



Biglerville Borough Council
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EXCAVATION IN STREETS & ALLEYS PERMIT

Applicant Name: _____ Date: _____

Permit with: County Local

Permit #: _____

Permission is hereby requested to open: _____

Between _____ and _____

FOR THE PURPOSE OF:		LOCATED IN:	
<input type="checkbox"/> New Main	<input type="checkbox"/> New Service Line	<input type="checkbox"/> Street Pavement	<input type="checkbox"/> Sidewalk
<input type="checkbox"/> Main Replacement	<input type="checkbox"/> Service Repair	<input type="checkbox"/> Alley Pavement	<input type="checkbox"/> Driveway
<input type="checkbox"/> Main Repair	<input type="checkbox"/> Service Replacement	<input type="checkbox"/> Unimproved Area	<input type="checkbox"/> Grass Area
<input type="checkbox"/> Install Anodes	<input type="checkbox"/> Install Test Station	<input type="checkbox"/> Berm of the Road	
<input type="checkbox"/> Other (<i>specify</i>):		<input type="checkbox"/> Other (<i>specify</i>):	

SKETCH (IF NEEDED)

N

REMARKS: _____

ACCOUNT CLASSIFICATION

JOB DESCRIPTION:	AMOUNT:

Compiled By: _____

Approved By: _____ Date: _____

PART 3

EXCAVATIONS IN STREETS AND ALLEYS

A. Borough Permit.

§21-301. Definitions.

1. The following words, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

BOROUGH — the Borough of Biglerville, Adams County, Pennsylvania.

CODE ENFORCEMENT OFFICER — the Code Enforcement Officer of the Borough or his/her authorized representative.

ENGINEER — the duly appointed Borough Engineer of the Borough or his/her authorized representative.

EXCAVATE — to cut, drill, grade, dig, scoop and remove earth or other material making up the surface or subsurface of any street.

OPEN — to cut, drill, dig or otherwise penetrate through the surface of any street.

PERSON — any natural person, partnership, firm, association or corporation.

STREET — any public street, avenue, road, square, alley, highway or other public place located in the Borough and established for the use of vehicles.

2. In this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

(Ord. 8-2001, 9/4/2001, §100)

§21-302. Permit Required.

No person shall open or excavate in any street in the Borough without first securing a permit therefor, as hereinafter provided.

(Ord. 8-2001, 9/4/2001, §101)

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§21-303. Permit Application.

1. Any person to open or excavate in any street in the Borough shall file an application with the Code Enforcement Officer on forms provided by the Borough. Such application shall contain the following information:
 - A. The name and address of the applicant.
 - B. The exact location of the proposed opening or excavation.
 - C. The approximate size and depth of the proposed opening or excavation.
 - D. The proposed dates and times of commencing and completing the work.
 - E. The method and progression of performing the work.
 - F. The purpose of the proposed opening or excavation.
 - G. Such other information as the Code Enforcement Officer may deem pertinent.
2. Such application shall contain a statement, which shall be subscribed to by the applicant, to the effect that the applicant will comply with all relevant ordinances of the Borough (including this Part) and laws of the Commonwealth of Pennsylvania and that the applicant will defend, protect and save harmless the Borough and its officers, agents and employees from all loss and liability in accordance with the provisions hereof.

(Ord. 8-2001, 9/4/2001, §102)

§21-304. Issuance of Permit; Applicability.

Upon being satisfied that the application is in proper form and upon receipt from the applicant of the fee, performance bond and the certificates of insurance prescribed herein, the Code Enforcement Officer shall issue a permit. Such permit shall apply only to the specific work described in the application, shall expire on the date and time when the work is proposed to be completed and may contain such conditions or limitations as the Code Enforcement Officer deems necessary for the protection of persons and property.

(Ord. 8-2001, 9/4/2001, §103)

§21-305. Permit Fee.

The fee for each permit shall be as set from time to time by resolution of the Borough.

(Ord. 8-2001, 9/4/2001, §104)

§21-306. Emergency Situations.

In the case of any leak, explosion or other accident in any subsurface pipe, line, conduit, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, conduit, construction or apparatus to commence an opening or excavation to remedy such condition before securing a permit; provided, that application for a permit shall be made immediately and not later than the next business day thereafter and that all other provisions of this Part are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, conduit, construction or apparatus, the Borough, after such notice, or attempt of notice, as it shall deem necessary under the circumstances of the particular case, may proceed to have the work necessary and required by such emergency done and charge the cost thereof to such owner or person.

(Ord. 8-2001, 9/4/2001, §105)

§21-307. Construction Requirements.

The following construction requirements shall apply to all openings or excavations in streets of the Borough:

- A. No work shall begin until all utility companies having facilities in the area have been notified. The work shall be conducted so as not to interfere with water mains, sewers or their connections with the house(s) or other involved structure(s) or any other subsurface lines or construction until permission of the proper authorities in connection with such subsurface lines or construction shall have been obtained. Any damage to such lines or construction shall be repaired immediately and shall be reported to the owner thereof.
- B. Wherever practicable, tunneling shall be used as a construction method in preference to disturbing the surface of the street, and the Code Enforcement Officer may so specify on the permit. No tunneling shall be used unless the express direction or approval of the Code Enforcement Officer is endorsed on the permit.
- C. Openings shall be made in the street surface by sawing to neat lines. Excavated material shall be immediately placed in trucks and removed from the construction site.
- D. All openings or excavations shall be backfilled and restored in accordance with the Borough standards and specifications and PennDOT rules and regulations or as directed by the Borough Engineer.

