

ORDINANCE NO 2024-5-13-1

TOWNSHIP OF HAZLE

SECTION I: TITLE & REPEALER

This Ordinance shall be known and may be cited as the "**Utility Cut and Excavation Ordinance**". Ordinance 2020-5-21-2 is hereby repealed. All other ordinances, or parts thereof, which are inconsistent or in conflict with this Ordinance are also hereby repealed to the extent of any inconsistency or conflict.

SECTION II: DEFINITIONS AND WORD USAGE

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

APPLICATION FOR A PAVE CUT PERMIT- A form provided the Permittee, Utility or Contractor by the Township noting pertinent data for the purposes of inspection and control by the Township and constituting a receipt for services performed by the Township.

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

CONTRACTOR — Any individual person, entity, organization, corporation, limited liability company or partnership, whether in business for profit or not, hired, contracted, or merely performing a job, supplying labor and materials, and providing staff if needed to also include any general, independent, and sub-contractor.

EMERGENCY REPAIR - Work necessitated by the rupture or sudden malfunction of existing underground facilities.

EXCAVATION — The act or process of excavating by the cutting, scooping, removing, or digging out of any material whatsoever.

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.

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.

MUNICIPAL CORPORATION - All cities, Townships, 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.

NEW PAVEMENT — Pavement shall be considered new for a period of **six (6) years** from the date of placement.

PAVEMENTS - Riding surfaces of machine-laid asphalt over a base of concrete, brick, Belgian block, crushed stone, bituminous concrete or oil and stone. Any hard surface structured in such a way to form the surface of a street as defined herein to also include the shoulder.

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:

- (1) Persons or corporations now or hereafter owning or operating in the Commonwealth equipment or facilities for:
 - (a) 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.
 - (b) Diverting, developing, pumping, impounding, distributing, or furnishing water to or for the public for compensation.
 - (c) Transporting or conveying natural or artificial gas, crude oil, gasoline or petroleum products by pipe lines or conduit for the public for compensation.
 - (d) Conveying or transmitting messages or communications by telephone or telegraph to the public for compensation including cable television signals.
 - (e) Sewage collection, treatment, or disposal for the public for compensation.

- (2) The term "public utility" shall not include:
 - (a) Any person or corporation not otherwise a public utility who or which furnishes services only to himself or itself;
 - (b) Any bona fide cooperative association which furnishes services only to its stockholders or members on a nonprofit basis; or

- (c) Any producer of natural gas not engaged in distributing such gas directly to the public for compensation.

SERVICE - Used in this Ordinance 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 Ordinance to their patrons, employees, other public utilities, and the public, as well as the interchange of facilities between two (2) 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.

TOWNSHIP - Township of Hazle, Luzerne County, Pennsylvania.

TOWNSHIP PAVE CUT LOG - A chronological record of pave cuts as reported to the Township, containing pertinent data as required by the Township for the purposes of inspection and control.

UTILITY - Any entity that provides services such as, but not limited to, water, sewer, gas, electricity to members of the public to also include any general, independent, sub-contractor, or any entity included in the definition of Contractor that is performing services on behalf of any utility.

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 Ordinance.

SECTION III

A. PERMIT REQUIRED

A permit must first be obtained before any opening can be made in any paved thoroughfare, cartway, shoulder or sidewalk in the Township. Each permit shall cover a maximum roadway opening of one hundred (100) feet in length. A non-refundable permit application fee is to be paid at the time of application, said fee to be determined from time to time by way of resolution of the Township Supervisors (see attached Fee Schedule). Excluded from the permit requirement shall be any work in a highway under the jurisdiction of the Pennsylvania Department of Transportation.

B. NORMAL PERMIT PROCEDURES

Applications for a pave cut permit shall be available from the Township Code Enforcement Officer or his/her Designee, at 101 West 27th Street, Hazle Township, Pennsylvania. An authorized agent of a utility or contractor may complete said application at the Township office. This shall be done a minimum of seventy-two (72) hours in advance of a planned excavation. A copy of the completed application, signed by the Township Code Enforcement Officer or his/her Designee agent, shall be in the hands of a competent person at the work site described in said application and shall constitute a permit.

Each application shall include a complete set of plans which shall include drawings, list of materials, names and phone numbers of all contractors or utilities who will be working on the project and an estimated date of completion.

The Township Code Enforcement Officer at his/her discretion may deny or disapprove any application for any reason whatsoever. An application that does not conform to the rules and regulations set forth herein shall be denied and disapproved.

The Township Supervisors may require a performance bond or other form of financial security in accordance with the procedures outlined in the Hazle Township Subdivision and Land Development Ordinance Section 704 as contingent upon approval of the permit application.

C. EMERGENCY PERMIT PROCEDURES

In the case where an emergency repair, as hereinbefore defined, is found, the Permittee, Utility or Contractor shall first notify the Township Code Enforcement Officer or its designee and inform him/her that an emergency exists. When the emergency occurs after normal Township working hours, on weekends and holidays, the same person must be notified. Emergency pave cuts shall be recorded in the Township pave cut log at the start of the next business day following the emergency.

D. PERMITS NOT REQUIRING A FEE

Pave cuts necessitated by Township-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 Township Engineer at the completion of work. Notification will be required for any pave cuts made in state highways located within the Township for which a highway occupancy permit has been issued.

E. FAILURE TO OBTAIN PERMIT

All work done without a permit shall be subject to a penalty plus regular fees.

F. INSURANCE PROTECTION

The applicant shall protect, defend, indemnify and save harmless the Township, its officers and/or agents thereof from all claims, suits, actions and proceedings of every nature and description which may be brought against the Township, 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 the applicant or his agents, servants or employees, and the Township 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.

Minimum insurance shall be:

- a. Two hundred fifty thousand dollars (\$250,000.00) liability per individual with five hundred thousand dollars (\$500,000.00) limit for each occurrence for bodily injury.
- b. Two hundred fifty thousand dollars (\$250,000.00) liability for property damage.
- c. 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 Township office each January 15. Said evidence of insurance must include the provision that the Township shall be given proper advance notice of at least thirty (30) days of cancellation or any material alteration in the applicant's policy.

G. 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 three hundred (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, Latest Edition, Part IV, Traffic Controls for Street and Highway Construction and Maintenance Operations. If, in the opinion of the Township Engineer 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 Township.

H. ROAD CLOSING PROHIBITED; LANE CLOSING RESTRICTIONS

No street in the Township may be completely closed to traffic at any time. One (1) 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 Township may permit a road to be completely closed temporarily only with the consent of the Road Master, Township Engineer, and Fire Chief. When an emergency exists, the Fire Department shall be notified in advance of the closing of any street.

I. TIME LIMITS FOR COMPLETING WORK

For small area pave cuts, the Permittee, Utility or Contractor shall be required to complete the temporary restoration within five (5) days of issuance of the permit or twenty-four (24) consecutive hours of the initial cut, whichever comes first, during the normal working week, excluding holidays and weekends. Extension time may be allowed upon appeal to the Township Engineer, provided that the contractor substantiates sufficient reasons for the extension required. Work on long cuts, those over twenty-five (25) feet in length, shall proceed in a continuous manner. Permits for long cuts or capital improvements will not be granted during the months of November through March, except by written permission

from the Township Engineer. The Permittee, Utility or Contractor shall coordinate planned cuts in the Township streets with the paving program of the Township. A construction schedule comprising planned cuts shall be submitted to the Township Engineer as they become available. If available, the Township will provide a paving program for a one-year period to the utilities prior to April 15. Prior to April 1 of each year, all utility companies must file with the Township Engineer their detailed schedule for utility cuts in streets to be paved by the Township. All utility cuts must be completed well in advance of the Township's paving program. Changes in the utilities' schedule of planned cuts shall require confirmation from the Township Engineer. Changes in the Township's paving program shall be submitted to all utilities at the earliest possible date to permit the utilities to adjust their respective schedules.

J. SCHEDULING

All excavations shall be commenced and completed by the use of reasonable work force. In congested areas and commercial or industrial districts, the Township may limit work to other than normal daytime working hours. Further, at the cessation of work, adequate steel plates may be required over the excavation while it is not being worked to ensure full traffic flow. The maximum length of the opening in the roadway shall be one hundred (100) feet, unless otherwise permitted, in writing, by the Township Engineer.

