

CHAPTER 21

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Part 1

Construction of Gutters and Plates

§101. Unlawful to Build or Construct Gutters or Plates.

It shall be unlawful for any person, firm or corporation to build or construct in the future any gutter, or any plate of any type whatsoever, over any gutter across any sidewalk in the Borough of Mohnton in such a way that there shall be an indentation in said sidewalk by means of any plate, metal or otherwise. (Ord. 96, 8/10/1936, §1)

§102. Unlawful to Construct Spouting.

It shall be unlawful for any person, firm or corporation to construct in the future any spouting over any sidewalk in the Borough of Mohnton, no matter at what height. (Ord. 95, 8/10/1936, §2)

§103. Penalties.

Any person, firm or corporation violating any provisions of this Part 1 shall, upon conviction before the District Justice, be sentenced to pay a fine of not more than \$300, and in default of the payment of said fine or costs, be sentenced to imprisonment in the County Jail for not more than 90 days. (Ord. 95, 8/10/1936, §3; as amended by Ord. 478, 8/10/1988)

Part 2

Backfilling of Excavations

§201. Specifications.

All excavations on any street within the Borough of Mohnton must be refilled with dry material 2-A to one inch from the top of the excavation and properly tamped, and from a point of one inch from the top of the excavation there shall be filled an MC-3 mix to the top and properly rolled and tamped. (Ord. 316, 4/19/1971, §1)

§202. Bonds, Sureties or Other Guarantees.

Borough Council in its sole discretion reserves the right to require any and all persons, corporations, partnerships or entities to furnish a bond, surety or other adequate guarantee for the faithful and satisfactory performance of the work required in §201 of this Part 2 prior to the issuance of any permit or permits required or the granting of any permission for any excavation in any street or thoroughfare within the Borough of Mohnton. (Ord. 393, 2/14/1979)

§203. Penalties.

Any and all persons, corporations, associations violating §201 of this Part 2 shall, upon summary conviction before a District Justice, pay a fine not to exceed \$300, cost of prosecution and any and all costs necessary to restore said excavation to its proper form in accordance with §201 of this Part 2. (Ord. 316, 4/19/1971, §2)

Part 3

Removal of Snow and Ice

§301. Definitions.

The word “sidewalk” when used in this Part 3 shall mean any improved pavement or part thereof fronting on a street and located within the curb line and the building (property) line of said street as it appears on the topographical survey of the Borough and shall also mean any unimproved or ground surface area or part thereof fronting on a street and located within the curb line and the building (property) line of said street as appears on the topographical survey of the Borough if such area is used or usable as a walkway by the general public. The singular shall include the plural. (Ord. 217, 2/16/1959, §1; as amended by Ord. 380, 3/8/1978, §1)

§302. Responsibilities of Occupants or Tenants.

1. The owner, occupant or tenant of every property fronting upon or alongside of any of the streets of the Borough of Mohnton is hereby required to remove or cause to be removed all snow and ice from all of the sidewalks in front of or alongside of such property, for a minimum width of four feet measured from the curb line toward the building (property) line if there is no grass plot separating the curb from an improved pavement, or for a minimum width of four feet measured from the line of the improved pavement located along the grass plot toward the building (property) line if there is a grass plot separating the curb from an improved pavement, but in no case exceeding the width of the sidewalk, within 24 hours after said snow or ice shall have ceased to fall or to be formed on such sidewalks, unless said snow or ice be so hardened or frozen that it cannot be so removed without injury to the sidewalk, in which latter event the owner, occupant or tenant of every property fronting upon or alongside of any of the streets of the Borough of Mohnton is hereby required to place salt, sand, or other abrasive material upon said snow or ice within time above provided; provided, the owner of a property shall be responsible for conforming to the requirements of this §302 where such property is occupied by such owner or is unoccupied or vacant, or is a multi-business or multi-dwelling property occupied by more than one tenant or occupant, and the tenant or occupant of a property shall be responsible for conforming to the requirements of this §302 where such property is occupied by such tenant or occupant only.
2. It shall be unlawful for any owner, occupant or tenant aforesaid to shovel or dispose of any snow onto the paved portion of any street adjacent to the property from which he or she is removing the same from the sidewalk in Subsection (1) of this §302.

