

BOROUGH OF EDGEWOOD

ORDINANCE NO. 1066

AN ORDINANCE OF THE BOROUGH OF EDGEWOOD, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE BOROUGH CODE CHAPTER 177, ARTICLE 2 (“EXCAVATIONS AND OPENINGS”), PARAGRAPH ‘E’ TO REQUIRE ADDITIONAL RESTORATION REQUIREMENTS FOR TRENCHES WITHIN THE ROAD SURFACE EXTENDING 50 FEET OR LONGER AND TO REQUIRE ADDITIONAL RESTORATION REQUIREMENTS FOR DISTURBANCE OF CROSSWALKS

WHEREAS, it is in the public interest to regulate the location and construction of utility facilities within Borough street rights-of-way, for the purpose of maintaining the structural integrity of such streets, economy of maintenance, preservation of proper drainage, and safe and convenient passage of traffic;

WHEREAS, after consultation with the Borough Engineer, the Council of the Borough of Edgewood has determined that, Chapter 177, Article 2, Subsection 23, Paragraph ‘E’ of the Edgewood Borough Code should be amended to include more comprehensive regulations regarding the opening and excavating of streets in the Borough;

WHEREAS, it has come to the attention of Council that, under the current language of the EDGEWOOD Borough Code, many permittees (including their agents and/or contractors either as individuals and/or entities) who excavate trenches in Borough streets are only required to repave six inches of pavement on either side of the trench, even when the trenches extend longer than 50 feet;

WHEREAS, restoring trenches in this manner contributes to the deterioration of Borough streets, and negatively impacts the health, safety, welfare and security of Borough residents;

WHEREAS, the Council of the Borough of Edgewood has determined that permittees excavating trenches within the Borough streets extending 50 feet or longer shall be required to restore either 1) the entire street, curblineline to curblineline, if the trench crosses over the center line of the street, plus an additional five feet beyond each end of the trench or 2) if the trench does not cross the centerline of the street, from the curblineline to the center line plus an additional five feet beyond each end of the trench.

WHEREAS, the Borough of Edgewood is planning substantial pedestrian improvements throughout the Borough, including decorative brick-style crosswalks made from thermoplastic overlay which is applied to the asphalt and resurfaced;

WHEREAS, it has come to the attention of Council that permittees who excavate in Borough crosswalks may cause damage to decorative and functional crosswalk features, including the planned thermoplastic overlays;

WHEREAS, the Council of the Borough of Edgewood has determined that permittees excavating or working within Borough crosswalks shall be required to restore all crosswalks to the condition existing prior to work.

NOW THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Council of the Borough of Edgewood, Allegheny County, Pennsylvania, as follows:

Section 1.

Chapter 177, Article 2, §23, Paragraph ‘E’ of the Edgewood Borough Code (“Streets and Sidewalks – Pavement cuts; backfilling; restoring openings”), is hereby repealed in its entirety and replaced by the following:

§177-23 Pavement cuts; backfilling; restoring openings

E. Bituminous pavement restoration shall consist of the following:

1. On improved streets, a temporary pavement consisting of three inches (3”) of bituminous cold patch material shall be installed flush with the existing street surface and maintained until permanent restoration is completed.
2. Saw cut one foot (1’) outside the initial excavation and remove temporary paving and base to a depth of fourteen and one half (14½”) inches below the existing finished surface and furnish and install the following.
3. Thoroughly compact subgrade.
4. Place eight inch (8”) compacted depth of a 2-A modified stone base or approved equal.
5. Place five inch (5”) compacted depth of a 19.0 mm Superpave Binder Material or approved equal.
6. Place one and a half (1 ½”) inch compact depth of 9.5 mm Superpave Wearing Material or approved equal with an ESAL Count and Job Mix Formula subject to review and approval by the Borough Engineer.

