

AN ORDINANCE OF WHITE HAVEN BOROUGH, LUZERNE COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 13, GRADING AND EXCAVATING, PART
2, OPENINGS AND EXCAVATION OF STREETS

§201. Definition and Interpretation. The definition of "Excavation" is renumbered from (a) to (b) and the following new definition is added:

(a) Comprehensive Resurfacing-means when the Borough undertakes to pave more than three streets or more than one mile of street within the Borough in any given calendar year.

§202. Permit Required. The following sentence shall be added to the end of the section:

"If the application is disapproved, or a permit is denied, written notice of disapproval, together with the reason for disapproval, shall be given to the applicant."

§203. Street Openings Prior to Reconstruction or Resurfacing.

(a) When the Borough or the Pennsylvania Department of Transportation reconstruct or resurface any street, the Borough shall first serve written notice by registered mail of such improvements to all person owning property abutting the street about to be improved, and to all public utility companies operating within the Borough. Within ninety (90) calendar days for receipt of such notice all notified persons shall complete or cause to be complete all necessary repairs and replacements of utility mains, service connections, and/or laterals existing under the street and designated curb and sidewalk areas. Notified persons shall also complete or cause to be completed any new installations, under the street and designated curb and sidewalk areas required for use within a two (2) year period thereafter. All repairs, replacements, and new installations shall be in first-class condition so that the same cannot reasonably be expected to require repairs or renewal within a period of at least two (2) years thereafter.

(b) Upon failure of any of the notified person or persons to comply with the notice from the Borough to place the same in first-class condition as hereinbefore provided, the Borough shall cause existing utility mains, service connections and/or laterals to be placed in first-class condition as aforesaid, or to be entirely removed, if not used or necessary for the public convenience, whereupon the Borough shall be entitled to collect the cost of such renewals, repairs, caulking, removal or other work from the aforesaid responsible person or persons, either by invoicing the person or persons, or, in the case of water or sewer house connections, by filing municipal liens therefore against the abutting properties benefited by such connections.

(c) This section shall not forbid, however, the installation of new pipes, conduits or other services or structures, or the repair, replacement or removal of those already existing, in or under the portions of such highways improved as aforesaid, by tunneling beneath paving in accordance with the ordinances of the Borough and the directions of the Borough Engineer or the Pennsylvania Department of Transportation upon obtaining a permit therefore from the Borough,

and upon payment to the Borough of the same fees as prescribed by the provisions of this Part for making a surface opening in the street of the same dimensions.

(d) The Borough reserves the right to deny any street opening or excavation permit for any street that has been resurfaced and/or reconstructed within at least two years prior to application. When comprehensive resurfacing occurs within the Borough no notice is required under this section. Comprehensive resurfacing for purposes of this section means

§211. Inspection and Degradation Fees. The following shall be added at the end of the section: At the time of this amendment, the Borough hereby established the Degradation Fees in Table 1 below and the Inspection Fees in Table 2 below.”

TABLE 1 DEGRADATION FEE	Rate of Fee in Dollars per Square Yard Streets Constructed, Reconstructed or Resurfaced Within the Following Number of Years Prior to Issue Date of Permit Rates associates with emergency situation or approved exceptions		
	Less Than 1 Year	1 to 2 Years	Greater Than 2 Years
PAVEMENT STRUCTURE			
Concrete foundation (10 inches or less in depth) with any bituminous surface	100.00	40.00	
Concrete foundation (greater than 10 inches in depth) with bituminous surface	150.00	75.00	
Cement concrete surface streets	100.00	50.00	
Bituminous surface with bituminous or stone base	50.00	25.00	
Macadam, vitrified block, or granite block on stone foundation	25.00	25.00	
Unpaved public streets or alley	25.00	25.00	

TABLE 2 INSPECTION FEE

Total Square Yards to Be Excavated	Inspection Fee (Dollars)	Total Square Yards Be Excavated	Inspection Fee (Dollars)
1	\$30.00	24-25	\$324.00
2	54.00	26-27	342.00
3	78.00	28-29	360.00
4	102.00	30-34	396.00
5	126.00	35-39	438.00
6	144.00	40-44	477.00

7	162.00	45-49	516.00
8	174.00	50-54	552.00
9	186.00	55-59	588.00
10-11	198.00	60-69	642.00
12-13	216.00	70-79	855.00
14-15	234.00	80-89	765.00
16-17	252.00	90-99	822.00
18-19	270.00	100	846.00
20-21	288.00	101	846.00
22-23	306.00	Or Greater	+12.00 x (s.y. over 101)

NOTES:

- 1) The number of square yards of excavation shall be computed to the nearest whole square yard.
- 2) Minimum fee shall be equal to fee for 1 square yard.

§215. Penalty. The following sentence shall be added to the end of the section:

“The Borough shall also have the right to deny the issuance of future street opening permits to any person who has violated the provisions of this Part on more than one occasion within a five year period.”

Except as provided above, the provisions of Chapter 13, Part 2 shall remain the same. THESE AMENDMENTS are hereby adopted this 22 day of July, 2013, by White Haven Borough Council effective upon the date of their adoption.

ATTEST:

Manager



WHITE HAVEN BOROUGH COUNCIL:

President