(Ord. 217, 2/16/1959, §2; as amended by Ord. 380, 3/8/1978, §§2A, 2B)

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§303. Refusal to Comply.

In any case where the owner, occupant or tenant shall fail, neglect or refuse to comply with any of the provisions of §302(1) of this Part 3 within the time limit prescribed therein, the Borough authorities may proceed immediately to clear the snow and/or ice from the sidewalk of such delinquent or to place salt, and or other abrasive material upon the snow and/or ice on the sidewalk of such delinquent, and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under §304 of this Part 3. (Ord. 217, 2/16/1959, §3; as amended by Ord. 380, 3/8/1978, §3)

§304. Penalties.

Any owner, occupant or tenant who shall fail to remove any snow or ice from any sidewalk or to place salt, sand or other abrasive material upon such snow or ice on any sidewalk as required by §302(1) of this Part 3, or any owner, occupant or tenant who shall violate any of the provision of this Part 3 shall upon conviction thereof before a District Justice, be sentenced to pay a fine of not less than \$10, nor more than \$300, and costs of prosecution for each offense, and in default of payment thereof, shall undergo imprisonment for a period of not more than 90 days; provided such fine or penalty and costs of prosecution may be in addition to any expenses and additional amounts authorized by law, imposed as provided in §303 of this Part 3. (Ord. 217, 2/16/1959, §4; as amended by Ord. 380, 3/8/1978, §5; and by Ord. 478, 8/10/1988)

Part 4

Grading, Construction, Maintenance of Curbs and Sidewalks

§401. Grading, Construction and Repair.

1. The grading of sidewalk areas, the constructing and repairing of sidewalks, curbs and driveway entrances along the streets of the Borough of Mohnton shall be done by the owner or owners of the lot or lots abutting thereon in accordance with the lines and grades established by ordinance as shown on the topographical survey of the Borough of Mohnton and in accordance with the provisions of this Part.
2. It is hereby declared unlawful for any person, firm or corporation to grade any sidewalk area, construct or repair any sidewalk, curb, gutter, driveway entrance, or front or rear retaining wall within the Borough of Mohnton except in compliance with the provisions of this Part.
3. Any person, firm or corporation desiring to grade any sidewalk area, which is defined as the area located between the curb line and the building line as shown on the topographical survey of the Borough of Mohnton, or desiring to construct or repair any sidewalk, curb, gutter, combination curb and gutter, driveway entrance, or front or rear retaining wall shall first obtain a permit therefore from the Borough Secretary, said permit to be issued by said Borough Secretary only after the following conditions have been satisfied:
 - A. The filing of a written application with said Borough Secretary upon such form as is approved by the Borough Council by resolution, setting forth the location, purpose and detailed description of the improvement;
 - B. The approval of said application by the Borough Engineer;
 - C. The payment of a permit fee, as established from time to time by resolution, to the Borough Secretary at the time of filing the application, which fee shall be the total fee regardless of the number of improvements set forth in the application; and,
 - D. In all cases of new construction of any curb, or of resetting any curb in excess of 10 feet in length, and in the case of any other type of improvement when requested by the applicant, the Borough Engineer shall furnish the applicant with the necessary lines and/or grades, the cost of which shall be paid by the applicant by depositing a certain amount, as established from time to time by resolution, with the Borough Secretary at the time of filing the application, and any difference in cost above or below the amount of deposit shall be paid by or returned to the applicant at the time of issuance of the permit. If an application is made for a permit for a type of improvement for which said deposit is not required, but the Borough Engineer considers it necessary nevertheless to furnish lines and/or grades, he shall furnish such

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lines and/or grades and the cost thereof shall be paid for by the applicant at the time of issuance of the permit or renewal thereof. A permit shall be effective for a period of 90 days from the date of issuance, and may, prior to expiration of the original or renewal period be renewed by the Borough Secretary for a period of 90 days upon application and payment of a fee, as established from time to time by resolution, for each 90 days by the person, firm or corporation to whom the original permit was issued.