7. Immediately following paving operations hand mop and seal all edges where new pavement meets existing surfaces with AC-20 sealing material. Edge sealing shall be a minimum of 6" wide.
8. When four (4) or more openings, irrespective of length occur at one time (within a twelve (12) consecutive month period) within one half of any street (from the center line to the curb line) the permittee, shall be required to mill and pave the existing wearing course surface at 1 ½" depth from the center line to the outside edge (curb line) of the existing pavement and to point not less than five feet (5') beyond the limits of the farthest openings. Wearing course requirements of Item 6 and 7 also apply.
9. When four (4) or more openings irrespective of length occur from the curb line to curb line within a twelve (12) consecutive month period, the permittee shall be required to mill and pave the existing wearing course surface at 1 ½" depth from curb line to curb line and to a point not less than five feet (5') beyond the limits of the farthest openings. Wearing course requirements of Item 6 and 7 also apply.
10. When an opening extends 50 feet or longer within one half of any street (from the center line to the curb line) the permittee shall be required to mill and pave the existing wearing course surface at 1 ½" depth from the center line to the curb line of the street along the entire length of the opening and to a point not less than five feet (5') beyond the limit of each end of the opening. Wearing course requirements of Item 6 and 7 also apply.
11. When an opening extends 50 feet or longer, and also crosses over the center line of any street, the permittee shall be required to mill and pave the existing wearing course surface at 1 ½" depth from curb line to curb line of the street along the entire length of the opening and to a point not less than five feet (5') beyond the limit of each end of the opening. Wearing course requirements of Item 6 and 7 also apply.
12. Where concrete curb is to be restored, the permittee shall saw cut out and remove affected curb to the next undisturbed expansion or contraction joint, shall place one half inch (1/2") pre-molded expansion joint material and install medium depth eighteen inch (18") plain cement curb to match width and reveal of the adjacent existing undisturbed curb. Concrete shall

be 4,000 p.s.i. air entrained. All new finished concrete surfaces shall be treated with BASF Enviroseal 40 or equivalent.

13. Where concrete sidewalk is to be restored, the permittee shall excavate and remove existing affected sidewalk to the next undisturbed expansion or contraction joint, shall saw-cut smooth and replace full slabs. Specifications shall include six inch (6") compacted depth of a 2-A modified stone base or approved equal. and five inch (5") thickness of 4,000 p.s.i. air entrained concrete, with No. 6/6 gauge welded wire fabric, one half inch (1/2") pre-molded expansion joints where new concrete construction meets existing construction and placed at twenty (20') feet center to center, with contraction joints at five feet (5') center to center. All new finished concrete surfaces shall have troweled edges and stiff broom finish and be treated with BASF Enviroseal 40 or equivalent.
14. Where a street crosswalk is disturbed, the permittee shall restore the crosswalk to the condition that existed prior to the excavation or other work causing the disturbance, using products and materials as specified by the Borough at the time of construction or approved equal. The contractor shall restore all features of the crosswalk including, but not limited to, reflective paint, tactile paving, thermoplastic overlays and all other decorative and/or functional features of the crosswalk.
15. Additional restoration shall be required as follows:
 - a. If disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lanes shall be saw-cut or milled to a depth of one and one-half inches (1 1/2") for the length of the opening to provide a smooth joint, with proper elevation and cross section. A full width overlay may be authorized on various roadways instead of saw cutting or milling undisturbed pavement.
 - b. Restored openings in the pavement or paved shoulder shall be sealed in accordance with the provisions in Item 7.
16. The restoration work carried out by the permittee, including both paving surface and paving base, shall be performed as follows:
 - a. Every person who opens or excavates any street in the Borough shall thoroughly and completely refill the opening or excavation and restore the surface of the street in accordance

with the requirements of the Borough or specifications of the Department of Transportation of the Commonwealth of Pennsylvania (latest edition), which specifications are hereby adopted as specifications of the Borough for restoration of surfaces of public streets in the Borough. If within two years after the restoration of the surface as herein provided defects shall appear therein resulting from defective workmanship by the permittee, the permittee shall reimburse the Borough for the cost of all necessary repairs to the paving.

Section 2.

If any of the provisions or terms of this Ordinance shall be held invalid for any reason whatsoever, then, unless such provision or term is material to this Ordinance as to render this Ordinance impracticable to perform, such provision or term shall be deemed severable from the remaining provisions or terms of this Ordinance and shall in no way affect the validity or enforceability of any other provisions hereof.

Section 3.

Any ordinance or part of any ordinance conflicting with this Ordinance be and the same is hereby repealed insofar as the same affects this Ordinance.

Section 4.

This Ordinance shall be effective upon adoption.

ADOPTED this ____ day of _____, _____.

ATTEST:

BOROUGH OF EDGEWOOD

Borough Manager

Council President

Examined and approved on this ____ day of _____, _____.

Mayor