

ORDINANCE 2026-5

AN ORDINANCE OF THE CITY OF HAZLETON, LUZERNE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF HAZLETON, PART II, CHAPTER 440, STREETS AND SIDEWALKS, ARTICLE II, ROAD CUTS; ESTABLISHING REGULATIONS GOVERNING THE OPENING, EXCAVATION, AND RESTORATION OF CITY STREETS; PROVIDING FOR PERMIT REQUIREMENTS, INSPECTION PROCEDURES, FEES, BONDING, INSURANCE, RESTORATION STANDARDS, ENFORCEMENT AND PENALTIES; AND PROVIDING FOR REPEALER, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS The City of Hazleton is responsible for maintaining public streets, sidewalks, and rights-of-way within the City; and

WHEREAS, excavation of public streets and rights-of-way can cause deterioration of pavement surfaces, disruption of traffic, and damage to public infrastructure; and

WHEREAS, the City desires to ensure that any excavation or opening within City streets is performed in a safe and controlled manner and that such streets are restored to acceptable standards; and

WHEREAS, the City Council has determined that the adoption of updated regulations governing street openings, commonly referred to as road cuts, is necessary to protect the public health, safety, and welfare of the residents of the City of Hazleton.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED

by the Council of the City of Hazleton, Luzerne County, Pennsylvania, and it is hereby ordained and enacted as follows:

SECTION 1

Amendment to Code

The Code of Ordinances of the City of Hazleton, Part II, Chapter 440, Streets and Sidewalks, Article II, Road Cuts, is hereby amended and restated to read as follows:

§ 440-30. Title

This article shall be known and may be cited as the “Road Cut Ordinance” or “Utility Cut Ordinance.” It shall apply to all openings within a city owned street.

§ 440-31. Definitions and Word Usage

- A. *The word "shall" is always mandatory and not merely directory.*
- B. *Whenever in this article 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 City 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 City.*
- C. *The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.*

APPLICATION FOR A ROAD CUT PERMIT: *A form provided to the utility by the City noting pertinent data for the purposes of inspection and control by the City and constituting a receipt for services performed by the City.*

CAPITAL IMPROVEMENT: *Preplanned to improve or upgrade an existing system or to install a completely new system providing new and additional service.*

CITY: *The City of Hazleton.*

CITY PAVE CUT LOG: *A chronological record of pave cuts as reported to the City, containing pertinent data as required by the City for the purposes of inspection and control.*

COMPACTION TESTING: *the process of measuring the density of a freshly placed, hot-mix asphalt (HMA) layer—or "lift"—to ensure it has been compressed to the required, design-specified density.*

CURB TO CURB: *The cartway width expanding from edge of pave to edge of pave.*

EMERGENCY REPAIR: *Work necessitated by the rupture or sudden malfunction of existing underground facilities, including all work conducted between November 1 and March 31.*

FACILITIES: *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 of any public utility.*

IDENTIFICATION SURFACE MARKER: *"A-Tag Pavement Marker" Brightly colored, highly visible low-profile utility disc to be placed in the finished pave surface to designate the utility responsible for the restoration.*

INSPECTION: *A careful or critical investigation not necessarily confined to optical observation but is understood to embrace tests and examination for the purpose of*

ascertaining quality and compliance as prescribed in this Act and discovering and correcting errors.

LOCAL ASPHALT PLANT: *Any asphalt production facility located within approximately twenty (20) miles of the City of Hazleton and capable of producing asphalt materials meeting PennDOT Publication 408 specifications.*

MUNICIPAL CORPORATION: *All cities, boroughs, towns, townships or counties of this commonwealth and also any public corporation, authority or body whatsoever created or organized under any law of this commonwealth for the purpose of rendering any service similar to that of a public utility. For the purpose of this article, "municipal corporation" shall mean the City of Hazleton.*

NEWLY PAVED STREETS: *A street shall be considered newly paved or constructed for a period of six (6) calendar years subsequent to project completion. Any pavement restoration performed within a newly paved street shall reset the six (6) year protection period for the restored section of roadway. A list of these streets will be on file at the City Engineer's Office.*

PAVEMENTS: *Riding surfaces 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.*

PERSON: *Individuals, partnerships or associations other than corporations and includes their lessees, assignees, trustees, receivers, executors, administrators or other successors in interest.*

