Contractor shall furnish and employ such stay-bracing, sheeting, shoring, pumps, etc., as may be necessary for the proper completion of Work, the protection of property and the safety of the public and employees of the Contractor and the Township; all in accordance with the current regulations of the applicable safety code and pertinent local, state or federal ordinances and regulations.

SECTION 18 – Special conditions – subsurface operations.

- A. **Drilling, boring, driving, or tunneling across improved area.** Drilling, boring, driving, or tunneling across improved areas shall comply with the following conditions:
- (1) When crossing under an improved area, the Pave Cut for a Public Utility Facility shall be drilled, bored, driven, or tunneled a minimum depth of 3 feet from the surface to the top of the opening.
 - (2) If the Facility or its casing is 30 inches or greater in diameter, the bored cylindrical space surrounding either an uncased facility or a facility casing shall be filled with grout, in a manner authorized by the Township.
 - (3) Jet or other nonmechanical boring methods are prohibited. Water may be used under low pressure only to cool the drill bit and to facilitate removal of cuttings from the bore opening, if retrievable liquid is immediately removed from the boring pit.

No Pave Cuts for the purpose of placing Public Utility Facilities or other structures under the improved area by drilling, boring, driving, or tunneling may be made closer than 3 feet to the edge of the shoulder, unless the Pave Cut Permit authorizes a lesser clearance.

A Facility or other structure crossing under the improved area shall be constructed to assure the

safety of the traveling public and to preclude the necessity of entering upon the improved area to affect future maintenance or replacement.

B. Trenching across the improved area. Trenching across an improved area may be performed only when specifically authorized by the Pave Cut Permit, in accordance with the following:

- (1) The top of every Public Utility Facility shall be installed at least 3 feet beneath the surface.
- (2) Trenching across the improved area may be authorized by the Pave Cut Permit where drilling, boring, driving or tunneling are:

Not feasible because:

1. The subsurface is solid rock, as documented with satisfactory evidence such as drill records, or where boring was attempted without success.
2. There are other Facilities located longitudinally under the improved area and their location precludes methods other than trenching, as documented with a detailed plan.
3. Adjacent development in a very congested urban area makes the construction of a tunneling or boring shaft impossible.

SECTION 19 – Responsibility for damages.

In the event that a Pave Cut is made, and, upon inspection, damage to another Public Utility's underground Facilities is discovered, it shall be the responsibility of the party making the cut to contact Pennsylvania One Call 811, Dallas Township and all concerned pertinent Public Utilities to instruct them to have representatives inspect the condition before any backfilling is begun. The flow of all sewers, drains, house connections, utility lines and laterals and watercourses encountered shall be maintained and provided for by the Contractor without damage or nuisance to other parties. All connections shall be restored.

SECTION 20 – Equipment damaging roadway.

A roadway shall be protected in accordance with the following;

- A. To protect the Road and Right-of-Way, Equipment shall have rubber wheels or runners and have rubber, wood, or similar protective pads between the outriggers and the surface unless otherwise authorized by the Pave Cut Permit.
- B. If other than rubber equipped machinery or Equipment is used, the Road and Right-of-Way shall be protected from Equipment damage by the use of matting or other suitable protective material, unless the Permittee requests, in writing, a waiver from the use of protective material, thereby acknowledging its obligation and commitment to repair or reconstruct the Road and Right-of-Way, if damaged, to its former condition.

- C. If the Equipment damages the Road and Right-of-Way, the Permittee shall restore the damaged Road and Right-of-Way, or both, to its former condition, in a manner authorized by the Township.
- D. The Township may authorize the Permittee to restore the Road and Right-of-Way from superficial surface damage with a seal coat or surface treatment.

SECTION 21 – Altering drainage prohibited.

Altering drainage shall be prohibited by the following conditions:

- A. Unless specifically authorized by the Pave Cut Permit, the Permittee may not:
 - 1. Alter the existing drainage pattern or the existing flow of drainage water.
 - 2. Direct additional drainage of surface water toward, onto, or into or in any way affect the Road Right-of-Way or Road Facilities.
- B. The Pave Cut Permit does not authorize the Permittee to direct, divert or otherwise drain surface waters over the property of another property owner.
 - 1. The Pave Permit does not relieve the Permittee from acquiring the consent, permission, or other authorization from a property owner who may be adversely affected by drainage alterations.
 - 2. The Permittee is responsible for damage caused to property owners as a result of work done under the Pave Permit.
- C. A Pave Cut Permit will not be issued to authorize the discharge of water into the Right-of-Way unless the water is surface drainage.

SECTION 22 – Materials for backfilling.