4. All sidewalks areas shall be graded and all sidewalks, curbs, driveway entrances and front or rear retaining walls shall be constructed, reconstructed or repaired only on the grades and lines as shown on the topographical survey of the Borough of Mohnton furnished by the Borough Engineer, and in accordance with the following:
 - A. All curbs and driveway entrances shall conform to established grades and shall be fabricated in accordance with the attached drawing depicting curbs and driveway entrances prepared by Spotts, Stevens & McCoy, Inc., Drawing Number 7045-107-D-001, dated April 19, 1992.
 - B. All sidewalks shall conform to established grades and sizes and shall be fabricated in accordance with the drawing.
 - C. All curbs shall be eight inches wide across the top, nine inches wide at the gutter line, nine inches wide at the bottom and shall extend not less than 24 inches in depth from the top of the finished curb. The height of curb above the gutter line shall be seven inches. All curbs shall be constructed on a minimum four inches depth of clean 3/4 inch crushed stone (AASHTO No. 57 or PennDOT No. 9B)
 - D. Expansion joints shall consist of 1/2 inch premolded, nonextruding, bitumastic material installed for the entire depth of the curb, sidewalk or driveway entrance. Expansion joints shall be provided every 20 feet in sidewalk, 30 feet in curb, as noted on the drawing in driveway entrances, at structures and at the limit of each day's work, with scored contraction joints or expansion joints every 10 feet in curb, or four feet or five feet in sidewalk, for four-foot and five-foot wide sidewalk, respectively. For slip-form curb (4,000 psi min.) expansion joints may be installed every 60 feet.
 - E. The outside edge of all sidewalks shall be set back three feet from the outside face of the curb and a grass plot area shall separate the curb from the sidewalk, except that said grass plot area may be paved as an addition to the sidewalk if so directed by resolution of said Council. All sidewalks shall be not less than four inches in thickness and the surface shall have a 1/4 inch pitch per foot measured from the outside face of the curb. Sidewalks shall be constructed on a minimum four inch depth of clean 3/4 inch crushed stone (AASHTO No. 57 or PennDOT No. 2B). Sidewalks shall be four feet wide on sidewalk areas 10 feet or less in width as shown on the topographical survey of the Borough of Mohnton and shall be five feet wide on sidewalk

areas of more than 10 feet in width as shown on the topographical survey of the Borough of Mohnton. Notwithstanding anything to the contrary contained in this Part, all sidewalks and curbs shall conform as to size with the majority type of then existing sidewalks and curbs in the same block.

- F. All driveway entrances shall have a depressed curb entrance or a curb radius. Curb radius entrances shall have a three feet radius on each side, shall have the outside edge raised 1 3/4 inches above the flow line of the gutter, shall have a straight slope therefrom to the prescribed outside sidewalk edge located three feet from the outside face of the curb, shall have a sidewalk surface of the same grade and width prescribed for sidewalks, and all driveway entrances including gutter, slope and sidewalk surface shall be six inches in thickness, reinforced as noted on the drawing.
 - (1) Step down driveway entrances shall be provided with handicap access ramps as noted on the drawing. All commercial and manufacturing use driveway entrances shall be eight inches in thickness and reinforced as noted on the drawing.
 - (2) All driveway entrances shall be constructed on a minimum four inch depth of clean three-fourth-inch crushed stone (AASHTO No. 57 or PennDOT No. 2B).
- G. The outside edge of all front retaining walls, defined as those located along any street, shall be on or in back of the building line as shown on the topographical survey of the Borough of Mohnton and the outside edge of all rear retaining walls shall be on or in back of the alley line as shown on the topographical survey of the Borough of Mohnton, and shall be constructed in accordance with good engineering practices of such height, thickness and materials as shall be approved by the Borough Engineer.
- H. All sidewalks, curbs and driveway entrances shall be constructed of concrete having a minimum twenty-eight-day compressive strength of 3,500 psi.
- I. No surface gutters shall be permitted on new sidewalk. Drains shall be installed under sidewalk areas and through the curbing in accordance with the drawing.
- J. No material shall be permanently placed in the gutter line of the cartway adjacent to curb or driveway entrances which shall in any way Impede the flow of storm water runoff along the gutter line.
- K. All traffic signs or street name signs removed during construction of sidewalk shall be replaced by the person, firm, corporation or other entity performing the construction. Four inch plastic pipe shall be set into new sidewalk at sign locations to facilitate future sign replacement.