PUBLIC UTILITY:

- A. *Persons or corporations now or hereafter owning or operating in the commonwealth equipment or facilities for:*
 1. *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.*
 2. *Diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation.*
 3. *Transporting or conveying natural or artificial gas, crude oil, gasoline or petroleum products by pipelines or conduit for the public for compensation.*
 4. *Conveying or transmitting messages or communications by telephone or telegraph to the public for compensation including cable television signals.*
 5. *Sewage collection, treatment or disposal for the public for compensation.*

B. The term "public utility" shall not include:

- 1. Any person or corporation not otherwise a public utility who or which furnishes services only to himself or itself.*
- 2. Any bona fide cooperative association which furnishes services only to its stockholders or members on a nonprofit basis; or*
- 3. Any producer of natural gas not engaged in distributing such gas directly to the public for compensation.*

SERVICE: *Used in this article 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 article 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 or cobblestone.*

STREET: *Includes any street, highway, road, lane, court, alley or place of whatever nature, whether dedicated or not, open to the use of the public as a matter of right for purposes of vehicular travel.*

UTILITY RELOCATION: *The adjustment, replacement or relocation of utility facilities as required by street 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 street 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 article.*

§ 440-32. Permit Required

Road Cut Permit shall be approved and issued before any opening can be made in any paved thoroughfare, cartway or sidewalk in the City. Initiation of work prior to receiving a copy of the approved permit will be considered failure to obtain a permit and be subject to fines, in addition to application and inspection fees.

§ 440-33. Permit Application Procedures *(a permit checklist is attached to the application)*

- A. *Applications for a road cut permit shall be available from the City Engineer's Office, City Hall, 40 North Church Street. Fees must be paid at the time the permit is issued. Excluded from the permit requirement shall be any work in a highway under the jurisdiction of the Pennsylvania Department of Transportation.*
- B. *PA One Call (811) for all road cut locations shall be registered, and a copy shall be attached to the Road Cut Permit Application.*
- C. *Every applicant, utility and contractor shall file with the City Engineer's Office 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.*

§ 440-33.1. Normal Permit

An applicant, utility or contractor shall submit a completed Road Cut Permit Application to the City Engineer's Office no less than seventy-two (72) hours prior to the initiation of work.

§ 440-33.2. Emergency Permit

- A. *In the case where an emergency repair, as hereinbefore defined, is found during normal City Hall working hours:*
 - 1. *the applicant, utility or contractor performing the work shall first notify the City Engineer's Office to inform him that an emergency exists.*
 - 2. *A Road Cut Permit Application shall be submitted to the City Engineer's Office that workday by 3:00 p.m.*
- B. *When the emergency occurs after normal City Hall working hours, on weekends and holidays:*
 - 1. *County 911 System shall be notified in advance of the closing of any street.*
 - 2. *A Road Cut Permit Application shall be submitted to the City Engineer's Office at the beginning of the next business day so the pave cut can be recorded in the permit log and the issuance of a Road Cut Permit, at which time an inspection of the repair to the City Street will occur.*

§ 440-33.3. As-Built Documentation

Upon completion of work, the permit holder shall provide the City with location information for newly installed or relocated underground facilities in a format acceptable to the City for inclusion in its GIS or infrastructure records.

§ 440-34. Failure To Obtain Permit

All work done without a permit shall be subject to a penalty plus regular fees, as listed in fee schedule on application.

§ 440-35. Permits Not Requiring A Fee

Road cuts necessitated by City-sponsored public improvements will be on a non-fee basis but limited to a specific contract area. Work done outside a project area will require a permit fee. A list noting exact locations and dimensions of all such cuts shall be submitted to the City Engineer's Office at the completion of work. Notification will be required for any pave cuts made in state highways located within the City for which a highway occupancy permit has been issued.

§ 440-36. Right To Not Issue Permits

The City reserves the right to bar any contractor or his employee from working within the city limits whose work is found in noncompliance with this chapter. The City reserves the right to refuse issuance of additional permit(s) to any applicant, utility or contractor who fails to maintain road cuts in accordance with this chapter.