All Backfill material shall be in accordance with the requirements of the latest edition of the Township's Improvements Specifications Manual. Temporary patching materials shall be either a winter-mix asphalt material or a PennDOT specified hot asphalt material as approved by the Township. Winter-mix material shall only be used between October 15th and April 1st.

SECTION 23 – Backfill methods and procedures.

Backfill shall be compacted by means of mechanical rammers or vibrators or by pneumatic tampers. Hand tampers shall be used only around the pipe or structure. All voids along the sides of the trench, behind sheeting, under bracing, or other objects, shall be completely and carefully filled, using such fine materials, hand labor, and tools as may be necessary. Backfill shall be placed in maximum six-inch layers between mechanical compaction efforts. All Backfill materials shall be compacted in accordance with the specifications in the latest edition of the Township's Improvements Specifications Manual. Backfill material shall not be allowed to be dropped into the trench from a height greater than five feet from the top of the existing Backfill in the trench.

SECTION 24 – Temporary restoration.

The Public Utility or Contractor shall be responsible for temporary Restoration of pavement surface. Temporary Restoration shall be placed in the trench before traffic is allowed to travel on the disturbed area and shall remain in place for a minimum of 90 days. The temporary Restoration shall consist of a minimum of three inches of ID-2 material or Superpave 19.0mm. After the minimum ninety-day period, but before 180 days, the temporary Restoration shall be removed and the area saw cut back one foot, in accordance with the latest edition of the Township's Improvements Specifications Manual. At the end of a workday, an opening in the right-of-way shall be covered, backfilled, or protected. If work is stopped on a Project, other than at the end of a normal workday, the Permittee shall promptly backfill the opening and restore the surface, and work may not be resumed until the permittee is prepared to proceed with the work to its completion. If the permittee fails to backfill the opening or proceed until completion of the work, the Township reserves the right to do the work upon notice to the permittee, where practicable, and shall be reimbursed for the costs by the permittee within 30 days after receipt of the Township's invoice.

Except for Emergency Repairs of Public Utility Facilities, work within the Road and Right-of-Way shall be stopped prior to peak traffic hours that may exist on a particular roadway on a particular day or as specified in the Pave Cut Permit.

- A. At the end of each workday, a Pave Cut in the Right-of-Way shall be one of the following:
1. Covered with steel plates or bridging, over openings, 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 Pave Cut and shall be secured in a safe manner.
 2. Backfilled under Sections 22-24 to the bottom elevation of the pavement or base course, or to the original surface elevation if outside the Road and Right-of-Way, and protected.

SECTION 25 – Site cleanup.

The site of the Work will be cleaned of all rubbish and surplus or unsuitable materials and promptly restored to its original condition as backfilling proceeds and work progresses. Pavements adjacent to the site of the Work shall be constantly swept so as to prevent scarring of the pavement by scattered stones.

SECTION 26 – Permanent pavement restoration.

Permanent pavement Restoration shall be required and shall be performed by the Public Utility or Contractor as follows in accordance with the latest edition of the Township's Improvements Specifications Manual.

Additional permanent pavement Restoration shall be required and shall be performed by the Public Utility or Contractor as follows:

- A. Disturbed portions of the Road, including but not limited to slopes and appurtenances and structures such as guide rails, curbs, signs, markers, delineators, line paintings, directional arrows, stop bars, drain pipes, driveways, and vegetation shall be restored by the utility or contractor to a new condition. Additional Restoration may also be required, upon written

notification to the Public Utility or Contractor by the Township, to restore the structural integrity of the Road and Right-of-Way.