K. REMOVAL OF EXCAVATED MATERIAL; BLOCKING OF HYDRANTS PROHIBITED

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. 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 fifteen (15) feet of any hydrant.

L. WASTE MATERIAL (EXCAVATED)

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.

M. EQUIPMENT USED FOR OPENINGS

Power-driven saws or air hammers shall be used on all cuts in Portland cement 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 one-half (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 Township Engineer.

N. 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.

O. 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 of the Township; 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.

P. 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 Township 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.

SECTION IV

A. MATERIALS FOR BACKFILLING

All work must be completed within the confines of the specifications of the Pennsylvania Department of Transportation (PennDOT) as set forth in 67 Pa. Code, Chapter 459 governing occupancy of highways by utilities and Department of Transportation Design Manual part 5 — Utility Relocation, as well as applicable sections of the Pennsylvania Department of Transportation Publication 408. All work areas must be cleanly and neatly saw cut to full depth of existing pave. The preferred and recommended backfill method is utilizing PA DOT approved flowable concrete backfill. After placement of flowable fill Permittee and Contractor shall mill and provide steel plate covers for minimum 24 hours curing period prior to placement of final pavement restoration. (No temporary pave would be required). Steel plate covers are to be hot patched and or pinned as required. Saw cut shall be to a depth of one and a half (1.5") or the depth of the existing paving, whichever is greater, for the length of the opening. Use of flowable fill requires only initial saw cut. Alternate trench backfill method may be 2A modified material meeting the requirements of Publication 408 and placed and compacted throughout its full width as specified in B. below. Excavated material may not be used for backfill. All existing pavement shall then be saw cut back 3'-0" on each side as per sketch attached to this Ordinance and labeled "Trench Permanent Pavement Restoration Detail" and all edges shall be tack coated prior to pavement restoration and all edges sealed.

B. BACKFILL METHODS AND PROCEDURES

Backfill shall be compacted by means of mechanical rammers or vibrators or by pneumatic tampers. Hand tampers shall be used only around the pipe or structure or as approved by the Township. All voids along the sides of the trench, behind sheeting, under bracing or other objects, shall be completely and carefully filled, using such fine materials, hand labor and tools as may be necessary. Backfill shall be placed in layers not to exceed six (6") inches if a tamper or wacker is used or in layers not to exceed twelve (12") inches if approved vibratory compaction equipment is used. All backfill materials shall be compacted to ninety-eight percent (98%) of the maximum dry density as determined by AASHTO T-99 Method C. Backfill material shall not be allowed to be dropped into the trench from a height greater than five (5) feet from the top of the existing backfill in the trench. See "Trench Permanent Pavement Restoration Detail" for additional information.

C. **TEMPORARY RESTORATION**

The utility or contractor shall be responsible for temporary restoration of pavement surface. Temporary restoration shall be placed in the trench before traffic is allowed to travel on the disturbed area and shall remain in place for a minimum of thirty (30) days. The temporary restoration shall consist of a minimum of **three (3) inches of 19.0 mm binder course**. After the minimum thirty (30) day period, but before sixty (60) days, the temporary restoration shall be removed and the area saw cut back three (3) feet prior to permanent restoration as per sketches attached to this ordinance. If no hot mix is available, the Township Engineer may authorize the use of cold patch with a four-inch depth only during emergency repairs or if permission to use cold patch by the Hazle Township Supervisors. If, in the opinion of the Township Engineer, the temporary restoration fails because of poor materials or placement, the utility or contractor will be responsible to remove and replace the same in a manner consistent with the requirements of this Ordinance within twenty-four (24) hours of being notified by the Township. Temporary pavement restoration shall be made permanent with hot mix in all circumstances.

D. **SITE CLEANUP**

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 so as to prevent scarring of the pavement by scattered stones.

E. **PERMANENT PAVEMENT RESTORATION**

Permanent pavement restoration shall be required and shall be performed by the Permittee, Utility or Contractor as follows:

The Permittee, Utility or Contractor shall restore all areas disturbed by the work, such restoration to meet Department of Transportation specifications, for both materials and workmanship. All pavement design shall meet 0.3 to 3 million ESAL's unless otherwise directed by the Township Engineer. All existing pavement shall be saw cut back three (3) feet on each side of the trench as per sketch attached to this Ordinance and labeled "Trench Permanent Pavement Restoration Detail" and all edges shall be tack coated prior to pavement restoration and all edges sealed.

- a. Prior to replacement of the base course, if alternate restoration is used, an additional one (1) foot outside of each edge of the opening shall be sawed, in a neat straight line, to the top elevation of the existing aggregate subbase or stone base course, and the detached material shall be removed. Other surface opening methods such as cutting may be authorized by the Township Engineer if the methods result in the opened pavement having a neat, straight, vertical line. All existing pavement edges shall be tack coated prior to restoration.
 - (1) Exposed vertical and horizontal surfaces shall be prepared as per PennDOT Publication 408.
 - (2) The base course shall consist of bituminous concrete meeting the requirements of PennDOT Publication 408 or other base course material authorized by the Township Engineer. The base course material shall consist of hot mix, hot laid superpave 25.0 mm base material and shall have a

minimum depth of four and one half (4.5) inches or a depth equal to the existing base course, whichever is greater.

- (3) If required by existing conditions or the Township Engineer, a binder course shall be provided consisting of 19.0 mm material meeting the requirements of PennDOT Publication 408. The binder course shall have a minimum depth of two and a half (2.5") inches or depth equal to the existing binder course, whichever is greater.
- (4) If required by existing conditions any rock choke base, brick, or concrete shall be replaced with new 3,000 psi concrete at a depth to match existing and doweled 18" oc to any existing concrete as per applicable PennDOT Standard.
- (5) **Wearing Course.** Any surface course shall consist of constructing a wearing course of hot-mixed, hot-laid Superpave 9.5 mm wearing course on the above prepared base course to a depth of not less than one and a half (1.5"), after compaction. The materials and construction methods shall be in strict accordance with the requirements of PennDOT Publication 408. The bituminous surface course shall be rolled with a vibratory roller. If right-of-way has not been accepted by the Township, the Hazle Township Supervisors may require that the final wearing course be withheld until the streets are ready to be offered for dedication to the Township.

b. **Additional restoration.** Additional permanent pavement restoration shall be required and shall be performed by the Permittee, Utility or Contractor as follows:

- (1) Disturbed portions of the street, including but not limited to slopes and appurtenances and structures such as guide rails, curbs, signs, markings, drain pipes, driveways, and vegetation, shall be restored by the utility or contractor to a like new condition. Additional restoration may also be required, upon written notification to the utility or contractor by the Township Engineer, to restore the structural integrity of the pavement or shoulder.
- (2) All damaged areas outside of trench installation caused directly or indirectly by work of this Permittee and Contractor shall be restored in kind with new in compliance with this ordinance.
- (3) If the permittee, contractor, or utility opens pavement having an asphalt surface, the permittee, utility, or contractor shall, in addition to the restoration conditions outlined in this Ordinance, provide full lane or road width milling to a depth of one and one half (1.5") inches and overlay the pavement when the opening or openings meet the following criteria:
 - (a) When a longitudinal opening greater than five (5) linear feet has been made in the pavement, the Permittee, Utility or Contractor shall notch each end, mill, and overlay the full width of the traffic lanes in which the opening was made, for a distance of three (3') feet beyond the end of the excavation or sawcut in both directions of the street that was opened.
 - (b) When one transverse opening has been made, the Permittee, Utility or Contractor shall diagonally notch, mill and overlay the full width

