

ORDINANCE 779

AN ORDINANCE OF THE BOROUGH OF PALMERTON, CARBON COUNTY, PENNSYLVANIA, AMENDING SECTIONS OF ORDINANCE 280, CHAPTER 110 OF THE PALMERTON BOROUGH CODE ENTITLED *STREETS AND SIDEWALKS*.

Section 110-13 – Excavation requirements and specifications. Amended to read:

A. No opening or excavation in any street shall extend from the curb line into the highway a distance greater than one foot beyond the center line of the street before being refilled and the surface of the highway is restored to a condition safe and convenient for travel.

B. No more than two blocks with an intersecting street closed shall be opened in any street at any one time.

C. The work of excavation shall be so conducted as not to interfere with the water mains, sewers or their connections with the houses or any other subsurface lines or constructions, until permission of the proper authorities in connection with such subsurface lines or constructions shall have been obtained.

D. No tunneling shall be allowed without the express approval of the Borough Engineer and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Borough Engineer, or an inspector designated by him/her, and shall be done only in a method approved by him/her.

E. All openings or excavations shall be backfilled promptly with suitable materials and thoroughly compacted in layers, each of which shall not exceed six inches in depth. On improved streets, the backfilling shall be placed to within 10 inches of the surface.

F. On improved streets, a temporary paving of suitable stony materials, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving.

G. During the making of any excavation in any street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in a safe and passable condition both day and night by guards, barriers, lanterns and other devices, and all excavating permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Borough from any loss, in damages or otherwise, whatsoever which may or shall be occasioned at any time by the said excavation or by any leak, explosion or other injury from any pipe, apparatus or conduit or any other matter placed in the said excavation.

H. The applicant shall notify the Borough Engineer when the opening or excavation is ready for backfilling before any backfilling is done and when the work is completed by properly backfilling in the case of unimproved streets and in the case of improved streets, by temporary paving or permanent restoration as determined by the Borough Engineer.


I. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Engineer, be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him/her, or in the event that the work for which the permit was granted is not completed within the time fixed by the Borough Secretary, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed and charge the cost thereof, plus 20%, to the applicant.

J. Requirements to make permanent restoration to street openings shall be in accordance with Borough regulations as follows:

1. If two cuts are made 100 feet or less apart, the entire area between the two cuts, and including the two cuts, shall be milled and overlaid for a width of $\frac{1}{2}$ the street width, unless the repair crosses the center line of the street, then the mill and overlay shall be for the full width of the street.
2. If more three or more cuts are made within a 500-foot span in the street, the section must be milled and overlaid for $\frac{1}{2}$ the width of the street, unless the repair crosses the center line of the street, then the mill and overlay shall be for the full width of the street for the entire length of the work.
3. Milling and overlay may also be required wherever designated by the Borough Engineer, Borough DPW Supervisors, or designee.
4. The time from milling to final paving of the street shall not be closed to traffic overnight. The permittee is responsible for traffic control during the street closure period.
5. The permittee shall inspect all temporary patches on a weekly basis and make necessary repairs until final repair is made. Final repair shall be made, weather permitting, within 30 days of the completion of the project requiring street opening.

All other portions of Ordinance 208/Chapter 110 shall remain in full force and effect.

ADOPTED this 27th day of March, 2024.


Terry L. Costenbader
Council President

ATTEST:


Autumn Canfield
Manager/Secretary

APPROVED this 27th day of March, 2024.


Don Herrmann, Mayor