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- L. All driveways shall have a finish equivalent to that of the adjoining sidewalk, while the finish for curb radii and depressed curbs shall be the same as the adjoining curbing.
5. On neglect or refusal of the owner or owners of the abutting lot or lots to grade any sidewalk areas, to construct, pave, repave or repair any sidewalk, to construct, set, reset or repair any curb or driveway entrance, within 30 days after notice so to do from the Council of said Borough, through its proper officials, said Council shall cause the same to be done and shall collect from said owner or owners of the lot or lots the cost thereof and 10% additional, together with all charges and expenses, and if payment is not made, shall file a municipal lien therefore against such lot or lots or shall bring an action in assumpsit against said owner or owners for collection thereof.
6. Sidewalk areas not graded, or sidewalks, curbs and driveway entrances not laid in conformity with the provisions of this Part and with the established grades and lines shown on the topographical survey of the Borough of Mohnton, are hereby declared to be nuisances, and must be taken up and regraded and/or relaid according to the provisions of this Part within 30 days after notice to the owner or owners so to do by said Council, and upon failure of said owner or owners thereof to regrade said sidewalk area, and/or relay said sidewalk, curb or driveway entrance within the time stipulated, said Council shall cause the same to be done in the manner herein provided and said Council shall collect the cost thereof and 10% additional, together with all charges and expenses, from the owner or owners of the lot or lots in the manner provided in subsection (5).
7. No sidewalk, curb or driveway entrance heretofore laid with material or materials not prescribed herein shall be permitted to be repaired, but whenever any such sidewalk, curb or driveway entrance becomes, in the opinion of said Council, a dangerous condition, written notice shall be given to the owner or owners of the lot or lots abutting thereon to relay the sidewalk, curb or driveway entrance with the material herein provided, and upon failure of said owner or owners thereof to do so within 30 days after notice by the Borough, said Council shall cause the same to be done in the manner herein provided and said Council shall collect the cost thereof and 10% additional, together with all charges and expenses, from the owner or owners of the lot or lots in the manner provided in subsection (5).
8. If upon visual inspection by the Borough and the Borough Engineer it is determined that any sidewalk, curb, combination curb and gutter or driveway entrance is significantly deteriorated or damaged, any such sidewalk, curb, combination curb and gutter or driveway entrance shall be repaired or replaced in accordance with the provisions of this Part upon written notice to the owner or owners to do so by the Borough. Upon failure by said owner or owners to do so within the time specified by the Borough in the notice, said Council shall collect the cost thereof and 10% additional, together with all charges and expenses, from the owner or owners of the lot or lots in the manner provided in subsection (5).

9. Sidewalks, curbs and driveway entrances which do not comply with the recently adopted details and specifications shall not be permitted to be repaired if:
 - A. In the case of curbing, more than 20% of any scored section must be replaced, then the curb shall be sawcut and the entire section replaced with expansion joints placed at both ends of the remaining curb.
 - B. In the case of concrete sidewalks, where more than 20% of the area of any scored block requires replacement, then said concrete block shall be replaced in its entirety; provided, however, where a portion of such a concrete block is removed for installation or repairs to utilities, then the entire block shall be replaced in its entirety.
 - C. In the case of concrete driveway entrances, where more than 20% of the total area requires replacement, then the entire area shall be replaced.
10. Damaged or deteriorated combination curb and gutter shall be replaced with straight concrete curb unless written approval is obtained from the Borough to construct combination curb and gutter.
11. The removal of existing curb, combination curb and gutter or driveway entrances shall be accomplished by sawcutting the fronting street a maximum of one-foot from the face or edge of the curb, combination curb and gutter or driveway entrance.
12. All street areas excavated for the purpose of repairing or replacing curb, combination curb and gutter or driveway entrances shall be reconstructed to the following minimum cross-section:
 - A. PennDOT approved 2A modified or clean three-fourth-inch stone from the bottom of the excavation to the base course.
 - B. Four inches of bituminous concrete base course (BCBC).
 - C. One and one-half inches ID-d bituminous concrete wearing course.