- B. If the Contractor or Public Utility opens pavement having a bituminous concrete surface, the Public Utility or Contractor shall, in addition to the Restoration conditions outlines in this Ordinance, overlay the pavement in accordance with the following:
1. When a longitudinal Pave Cut longer than 100 linear feet has been made in the pavement, the Public Utility or Contractor shall mill and overlay the full width of the traffic lanes in which the Pave Cut was made, for the entire length of Road that was opened, in a manner authorized by the Township.
 2. When two or more transverse Pave Cuts have been made within 100 linear feet of pavement, the Public Utility or Contractor shall mill and overlay the full width of the traffic lanes in which the Pave Cuts were made, for the entire length of Road between the Pave Cuts, in a manner authorized by the Township.
 3. When two or more Emergency openings have been made by the same Public Utility or Contractor within a ninety-day period within 100 linear feet of pavement, the Public Utility or Contractor shall mill and overlay the full width of the traffic lanes in which the Pave Cuts were made, for the entire length of Road between the Pave Cuts, in a manner authorized by the Township.
 4. 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 ½ inches or the depth of the existing surface course, whichever is less, for the length of the opening to ensure a smooth joint, with proper elevation and cross section. A full-width overlay may be authorized on various roads instead of saw cutting or milling the disturbed lane.
 5. If disturbed lanes adjacent to shoulders are overlaid, the shoulder shall be raised, with material and in a manner authorized by the Township for the type of existing shoulder, so that the overlaid Pavement and shoulder edges are all the same elevation.
- C. Aggregate used in a bituminous overlay wearing course shall comply with skid resistance level (SRI.) criteria specified in PennDOT Design Manual, Part 2, Chapter 11.
- D. All Pave Cuts made require full lane width Restoration.
- E. At each end of an overlay, the utility or contractor shall install a paving notch, under PennDOT Roadway Construction Standard RC-28, by milling planning, or other authorized method and provide a minimum ten-foot transition.
- F. The transition areas at each end of an overlay shall follow the contour of the surrounding surface.
- G. When any pavement markings are covered or destroyed by the permitted work, including overlays, they shall be replaced with temporary pavement markings, under PennDOT 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.

- H. Sealing. All restored Pave Cuts in the Pavement, along a curb, or along a paved shoulder shall be sealed with PG-64 under Section 401.3(j)(3) of PennDOT Publication 408 in the case of bituminous concrete or Section 501.3(n) of PennDOT Publication 408 in the case of cement concrete.
- I. Alleys. Permanent restoration in alleys shall be required, to the greatest extent possible and consistent with the standards set forth in this Ordinance and conditions in such alley, with the precise methods to be at the direction of the Township.

SECTION 27 – Special restoration.

The permanent Restoration of special type Pavements, such as concrete, brick, Belgian block, cobblestone, gutters or files, shall consist of relaying the original wearing course in accordance with the original installation specifications in such a manner as to prevent settlement or other deterioration.

SECTION 28 – Testing and inspection.

The Township or its designee will inspect all Pave Cuts and an inspection fee shall be charged to the Public Utility. Such inspection fees shall not constitute acceptance and approval of work performed by the Public Utility or Contractor, but it is understood that such acceptance and approval does not relieve the Public Utility of any responsibility under this Ordinance throughout the guaranty period.

SECTION 29- Repaving and reconstruction.

Upon notification from the Township of a planned road resurfacing or reconstruction, all utilities will be required to test their lines and services and to schedule necessary capital improvements and service connections prior to resurfacing or reconstruction. Thereafter Pave Cuts will be permitted in the new Pavement only in an Emergency. Pave cuts made in new pavement shall be subject to penalties as provided in the penalty section of this Ordinance. Essential services for new building construction will be exempt from this penalty. New construction shall not include the addition of an alternate or secondary source of fuel, water, heat, or other service not included in the original construction or regarded as essential to the original construction. Pavement shall be considered new for a period of six years from the date of placement.

SECTION 30 – Monuments.

No Monument in the Township may be removed, altered, or buried at any time. When Pave Cuts or Road construction requires the temporary removal of a Monument, it must be preserved at the site and reset at the direction of the Township. All costs incident thereto, including surveys, shall be charged to the Public Utility or Contractor. A penalty shall be imposed for failure to report the removal or alteration of a Monument. Burial or paving over a Monument shall carry a penalty for each Monument covered. In addition, all cost incidental to exposing and/or resetting a Monument shall be charged to the Public Utility or Contractor.

SECTION 31 – Test borings.

All test holes and borings shall require restoration. Restoration of bore holes shall follow immediately after testing with the application of asphalt or other water-resistant plugs. A penalty will be charged for each test hole found unplugged.

SECTION 32 – Replacement of pavement markings.

The Applicant or Contractor must reimburse the Township all costs to replace all pavement markings damaged or removed by Pave Cuts and Work incident thereto. The Township shall contract to have the necessary repairs made and shall bill the Public Utility.

SECTION 33 – Replacement of electronic traffic control devices and ancillary equipment.

Electronic traffic control devices and ancillary equipment damaged or removed because of Pave Cuts or work incident thereto must be replaced by the Public Utility or its Contractor, in kind, in whole or in part as required by the Township or his agent. The Township shall contract to have the necessary repairs made and shall bill the Applicant, Public Utility or Contractor.

SECTION 34 – Noncompliance.

When Work performed by a Public Utility or Contractor under this Ordinance is found in violation of same, the Contractor or utility may be given the opportunity to make corrections as required by the Township. If the corrections are not completed in the specified time or not completed as specified, the Township may suspend all Work, whether completed or in progress, in noncompliance with this Ordinance and take appropriate safety precautions. All Work performed or contracted for by the Township to attain compliance in this regard shall be billed to the Public Utility or Contractor.

