

**FOLCROFT BOROUGH
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2023-03

AN ORDINANCE OF FOLCROFT BOROUGH, DELAWARE COUNTY, PENNSYLVANIA, AMENDING PART II: GENERAL LEGISLATION; CHAPTER 536: STREETS AND SIDEWALKS; ARTICLE I: EXCAVATIONS AND OPENINGS; SECTION 536-8: FILLING OF ALL OPENINGS AND BREAKS TO PROVIDE FOR REQUIREMENTS RELATING TO BASE REPAIR, SURFACE MILLING, AND OVERLAY OF CARTWAYS; REPEALING PRIOR INCONSISTENT ORDINANCES, RESOLUTIONS AND PARTS THEREOF; AND PROVIDING A SEVERABILITY CLAUSE AND EFFECTIVE DATE.

WHEREAS, the Borough Code (the “Code”) vests the Folcroft Borough Council with the authority to adopt ordinances necessary for the proper management, care, control and welfare of Folcroft Borough (the “Borough”); and

WHEREAS, the Code further vests the Folcroft Borough Council with the authority to adopt ordinances necessary for the regulation of streets, including the heights, grades, widths, slopes and their construction ; and

WHEREAS, the Folcroft Borough Council finds that it is in the best interest of the Borough and necessary for the regulation of the streets within the Borough that minimum standards be adopted for base repairs, surface milling, and overlay of cartways that have been broken and/ or opened; and

WHEREAS, the Folcroft Borough Council desires to ensure the proper construction of streets that have been broken and/ or opened; and

WHEREAS, the purpose of such regulation shall be for the proper management, care, control, and welfare of the Borough; and,

WHEREAS, the Folcroft Borough Council desires to amend Part II, Chapter 536, Article I, Section 536-8 of the Folcroft Borough Code of Ordinances to set forth regulations for the repair, surface milling, and overlay for the full width of opened and/or broken cartways; and

WHEREAS, the Folcroft Borough Council has determined that the welfare of the Borough will be served by enacting provisions related thereto.

NOW THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Folcroft Borough Council, that the following ordinance shall be amended as follows (text to be deleted shown as ~~strikethrough~~, text to be added shown as underline):

§ 536-8 Filling of all openings and breaks.

A. All openings or breaks shall be filled immediately by the person to whom the permit has been issued, with suitable materials thoroughly compacted in layers each not to exceed six inches, compacted depth up to the bottom of the base of the existing paving material. Portland cement air-entrained concrete (minimum compressive strength 3,750 pounds per square inch) shall be used to fill from bottom of base course to bottom of surface course, in the case of bituminous streets, and to the top of pavement in the case of Portland cement concrete streets. The Borough Engineer shall be notified 24 hours prior to starting of backfill so that inspection of the work can be arranged. The work shall in all respects be satisfactory to the Highway Committee, and the filling shall be puddled where required by the Highway Committee. Sidewalks, curbs, and gutters shall be replaced in the same condition they were before the opening or breaking.

B. The permittee shall include base repair, surface milling and overlay for the full-width of the cartway, to include edge of paving to edge of paving for the greater of the entire block or 100 lineal feet, under any of the following circumstances:

(1) Where the street has been overlaid within the most recent five years.

(2) Where openings of more than 25 square feet have been made within 200 linear feet of pavement.

(3) Where an opening of 50 continuous linear feet has been made.

II. REPEALER

Any and all terms, conditions and provisions of any Ordinance or Resolution of Folcroft Borough in conflict with the terms, conditions and provisions of this Ordinance, are hereby repealed to the extent of such conflict.

III. SEVERABILITY

It is hereby declared to be the legislative intent, that if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all such other provisions of this Ordinance shall continue to be separately and fully effective.

IV. EFFECTIVE DATE

This Ordinance shall be effective immediately upon adoption of the Folcroft Borough Council.

ORDAINED AND ENACTED by the Folcroft Borough Council on this 11th day of

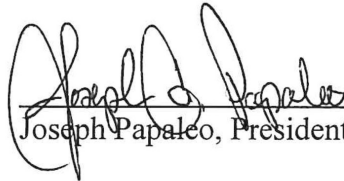
July, 2023.

Attest:



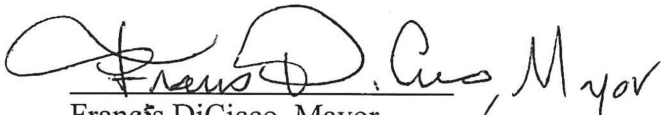
Andrew Hayman, Secretary

FOLCROFT BOROUGH COUNCIL



Joseph Papaleo, President

APPROVED:



Francis DiCicco, Mayor