- of the traffic lanes in which the opening was made for three (3') feet from the trench saw cut in both directions.
- (c) When two (2) or more transverse openings have been made within one hundred (100) linear feet of each other, the Permittee, Utility or Contractor shall diagonally notch, mill and overlay the full width of the traffic lanes in which the openings were made, for the entire length of street between the openings and for a distance of three (3') feet in both directions from the sawcut.
 - (d) When two (2) or more emergency openings have been made by the Same Permittee, Utility or Contractor within a ninety-day period within one hundred (100) linear feet of pavement, the Permittee, Utility or Contractor shall diagonally notch, mill and overlay the full width of the traffic lanes in which the openings were made, for the entire length of street between the openings, and for a distance of three (3') feet in both directions from the saw cut.
 - (e) If directed by the supervisors or Township Engineer or their agents the Permittee, Utility, or Contractor shall overlay the adjacent undisturbed lane. The Permittee, Utility, or Contractor shall saw cut, mill, notch and overlay both lanes as directed.
 - (f) If disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lane shall be saw cut or milled to a depth of one and one-half (1.5") inches 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 streets instead of saw cutting or milling the disturbed lane.
 - (g) If disturbed lanes adjacent to shoulders are overlaid, the shoulder shall be raised, with material and in a manner authorized by the Township Engineer for the type of existing shoulder, so that the overlaid pavement and shoulder edges are at the same elevation.
 - (h) If disturbed lanes adjacent to shoulders are milled and overlaid, the shoulder shall be repaired with material and in a manner authorized by the Township Engineer of the type to match the existing shoulder, so that the overlaid pavement and shoulder edges are at the same elevation.
- (3) Aggregate used in a bituminous overlay wearing course shall comply with skid resistance level (SRL) criteria specified in PennDOT Design Manual, Part 2, Chapter 11.
 - (4) If an opening is made in an asphalt pavement within three (3) feet from the edge of pavement, concrete curb, or other longitudinal joint or opening, the surface restoration shall be extended to the edge of pavement or curb and full width of lane. Any restoration adjacent to a concrete curb shall be sealed in accordance with item eight (8) below.
 - (5) At each end of an overlay, the Permittee, Utility or Contractor shall provide a minimum three (3) foot overlay transition with a diagonal paving notch, as

per PennDOT Roadway Construction Standards Publication 72, by milling, or other authorized method.

- (6) The transition areas at each end of an overlay shall follow the contour of the surrounding surface.
 - (7) When any pavement markings are covered or destroyed by the permitted work, including overlays, they shall be replaced with temporary pavement markings, under PennDOT Publication 111M (relating to temporary pavement markings) before opening the disturbed pavement to traffic. When the pavement surface is restored, pavement markings that were covered or destroyed shall be replaced in their former location.
 - (8) Sealing. Restored openings in the pavement or paved shoulder shall be sealed as per PennDOT Publication 408.
- F. **Courts and alleys.** Permanent restoration in courts and alleys shall be required, to the greatest extent possible and consistent with the standards set forth in this Ordinance and conditions in such court or alley, with the precise methods to be at the direction of the Township Engineer.
- G. **Special restoration.** The permanent restoration of special type pavements, such as concrete, brick, Belgian block, cobblestone gutters or tiles, shall consist of relaying the original wearing course in accordance with the original installation specifications in such a manner as to prevent settlement or other deterioration.
- H. **Testing and inspection.** The Township Engineer or his designate may inspect all cuts and an inspection fee shall be charged.
- I. **Repaving and reconstruction.** Upon notification from the Township Engineer of a planned street resurfacing or reconstruction, all utilities will be required to test their lines and services and to schedule necessary capital improvements and service connections prior to resurfacing or reconstruction. Thereafter cuts will be permitted in the new pavement only in an emergency. Pave cuts made in new pavement shall be subject to a penalty (See Section IX Fees, Deposits and Bond Requirements and Fee Schedule). Essential services for new building construction will be exempt from this penalty. New construction shall not include the addition of another service not included in the original construction or regarded as essential to the original construction. **Pavement shall be considered “new” for a period of six (6) years from the date of placement. Furthermore, for longitudinal pavement cuts in newly paved roads pavement restoration shall be a full road width (curb to curb) for the entire length of the trench plus three (3) feet from the beginning and the end of the trench. Transverse (perpendicular) pavement cuts within newly paved roads pavement restoration shall be full road width (curb to curb) twenty (20) feet from edge of trench on both sides of trench.**
- J. **Test borings.** All test holes and borings shall require restoration. Restoration of bore holes shall follow immediately after testing with the application of asphalt or other water-resistant plugs. A penalty will be charged for each test hole found unplugged.

SECTION V

A. REPLACEMENT OF PAVEMENT MARKINGS

The applicant or contractor must reimburse the Township all costs to replace all pavement markings damaged or removed by pave cuts and work incident thereto. The Township shall contract to have the necessary repairs made and shall bill the Permittee, Utility or Contractor.

B. REPLACEMENT OF ELECTRONIC TRAFFIC CONTROL DEVICES AND ANCILLARY EQUIPMENT

Electronic traffic control devices and ancillary equipment damaged or removed because of pavement excavations or work incident thereto must be replaced by the Permittee, Utility or Contractor, in kind, in whole or in part as required by the Township Engineer or his agent. The Township shall contract to have the necessary repairs made and shall bill the Permittee, Utility or Contractor.

C. PLUMBING WORK

1. All plumbing work performed within the Township of Hazle right-of-way shall be duly inspected by the Code Enforcement Officer, Township Engineer, or designee.
2. It shall be the responsibility of the Permittee, Utility or Contractor company or the contractor to notify the Code Enforcement Officer, Township Engineer, or designee at least twenty-four (24) hours prior to the start of any plumbing construction. This shall include any repairs or connections to existing lines and/or the construction of any new lines for any purpose.
3. Any trench, etc., shall remain open until all necessary inspections have been made by the Township's Code Enforcement Officer, Township Engineer, or designee.
4. The inspection visit by the Code Enforcement Officer, Township Engineer or designee shall be done and paid for in accordance with the fee schedule adopted by the Township for plumbing inspections.

D. FINES

Any violations of this Ordinance, except those which are specifically provided for otherwise in this Ordinance, shall be subject to a penalty not to exceed seven hundred fifty (\$750.00) dollars per day for each offense. A separate offense shall be deemed to be committed on each day during which a violation occurs or continues.

1. For failure to give proper notification to the Code Enforcement Officer, a penalty of seven hundred fifty dollars (\$750.00) shall be imposed.
2. For covering a trench prior to inspection, a penalty of seven hundred fifty dollars (\$750.00) shall be assessed the utility or contractor. In addition, the contractor shall reopen the trench until all inspections are made. If the contractor fails to reopen the trench within twenty-four (24) hours of notification to do so by the Code Enforcement Officer, the trench will be reopened by Township forces or their

assigns and the contractor will be charged double the costs incurred.

3. For failure to make corrections upon notification from the Township, for each calendar day for which work remains uncompleted from time specified by the Township, a penalty of one hundred dollars (\$100.00) per day shall be imposed.

SECTION VI

A. DELEGATION OF ENFORCEMENT AUTHORITY

The Township Supervisors provides by this Ordinance that the responsibility and authority for the administration and enforcement of this Ordinance shall rest with the Township Zoning Officer, Road Foreman, or their designee.

B. STREET INSPECTORS

The Township Engineer may appoint as his representatives' persons to enforce this Ordinance. These agents shall have the authority and responsibility for the enforcement of this Ordinance as vested in the Township Engineer.

SECTION VII

A. NONCOMPLIANCE

When work performed by a Permittee, Utility or Contractor under this Ordinance is found in violation of same, the Permittee, Utility or Contractor may be given the opportunity to make corrections as required by the Township. If the corrections are not completed in the specified time or not completed as specified, the Township may suspend all work, whether completed or in progress, in noncompliance with this Ordinance and take appropriate safety precautions. All work performed or contracted for by the Township of Hazle to attain compliance in this regard shall be billed to the Permittee, Utility or Contractor.

B. RESUMPTION OF SUSPENDED WORK

The Permittee, Utility or Contractor shall actively resume work upon order from the Township after a suspension.

C. PENALTIES FOR NONCOMPLIANCE

If the Permittee, Utility or Contractor fails to make adequate corrections to work found in noncompliance with this Ordinance in the time specified, a penalty shall be imposed until said corrections are completed to specifications.

D. RIGHT TO REFUSE ISSUANCE OF PERMIT

The Township reserves the right to bar any Permittee, Utility or Contractor or his employee from working within the Township limits whose work is found in noncompliance with this Ordinance. The Township reserves the right to refuse issuance of a permit to any applicant who fails to maintain pave cuts in accordance with this Ordinance or who fails to pay sums due the Township within thirty (30) days from the date of billing. The Township reserves the right to refuse issuance of a permit to cut new pavement.

