

THROOP BOROUGH

ORDINANCE #7 OF 2000

AN AMENDMENT TO ORDINANCE #11 OF 1995

WHEREAS, on August 31, 1995, the Borough of Throop Council enacted Ordinance No. 11, of 1995; and

WHEREAS, by motion of the Throop Borough Council, which passed on June 10, 1999 Ordinance No. 11 of 1995 is to be amended; and

NOW, THEREFORE, be it ordained by the Council of the Borough of Throop that Ordinance No. 11 of 1995 shall be amended to read as follows:

SECTION 2A

Any person who desires to make an opening or excavation in any State or County owned street within the Borough limits, shall obtain a permit from the Borough at no cost for such permit, in addition to obtaining any additional permits required by the owner of the right-of-way.

SECTION 2B

Any person working in the vicinity of a Borough street who in any manner disturbs such street or causes damage to a street shall be required by this article to obtain a permit and correct such damage in accordance with the standards contained herein. Street opening permits are not required for persons excavating in the sidewalk area adjacent to the curb, for the express purpose of installing or replacing sidewalks, provided that the existing curbing is not damaged and/or removed and a permit for such installation or repair work has been issued by the Zoning and Code Enforcement Officer of the Borough of Throop prior to such work.

SECTION 2D

All contracts and/or subcontractors performing work under contract for the Borough, County of Lackawanna, Commonwealth of Pennsylvania, or the United States Federal Government shall obtain a permit for any street excavation work at the discretion of the Throop Borough Council.

SECTION 3F

No company, corporation or association shall excavate any street without first providing the Borough a bond with some acceptable trust or surety company of a bond acceptable to the Borough as surety in the sum determined by the schedule of fees, conditioned by the faithful performance of these provisions and also for any and all damages, claims, demands, suits, costs and counsel fees occasioned or arising from the excavation, opening or closing of said street.

SECTION 3G

Before any permit shall be issued to open or excavate any street in the Borough, the applicant shall pay a fee to the Borough Zoning Officer in the amount fixed by section 3h of this Ordinance. The applicant may request a waiver from the requirements of this section allowing for monthly payments to the Borough when two or more excavation permits may be anticipated during a month. However, all permit and inspection fees shall be payable to the Borough of Throop within forty-five (45) days upon application for a street opening and/or excavation permit where such wavier is granted by the Borough.

SECTION 3H

Street opening permit fee: Any person who desires to do any opening or excavation of any street shall pay the sum of fifty dollars (\$50.00) for any opening and/or excavation as defined herein. In addition to the permit fee, the applicant shall pay the sum of \$10.00/hour or part thereof, for inspection fees by a verified inspector employed by the Borough of Throop.

SECTION 6F

All openings or excavation shall be backfilled promptly and temporary pavement restoration provided at the end of each work day. Temporary pavement restoration shall consist of a minimum of three inches of asphaltic or bitnumerous premixed material or coldpatch compacted mechanically. Permanent pavement restoration shall be completed within thirty (30) days thereafter in accordance with the specifications and construction standards set forth herein.

SECTION 6F-6

No temporary paving and/or coldpatch premix used as temporary restoration in a street opening or excavation shall be permitted for a period of greater than thirty (30) days, excepting any emergency work as defined in section 1 of this Ordinance and performed during the winter season where it is proven that the requirements for permanent pavement restoration, as provided for herein, can not be met.

SECTION 6F-8

Bedding material for the underground utility shall consist of 2B stone, #57 coarse aggregate or select granular material and installed to a dept to provide a 0.75d base below and 0.75d cover above and around the utility (*where "d" is the outside diameter of the utility*) but shall not be less than six (6) inches in any direction surrounding the utility and shall be compacted thoroughly and mechanically in a manner which will not alter the alignment nor cause displacement of the utility.

SECTION 6F-9

Backfill material shall consist of 2A modified compacted mechanically in six (6) inch layers of lifts to at least 95% of the modified proctor maximum dry density. All backfill material shall be imported and shall be free of debris, wood, ice, excessive moisture and/or any other foreign material not suitable for comparison. Native backfill material may only be utilized for the specific location upon which the authorization from the Borough for the specific site.

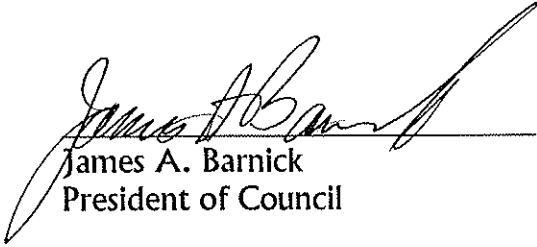
The remaining sections of Ordinance No. 11 of 1995 shall remain in full force and effect.

SECTION 1. If any section, clause, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not effect any other section, clause, provision or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Borough of Throop reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance and the effective administration thereof.

SECTION 2. This Ordinance shall become effective immediately upon approval.

SECTION 3. This Ordinance amendment is enacted by the Council of the Borough of Throop under the authority of P.L. 1194, No. 220, §1, 53 P.S. §46006, and any other applicable law arising under the laws of the Commonwealth of Pennsylvania.

Enacted this 31st day of January, 2000.




James A. Barnick
President of Council



Stanley Lukowski
Mayor

Attest:



Elaine Morrell
Administrator/Secretary