§ 440-36.1 Stop Work Orders

- A. The City Engineer or authorized representative may issue a stop-work order whenever excavation work:
 - 1. Is performed without a valid permit.*
 - 2. Violates any provision of this Article or the conditions of the permit; or Creates a hazard to public safety or City infrastructure.**
- B. Upon issuance of a stop-work order, all work shall immediately cease except work necessary to secure the site. Work shall not resume until the violation is corrected and authorization is issued by the City Engineer's Office.*

§ 440-37. Annual Utility Coordination

- A. All Utility Companies shall file their detailed schedule of proposed utility cuts for the upcoming year with the City Engineer's Office, prior to December 1. Upon review of submitted documents, the City will schedule a meeting with the utility company which shall occur by February 15 to discuss/coordinate the City's paving program.*
- B. Upon receiving the City's paving program, all utilities will be required to test their lines and services to necessary capital improvements and service connections prior to resurfacing or reconstruction.*
- C. Services for new building construction are not 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.

§ 440-38. Bonding

All approved applications require that a performance bond be issued for the estimated cost of a permanent pavement restoration as defined in § 440-51.

Exceptions:

- A. Greater Hazleton Joint Sewer Authority*
- B. Hazleton City Authority*
- C. PPL*
- D. UGI*

§ 440-39. Insurance Protection

The applicant, utility or contractor shall protect, defend, indemnify and save harmless the City, its officers and/or agents thereof from all claims, suits, actions and proceedings of every nature and description which may be brought against the City, its officers or agents thereof for 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 City shall not in any way be liable therefor during the period of the work progress and the one-and-one-half-year guaranty period following the completion of the work.

A. Minimum insurance shall be:

- 1. \$1,000,000 per occurrence for bodily injury;*
- 2. \$2,000,000 aggregate;*
- 3. \$1,000,000 liability for property damage.*

B. Evidence of insurance in the form of a certificate or letter executed by a duly authorized representative of the applicant's insurance carrier shall be submitted to the City Engineer's office with the first permit application of the year. Said evidence of insurance must include the provision that the City shall be given proper advance notice of at least 30 days of cancellation or any material alteration in the applicant's policy. The City of Hazleton shall be named as an additional insured.

§ 440-40. 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 each 300 feet and barricades with flashers on each exposed side at fifty-foot intervals. All precautions shall be in accordance with the Manual of 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 City or his designated representative, there is a need for additional signs, barricades, flag persons or other protective measures, then the applicant must supply the same as directed by the City.

§ 440-41. Road Closing Prohibited, Lane Closing Restrictions

- A. No street in the City of Hazleton 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 City may permit a road to be completely closed temporarily only with the consent of the City, Fire Chief and Police Chief.*
- B. When an emergency exists, the Police and Fire Departments shall be notified in advance of the closing of any street.*
- C. In congested areas and the central business district, the City may limit work to other than normal daytime working hours. The maximum length of the opening in the roadway shall be 100 feet, unless otherwise permitted, in writing, by the City Engineer's office.*

§ 440-42. Equipment Used For Openings

Power-driven saws or air hammers shall be used on all cuts in concrete or asphalt pavements. The cuts must be of sufficient depth to provide a smooth edge. Openings in brick or Belgian block-based streets shall be of sufficient width to expose 1/2 row of undisturbed interlocking stone. No pavement busters, such as drop hammers, hoe rams and the like, shall be used without the written permission of the City Engineer's office.

§ 440-43. Prevention of Hazards

- A. All excavated material shall be removed daily at the cessation of work. All gutters and drainage devices shall be kept clean of all debris and excavated material.*
- B. 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 to prevent scarring of the pavement by scattered stones.*

- C. Pavements adjacent to the site of the work shall be constantly swept to prevent scarring of the pavement by scattered stones. The permit holder shall keep the street and adjacent pavement free of dust, dirt, debris, and other material generated by the work, and shall not leave such material for the City to remove.*
- D. 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.*
- E. All construction vehicles, equipment, and materials associated with the work shall be parked, staged, and operated in accordance with all applicable City ordinances, traffic regulations, and safety requirements. No vehicle or equipment shall be parked or left standing in a manner that obstructs traffic, impedes emergency access, or creates a hazard to the traveling public. The permit holder shall be responsible for ensuring that all personnel and subcontractors comply with proper parking procedures at all times.*

§ 440-44. Waste Material

The suitability of material to be used as backfill shall be determined by the City and/or the City's designated inspector. Material which is unsuitable, and any surplus of excavated material shall be considered waste and shall be disposed of by the utility or contractor beyond the project limits. In no case shall waste material be left at the work site.