Upon completion of street restoration, the curblines shall be sealed with AC-20, eight inch minimum width. All other joints shall also be sealed with AC-20, four inch minimum width.
13. Handicap access ramps shall be provided at all new or reconstructed street intersections and at step down driveways. Borough Council may grant a waiver of the installation of handicapped ramps at their discretion. Materials used shall be as previously specified in this Part.
14. The Borough or Borough Engineer may reject any concrete sidewalks, curbs and driveway entrances which do not conform to the requirements of this Part or the generally accepted standards of the American Concrete Institute.

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15. No concrete shall be poured in freezing conditions without the approval of the Borough or Borough Engineer.
16. If appropriate, the contractor may request permission to construct curbing using slip-form methods. Such request shall be submitted to the Borough in writing, outlining the proposed details of the construction. Slip-form construction methods vary from standard poured-in-place curb construction with the approval of the Borough Council and the Borough Engineer in the following ways:
 - A. Top of curb width may be reduced to seven inches.
 - B. The curb depth may be reduced to 18 inches.
 - C. The contractor shall maintain a minimum of four inches between the bottom of the eighteen-inch form and the subgrade.
 - D. The four inch stone base may be waived assuming an adequate subgrade is present and verified by the Borough Engineer prior to construction.

(Ord. 517, 8/12/1992, §1)

§402. Planting of Trees and Shrubbery and Construction of Cesspools and Septic Tanks in or Near Sidewalk Areas.

It is hereby declared unlawful for any trees, evergreens, hedges, plants or shrubbery to be planted by any person, firm or corporation within two feet of the building line along any street, or for any trees, evergreens, hedges, plants or shrubbery to be planted, or any cesspool constructed or septic tanks installed by any person, firm or corporation in any sidewalk area, which is defined as the area located between the curb line and the building line as shown on the topographical survey of the Borough of Mohnton, except that shade trees may be planted anywhere behind the building line as well as in the prescribed grass plot area between the curb and sidewalk whether the grass plot area exists in fact or whether it is paved as an addition to the sidewalk; provided, however, that no tree, evergreen, hedge, plant or shrubbery shall have less than an eight foot clearance over any sidewalk and a sixteen-foot clearance over any sidewalk and a sixteen-foot clearance over any street, cartway or alley. Any trees, evergreens, hedges, plants or shrubbery planted, and any cesspools constructed or septic tanks installed in violation of this §402 are hereby declared to be nuisances and must be removed or trimmed within 30 days after notice to the owner or owners of the respective lot or lots so to do by said Council, and upon failure of said owner or owners to accomplish said removal, said Council shall cause the same to be done and shall collect from said owner or owners of the lot or lots the cost thereof and 10% additional, together with all charges and expenses, and if payment is not made, shall file a municipal lien therefore against such lot or lots or shall bring an action in assumpsit against said owner or owners for collection thereof. (Ord. 517, 8/12/1992, §1)

§403. Openings or Excavations in or Under Streets, Alleys and Sidewalk Areas, and Permits Therefore.