E. DESIGNATION OF STATUTORY AGENT

Every public Permittee, Utility or Contractor shall file with the Township Engineer 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.

F. PROVISIONS PERTAINING TO GENERAL CONTRACTORS

At the discretion of the Township, licensed contractors, other than those under contract to a utility, may be permitted to make an opening cut or excavation in the Township's public streets. Sections pertaining to public utilities shall be applicable to licensed contractors.

SECTION VIII

1. BOARD OF APPEAL

- A. **Appointment.** There is hereby established a board to be called the "Board of Appeal", consisting of three (3) members, one (1) of whom shall be a registered professional engineer whose experience pertains to roadway construction, one (1) of whom shall be a licensed contractor whose experience pertains to roadway construction and/or repair and one (1) of whom shall be an attorney of the Luzerne County Bar. The members shall elect one (1) of their members to act as Chairman.
- B. **Ex officio members.** The Township Engineer and the Township Roadmaster shall be ex officio members of the Board of Appeal. They shall have no right to vote on any matter submitted to the Board of Appeal. The Township Secretary shall act as Secretary for the Board of Appeal.
- C. **Terms of office.** The Township Supervisors shall appoint all members of the Board of Appeals for a three (3) year term of office. All members shall hold office unless removed and until a successor is appointed and qualified. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the Board shall, at the discretion of the chief appointing authority of the municipality, render any such member liable to immediate removal from office by such chief appointed officer.
- D. **Quorum.** Members of the Board shall constitute a quorum. In varying the application of any provision of this Ordinance or in modifying an order of the street inspector, affirmative votes of two (2) members shall be required. No member of the Board shall pass upon any question in which he, or any corporation in which he is a shareholder, is interested.
- E. **Meeting and records.** Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All hearings before the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official action. Such minutes and such records shall be public records.
- F. **Procedure.** The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Ordinance.

2. APPEAL PROCEDURE

- A. Any person or corporation aggrieved by a decision of the Township pertaining to this Ordinance may take an appeal to the Board of Appeal.
- B. An appeal may be taken within thirty (30) days from the date of the decision appealed by filing with the Township Secretary and the Board of Appeal a notice of appeal, specifying the grounds thereof, except in the case where a condition exists which, in the opinion of the Township, constitutes a clear and present danger to the public. In such a case, the Township may in its order limit its order to a shorter period. The Township Engineer shall forthwith transmit to the Board of Appeal all the papers and other information upon which the action appealed from was taken. Each appeal shall be accompanied by a deposit in the amount set forth in this Ordinance, Fees. If on appeal the decision of the Township is changed, modified, or reversed, the deposit shall be returned to the appellant. If the decision of the Township is sustained, the deposit shall be retained by the Township. The appellant shall be required to pay all expenses for any tests deemed necessary by the Board.

3. MODIFICATIONS AND VARIATIONS BY BOARD OF APPEAL

- A. The Board of Appeal, when so appealed to and after a public hearing, may vary the application of any provision of this Ordinance to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Ordinance or public interest or when, in its opinion, the interpretation of the Township should be modified or reversed.
- B. A decision of the Board of Appeal to vary the application of any provision of this Ordinance or modify an order of the Township's agent shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reasons therefore.

4. DECISIONS OF BOARD OF APPEAL

- A. The Board of Appeal shall in every case reach a decision without unreasonable or unnecessary delay. Every decision of the Board of Appeal shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Township Secretary and shall be open to public inspection.
- B. If a decision of the Board of Appeal reverses or modifies a refusal, order or disallowance of the Township's agent or varies the application of any provision of this Ordinance, the Township's agent shall act immediately in accordance with such decision.

5. APPEALS FROM DECISIONS OF BOARD OF APPEAL

A person aggrieved by a decision of the Board, whether previously a party to the proceeding or not, or an officer of the Board may, within fifteen (15) days after the filing of such decision in the office of the Township Secretary, apply to the appropriate court to correct errors of law in such decisions.

6. SEVERABILITY

It is hereby declared that the provisions of this Ordinance are severable one from another and severable as to the public utilities, persons, corporations or municipal corporations subject thereto and the subject matters respectively dealt with

thereby; and if, for any reason one (1) or more of such provisions is judicially held to be unconstitutional, as applicable to any particular public utility, person or corporation, or subject matter dealt with by such provision, or is held unconstitutional in any way for any reason, such holding or decision shall not affect the validity of such provision or provisions as applicable to other public utilities, persons, corporations or municipal corporations, or subject matters dealt with thereby, or the validity of the remaining provisions of this Ordinance. It is declared that such provisions and the remaining provisions would have been enacted notwithstanding such judicial determination of the invalidity of any such particular provision or provisions in any respect.

7. EFFECT ON EXISTING PROCEEDINGS, REGULATIONS AND CONTRACTS; REPEALED ACTS

- A. All litigation, hearings, investigations, and other proceedings whatsoever pending under any act repealed by this Ordinance shall continue and remain in full force and effect. All orders, rules or regulations issued or filed under any ordinance repealed by this Ordinance, and in full force and effect upon the effective date of this Ordinance, shall remain in full force and effect for the term issued or until revoked, vacated, or modified under the provisions of this Ordinance. All existing contracts and obligations entered into or created under any ordinance repealed by this Ordinance, and in force and effect upon the effective date of this Ordinance, shall remain in full force and effect.
- B. The repeal by this Ordinance of any other act shall not revive any law heretofore repealed or superseded and shall not impair or affect any act done, offense committed or liability, penalty, judgment, or punishment incurred prior to the time this Ordinance takes effect, but the same may be enforced, prosecuted, or inflicted as fully and to the same extent as if this Ordinance had not been passed. The provisions of this Ordinance, as far as they are the same as those of existing laws, shall be construed as a continuation of such laws and not as new enactments.

8. VIOLATIONS AND PENALTIES

- A. Any person violating any of the provisions of this Ordinance shall, upon conviction unless otherwise provided herein, be sentenced to pay a fine not to exceed six hundred dollars (\$600.00). Each and every day upon which a person violates this Ordinance is a separate offense.

B. ACKNOWLEDGMENT OF GUILT

Any person charged with violating any provision of this Ordinance may sign an acknowledgment of the offense committed, either before or after the beginning of suit, and pay to any duly authorized agent of the Township the maximum fine provided by this Ordinance, together with costs accruing to that date. Such person shall receive a printed receipt therefor, which shall bear the imprint of the seal of the Township and the signature of the Chairman of the Board of Supervisors, which shall be evidence of full satisfaction of the offense committed.

IX. FEES, DEPOSITS AND BOND REQUIREMENTS

- A. Fees and deposits shall be in the amount set forth in the fee schedule attached.

- B. Notwithstanding any other provision of this section, the Township Engineer and all other Township officers and employees are hereby prohibited from issuing any excavation permit to any person for an excavation in any street in the Township that has been newly constructed within six (6) years prior to the date of application for such permit; provided, however, in the event of an emergency condition, such as a gas leak, water leak or sewer blockage, the Township Engineer or designee is hereby empowered to issue such an excavation permit upon the payment of the sum set forth herein, and a deposit for street repairs at the rate of double the amount as set by this Ordinance from time to time for repairs to paved streets. Township Engineer to determine extent and type of existing pavement milling and repaving on a case-by-case basis.
- C. In the event that any person shall desire to excavate for purposes other than an emergency in any newly constructed street during the time from the date of such construction and six (6) years thereafter, the Township Supervisors shall be empowered, at its discretion, to pass an appropriate resolution authorizing such excavation, but in no event shall the payment of the sum set forth in this section for such a permit and the double amount of paving costs be eliminated.
- D. Penalties shall be as follows:
 - i. Failure to obtain permit: seven hundred fifty dollars (\$750.00).
 - ii. Unplugged test hole: twenty-five dollars (\$25.00) each.
 - iii. Paved-over monument: fifty dollars (\$50.00) each.
 - iv. Removed monument: cost to replace, plus fifty dollars (\$50.00).
 - v. Failure to make corrections upon notification from Township, for each calendar day for which work remains uncompleted from time specified by Township: one hundred dollars (\$100.00) per day.
- E. The Township Supervisors may require a performance bond or other form of financial security in accordance with the procedures outlined in the Hazle Township Subdivision and Land Development Ordinance Section 704 as contingent upon approval of the permit application.

PROCEDURE PRIOR TO EXCAVATING HAZLE TOWNSHIP, LUZERNE COUNTY, PA

1. Except in the case of emergencies, Permittee or Contractor to complete and submit a utility cut and excavation permit application and required fee at least 48 hours prior to starting job, including work permit, excavation permit and sewer tap on fee (if applicable).
2. Permittee or Contractor must provide contractor's license and proof of insurance prior to issuance of permits.
3. Permittee or Contractor must call "ONE CALL" 1-800-242-1776 or 811, at least three (3) working days prior to starting job.
4. Permittee or Contractor must notify the Code Enforcement Officer 24 hours before street closing.
5. No more than 100' of trench can be open at any time.
6. Permittee or Contractor must comply with all Township Ordinances.
7. It is the Permittee or Contractor's sole responsibility to familiarize himself/herself with all safety procedures as outlined by, but not limited to, PA DOT and OSHA, and implement them prior to start of construction. This will include, but not limited to, safety helmets, safety vest, trench boxes and traffic control.
8. Permittee or Contractor must contact the office of code enforcement officer 24 hours prior to start of excavation to arrange for inspection of the pipe connections, stone bedding, backfill and pavement restoration. Failure to arrange for inspection will require that the trench be reopened at the contractor's expense. The contractor will be unable to secure any additional permits in the Township until all inspections are successfully completed. The Township also reserves the right to impose fines and other penalties as outlined by law.

* NOTE: The words "Contractor" or "Permittee" are synonymous.

EMERGENCY PERMIT PROCEDURES

In the case where an emergency repair, as hereinbefore defined, is found, the Permittee, Utility or Contractor shall first notify the Township or its designee and inform him/her that an emergency exists. When the emergency occurs after normal Township working hours, on weekends and holidays, the same persons must be notified. Emergency pave cuts shall be recorded in the Township pave cut log at the start of the next business day following the emergency.

**HAZLE TOWNSHIP UTILITY CUT AND EXCAVATION
ORDINANCE FEE SCHEDULE**

<u>TYPE OF FEE</u>	<u>AMOUNT</u>
DEPOSIT WITH APPEAL BOARD (IF REQUIRED)	\$200.00
UTILITY CUTS AND EXCAVATIONS SQUARE YARDAGE FEE (STANDARD & EMERGENCY)	\$50 PER SQUARE YARDS OF SURFACE AREA
PROCESSING AND ISSUING PERMIT FEE (EACH)	\$100.00
PROCESSING AND ISSUING PERMIT TO CLOSE A ROAD FEE	NO CHARGE
TESTING FEE	AT COST
INSPECTION PER HOUR FEE	\$70.00
INITIAL INSPECTION FEE (4 HOURS MINIMUM)	\$280.00
PROCESSING AND ISSUING EXCAVATION PERMIT FOR A NEWLY CONSTRUCTED STREET FEE	\$500.00 FOR FIRST 50 SQUARE FEET PLUS \$300.00 FOR EVERY ADDITIONAL 50 SQUARE FEET OR INCREMEMT THEREOF
PROCESSING AND ISSUING AN EMERGENCY PERMIT FEE	\$200.00

HAZLE TOWNSHIP, LUZERNE COUNTY, PA
APPLICATION FOR A ROAD UTILITY CUT OR EXCAVATION

MAILING ADDRESS: P.O. BOX 506, HARLEIGH, PA 18225
PHYSICAL ADDRESS: 101 WEST 27TH STREET HAZLE TOWNSHIP, PA 18202
PHONE: 570-455-2030 FAX: 570-453-0463 EMAIL: ZONING@HAZLETOWNSHIP.COM

PERMIT NUMBER: _____

APPLICATION DATE: _____

EMERGENCY PERMIT: YES _____ NO _____

NEWLY PAVED ROAD: YES _____ NO _____

PERMIT FEE: \$ _____

INSPECTION FEE: \$ _____

FINANCIAL SECURITY: \$ _____

APPLICANT & OWNER INFORMATION

1. APPLICANT'S NAME, MAILING ADDRESS & EMAIL ADDRESS:

2. OWNER'S NAME, MAILING ADDRESS & EMAIL ADDRESS (IF DIFFERENT THAN APPLICANT):

3. TELEPHONE NUMBER OF:

APPLICANT: () _____ - _____

OWNER: () _____ - _____

4. ADDRESS/LOCATION OF PROPERTY (PLEASE BE DESCRIPTIVE AND INCLUDE ROAD NAME AND HAZLE TOWNSHIP ROAD NUMBER. ALSO IF ROAD HAS BEEN PAVED WITHIN 6 YEARS):

CONTRACTOR INFORMATION

5. IF THE WORK IS NOT BEING DONE BY THE OWNER, LIST THE NAME, MAILING ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS OF THE CONTRACTOR(S):

6. THE FOLLOWING MUST BE COMPLETED:

A. IS PROOF OF WORKERS COMPENSATION ATTACHED TO THIS APPLICATION?
YES _____ NO _____

B. IF THE ANSWER IS NO, THEN A NOTARIZED STATE FORM MUST BE ATTACHED TO THIS APPLICATION INDICATING THAT THE CONTRACTOR HAS NO EMPLOYEES.

C. IS PROOF OF GENERAL LIABILITY INSURANCE ATTACHED TO THIS APPLICATION?

YES _____ NO _____

SCOPE AND NATURE OF THE PROPOSED CONSTRUCTION

7. PROVIDE A COMPLETE DESCRIPTION OF THE PROPOSED CONSTRUCTION INCLUDING THE REASONS FOR OPENING OR CUTTING THE ROAD:

NOTE: A SKETCH PLAN DRAWN TO SCALE MUST BE ATTACHED TO THIS APPLICATION SHOWING LOCATION AND DETAILS OF PROPOSED CONSTRUCTION.

8. DESCRIBE CONSTRUCTION TO BE COMPLETED TO RESTORE THE ROAD AFTER EXCAVATION AND CUT IS COMPLETE:

9. SIZE OF OPENING:

WIDTH: _____

DEPTH: _____

SQUARE FEET: _____

10. APPROXIMATE DATE WHEN WORK WILL COMMENCE: _____

APPROXIMATE DATE WHEN WORK WILL BE COMPLETED: _____

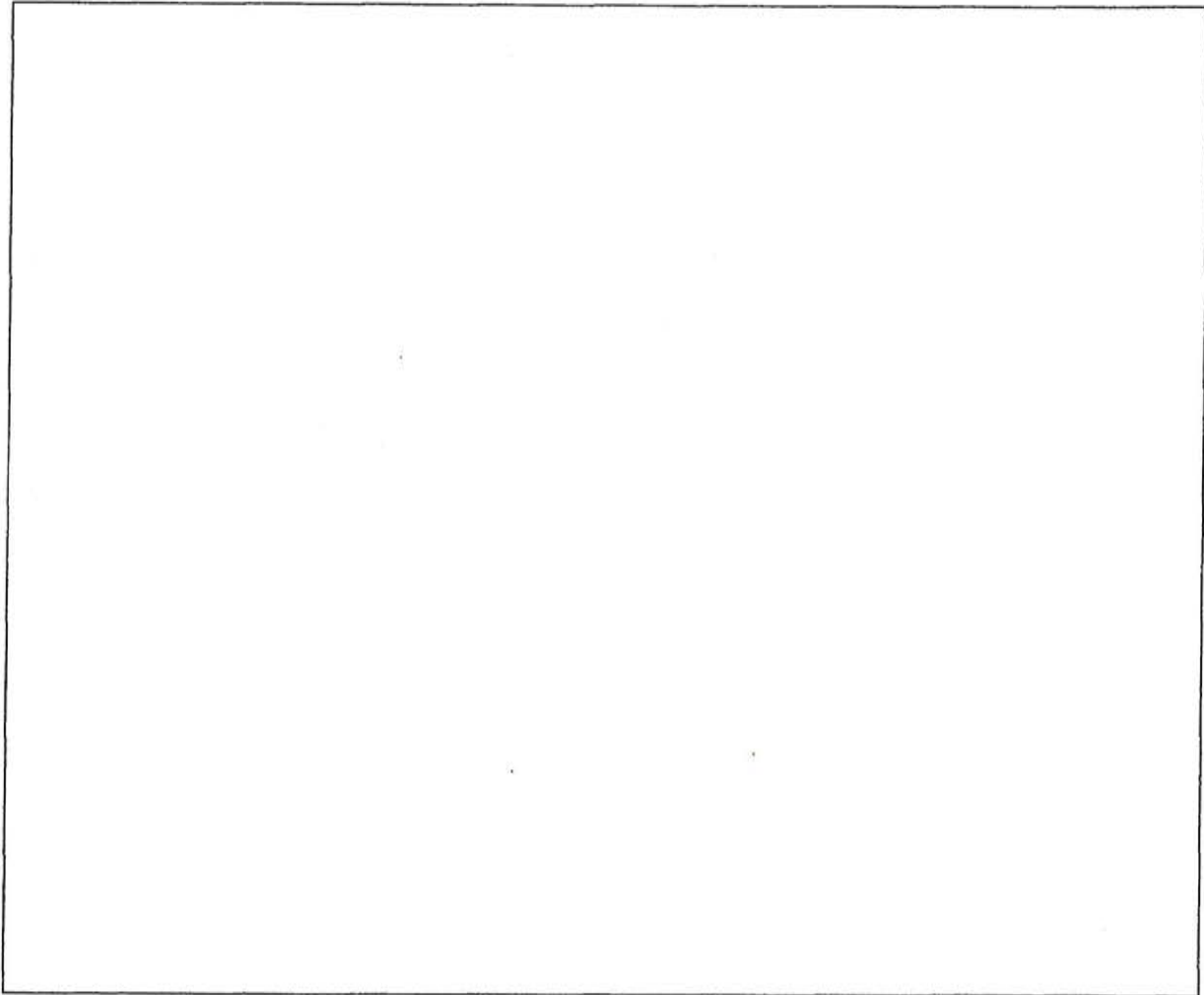
11. HAVE YOU COMPLIED WITH THE UNDERGROUND UTILITY LINE PROTECTION ACT AND CONTACTED ALL OF THE UTILITIES IN ACCORDANCE WITH THE ACT?

YES _____ NO _____ ONE CALL SERIAL NUMBER: _____

IF NO, PLEASE EXPLAIN: _____

**HAZLE TOWNSHIP
SKETCH PLAN DRAWN TO SCALE**

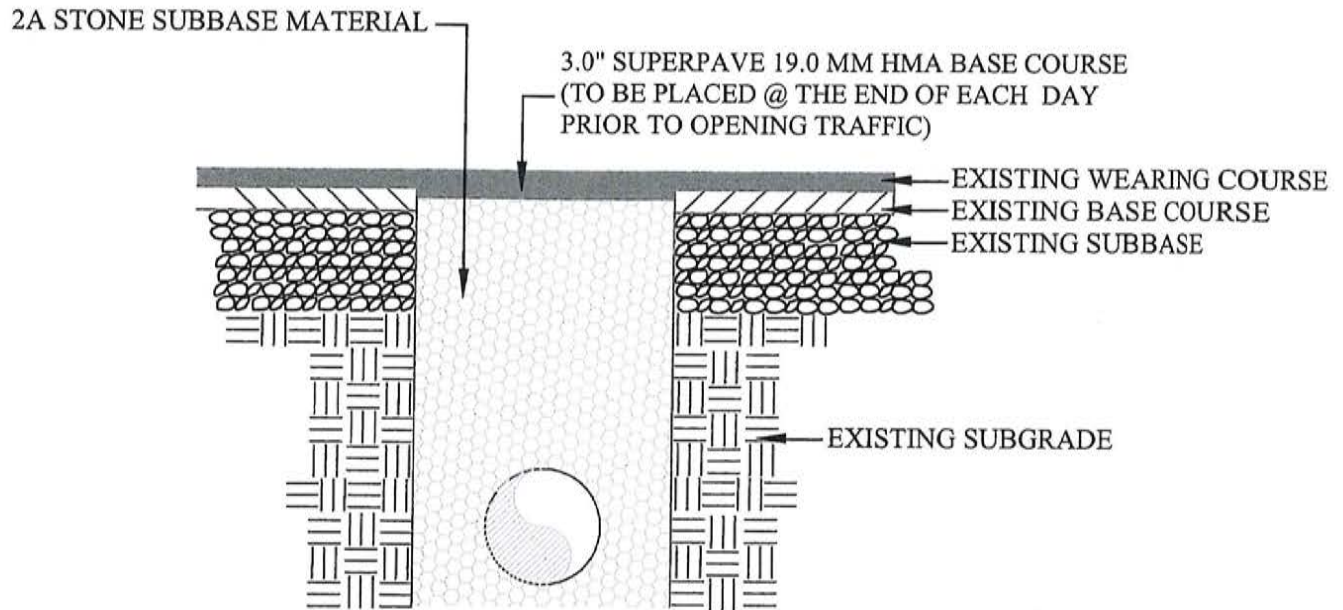
Indicate North



I will have the road excavation or cut performed in accordance with the dimensions and locations indicated above.

Date: _____

Signature of Applicant



TRENCH TEMPORARY PAVEMENT RESTORATION DETAIL

N.T.S.

NOTES

1. PAVEMENT, SHOULDERS, SIDEWALKS, DRIVEWAYS AND LAWNS SHALL BE REPLACED AND RESTORED IN KIND.
2. ALL CONSTRUCTION SHALL BE COMPLETED IN ACCORDANCE WITH PA DOT PUBLICATION NUMBER 408, AS AMENDED.
3. ALL CONSTRUCTION MUST BE IN CONFORMANCE WITH THE HAZLE TOWNSHIP UTILITY CUT AND EXCAVATION ORDINANCE.
4. SEE TRENCH PERMANENT RESTORATION DETAILS FOR PIPE BEDDING AND COMPACTION REQUIREMENTS.
5. COLD PATCH IS NOT A PERMITTED MATERIAL FOR TRENCH TEMPORARY ROAD RESTORATION WITH THE EXCEPTION OF EMERGENCY REPAIRS WHEN ASPHALT PLANTS ARE CLOSED UNLESS SPECIAL PERMISSION HAS BEEN OBTAINED BY THE HAZLE TOWNSHIP SUPERVISORS.

RJD ENGINEERING, INC.

8 WEST BROAD STREET-SUITE 700

HAZLETON, PA 18201

PHONE: (570) 459-2609

FAX: (570) 459-1047

EMAIL: RJDJOEY@PTD.NET

TRENCH TEMPORARY PAVEMENT RESTORATION DETAIL

HAZLE TOWNSHIP

P.O. BOX 506, HARLEIGH, PA 18225

PHONE: 570-455-2039

DATE: 02/27/2024 .

DRAWING NO.