SECTION 35 – Resumption of suspended work.

The Public Utility shall actively resume Work upon order from the Township after a suspension.

SECTION 36 – Penalties for noncompliance.

If the Public Utility or Contractor fails to make adequate corrections to work found in noncompliance with this Ordinance in the time specified, a penalty as provided in the penalties section of this Ordinance shall be imposed until said corrections are completed to specifications.

SECTION 37 – Right to refuse issuance of permit.

The Township reserves the right to bar any contractor or his employee from working within the Township limits whose work is found in noncompliance with this Ordinance. The Township reserves the right to refuse issuance of a Pave Cut Permit to any Applicant who fails to maintain Pave Cuts in accordance with this Ordinance or who fails to pay sums due the Township within 30 days from the date of billing. The Township reserves the right to refuse issuance of a Pave Cut Permit to cut new Pavement.

SECTION 38 – Designation of statutory agent.

Every Public Utility or Contractor shall file with the Township a designation in writing of the name and the post office address of a person within the Commonwealth of Pennsylvania upon whom service of any notice, order or process may be made under this Ordinance. Such designation may, from time to time, be changed by like writing similarly filed.

SECTION 39 – Provisions pertaining to general contractors.

At the discretion of the Township, licensed general contractors, other than those under contract to a Public Utility, may be permitted to make a Pave Cut in the Township's Right-of-Way. All Sections of this Ordinance pertaining to Public Utilities shall be applicable to licensed general contractors.

SECTION 40 – Violations and penalties.

Any Person which violates or permits a violation of any of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, pay a fine of not more than \$600 plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this Ordinance. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each and every day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance therewith.

SECTION 41 – Acknowledgement of offense.

Any person charged with violating any provision of this Ordinance may sign an acknowledgment of the offense committed, either before or after the beginning of suit, and pay to any duly authorized agent of the Township, the maximum fine provided by this Ordinance, together with costs accruing to that date. Such person shall receive a printed receipt thereof, which shall bear the imprint of the seal of the Township and the signature of its Board of Supervisors, which shall be evidence of full satisfaction of the offense committed.

SECTION 42 – Fees and deposits.

- A. Fees and deposits shall be in the amount set forth by the Township by resolution.
- B. Notwithstanding any other provision of this Section, the Township will not issue any Pave Cut Permits to any Person for a Pave Cut in any Road that has been newly constructed within six years prior to the date of Application for such Pave Cut Permit except as follows:
 1. Where the Pave Cut is not to exceed 30 square surface area feet and does not compromise the structural integrity of the road. In this circumstance, the Township shall have the authority and discretion to issue the necessary Pave Cut Permit consistent with this Ordinance or the fees set by resolution of the Township Board of Supervisors, which may change from time to time; or

- 2. In the event of an Emergency condition, including, but not limited to, a gas leak, water leak, sewer blockage, or other condition which endangers the health, safety, and welfare of any individual(s), the Township will issue a Pave Cut Permit upon the payment of the sum set forth by resolution of the Township Board of Supervisors, which may change from time to time. In addition to any applicable fees, a deposit for Road repairs at the rate double the amount set forth by the resolution of the Township Board of Supervisors, which may change from time to time, for repairs to Roads shall be required.

- C. In the event that any Person shall desire a Pave Cut for purposes other than those stated in Subsection B(1) and (2) above, in any newly constructed Road during the time from the date of such construction and six years thereafter, the Township Board of Supervisors shall be empowered, at its discretion, to authorize the appropriate resolution authorizing such Pave Cut, but in no event shall the payment of the sum set forth by resolution of the Township Board of Supervisors, which may change from time to time, for such a Pave Cut Permit and the double amount of paving costs be eliminated.

SECTION 43 – Severability.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, such unconstitutionality, illegality, or invalidity shall not affect the validity of any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted and enacted as if such unconstitutional, illegal, or invalid provision had not been included therein.



SECTION 44 – Repealer.

Any ordinance or parts of ordinances inconsistent herewith are hereby repealed, specifically including Ordinance #2004-2.

SECTION 45 – Effective Date.

This Ordinance shall become effective as provided by law.

DULY ENACTED AND ORDAINED INTO LAW this 22nd day of May, 2024 by the Board of Supervisors of Dallas Township.


DALLAS TOWNSHIP BOARD OF SUPERVISORS




William J. Grant, Chairman



Robert J. Wagner, Vice Chairman



Elizabeth A. Martin

Attest: 

K. Gary Kirk, Secretary/Treasurer

Seal: