

CHAPTER 21
PART 2

TUNNELING AND EXCAVATIONS

§201. Definitions.

The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this §201, except in those instances where the context clearly indicates otherwise:

APPLICANT — any person who makes application for a permit.

BOROUGH — Borough of Elizabethtown, Lancaster County, Pennsylvania.

EMERGENCY — any unforeseen circumstance which calls for immediate action to protect or safeguard life and/or property.

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

PUBLIC UTILITY — any utility company licensed by the Pennsylvania Public Utility Commission.

STREET — the entire right-of-way of a public street, highway, alley, road or easement within the Borough limits.

§202. Permit Required.

1. Applications for such permits shall be made to the Borough Manager, at least three working days prior to the start of work, on the form prescribed by the Borough and shall describe the person, partnership, firm or corporation doing the actual excavating work and the name of the person, partnership, firm or corporation to tunnel under or to make any opening or excavation in any street, alley or sidewalk or to construct or install sewer, water, gas or any other utility lines or any structure in the streets of or within any public right-of-way of the Borough of Elizabethtown, unless and until a permit therefor has been secured from the Borough Manager for each separate undertaking, such permit and the application therefor to be in the form prescribed by the Borough and for the purposes enumerated therein.\

2. Any person working in the vicinity of a Borough street who in any manner disturbs such street or who in any manner causes damage to a street shall be required to obtain a permit and correct the damage in accordance with Borough standards. Street opening permits shall not be required for persons excavating adjacent to the curb for the express purpose of installing or replacing curbs and/or sidewalks, provided that a curb or sidewalk permit has been obtained prior to such work.

§203. Application for Permit.

1. Applications for such permits shall be made to the Borough Manager at least three days prior to the start of work on the form prescribed by the Borough and shall describe the person, partnership, firm or corporation doing the actual excavating work and the name of the person, partnership, firm or corporation for whom or which the work is being done and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done and to permit inspection during the restoration and repair so as to determine conformance with Borough standards.

2. The application for the permit shall indicate the location of said opening or excavation, include a plan of said opening or excavation, define the probable length, width and depth thereof, specify a time when said opening or excavation shall begin and end, or the time when the same is to remain open, and such further information as the Borough may require.

3. Emergency breaks or leaks may be repaired and a permit therefor secured within the next working day, and such permit shall be retroactive to the date when the work was begun. A person performing street openings for an emergency must verify the emergency nature of the circumstances in writing to the Borough within five days after such emergency.

4. Applicants shall file a letter, prepared on a form furnished by the Borough, properly executed by the applicant's designated officials verifying that the applicant is insured against claims for personal injury as well as against claims for property damage which may arise from or out of the performance of the excavation work, whether such performance is by the applicant or anyone directly employed by him. Such insurance shall include protection against liability arising from completed operations, underground utility damage and collapse of any property. Liability insurance for bodily injury shall be in an amount not less than \$300,000 for each person and 300,000 for each accident and for property damage in an amount not less than \$100,000. Failure of any applicant to file this letter certifying insurance coverage shall be sufficient reason for denying a permit. The applicant shall save and hold the Borough harmless from any and all damages and liability by reason of personal injury or property damage arising either directly or indirectly from the work to be performed under the provisions of this Part, irrespective of the cause of such injury or damage.

§204. Fees.

1. The charge for said permit, shall be in accordance with certain amounts as established from time to time by resolution; provided, however, that a minimum fee shall also be established from time to time by resolution.

2. Said fee shall cover the costs of issuing the permit and of inspecting the work. (Ord. 612, 8/15/1978; as amended by Ord. 829, 11/15/2001)

§206. Excavation and Restoration Procedures.

1. Safety Devices Required. It shall be the duty of any person, partnership, firm or corporation to whom a permit is issued or by whom any opening or excavation is made, as aforesaid, to provide and maintain proper and adequate guards, barriers and lights to prevent accidents, and they shall assume all risks and be liable for all damages by reason of the openings and excavations and by reason of any failure to properly fill the hole or trench and maintain the disturbed surface in a safe condition.