SCALE: NONE

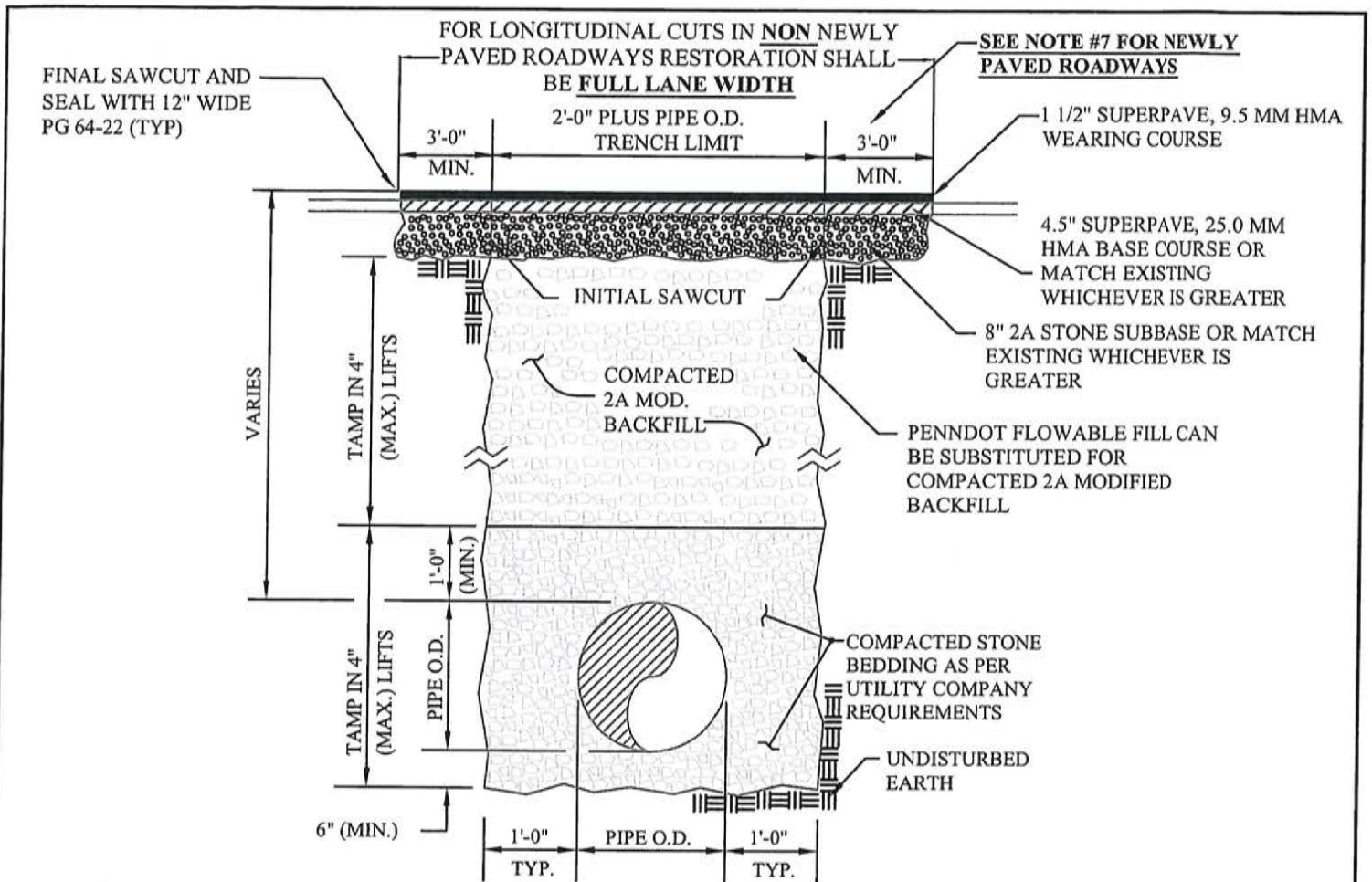
1

PREPARED BY
JMC

CHECKED BY
RJD

APPROVED BY
HTS

PROJECT NO.
24-109



TRENCH PERMANENT PAVEMENT RESTORATION DETAIL

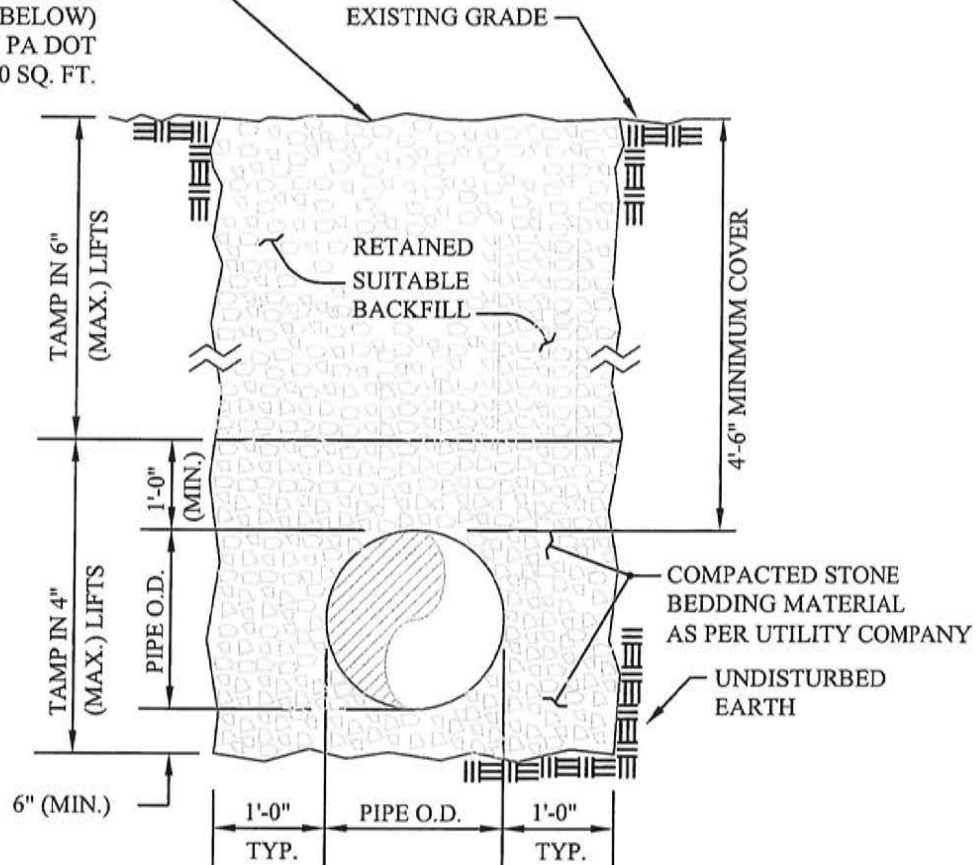
N.T.S.

NOTES

1. MINIMUM DEPTH OF WEARING COURSE AND BASE COURSE INDICATED. MATCH EXISTING CONDITIONS IF GREATER THAN THOSE DIMENSIONS INDICATED.
2. CUT BACK THE FULL DEPTH OF EXISTING MATERIAL TO REMOVE ALL DISTURBED AND DETERIORATED MATERIAL.
3. ALL EDGES SHALL BE TACK COATED BEFORE REPLACEMENT OF SURFACE COURSE.
4. ALL SURFACE JOINTS SHALL BE COMPLETELY SEALED WITH 12" WIDE OF PG 64-22.
5. PAVEMENT, SHOULDERS, SIDEWALKS, AND DRIVEWAYS SHALL BE REPLACED AND RESTORED IN KIND.
6. ALL CONSTRUCTION SHALL BE COMPLETED IN ACCORDANCE WITH PA DOT PUBLICATION NO. 408, AS AMENDED.
7. **NEWLY PAVED ROADS:** FOR LONGITUDINAL PAVEMENT CUTS WITHIN **NEWLY PAVED ROADWAYS** PAVEMENT RESTORATION SHALL BE **FULL ROAD WIDTH** FOR ENTIRE LENGTH OF TRENCH PLUS 3 FEET ON EACH SIDE OF TRENCH. FOR PERPENDICULAR PAVEMENT CUTS WITHIN **NEWLY PAVED ROADWAYS** PAVEMENT RESTORATION SHALL BE **FULL ROAD WIDTH 20 FEET FROM EDGE OF TRENCH ON BOTH SIDES OF TRENCH (RESTORATION SHALL BE 40 FEET PLUS WIDTH OF TRENCH).**

<i>RJD ENGINEERING, INC.</i> 8 WEST BROAD STREET-SUITE 700 HAZLETON, PA 18201 PHONE: (570) 459-2609 FAX: (570) 459-1047 EMAIL: RJDJOEY@PTD.NET				TRENCH PERMANENT PAVEMENT RESTORATION DETAIL	
HAZLE TOWNSHIP P.O. BOX 506, HARLEIGH, PA 18225 PHONE: 570-455-2039				DATE: 04/17/2024 DRAWING NO.	
PREPARED BY JMC		CHECKED BY RJD		APPROVED BY HTS	
PROJECT NO. 24-109		SCALE: NONE		2	

RESTORE SURFACE TO MATCH
PRECONSTRUCTION CONDITIONS
WITH 6" DEEP TOPSOIL
(SEE TOPSOIL NOTES BELOW)
AND RESEED WITH PA DOT
FORMULA "C" @ 9 LBS / 1,000 SQ. FT.



