## **BOROUGH OF PALMYRA**

Lebanon County, Pennsylvania

## ORDINANCE NO. 830

AN ORDINANCE TO AMEND THE PALMYRA BOROUGH CODE OF ORDINANCES, CHAPTER 314, STREETS AND SIDEWALKS, TO UPDATE REGULATIONS AND MAKE TECHNICAL CORRECTIONS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Palmyra, Lebanon County, Pennsylvania, as follows:

<u>Section 1.</u> The Palmyra Borough Code of Ordinances, Chapter 314, Streets and Sidewalks, Article I, Construction and Reconstruction of Sidewalks and Curbs, §314-2, Sidewalks and Curb Construction Required, Subsection B, shall be amended to provide as follows:

B. The Borough shall use the Sidewalk Inspection Form as adopted by Resolution of Borough Council to determine compliance with this Article.

<u>Section 2.</u> The Palmyra Borough Code of Ordinances, Chapter 314, Streets and Sidewalks, Article I, Construction and Reconstruction of Sidewalks and Curbs, §314-8, Specifications for Curb and Sidewalk, shall be amended as follows:

A. Materials, dimensions, workmanship and specifications for curbing within the Borough's right-of-way or on other Borough owned property shall be in accordance with the standard details included in Appendix A. In addition, curbing shall meet the following:

\* \* \*

(2) Sit on a mechanically compacted subgrade or undisturbed earth with a stable subbase consisting of a minimum of four inches of mechanically compacted PennDOT No. 2A stone, PennDOT 2B stone, or AASHTO No. 57 stone.

\* \* \*

- (8) Pavement restoration shall be completed in accordance with  $\S314-25$ .
- (9) Alternate construction methods, such as slipform curbing, may be approved by the Borough Engineer.
- B. Materials, dimensions, workmanship and specifications for sidewalks within the Borough's right-of-way or on other Borough-owned property shall be in accordance

with the standard details included in Appendix A. In addition, sidewalks shall meet the following:

\* \* \*

(2) Be constructed of cement concrete with a compressive strength of 3,500 psi and meet the PennDOT requirements for Class S concrete.

\* \* \*

(8) Where a traffic control sign had been previously installed in the sidewalk, a three-and-one-half-inch to four-inch diameter hole shall be cast through the entire thickness of the concrete. A PVC sleeve shall be installed, and all voids around the signpost shall be filled with sand. The hole shall be cast at the exact same location as the previously installed sign.

\* \* \*

(11) The newly poured sidewalk shall be cured and protected. In cool weather temperatures below 40° F., sidewalk shall be cured as directed by the Borough Engineer. Curing compound shall be applied in accordance with PennDOT Publication 408, Section 676.3.k.7. In warm weather, the sidewalk shall be kept moist for a period of not less than three days, or longer if directed, and shall be protected from the elements by a burlap covering which is not less than seven ounces per square yard in weight or two layers of four-millimeter poly sheeting, in a manner satisfactory to the Borough Engineer.

\* \* \*

(13) Handicapped ramps shall be installed at locations directed by the Borough and shall be in compliance with Americans with Disability Act and PennDOT Publication 72 M-Standards for Roadway Construction.

<u>Section 3.</u> The Palmyra Borough Code of Ordinances, Chapter 314, Streets and Sidewalks, Article I, Construction and Reconstruction of Sidewalks and Curbs, shall be amended by inserting a new §314-14.1, Violations and Penalties, which shall provide as follows:

§314-14.1. Violations and Penalties.

- A. Any person, firm or corporation, or the members of such firm or the officers of such corporation who shall violate any provision of this article shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine not to exceed \$1,000 per violation plus costs including reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Each day that a violation of this article continues shall constitute a separate offense. Each section of this article which is violated constitutes a separate violation.
- B. Borough Council may revoke any permit issued to any person violating any

provisions of this article.

C. The imposition of penalties herein provided shall not preclude the Borough from instituting appropriate legal or equitable action to prevent the performance of work or acts declared to be unlawful under this article or to restrain, correct or abate any violations and from recovering all costs related to the enforcement of this article including, but not limited to, the filing of a municipal lien. The imposition of penalties shall not prevent the Borough from taking action in accordance with §314-12 to perform work after providing notice to do such work to the owner and, in default of payment thereof, to file a municipal lien for such work against the property.

<u>Section 4.</u> The Palmyra Borough Code of Ordinances, Chapter 314, Streets and Sidewalks, Article II, Excavations and Openings in Streets, §314-15, Definitions, shall be amended by inserting the following definitions in alphabetical order:

CARTWAY – That portion of a street or alley which is improved, designed, or intended for vehicular use.

EXCAVATION – The digging of any trench or excavating within the right-of-way, through or under the cartway or sidewalk or the cutting into or removal or opening of any of the pavement surfaces of any street or alley within the limits of the Borough.

<u>Section 5.</u> The Palmyra Borough Code of Ordinances, Chapter 314, Streets and Sidewalks, Article II, Excavations and Openings in Streets, §314-20, Permit Application Procedure, Subsection D, shall be amended to provide as follows:

D. Except in emergency situations, the opening of a street which has been resurfaced or reconstructed within a five-year period prior to the date of request for the street opening shall be prohibited.

Section 6. The Palmyra Borough Code of Ordinances, Chapter 314, Streets and Sidewalks, Article II, Excavations and Openings in Streets, §314-25, Technical Specifications, shall be amended as follows:

\* \* \*

- D. Base courses.
  - (1) Borough streets. Regardless of the thickness of the existing base course, no base course shall be placed less than five inches in depth of Superpave Asphalt Mixture Design, Base Course, PG 64-22, 0.3 to less than 30 million ESALs, 25 mm mix and shall conform to PennDOT Publication No. 408.
  - (2) Sidewalks and curbs. The base course under sidewalks and curbs shall consist of a minimum depth of four inches of PennDOT 2A, PennDOT 2B, or AASHTO No. 57 Coarse Aggregate conforming to the specifications in PennDOT Publication No. 408, Section 310.

E. Pavement restoration.

\* \* \*

- (2) A bituminous concrete wearing course of Superpave Asphalt Mixture Design, Wearing Course, PG 64-22, 0.3 to less than 30 million ESALs, 9.5 mm mix, SRL-L shall then be placed to a thickness matching that of the existing bituminous wearing course, but in no case shall the wearing course be less than 1 1/2 inches compacted thickness.
  - \* \* \*
- (5) Where permanent type paving restoration is not permitted because of weather limitations on placement of bituminous concrete, as defined in PennDOT Publication No. 408, Section 413.3.b, temporary paving shall be required. Temporary paving shall consist of a layer of bituminous patching material from an approved manufacturer in PennDOT Bulletin 15, having a minimum thickness after compaction of two inches, and the top surface shall be flush with the surface of the adjacent existing pavement. All temporary paving shall be continuously maintained by the permittee until it can be replaced by the permanent paving. When the conditions permit the placement of permanent paving, the temporary paving shall be completely removed prior to the placement of the permanent paving material.

\* \* \*

- G. Additional Restoration. Additional restoration shall be required as follows:
  - (1) Disturbed portions of the road, including, but not limited to, slopes and appurtenances and structures such as guide rails, curbs, signs, markings, drainpipes, driveways and vegetation, shall be restored by the permittee to a condition at least equal to that which existed before the start of work authorized by the permit, if the restoration is consistent with the PennDOT "Roadway Construction Standards". Additional restoration may also be required, upon written notification, to restore the structural integrity of the pavement or shoulder.
  - (2) If the permittee opens pavement having a bituminous concrete surface and the Borough's wearing course is less than 5 years old, the permittee shall, in addition to the restoration conditions outlined in the permit and in this section, overlay the pavement in accordance with the following conditions:
    - (a) When a longitudinal opening longer than 20 linear feet has been made in the pavement, the permittee shall overlay the traffic lanes in which the opening was made, for the entire length of highway that was opened, in a manner authorized by the Borough.
    - (b) When two or more transverse openings have been made within 100 linear feet of each other, the permittee shall overlay traffic lanes in which the openings were made, for the entire length of roadway between the openings, in a manner authorized by the Borough.