It is hereby declared unlawful for any person firm or corporation to make any opening or excavation in or under any street, alley, or sidewalk area, as hereinbefore defined, unless and until a permit is first obtained from the Borough Secretary for each separate undertaking. Before said permit shall be issued by said Secretary a written application shall be filed with said Secretary upon such form as is approved by resolution of Borough Council, setting forth the time, place, and size of the opening or excavation, and a permit fee, in an amount as established from time to time by resolution, shall be paid to said Secretary. Said permit shall be effective for a period of 10 days from the date of issuance, and may, prior to expiration of the original or renewal period, be renewed by said Secretary for 10 days upon application and payment of a fee, as established from time to time by resolution, by the person, firm or corporation to whom the original permit was issued. It shall be the duty of any person, firm or corporation causing an opening or excavation to be made, prior to the expiration of the permit period or renewal period, to thoroughly and completely fill and resurface the same at proper grade without ridges and in such manner and with such materials so that the surface of the street, alley or sidewalk area disturbed will be restored to the same condition as existed prior to making the opening or excavation. If said restoration shall not be promptly or properly accomplished to the satisfaction of said Council, said Council shall cause the same to be done and shall collect from the person, firm or corporation making the opening or excavation the cost of such restoration and 10% additional, together with all charges and expenses, and if payment is not made, shall file a municipal lien therefore against the abutting lot or lots of said person, firm or corporation, or shall bring an action of assumpsit against said person, firm or corporation for collection thereof. Said Council may require the person, firm or corporation applying for a permit under this §403, prior to the issuance of a permit, to enter into a bond to the Borough in a specified amount with a corporate surety to be approved by said Council, to indemnify the Borough against any damages it may sustain. (Ord. 517, 8/12/1992, §1)

§404. Storage or Deposit of Materials on Streets, Alleys or Sidewalk Areas, and Permits Therefore.

It is hereby declared unlawful for any person, firm or corporation to permit any materials of any kind whatsoever to remain upon any street, alley or sidewalk area, as hereinbefore defined, after sunset, unless and until a permit is first obtained from the Borough Secretary. Before said permit shall be issued by said Secretary, a written application shall be filed with said Secretary upon such form as is approved by resolution of Borough Council, setting forth the time, place and nature of materials to be stored or deposited, and a permit fee, in an amount as established from time to time by resolution, shall be paid to said Secretary. Provided, that if a permit has been issued to a person under the provision of §401 of this Part, a separate permit for storage or deposit of materials shall not be required under this §404, provided the applicant sets forth in the application filed under §401 the time, place and nature of materials to be stored or deposited, and said materials are stored or deposited only during the period that construc-

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tion or repair work is actually being performed in accordance with the provisions of §401. In no case shall more than 1/2 of the width of any street or alley be blocked by the storage or depositing of materials whether or not a permit is required. Said permit shall be effective for a period of 10 days from the date of issuance, and may, prior to the expiration of the original or renewal period, be renewed by said Secretary for 10 days upon application and payment of a fee, in an amount as established from time to time by resolution, by the person, firm or corporation to whom the original permit was issued. It shall be the duty of any person, firm or corporation storing or depositing any materials, whether or not a permit is required, and if required, prior to the expiration of the permit period or renewal period to completely remove said materials and to restore the surface of the street, alley or sidewalk area to the same condition as existed prior to depositing or storing said materials. (Ord. 517, 8/12/1992, §1)

§405. Penalty.

Any person firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$300 and costs, or shall be imprisoned for not more than one day for each \$10 of the unpaid balance of such fine and costs. (Ord. 517, 8/12/1992, §3)

Part 5

Street Openings

§501. Permit Required.

No person, firm, corporation or other entity shall break the pavement or surface of any public street of the Borough of Mohnton, Berks County, Pennsylvania, between the right-of-way lines thereof, until a permit to do so is obtained from the Borough of Mohnton. (Ord. 610, 3/8/2000, §1)

§502. Permit Form.

Applications to break the pavement or surface of any public streets of the Borough of Mohnton shall be made on the form provided by the Borough of Mohnton, shall include all information requested and shall be signed by the permittee. (Ord. 610, 3/8/2000, §2)

§503. Fees.

1. Applications shall also be accompanied by the permit fee according to the currently adopted schedule of fees for permit issuance and inspection for each requested street break and a payment to defray the cost of street restoration by the Borough of Mohnton in accordance with the following listing, unless otherwise stipulated:
 - A. Bituminous on stone base:
 - (1) Not to exceed five square yards: \$135 per square yard.
 - (2) Each additional square yard: \$100 per square yard.
2. The aforementioned schedule of fees may from time to time be amended by the adoption of a resolution by the Borough Council of the Borough of Mohnton.