§ 440-45. Preservation Of Special Type Pavements

The removed riding surface of brick, Belgian block or cobblestone, tiles or other special surface shall be preserved at the work site for restoration after the opening has been backfilled.

§ 440-46. 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 City; all in accordance with the current regulations of the applicable safety code and pertinent local, state or federal ordinances and regulations. Note that the words "sewer/pipe/culvert/conduit" are used interchangeably herein.

§ 440-47. Responsibility For Damages

In the event that a cut is made and, upon inspection, damage to another utility's underground facilities is discovered, it shall be the responsibility of the party making

the cut to contact the City Engineer and all concerned pertinent 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 met with shall be maintained and provided for by the contractor without damage or nuisance to other parties. All connections shall be restored.

§ 440-48. Materials For Backfilling

- A. Native trench materials will not be allowed to be used for backfilling. They must be hauled away from the site by the contractor.
 - 1. All backfill material shall meet PennDOT Pub. 408 Sec. 350 (Subbase No.2A) from an Approved PennDOT source.*
 - 2. Temporary patching materials shall be Warm Mix Asphalt (WMA) and shall meet PennDOT Pub. 408 Section 413 and shall only be placed from April 1st to October 31st unless a written request to the City Engineer's Office is APPROVED. Cold Patch Asphalt may be used between November 1st to March 31st.*
 - 3. Placing asphalt paving mixtures when surfaces are wet or when the air or surface temperature is forty (40) degrees Fahrenheit or lower is prohibited.**
- B. Succeeding layers of backfill may contain coarse materials (-2"), but shall be free from large pieces of rock, frozen material, concrete, roots, stumps, tin cans, rubbish and other similar Ordinances whose presence in the backfill would cause future settlement of the trench or damage to the pipe.*
- C. As an alternate, PennDOT Type B flowable fill may be used when approved by the City Engineer. Flowable fill shall comply with PennDOT Publication 408 Section 220.*

§ 440-49. Backfill Methods and Procedures

- A. The applicant, utility, or contractor performing the work shall notify the City Engineer's Office a minimum of forty-eight (48) hours prior to placing any backfill or permanent pavement restoration so that the City may schedule inspection of the work.*
- B. All backfill and permanent pavement work shall be performed under the observation of a City-designated inspector unless expressly waived in writing by the City Engineer's Office. No backfill or pavement restoration shall be placed until the City has been provided the required notice and given the opportunity to inspect the work.*
- C. The applicant, utility, or contractor shall retain an independent testing agency, approved by the City Engineer, to perform compaction testing of all trench*

backfill and pavement restoration where required by this Article. All compaction testing shall be performed in accordance with the Modified Proctor Test, ASTM D1557 (latest edition), and applicable PennDOT Publication 408 specifications. A written compaction testing report shall be submitted to the City Engineer's Office within five (5) business days following completion of the backfill or pavement restoration. The City shall not issue a close-out or final approval of the road cut permit until the required testing documentation has been received and accepted by the City.

- D. In backfilling, six (6) inch layers shall be placed in the deepest portion of the backfill, and as placement progresses, each six (6) inch layer shall be horizontally constructed. Compaction operations shall be continued using mechanical tampers until each layer of fill is compacted to a dry density at least equal to ninety-five percent (95%) of the maximum dry density attained by the Modified Proctor Test, ASTM D 1557, latest revision, Method C or D.*
- E. Backfilling will be done in such manner as to obtain compaction through the entire length of backfill not less than that which exists adjacent to the excavation. The method of backfill shall be consistent with good engineering practice. Backfill shall begin as soon as practical after the pipe or other construction has been placed and shall thereafter be carried on as rapidly as protection of the balance of the work will permit. All voids along the sides of the trench, behind sheeting, under bracing or other objects, shall be completely and carefully filled.*
- F. In all cases, the contractor shall blade and compact the roadway after the trench has been backfilled so that it shall be passable to traffic at all times. The contractor shall provide a safe & passable roadway at all times.*
- G. All deficiencies in the quality of material for backfilling the trenches or for filing depressions caused by settlement shall be supplied by the contractor.*
- H. The contractor shall provide, at his own expense, repairs to any defects that appear in the backfill for a period of one (1) year following completion.*
- I. All paving procedures shall be in compliance with the PennDOT Pub. 408 Section 350.*
- J. An Identification Surface Marker shall be placed in the Wearing Course.*
- K. Any backfill or permanent pavement work performed without prior notification to the City and without the presence of a City designated inspector present shall be removed and replaced under the observation of a City authorized inspector/testing at the sole cost of the applicant, utility or contractor performing the work. The removal and replacement of any uninspected work will be at no cost to the City.*