- (c) When four or more emergency openings have been made by the same permittee within 100 linear feet of pavement, the permittee shall overlay traffic lanes in which the openings were made, for the entire length of roadway between the openings, in a manner authorized by the Borough.
- (d) If disturbed lanes adjacent to undisturbed lanes are overlayed, the edge of the disturbed lane shall be saw cut or milled to a depth of 1-1/2 inch or the depth of the existing surface course, whichever is less, for the length of the opening to insure a smooth joint, with proper elevation and cross section. A full width overlay may be authorized on various roadways instead of saw cutting or milling the disturbed lane.
- (e) If disturbed lanes adjacent to shoulders are overlayed, the shoulder shall be raised, with material and in a manner authorized by the Borough for the type of existing shoulder, so that the overlaid pavement and shoulder edges are at the same elevation.
- (3) Regardless of the age of the wearing course:
  - (a) If more than 100 linear feet of longitudinal or transverse openings, or both, are made in the pavement, the Borough may require the permittee to overlay traffic lanes in which the openings were made, for the entire length of highway that was opened, if the Borough determines that the rideability or structural integrity of the pavement has been impaired by the openings.
  - (b) If four or more openings are made by the same permittee within 100 linear feet of pavement, the Borough may require the permittee to restore the entire disturbed pavement between the openings by milling, or other authorized method and overlaying the entire disturbed pavement.
  - (c) If an opening is made in a bituminous concrete pavement within three feet from the edge of pavement or other longitudinal joint or opening, the surface restoration shall be extended to the edge of pavement or other longitudinal joint.
  - (d) When two or more transverse trench openings are made in the street pavement less than 100 feet apart, the applicant will overlay the traffic lanes in which the openings were made for the entire length of the street between such openings.
  - (e) If two or more openings are made in a perpendicular line crossing the road, the surface restoration shall extend five feet longitudinally beyond the opening and span the entire roadway width.

- When the permitted opening is to be closer than five feet to the edge (f)of an existing patch or patches in the pavement, the restoration shall be extended to include said patch.
- When the permitted opening is located in a street or alley 14 feet (g) wide or less, then the applicant shall overlay the entire street or alley width for the entire length of the opening.

Section 7. The Palmyra Borough Code of Ordinances, Chapter 314, Streets and Sidewalks, Article III, Playing on Streets, shall be amended by deleting §314-37, Sidewalk and Curb Construction Required, in its entirety.

Section 8. The Palmyra Borough Code of Ordinances, Chapter 314, Streets and Sidewalks, Article I, Construction and Reconstruction of Sidewalks and Curbs, Appendix A, shall be deleted and a new Appendix A attached hereto and incorporated herein shall be inserted in its place.

Section 9. All other sections, parts and provisions of the Code of Ordinances of Palmyra Borough shall remain in full force and effect as previously enacted and amended.

Section 10. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 11. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this  $28^{\text{TH}}$  day of  $M_{\text{H}}$ , 2024, by Borough Council of the Borough of Palmyra, Lebanon County, Pennsylvania, in lawful session duly assembled.

