

BOROUGH OF TRAFFORD

ORDINANCE NO. 4 of 2022

AN ORDINANCE OF THE BOROUGH OF TRAFFORD, COUNTY OF ALLEGHENY AND WESTMORELAND, COMMONWEALTH OF PENNSYLVANIA, FURTHER AMENDING THE CODIFIED ORDINANCES OF THE BOROUGH OF TRAFFORD AT CHAPTER 170, ARTICLE V, §170-27 RELATING TO STREET OPENINGS AND EXCAVATIONS INCLUDING ADDITIONAL CURB TO CURB RESTORATION REQUIREMENTS UPON COMPLETION OF WORK

WHEREAS, Chapter 170 of the Codified Ordinances of the Borough of Trafford governs and regulates Streets and Sidewalks within the Borough; and

WHEREAS, Article V pertains to Street openings and excavations; and

WHEREAS, Section 170-27 sets forth of Chapter 141 sets forth the requirements to be followed in the event that it is determined that additional area of the street needs to be opened than originally contemplated in the application; and

WHEREAS, Council desires to amend this section to include additional curb to curb restoration requirements that must occur to any opened surface; and

NOW, THEREFORE, BE IT ORDAINED by the Borough of Trafford as follows:

SECTION 1: TEXT AMENDMENT TO CODIFIED ORDINANCES

Chapter 170, Article V, Section 170-27 of the Codified Ordinances of the Borough of Trafford is hereby amended in its entirety to read as follows:

§170-27 Additional work and restoration requirements.

In no case shall a permittee open or remove a greater area of street surface than specified in the original application. The permittee shall not open any street area at any location not specified in the original application. If the permittee determined during construction that an additional area of the street will have to be opened, he shall notify and secure permission from the department for the additional opening. Upon receipt of permission, the permittee shall file a supplementary application for the work no later than the next work day. When restoring the opened areas, the following restoration requirements shall be met:

- A. Any person or entity who shall open or excavate any street, alley, highway, sidewalk, (inclusive of curb) or other such road or pathway within this Borough

shall thoroughly and completely refill the opening or excavation in such a manner as to prevent any settling thereafter and shall then restore the surface. Said restoration and resurfacing shall be continuous and from curb to curb or edge to edge of the roadway or pathway, shall otherwise be to the same condition and material as it was before the opening or excavation and shall be in accordance with the specifications and detail as provided by the Borough Engineer and in accordance with the specifications of the Department of Transportation of the Commonwealth of Pennsylvania, where applicable, for restoration of surfaces of streets in the Borough of Trafford. If, within two (2) years after the restoration of the surface as herein provided, defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the Borough of Trafford for all necessary repairs to the permanent paving. In all cases after the work has been completed, the sum deposited less the amount of expenses incurred by the borough, including the cost of supervision, shall be deducted from the sum deposited. In the case of public service corporations, they may exercise the option, under the terms and stipulations of this Article and the permanent restoration shall be performed and completed as soon thereafter as the utility work has been completed, but in no instance shall permanent restoration be completed any longer than three months from the official date of said completion, except as may be necessitated by winter weather conditions and as approved by the Borough.

- B. Any street which is opened within two years of repaving shall be resurfaced for a distance of no less than 15 feet beyond each side of such opening.
- C. Any street which is opened more than two years after but up to five years of repaving shall be resurfaced the entire width for a distance of no less than 10 feet beyond each side of said opening.
- D. Any street opened which is opened after five years of paving shall be resurfaced the entire width for a minimum distance of 5 feet beyond each side of opening.
- E. Bituminous pavement restoration shall consist of the following: Saw one foot outside the initial excavation and remove temporary paving and base to a depth of 7 ½ inches below the existing finished surface and furnish and install the following.
 - 1. Thoroughly compact subgrade
 - 2. Place eight-inch compacted depth of 2-A modified stone base
 - 3. Place four-inch compacted depth of 25.0 mm Superpave Binder Material
 - 4. Place two-inch compacted depth of 19.0 mm Superpave Binder Material

5. Place one-and-a-half-inch compact depth of 9.5 mm Superpave Wearing Material
 6. Immediately following paving operations, hand mop and seal all edges where new pavement meets existing surfaces with AC-20 sealing material
- F. Where concrete curb is to be restored, the contractor shall saw out and remove affected curb to the next undisturbed expansion or contraction joint, shall place one-half-inch pre-molded expansion joint material and install medium depth eighteen-inch plain cement curb to match width and reveal of the adjacent existing undisturbed cure. Concrete shall be 4,000 PSI air entrained. All new finished concrete surfaces shall be treated with BASF Enviroseal 40 or equivalent. See enclosed drawing IX:3.05:02B.
- G. Where concrete sidewalk is to be restored, the contractor shall excavate and remove existing affected sidewalk to the next undisturbed expansion or contraction joint, shall saw cut smooth and replace full slabs. Specifications shall include five-inch minimum depth of compacted 28 or crushed stone subbase and five-inch thickness of 4,000 PSI air entrained concrete, with No. 10/10 gauge welded wire fabric, one-half-inch pre-molded expansion joints where new construction meets existing construction and placed at thirty-foot center to center, with contraction joints at ten-foot center to center. All new finished concrete surfaces shall be treated with BASF Enviroseal 40 or equivalent. See enclosed drawing IX:3.05:048.
- I. Additional restoration shall be repaired as follows:
 - a. If disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lanes shall be saw cut or milled to a depth of 1 ½ inches or the dept of the existing surface, course, whichever is less, for the length of the opening to insure a smooth joint, with proper elevation and cross sections. A full width overlay may be authorized on various roadways instead of saw cutting or milling the disturbed land.
 - b. Restored openings in the pavement or paved shoulder shall be sealed in the case of bituminous concrete or in the case of cement concrete.
- H. Test holes shall require a street opening permit for any test hole work. No test holes shall be made in or upon a greater surface of the highway than as specified in such permit, and no excavation may interfere with any water pipes, sewers or drains of the Borough or any other underground utility service. Test holes shall be promptly backfilled in accordance with provisions set by the Borough.
- I. Before an excavation permit as herein provided is issued, the applicant shall deposit with the Borough Manager a surety or personal bond in the amount as set from time to time by Resolution of Borough Council for each ten (10) feet

of street opening, made payable to the Borough, and which surety or personal bond may, at the discretion of the Borough, be held for a period up to twenty-four (24) months after said work shall have been done in order to secure the Borough as hereinafter stated. The required surety bond must be conditioned upon the permittee's compliance with this Article and to secure and hold the Borough and its officers harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit or for which the Borough, the Borough Council or any Borough officer may be liable by reason of any accident or injury to persons or property through the fault of the permittee, either in not properly guarding the excavation or for any other injury resulting from the negligence of the permittee, and further conditioned to fill up, restore and place in good and safe condition as near as may be to its original condition, and to the satisfaction Borough, all openings and excavations made in streets and to maintain any street where excavation is made in as good condition for the period of twenty-four (24) months after said work shall have been done, usual wear and tear excepted, as it was in before said work shall have been done. Any settlement of the surface within said two year period shall be deemed conclusive evidence of defective backfilling by the permittee.

SECTION 2: ATTACHMENT REPLACEMENT.

The attachments referenced in Section 1, (IX:2.03:05, IX:2.03:05F, and IX:2.13:00), which are also attached hereto and incorporated herein by reference, shall replace §170 attachment 3:1 & 2:1.

SECTION 3: SEVERABILITY.

It is hereby declared to be the intention of the Council of the Borough of Trafford that the several provisions of this Ordinance are separable. If any Court of competent jurisdiction shall declare any words, sentences, sections, or provisions of this Ordinance to be invalid, such a ruling shall not affect any other words, sentences, sections, or provisions of this Ordinance not specifically included in said ruling.

SECTION 4: REPEALER.

All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

SECTION 5: EFFECTIVE DATE.

This ordinance shall take effect immediately upon its approval in accordance with the Borough Code.

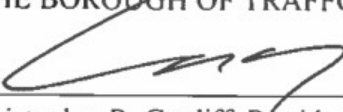
THIS ORDINANCE **ORDAINED AND ENACTED** BY THE COUNCIL OF
THE BOROUGH OF TRAFFORD ON THIS 4th DAY OF October, 2022.

ATTEST:



Jaime Peticca, Borough Manager

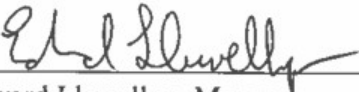
THE BOROUGH OF TRAFFORD



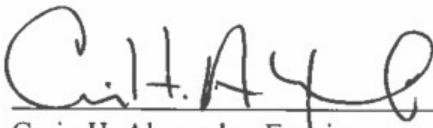
Kristopher R. Cardiff, President

EXAMINED AND APPROVED this 4th day October, 2021.

APPROVED AS TO FORM:



Edward Llewellyn, Mayor



Craig H. Alexander, Esquire
Solicitor