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- E. No opening or excavation in any street shall extend from the curbline into the street a distance greater than 1 foot beyond the centerline of the street before being backfilled and the surface of the highway restored to a condition safe and convenient for travel.
- F. No more than 200 feet longitudinally shall be opened in any street at any one time.
- G. The applicant shall notify the Code Enforcement Officer prior to backfilling and prior to placing the permanent surface (if the surface has been disturbed) and shall not proceed with such work until the Code Enforcement Officer has inspected the same and given his approval thereof.
- H. Every person to whom a permit is issued or by whom any opening or excavation is made shall take every necessary and reasonable precaution to keep the street in a safe and passable condition, both day and night, by the use of guards, barriers, lights and other devices.

(Ord. 8-2001, 9/4/2001, §106)

§21-308. Maintenance of Disturbed Area; Bonding Requirements.

The applicant shall maintain the portion of the street disturbed by the opening or excavation for a period of 18 months from the date the backfilling is completed at a proper grade and condition free from ridges and depressions. Such maintenance work shall be done as often as may be necessary. To guarantee proper restoration of the surface and proper maintenance of the disturbed area, the applicant must deposit with the Code Enforcement Officer, prior to issuance of the permit, a bond in an amount set by said Officer with corporate surety guaranteeing the proper performance of the work and the proper maintenance of the disturbed area for the period of time required above. Utilities and other persons who open or excavate in streets on a regular basis may, with the permission of the Code Enforcement Officer, keep on deposit a single bond in an amount set by the said Officer and applying to the work included in all of the permits at any time outstanding.

(Ord. 8-2001, 9/4/2001, §107)

§21-309. Notification and Correction of Defects; Failure to Correct.

If within a period of 18 months from the date the backfilling is completed the Code Enforcement Officer determines that the backfilling, surface restoration or maintenance of the disturbed area is defective, he shall notify the applicant in writing to that effect. Promptly upon receipt of such written notice the applicant shall take immediate steps to correct such defects. If the applicant fails to take immediate corrective action, the Borough may perform the work itself or cause the same to be performed by another person. The applicant and the surety on its bond shall be liable for all costs and expenses in-

curred by the Borough in correcting such defects and for any penalty assessed as a result of the applicant's failure to take immediate corrective action.

(Ord. 8-2001, 9/4/2001, §108)

§21-310. Notice Prior to Paving; Opening of Newly Paved Surfaces.

The Borough shall give timely notice to all persons owning property abutting on any street within the Borough about to be paved or improved and to all public utility companies operating in the Borough, and all such persons and utility companies shall make all water, gas, sewer or other connections as well as any repairs thereto which would necessitate the opening or excavation of said street within 90 days from the giving of such notice, unless such time is extended, in writing, by the Borough. New paving shall not be opened for a period of 1 year after the completion thereof, except in case of emergency only, the existence of which emergency and the necessity for the opening of such paving to be determined by the Borough. If any person seeks to open or excavate a street within 1 year after the completion of the paving thereof for any reason other than an emergency as above stated, the applicant shall make written application to the Borough Council and only upon payment of a permit fee as shall be set from time to time by resolution of the Borough Council.

(Ord. 8-2001, 9/4/2001, §109)

§21-311. Liability of Permit Holder; Indemnification of Borough.

Every person to whom a permit is issued or by whom any opening or excavation is made shall assume all risks and be liable for all injuries or damages occasioned by the opening or excavation of the street or by the failure to properly protect the same, to backfill the same, to restore the surface or to maintain the surface or by any other action or inactions in connection therewith. Such person shall defend, indemnify and save harmless the Borough, its officials and employees of and from any such loss and/or liability. In addition, such person shall submit to the Code Enforcement Officer, at the time of applying for a permit, a certificate or certificates of insurance for public liability and property damage, including blasting insurance where applicable, in amounts satisfactory to the Code Enforcement Officer.

(Ord. 8-2001, 9/4/2001, §110)

§21-312. Remedies.

In the event any person violates any provision(s) of this Part or the terms and conditions of any permit issued hereunder, the Code Enforcement Officer or the Engineer may order a cessation of the work, order the performance of additional or corrective work by or on behalf of the applicant at the applicant's expense, revoke the permit, institute such legal or equitable actions as may be appropriate, institute an action for the

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imposition of a fine as indicated herein or take such other actions as may be deemed necessary under the circumstances. The above remedies may be pursued simultaneously or consecutively and are cumulative not exclusive. No person who has violated any provision(s) of this Part and has tailed or refused to remedy such violation shall be eligible for the issuance of any other permit hereunder until such violation has been remedied.

(Ord. 8-2001, 9/4/2001, §111)

§21-313. Plans Required.

No permit for opening or excavating in a street for the purpose of laying, constructing, extending or relocating a water line, gas line, sanitary sewer line, storm sewer line, electrical or communication cable or conduit or other similar facility shall be issued until a plan showing the proposed location thereof has been approved by the Borough Council. Such a permit when issued shall require the applicant to furnish, upon completion of the work, as-built plans showing the exact location of the facilities. The furnishing of such plans and payment of fees shall be a condition of the bond required herein. Fees for engineering review of plans shall be paid by the applicant.

(Ord. 8-2001, 9/4/2001, §112)

§21-314. Violations and Penalties.

Any person, whether as principal, agent or employee, who shall violate or assist in the violation of any of the provisions of this Part shall, upon conviction thereof before a district justice, pay a fine of not more than \$1,000 and, in default of the payment of such fine and the costs of prosecution, shall be sentenced to not more than 30 days imprisonment in the Adams County Prison.

(Ord. 8-2001, 9/4/2001, §113)

§21-315. Construal of Borough Actions.

Neither the issuance of a permit hereunder nor the taking of any other action(s) hereunder shall be construed as an express or implied acceptance by the Borough of the dedication of any street.

(Ord. 8-2001, 9/4/2001, §114)