

ORDINANCE NO. 311

AN ORDINANCE AMENDING CHAPTER XXI, STREETS AND SIDEWALKS, STREETS, SECTION B, EXCAVATIONS IN STREETS SECTIONS 11, 12, 13, 14 OF THE CODE OF ORDINANCES OF THE BOROUGH OF FREEPORT, ARMSTRONG COUNTY, PENNSYLVANIA

BE IT ORDAINED AND ENACTED by the Borough Council of Freeport, Armstrong County, Pennsylvania, and it is hereby ordained and enacted by authority of the same as follows:

Chapter XXI, Streets and Sidewalks, Streets, Section B Excavations in Streets, is hereby amended to read as follows:

Section 11. Permit Required to Make Excavations in Streets

No person, firm, nor corporation may break the paving of any street in the Borough of Freeport, nor dig a trench therein, without first obtaining a permit to do so from the Borough Secretary upon the filing of an application with the Borough Secretary, together with a plan of the proposed excavation, and the deposit of a cash bond in the amount of TEN DOLLARS (\$10.00) per lineal foot of the surface excavated, with a minimum of ONE HUNDRED FIFTY DOLLARS (\$150.00).

Section 12. Refilling of Opening of Excavation

The trench will be refilled by being mechanically back-tamped in six (6) inch layers from the bottom of the trench to within 12" of top of trench under the supervision of the Borough Street Commissioner. The replaced trench will be covered by ten (10) inches of Penn Dot approved asphalt binder, which will be placed over the trench with a twelve (12) inch overlap on the undisturbed material on each side of the trench. The asphalt will be coated with an asphalt tack coat, over which will be placed 2" asphalt top of the Pennsylvania Department of Highways specifications. Where the surface of the street is brick, there will be laid over the concrete a sand cushion of a minimum of 3/4 inches, before relaying the brick. In case of unimproved streets only the backtamping will be required.

Section 13. Return of Bond

When the street has been replaced in accordance with this ordinance to the satisfaction of the Street Commissioner, the bond, which has been filed, will be returned, except for a TWENTY-FIVE (\$25.00) DOLLAR inspection fee, which will be retained by the Borough. Where the street is not replaced to the specifications contained herein, the Borough may retain so much of the bond as is necessary to replace the street and undertake said replacement and retain the amount of said bond required to replace same and collect any additional amounts required according to law.

Section 14. Penalty for Violation

Violation of the terms of this ordinance shall be a summary offense and will be punishable by a fine, not less than FIFTY DOLLARS (\$50.00) or more than THREE HUNDRED DOLLARS (\$300.00) and in default thereof, commitment to the county jail for a period not to exceed thirty (30) days.

All such sections inconsistent with the above are hereby repealed.

ORDAINED AND ENACTED into law by the Borough Council of Freeport lawful session assembled this 7th day of March, 1988.

ATTEST

BOROUGH OF FREEPORT

Elizabeth J. Cantone
Secretary

BY James E. Swartz Jr.
President

Approved the 8 day of March, 1988.

Robert Savotti
Mayor

AMENDMENT OF ORDINANCE NO. 311

REGARDING STREET EXCAVATION

By proposal of Freeport Borough Council, Ordinance No. 311, Section 13: Return of Bond, is to be amended to include the following:

If street openings are not put back according to specifications within the Borough Ordinance within sixty (60) days of openings, the borough shall have the right, at its exclusive option, to have the work done and charge the person, firm or corporation for work performed, including reasonable material, labor and equipment costs, plus ten percent (10%).

All other aspects of Section 13 will remain in effect. if the above addition to Section 13 is inconsistent with any other sections of Ordinance No. 311, they are hereby repealed.

A full text of the subject Section shall be available for public inspection during normal business hours at the offices of the Valley News Dispatch, prothonotary of Armstrong County Court House, Kittanning, Pa. and the Borough secretary.

ORDAINED AND ENACTED THIS 27th DAY OF July 1990.

ATTEST

BOROUGH OF FREEPORT

Bruce Ravotti
Secretary

BY James E. Swartz, Jr.
President of Council

approved the 27th day of July, 1990.

Robert Ravotti
Mayor