ORDINANCE NO. 2364

AN ORDINANCE OF THE BOROUGH OF CARLISLE, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING CHAPTER 223 OF THE CODE OF THE BOROUGH OF CARLISLE PERTAINING TO STREET OPENINGS AND EXCAVATIONS.

BE IT HEREBY ENACTED AND ORDAINED and it is hereby enacted and ordained by the Borough Council of the Borough of Carlisle as follows:

SECTION 1: Chapter 223 [Streets and Sidewalks], Article IV [Street Openings and Excavations] of the Code of the Borough of Carlisle is hereby amended as follows:

A. Section 223-23 [Issuance of permits] is hereby amended as follows:

1. The title to Section 223-23 is amended to be as follows:


2. The following new subparagraph is hereby added to Section 223-23:

D. The applicant shall maintain the portion of the street disturbed by the opening or excavation for a period of one (1) year from the date the restoration is completed and accepted by the Borough, 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 shall deposit with the Borough, prior to issuance of the permit, an approved financial security in an amount set by the Borough 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 Borough, keep on deposit a single financial security in an amount set by the Borough and applying to the work included in all of the permits at any time outstanding.

If, within a period of one (1) year from the date the backfilling is completed, the Borough determines that the backfilling, surface restoration or maintenance of the disturbed area is defective, it 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 to the satisfaction of the Borough, the Borough may perform the work itself or cause the same to be performed by another person. The applicant and the surety on its financial security shall be liable for all costs and expenses incurred 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.

B. Paragraphs (b) and (c) of Section 223-25.A.(13) are hereby amended by adding the phrase “water, sewer, or stormwater piping” after the words “bridge, box, or culvert”.

C. Section 223-26.G.(2) is amended to provide as follows:

(2) The opening shall then be backfilled with 2A or 2RC aggregate compacted throughout its full width. Backfill height is limited to 8 inches maximum per lift when using vibratory compaction equipment or an excavator-mounted hydraulic plate compactor or 4-inch maximum layers for other compaction methods.

D. Section 223-26.G.(3) is amended to provide as follows:

(3) Compaction shall be completed to the bottom elevation of the existing pavement to a density consistent with the provisions of PennDOT Publication 408 specifications. Compaction testing shall be performed by nuclear gauge, by non-movement, or by another PennDOT approved method. Testing is required on all non-emergency permitted openings in pavement, paved shoulder or sidewalk. A minimum of one test per lift per day is required. No backfill compaction testing is required during emergency repairs, openings less than 36 square feet and/or if approved flowable backfill material is utilized.

E. Section 223-26.K is amended to provide in its entirety as follow:

Additional restoration requirements.

(1) If the permittee opens the pavement and the wearing course is less than five years old, the permittee shall, in addition to the minimum restoration conditions outlined herein, mill and overlay the pavement in accordance with the following conditions:

(a) When a longitudinal opening is longer than 10 feet in the pavement, the permittee shall mill and overlay the lane in which the opening was made from curb or edge of pavement to the road centerline for the entire length of road that was opened.

(b) When two or more trench openings are made in the road pavement less than 100 feet apart, the permittee shall mill and overlay all lanes from curb or edge of pavement to the road centerline in which the openings were made, for the entire length of road between such openings.
(2). Regardless of the age of the wearing course, When deemed integral to the long-term road maintenance objectives of the Borough, additional surface restoration shall be required between multiple cuts and/or adjacent to utility cuts in order to restore the road surface within the limits of work to a contiguous and smooth condition. Expanded surface restoration requirements will be in addition to all other applicable requirements for subsurface operations and shall not be cause for waiver of any such applicable requirements. In these cases, the additional surface restoration will consist of removing the existing wearing surface by milling or other approved method, and repaving approved wearing course at a depth of 1.5 inches. The Borough Engineer may increase the requirements if perceived as necessary. Conditions which will require additional restoration requirements include but are not limited to:

(a) Cuts within four feet of each other: combine cuts into a single surface restoration area.

(b) A cut within three feet of a curbline, whether or not curb is present: extend wearing surface restoration to the curbline.

(c) A cut or multiple cuts which have a width equal to or greater than 50% of width of the travel lane, parking lane (parking lanes shall be considered to be eight feet wide) or shoulder: extend surface restoration to cover the full width of the travel lane, parking lane and shoulder.

(d) Four or more utility cuts within 100 linear feet: surface restoration shall be combined into a single surface restoration area for the entire length of the travel lane that was opened. Mill and pave areas between the cuts to create a contiguous wearing surface restoration area which traverses the entire length of the applicable segment. Widen restoration to include the entire travel lane.

(e) 100 feet or more of longitudinal or traverse openings, or both, are made.: mill and pave areas of and between the cuts to create a contiguous wearing surface restoration area which traverses the entire length of the applicable segment. Widen restoration to include the entire travel lane.

(f) Any cut on a street which was paved within the past two years: flowable fill will be required in lieu of 2A or 2RC backfill material.

SECTION 2: Except only as amended, modified and changed by this Ordinance, the Code of the Borough of Carlisle as amended shall remain in all other respects in full force and effect.

SECTION 3: The provisions of this Ordinance shall be severable. If any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the remaining provisions of this Ordinance or of the Code of the Borough of Carlisle.
SECTION 4: This Ordinance shall become effective immediately.

DULY ENACTED AND ORDAINED this 11th day of June, 2020 by the

Borough Council of the Borough of Carlisle in public session duly assembled.

BOROUGH OF CARLISLE

By:_______________________________________

ATTEST: Timothy A. Scott, Mayor

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Joyce E. Stone, Secretary

(Borough Seal)