2. Excavation and Backfill Regulations.

A. It shall be unlawful to make any excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground or structures.

B. No injury shall be done to any pipes, cables, conduits or structures in the making of such excavations or tunnels, and notice shall be given to the persons maintaining any such pipes, cables, conduits or structures which are or may be endangered or affected by the making of any such excavation or tunnel, before such pipes, cables, conduits or structures shall be disturbed and before any work shall commence.

C. No unnecessary damage or injury shall be done to any trees or shrubs or the roots thereof.

D. All work shall be confined to the public right-of-way, and in no case shall excavated material be cast beyond the curb or on sidewalks or lawns. Where working space is limited, the Borough may require material excavated from the trench to be hauled from the area and then brought back after the pipe or structure has been installed.

E. The Borough may limit the amount of open trench if, in its judgment, it is necessary for safety, movement of traffic, proper drainage or any other cause whatsoever.

3. Excavation. Before trenching begins, the existing paving shall be cut to neat lines equidistant from the center line of the trench by means of equipment suitable for such work, and the edges of the pavement shall be protected and maintained throughout the course of construction until the permanent paving is completed. If the pavement edges are not maintained to the satisfaction of the Borough Manager, the pavement shall be re-cut just prior to the permanent pavement replacement. Pavement cutting may be done with either a saw or an air compressor. However, the Borough reserves the right to require a saw if cutting with an air compressor is unsatisfactory. All openings shall be square or rectangular in shape.

4. Backfill.

A. All excavation in trenches shall be backfilled to the original ground surface or to the subgrades specified for paving restoration. The backfill shall begin as soon as is practical after the pipe or other construction has been placed and shall be carried on as rapidly as

the protection of the balance of the work will permit. Depositing backfill shall be done so that the shock of falling material will not injure the pipe, structure or adjacent structures.

B. Backfill material to a height not to exceed 12 inches above the top of the pipe may be suitable, trench-excavated clean earth backfill material, free from stones. This backfill material shall be deposited in the trench simultaneously on both sides of the pipe for the full width of the trench, in increments not exceeding six inches, and shall be hand tamped to fill completely all spaces under and adjacent to the pipe. The remaining trench-excavated material shall be removed from the job site. The trench shall then be backfilled with No. 2RC aggregate, meeting the requirements of §703.3(D) of the Pennsylvania Department of Transportation Form 408. Compaction of the 2RC backfill shall be done with a mechanical tamper up to the bottom elevation of the pavement structure in lifts of uniform layers not to exceed six inches after compaction, and each lift shall be compacted over the full width of the excavated area. Backfill shall be compacted to at least 90% of Standard Proctor Density at optimum moisture content. All compaction shall be accomplished at a moisture content within, plus or minus, 2% of the optimum.

C. Special compaction shall be done around all valves, hydrants and other structures and utilities by the use of pneumatic tampers, plate tampers or plate vibrators with lifts not to exceed that previously stated.

D. If unsatisfactory backfilling is suspected, the Borough may cause samples to be taken at any location and depth of trench and tests to be performed to determine whether compaction operations are sufficient to meet the density and optimum moisture requirements specified above. All costs of samples and tests shall be at the expense of the applicant.

5. Pavement Restoration.

A. After the trench has been properly backfilled as hereinbefore required, permanent-type paving restoration shall be installed as follows:

(1) Prior to the placement of the base course, the existing base and surface shall be sawed or cut back six inches on either side of the trench to neat straight lines parallel to the curb or to the edge of the pavement. Generally, the pavement restoration shall be of consistent width. Where the width of paving must be widened or decreased, it shall be done by boxing to give neat perpendicular lines. A tack coat of Type E-1 bituminous material meeting the requirements of §460 of the Pennsylvania Department of Transportation Form 408 shall be applied to the cut surfaces. The base course, consisting of either a crushed aggregate base course or a bituminous concrete base course shall then be placed.