TRENCH UNIMPROVED AREA RESTORATION DETAIL

N.T.S.

SUITABLE MATERIAL IS DEFINED AS FOLLOWS:

MATERIAL CONTAINING NO DEBRI, ORGANIC MATTER FROZEN MATERIAL OR LARGE STONES WITH A DIAMETER GREATER THAN ONE-HALF THE THICKNESS OF THE COMPACTED LAYER BEING PLACED. IN NO CASE SHALL STONES OVER THREE (3) INCHES BE ALLOWED. MATERIAL TO BE COMPACTED TO A MINIMUM OF 97 PERCENT (STANDARD PROCTOR DENSITY).

ALL AREAS OF THE SURFACE OF THE TRENCH TO RECEIVE TOPSOIL MEETING THE FOLLOWING REQUIREMENTS:

1. SIX (6) INCH MINIMUM DEPTH.
2. MUST BE FERTILE, FRIABLE, NATURAL LOAM FREE OF SUBSOIL, CLAY LUMPS, BRUSH, STONES OR OTHER DELETERIOUS MATERIALS LARGER THAN TWO (2) INCHES IN GREATEST DIMENSION, CONFORMING TO PA DOT PUBLICATION 408 SECTION 802.2.
3. ALL STRIPPED TOPSOIL FROM THE TRENCH TO BE USED (AND AMENDED IF NECESSARY) TO MEET THESE REQUIREMENTS TO THE GREATEST EXTENT POSSIBLE.
4. SCARIFY THE SUBGRADE PARALLEL TO THE CONTOURS PRIOR TO THE PLACEMENT OF THE TOPSOIL.

RJD ENGINEERING, INC.

8 WEST BROAD STREET-SUITE 700

HAZLETON, PA 18201

PHONE: (570) 459-2609

FAX: (570) 459-1047

EMAIL: RJDJOEY@PTD.NET

**TRENCH UNIMPROVED AREA
RESTORATION DETAIL**

HAZLE TOWNSHIP

P.O. BOX 506, HARLEIGH, PA 18225

PHONE: 570-455-2039

DATE: 02/27/2024

DRAWING NO.

SCALE: NONE

3

PREPARED BY
JMC

CHECKED BY
RJD

APPROVED BY
HTS

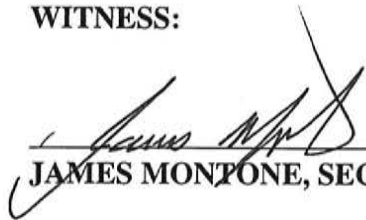
PROJECT NO.
24-109

IX. CONFLICT

Any Ordinance or part of an Ordinance conflicting with the provisions of this Ordinance shall be and the same is hereby repealed to the extent of such conflict.

This Ordinance shall take effect immediately this 13th day of May, 2024.

WITNESS:



JAMES MONTONE, SECRETARY

HAZLE TOWNSHIP SUPERVISORS:



ANTHONY GRIGUOLI, CHAIRMAN



ROBERT FIUME, VICE CHAIRMAN

ORDINANCE 2024-6

An Ordinance Amending the Code of Ordinances of the City of Hazleton, Part II, Chapter 440, Streets and Sidewalks, Article II, Utility Cuts

WHEREAS, by Ordinance 2020-5, the City of Hazleton amended and reimplemented its Utility Cut or Pave Cut Ordinance in the City; and

WHEREAS, several amendments to said ordinance have been suggested based on the implementation and most efficient use of the ordinance; and

WHEREAS, the City desires to amend the Code of Ordinances of the City of Hazleton, Part II, Chapter 440, Streets and Sidewalks, at Article II, Utility cuts to reflect the suggested amendments to the operation of the ordinance.

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF HAZLETON AS FOLLOWS:

The Code of Ordinances of the City of Hazleton, Part II, Chapter 440, Streets and Sidewalks, at Article II, Utility Cuts, is amended as follows:

Amendment:

440-33. Normal permit procedures.

A. Applications for a pave cut permit shall be available from the City of Hazleton, City Engineer's office, City Hall, 40 North Church Street, Hazleton, Pennsylvania. An authorized agent of a utility or contractor may complete said application at the City Engineer's office. This shall be done a minimum of 24 hours in advance of a planned excavation-

Additional Section:

440-36.5. Bonding

All approved applications require that a performance bond be issued for the estimated cost of a permanent pavement restoration as defined in Section 440-52.

1. Exceptions

- a. Greater Hazleton Joint Sewer Authority*
- b. Hazleton City Authority*
- c. UGI*
- d. Service Electric Cablevision*
- e. PPL*

Adding the following definitions to Section C:

440-31. Definition and Word Usage

Local asphalt plant- means any asphalt plant located within 20 miles of the City of Hazleton.

Curb to Curb- mean the distance of roadway expanding from walkway to walkway

Amendment:

440-40. Time limits for completing work.

The utility or contractor shall be required to complete the temporary restoration within five days of issuance of the permit or 48 consecutive hours of the initial cut, whichever comes first, during the normal working week, excluding holidays and weekends. Extension time may be allowed upon appeal to the City Engineer's office, provided that the contractor substantiates sufficient reasons for the extension required.

Work on long cuts, those over 25 feet in length, shall proceed in a continuous manner. Permits for long cuts or capital improvements will not be granted during the months of November through March, except by written permission from the City Engineer's office. The utility or contractor shall coordinate planned cuts in the City streets with the paving program of the City. A construction schedule comprising planned cuts shall be submitted to the City Engineer as they become available. The City will provide a paving program for a one-year period to the utilities prior to April 15. Prior to April 1 of each year, all utility companies must file with the City Engineer their detailed schedule for utility cuts in streets to be paved by the City. All utility cuts must be completed well in advance of the City's paving program. Changes in the utilities' schedule of planned cuts shall require confirmation from the City Engineer. Changes in the City's paving program shall be submitted to all utilities at the earliest possible date to permit the utilities to adjust their respective schedules.

Amendment:

440-52 B (2) Permanent Pavement Restoration

Paving restoration starts at a minimum of 25 feet from the edge of excavation in all directions and "curb to curb". See sketch attached to article.

Additional Section:

440-52.5. Scheduling Timeline for Permanent completion

Timeline for Permanent restoration must be completed within ninety (90) days of the initial cut or thirty (30) days of a local asphalt plant opening. Any delay or failure of restoration will be reported to the pertinent utility, and repairs by the utility will begin

within twenty-four (24) hours after notification. Upon failure of the utility to repair the cut in a satisfactory manner, the municipality 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 twenty percent (20%). In addition, penalties for noncompliance shall be levied against the utility or contractor.

Additional Section:

440-60 Replacement of Pavement Markings

The utility and/or its contractor must 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 twenty-percent (20%).

Additional Section:

440-61 Actions Upon Noncompliance

A. When work performed by a utility or contractor under this Article is found in violation of the same, the contractor or utility may be given the opportunity to make corrections as required by the municipality. If the corrections are not completed in the specified time or not completed as specified, the municipality may suspend all work, whether completed or in progress, in noncompliance with this Article and take appropriate safety precautions. All work performed or contracted by the municipality to attain compliance in this regard shall be billed to the utility or contractor, plus twenty-percent (20%).

B. Civil action. In addition to the penalties under Article 1, Section II, the City may pursue such other and additional remedies as may be authorized by law.

Additional Section:

440-621 Right to Not Issue Permits

The municipality reserves the right to bar any contractor or his employee from working within the municipal limits whose work is found in noncompliance with this Chapter. The municipality reserves the right to refuse issuance of additional permit(s) to any applicant who fails to maintain pave cuts in accordance with this Chapter.

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 23rd day of January, 2024.

First Reading
(January 9, 2024)

Presented Perry
Seconded Colombo
Bruno Y
Colombo Y
Nilles Y
Ondishin Y
Perry Y

Second Reading
(January 23, 2024)

Presented Perry
Seconded Ondishin
Bruno Y
Colombo Y
Nilles Y
Ondishin Y
Perry Y

ORDINANCE PASSES UNANIMOUSLY ON 1/23/2024