

ORDINANCE NO. 5 of 2022

**AN ORDINANCE OF THE BOROUGH COUNCIL OF
THE BOROUGH OF LARKSVILLE APPROVING AMENDMENTS
TO CHAPTER 456 GOVERNING "STREETS AND SIDEWALKS"**

WHEREAS, Larksville is in the process of selling its sanitary collection system to the Wyoming Valley Sanitary Authority ("WVSA"); and

WHEREAS, the sale requires certain amendments to the language of existing Ordinances;
and

WHEREAS, the Borough Council of the Borough of Larksville desires to amend Chapter 456 "Streets and Sidewalks" as a result of the sale of the sanitary collection system to the WVSA.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Larksville and it is hereby ordained and enacted by the authority of the same as follows:

1. Chapter 456, §456-6 of the Borough of Larksville Code of Ordinances is hereby amended to read as follows:

§ 456-6. Removal of vehicles interfering with snow or ice removal or sewer repair and maintenance.

For the purpose of removing snow or ice from any public way in the Borough or the scheduled and emergency repair and maintenance of the sewer system, the Borough Police Department may remove or cause to be removed any vehicle parked in such manner as to interfere with such work referred to in the preceding section, the cost of such removal and storage charges to be borne by the owner.

2. Chapter 456, §456-16 D, H and L of the Borough of Larksville Code of Ordinances are hereby amended to read as follows:

D. Where a driveway proposes to cross a roadside swale or shoulder (where no curbs or walks exist), the driveway shall be constructed in strict conformance with the driveway detail drawing contained herein. Specifically, no driveway shall be constructed across any swale or shoulder unless provisions are made to maintain the swale and shoulder, as contained on the driveway detail. No pipe shall be permitted without the prior written consent of the Borough Engineer. [No such pipe may be connected to any wastewater collection system facilities.]

H. No driveway shall be sloped directly onto the roadway that will cause water from the drive to flow onto the roadway. In all cases, a flow line must be established at the shoulder edge, or in the case of a swale, in the center of the swale. No such flow line may be connected to any wastewater collection system facilities.

- L. All driveway permit applications must include a sketch and details, including but not limited to the following: location with respect to property lines, homes and roads; location with respect to underground utility facilities; length and width; pavement composition; grade and slope; and all other pertinent information such as hydraulic calculations, pipe size and slope, swale treatment, etc., as determined by the Borough.
3. The introductory paragraph of Chapter 456, §456-23 (1) of the Borough of Larksville Code of Ordinances is hereby amended to read as follows:
 - (1) Persons, agencies, public instrumentalities or private corporations now or hereafter owning or operating in this commonwealth equipment or facilities for:
 4. Chapter 456, §445-25 A of the Borough of Larksville Code of Ordinances is hereby amended to read as follows:
 - A. The applicant shall protect, defend, indemnify and save harmless the Borough and each public utility owning or operating facilities impacted by work or services under this article, their respective officers and/or agents thereof from all claims, suits, actions and proceedings of every nature and description which may be brought against the Borough and such public utility, their respective 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 equipment 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 neither the Borough nor any public utility 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.
 5. Chapter 456, §456-38 of the Borough of Larksville Code of Ordinances is hereby amended to read as follows:

§ 456-38. Responsibility for damages.

In the event 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 Street Department Supervisor and all concerned pertinent utilities to instruct them (it) to have an authorized representative inspect the condition before and after backfilling is begun.
 6. Chapter 456, §456-49 of the Borough of Larksville Code of Ordinances is hereby amended to read as follows:

§ 456-49. Determination of lines and grades by Borough Engineer.

The Borough Engineer shall have the final decision for the determination of lines and grades for street construction. This decision shall be based on good engineering

practice and Borough standards and in consultation with an engineering representative of the company, corporation or person owing or operating said line.

7. Chapter 456, §456-50 A of the Borough of Larksville Code of Ordinances is hereby amended to include A (5) and (6) as follows:

- (5) Telecommunication lines and conduits shall be a minimum of 36 inches below subgrade.

- (6) Sanitary wastewater lines shall be a minimum of 48 inches below subgrade.

8. Chapter 456, §456-51 A (2) of the Borough of Larksville Code of Ordinances is hereby amended to read as follows:

- A. (2) Utility relocation may be necessary for the installation, maintenance or repair of municipality owned or operated utility systems, such as the municipal sewer system of the Wyoming Valley Sanitary Authority. Where the installation or modification of a publicly owned or operated utility is a part of a roadway construction project, participation in the reimbursement or utility relocation is excepted.

9. Chapter 456, §456-60 of the Borough of Larksville Code of Ordinances is hereby amended to read as follows:

§ 456-60. Technical requirements.

It is the intention of Larksville Borough Council that the Commonwealth of Pennsylvania, Pennsylvania Code, Title 67, Transportation, Department of Transportation, Chapter 459, entitled "Occupancy of Highway by Utilities," Sections 459.8 and 459.9 be made part of this article. It is the intent to include additional applicable technical requirements to the chapter. Further, all applicable technical rules and regulations of the Wyoming Valley Sanitary Authority in effect from time to time relating to paving cuts, excavations and connections to its sanitary sewer collection system are hereby included in this chapter.

10. Repealer.

All Ordinances or parts of Ordinances of the Borough of Larksville in conflict with this Ordinance to the extent of such conflict, and no further, are hereby repealed.

11. Severability.

The provisions of this Ordinance are severable and if any section, sentence, clause, revision, part or other portion hereof shall be held unconstitutional, illegal, invalid or otherwise ineffective, the validity of the remaining provisions shall be unaffected thereby. It is the intention of the Borough Council of the Borough of Larksville that this Ordinance would have been adopted had such unconstitutional, illegal, invalid, or otherwise ineffective section, sentence clause, or provision, part or other portion not been included herein.

12. Remaining Provisions.

All of the remaining provisions of Chapter 456 of the Borough of Larksville Code of Ordinances shall remain in full force and effect.

13. Effective Date.

This Ordinance shall become effective immediately upon the conveyance of the sanitary collection system to the WWSA.

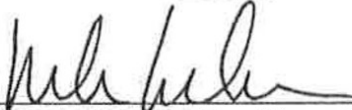
ORDAINED AND ENACTED by the BOROUGH COUNCIL OF THE BOROUGH OF LARKSVILLE, this 15 day of November, 2022.

ATTEST:

BOROUGH OF LARKSVILLE



IRENE VALATKA, Borough Secretary



MIKE LEHMAN, President of Council

Approved: _____