(a) If the crushed aggregate base course is used, said base course shall have a thickness at least as thick as the existing base course, but in no case shall the base course be less than eight inches compacted thickness of No. 4 aggregate tied in with No. 1 aggregate

screenings, meeting the requirements of §310 of the Pennsylvania Department of Transportation Form 408. Following the placement of the base course, a prime coat of bituminous material meeting the requirements of §461 of the Pennsylvania Department of Transportation Form 408 shall be required. After the prime coat has cured, a bituminous binder course shall be placed, such binder course to have a thickness at least as thick as the existing binder course, but in no case shall the binder course be less than 1 1/2 inches compacted thickness. The completed surface of the binder course shall not be less than the required compacted thickness of the wearing course below the surface of the adjacent pavement. A bituminous wearing course as hereinafter described shall then be placed.

(b) If a bituminous concrete base course is used, said base course shall consist of a minimum of five inches compacted thickness of bituminous concrete base course meeting the requirements of §305 of the Pennsylvania Department of Transportation Form 408. The completed surface of the base course shall not be less than the required compacted thickness of the wearing course below the surface of the adjacent pavement. A bituminous wearing course as hereinafter described shall then be placed.

(2) A bituminous concrete wearing course of ID-2A material shall then be placed. The thickness of said wearing course shall be at least as thick as the existing bituminous wearing course, but in no case shall the wearing course be less than 1 1/2 inches compacted thickness. A seal coat of bituminous material meeting the requirements of §470 of the Pennsylvania Department of Transportation Form 408 shall then be applied at the edges of the wearing surface.

(3) Permanent paving restoration shall be performed immediately after trenches have been acceptably backfilled. Where permanent-type paving restoration is not permitted because of weather limitations on placement of bituminous concrete, as defined in §401.3(a) of the Pennsylvania Department of Transportation Form 408, temporary paving shall be required. Temporary paving shall consist of a layer of Type 2P-B bituminous stockpile patching material having a minimum thickness after compaction of two inches, and the top surface shall be flush with the surface of the adjacent paving. All temporary paving shall be continuously maintained by the applicant until it is replaced by the permanent paving. When the conditions permit the placement of the permanent paving, the temporary paving shall be removed, and the permanent paving shall be placed as required herein. B. Construction and compaction of all bituminous pavement shall be in accordance with the requirements of §401.3 of the Pennsylvania Department of Transportation Form 408.

C. The pavement restoration shall be maintained by the applicant for a period of two years from the date of acceptance by the Borough.

6. Curb and Sidewalk Cuts. Where curb and sidewalks must be removed, they shall only be removed in sections extending from expansion joint to expansion joint. Replacement shall be according to Borough ordinances and specifications.

§207. Remedy for Substandard Work; Borough Acceptance.

1. Improper Completion of Work: Assessment of Costs; Payment.

A. If the work in opening or in filling or maintaining the surface shall not be promptly done or shall be unskillfully, improperly or incompletely done, the Borough may cause the same to be done in the manner it deems proper, and the expense thereof, including any overhead expenses, shall be charged to the person, partnership, firm or corporation by whom the opening or excavation was made, together with 25% additional to cover administrative expenses.

B. No permit shall be issued to any person, partnership, firm or corporation in default under this §207 until the costs and penalty herein provided are paid, and no further permit shall be granted to any person, partnership, firm or corporation unless and until the openings or excavations already caused by him have been properly filled and the surface maintained, as aforesaid, in a safe condition and at the proper grade, of which the Borough Engineer or other person designated by the Borough shall be the judge.

C. The Borough shall invoice the permittee for all costs incurred by the Borough in the performance of remedial work.

2. Acceptance by Borough. Upon completion and restoration of the area of work, the applicant shall notify the Borough in writing of said completion. The Borough shall then inspect the area of work for final acceptance. If accepted, the Borough shall promptly invoice the applicant for said work. If rejected, the Borough shall notify the applicant immediately, stating the reasons for rejection and detailing the remedy for substandard work.

§208. Degradation Fee.

1. Any applicant who wishes to open a street within five years from the time a street has been either resurfaced or reconstructed may obtain a street-opening permit to excavate a street for non-emergency purposes, provided that a street degradation fee is applied and paid in full prior to the acquisition of the street-opening permit.