§ 440-50. Restoration Requirements

All trench and pavement restoration shall comply with the following rules and drawings attached to the Road Cut Permit Application.

- 1. Minimum one (1) foot cut back from edge of disturbed pavements.*
- 2. Install 25mm base coarse to original surface grade, seal all edges with PG-64S-22.*
- 3. Backfilling operations shall be complete at the close of workday.*
- 4. Place Identification Surface Marker.*
- 5. The permit holder shall be responsible for maintaining the pavement in safe condition until permanent restoration is completed. This includes the obligation to repair settlement, potholes, or surface failures immediately upon notification by the City. Any restored pavement that settles more than **one (1) inch below the surrounding pavement** shall be deemed defective and must be repaired immediately.*
- 6. If the restored pavement becomes unsafe or deteriorates, the City may require immediate repairs. Failure to make such repairs within twenty-four (24) hours after notice shall authorize the City to perform the work and charge the permit holder for all costs incurred, plus an administrative fee of forty percent (40%).*
- 7. Temporary pavement shall remain in place only until permanent restoration is completed in accordance with §440-51 of this Article.*

§ 440-50.1 Scheduling Timeline for Pavement Completion

- A. The applicant, utility or contractor shall be required to complete the temporary pave backfilling at close of workday during the normal working week.*
- B. Emergency in accordance with the above Section 440-33.2B.*
- C. Extension time may be allowed upon written request and approval to the City Engineer's office, provided that the contractor substantiates sufficient reasons for the extension required.*

§ 440-51. Newly Paved Street Restoration Requirements

All permanent trench and pavement restoration shall comply with the following rules and drawings attached to the Road Cut Permit Application.

- A. Mill 1½ inch (minimum) of paving for entire designated area.*
- B. The pavement shall be restored with not less than six (6) inches of 2A Subbase, 4½ inches of 25 mm Superpave Base Course or the full depth of the adjacent*

permanent bases, whichever is greater, and 1½ inches of 9.5 mm Superpave Wearing Course.

C. Prior to replacement of the pavement:

- 1. one (1) foot outside of each edge of the opening shall be sawed the full depth of pavement and stone base in a neat straight line.*
- 2. The detached material shall be removed without damaging the adjacent pavement.*
- 3. The final pavement joint between new and existing pavement shall be sealed with PG-64S-22 to a width of four (4) inches either side of the joint.*
- 4. In cases where pave cuts are made between November 1st and March 31st, the pavement restoration shall consist of Cold Patch or similar temporary material.*
- 5. Final pavement restoration shall be completed as specified herein above during the next paving season.*
- 6. Maintenance of the temporary patch shall be the responsibility of the contractor.*

D. Dimensional Requirements

1. Length of Restoration

- a. Restoration shall extend ten (10) feet beyond the cut in each direction.*
- b. Cuts less than thirty (30) feet shall be a total of forty (40) feet in length.*
- c. When three (3) or more openings are made within a city block; the entire length is to be restored intersection to intersection.*

2. Width of Restoration

- a. Restoration width shall be “curb to curb”*
- b. Cuts that do not exceed the parking lane [6 (six) feet from the curb] shall be restored eight (8) feet in width.*

E. Any size cuts within the intersection shall be Full Intersection Pavement Restoration.

F. If distance of fifteen (15) feet or less is encountered between a joint from a previous excavation or the nearest intersection, then milling area shall be extended to that defining line.

G. Butt joints shall consist of a vertical (90°), either milled or saw-cut edge. Concave edges will not be acceptable.

H. Paving contractor shall employ the use of a ten-foot straight edge to ensure an even transverse joint when abutting existing paving.