> BOROUGH OF PALMYRA Lebanon County, Pennsylvania

Attest: (Assistant) Secretary
By: Beth Shearen
(Vice) President

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**Borough Council** 

amined and approved as an Ordinance this  $25^{++}$  day of -++++, 2024. H911 mm 10 HOU

By: Frecherk & Cayporto

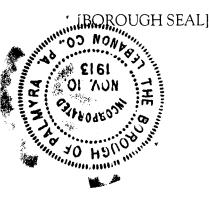
## CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Borough of Palmyra, Lebanon County, Pennsylvania ("Borough") certify that: The foregoing is a true and correct copy of an Ordinance of Borough Council of the Borough which duly was enacted by affirmative vote of a majority of the members of Borough Council of the Borough of Palmyra at a meeting duly held on the  $28^{TH}$  day  $M_{ff}$ ,  $Z_0 Z_{f}$ ; and was examined and approved by the Mayor; of such Ordinance has been duly recorded in the Ordinance Book of the Borough; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that Borough Council of the Borough of Palmyra met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S.§701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Borough of Palmyra or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough of Palmyra, this 28<sup>TH</sup> day of <u>MAY</u>, <u>2024</u>.

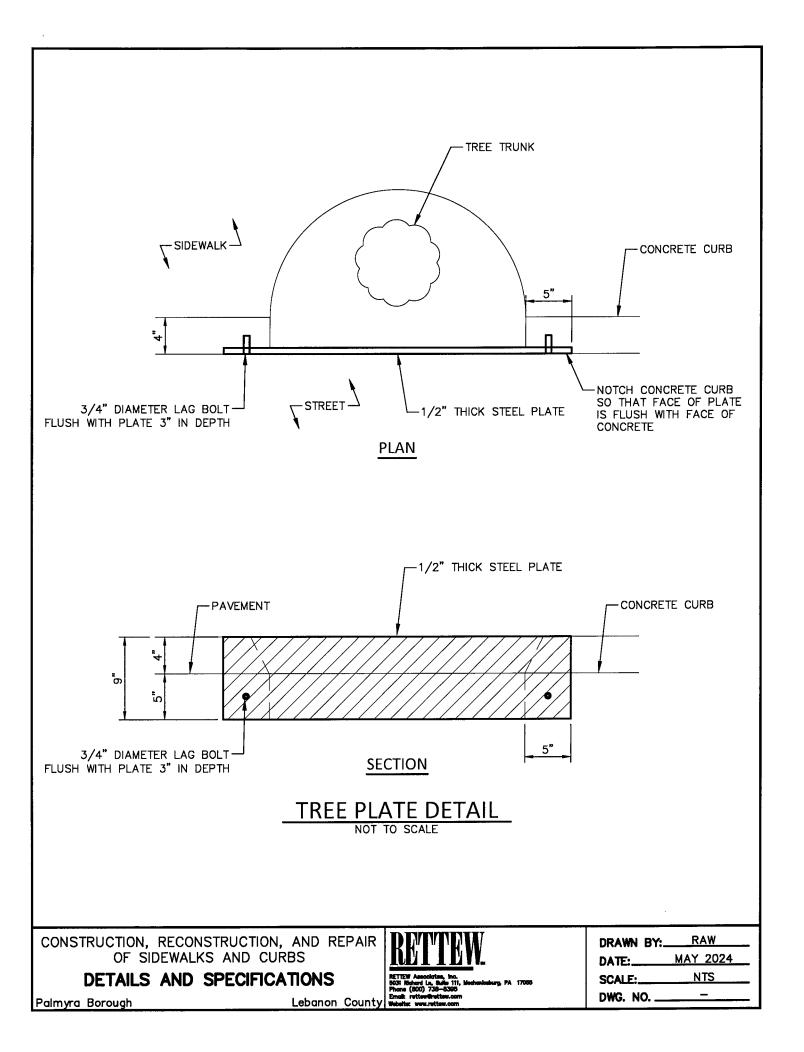
Assistant Secretary



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**APPENDIX A** 

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CONSTRUCTION, RECONSTRUCTION, AND RE OF SIDEWALKS AND CURBS <b>DETAILS AND SPECIFICATIONS</b> Palmyra Borough Lebanon	CPAIR RETTEW Associates, Inc., SOII Rehard La, Balle 111, Machaeladaurg, PA 17065 Phone (600) 738-5366 County Website: www.rettow.com	DRAWN BY: RAW DATE: MAY 2024 SCALE: NTS DWG. NO