I. Place Permanent Identification Surface Marker.

J. All disputes or clarifications will be addressed by the City Engineer's Office.

§ 440-51.1. Scheduling Timeline For Permanent Completion

A. Cuts made between April 1st - October 31st shall be completed within ninety (90) days of the initial cut.

B. Emergency cuts made between November 1st and March 31st, shall be completed thirty (30) days of a local asphalt plant opening.

C. If the permit holder fails to complete permanent restoration within the time limits established by this Article, the City shall provide written notice requiring corrective action via certified mail, electronic mail, or other verifiable delivery. The permit holder shall commence the required restoration or repair within twenty-four (24) hours of receiving such notice and shall diligently pursue the work to completion. If the permit holder fails to initiate or complete the required work within the time specified, the City may perform or contract for the necessary restoration. All costs incurred by the City shall be billed to the permit holder, together with an administrative charge of forty percent (40%).

D. Upon failure of the utility to repair the cut in a satisfactory manner, the City shall have the option to do the work or to contract to complete the work and bill the utility for the costs of permanent restoration, plus 40%. In addition, penalties for noncompliance shall be levied against the utility or contractor.

E. The City Engineer's Office may grant a written waiver of the requirements of this section where strict compliance would create an undue hardship or where public necessity requires the excavation.

§ 440-52. Special Restoration

The permanent restoration of special type pavements, such as concrete, brick, Belgian block, cobblestone gutters or tiles, shall consist of re-laying the original materials in accordance with the original installation specifications in such a manner as to prevent settlement or other deterioration. Storage and handling of the original materials as to prevent deterioration or damage due to contaminates, breaking, chipping or other causes. The contractor/utility is responsible to repair and or replace any damage that occurs during the removal, storage and resetting period.

§ 440-53. Inspection (and Testing)

The City or his designate will inspect all road cuts, and an inspection fee shall be charged. Such inspection fees shall constitute acceptance and approval of work performed by the utility or contractor, but it is understood that such acceptance and

approval do not relieve the utility of any responsibility under this article throughout the guaranty period. Inspection by the City shall not relieve the permit holder of responsibility for defective work, settlement, or failure of the restoration during the guaranty period.

§ 440-54. Road Cut Identification Marker

Utilities shall mark each of their respective cuts by incorporating an “A-Tag Pavement Marker” in the finished pave to designate the utility responsible for the restoration. Applies to both Temporary and Permanent restorations.

Rhino A-Tag Surface Marker colors shall match the utility as follows:

- | | |
|----------|-----------|
| 1. GHJSA | Green |
| 2. HCA | Blue |
| 3. PPL | Red |
| 4. UGI | Yellow |
| 5. City | DPW White |

§ 440-55. Fees (see annual fee schedule)

§ 440-56. Limestones And Monuments

No limestone or monument in the City of Hazleton may be removed, altered or buried at any time. When pave cuts or road construction require the temporary removal of a limestone or monument, it must be preserved at the site and reset at the direction of the City Engineer. All costs incident thereto, including surveys, shall be charged to the utility or contractor. A penalty shall be imposed for failure to report the removal or alteration of a limestone or monument. Burial of paving over a limestone or monument shall carry a penalty for each stone or monument covered. In addition, all cost incidental to exposing and/or resetting a limestone or monument shall be charged to the utility or contractor.

§ 440-57. Replacement Of Pavement Markings

The applicant, utility or contractor shall replace, in kind, all pavement markings damaged or removed by pave cuts and work incident thereto. All markings must be replaced within five (5) days after permanent restoration. Should the contractor fail to replace the same, the municipality shall contract to have the necessary repairs made and bill the utility for the costs of the work, plus 40%.

§ 440-58. Actions Upon Noncompliance

Civil action. In addition to the penalties under Chapter 1, Article II, the City may pursue such other and additional remedies as may be authorized by law. Each day a violation continues shall constitute a separate offense.

BE IT FURTHER ORDAINED that all relevant ordinances, regulations and policies of the City of Hazleton not amended hereby, will remain in full force and effect; and

BE IT FURTHER ORDAINED that if any provision, paragraph, word, section, subsection, sentence or clause of this Ordinance is held to be invalid by any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance; and

BE IT FURTHER ORDAINED that any ordinance or part of an ordinance conflicting with the provisions of this Ordinance, including the ordinance cited herein, is repealed to the extent of such conflict.

ORDAINED AND ENACTED by Council this 24th day of March, 2026.