(Ord. 610, 3/8/2000, §3)

§504. Computation of Area; Payment Prior to Issuance of Permit.

1. In computing the square yards of the pavement or surface to be charged, 12 inches shall be added to all sides of the proposed street cut.
2. All fees and charges shall be paid by the permittee or a legally binding letter of agreement acceptable by the Borough of Mohnton, with appropriate security as determined by the Borough Solicitor, before the issuance of the requested permit.

(Ord. 610, 3/8/2000, §4)

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§505. Additional Fees.

1. Permits for pavement or surface cuts on streets paved within five years preceding the date of application for the cut shall be issued at the following additional costs: 100% additional for the first year after the paving; 80% additional for the second year; 60% additional for the third year; 40% additional for the fourth year; and 20% additional for the fifth year. These additional costs are percentages of the street restoration costs listed in §503.
2. Where, in the opinion of the Engineer of the Borough of Mohnton, and at his sole discretion, site conditions are such that additional effort is required to protect the integrity of the street(s) of the Borough of Mohnton, the permittee may be required to perform additional work and pay additional costs. This option could include permanent restoration of the street surface by the permittee, along with payment of all above-stipulated fees and charges, or the reconstruction and/or re-surfacing of an area of street exceeding the area directly affected by the street break or cut, at the permittee's expense. Where additional work is required, a legally binding letter of agreement, acceptable to the Borough of Mohnton, with appropriate security as determined by the Borough Solicitor, shall be provided by the applicant before issuance of the permit.
3. Upon inspection, if it be determined that the permittee actually removed, disturbed or damaged, either in the initial or subsequent restoration, an area of yardage greater than that set forth in his/her application, the permittee shall forthwith pay a proportionate amount, to be fixed by the Engineer of the Borough of Mohnton, within three days after demand therefor shall be made in writing.

(Ord. 610, 3/8/2000, §5)

§506. Compliance With Other Regulations.

No permit shall be issued to any person, firm, corporation or any other entities indebted to the Borough of Mohnton because of any previous application or permit. Any permit is issued subject to all ordinances of the Borough of Mohnton, all State and Federal laws and the following conditions:

- A. Bore holes. Bore holes will be considered street cuts, and a restoration charge of \$5 will be levied for each bore hole made. A permit will be required for each bore hole grouping. The permittee shall plug or seal bore holes, in a manner and with materials approved by the Engineer of the Borough of Mohnton, to the street surface within 30 days of boring. If the applicant does not plug or seal these holes within the time, the Borough of Mohnton reserves the right to take any steps deemed necessary to repair the street, and the associated costs shall then be paid by the permittee.
- B. Emergency cuts. Emergency street cuts and excavation required to access leaking utility mains or other installations that pose a potential hazard, or

bore holes required to search out threatening conditions, may be made in advance of a permit at the discretion of the party or parties conducting the investigation and repairs. If the investigation indicates an emergency condition exists, the Borough of Mohnton Police Department shall be notified immediately at telephone number 911; otherwise, an authorized representative of the responsible party(ies) shall notify the Engineer of the Borough of Mohnton, at telephone number (610) 777-1311, the next business day, and proper application accompanied by appropriate fees or a legally binding letter of agreement shall be submitted to the Borough of Mohnton within seven days of commencing the work.

- C. Ahead-of-paving permit. Permits for street cuts performed in advance of Borough of Mohnton scheduled street improvements at the same location, where the required work is completed in accordance with a schedule approved by the Engineer of the Borough of Mohnton, will be issued at no charge. A detailed construction plan must accompany each application for an ahead-of-paving permit. Excavation, backfilling and temporary street cut restoration will be performed by the permittee at his/her cost as directed by the Engineer of the Borough of Mohnton. By January 1 of each year, or not later than six months prior to commencement of construction, the Engineer of the Borough of Mohnton shall provide all utilities operating in the Borough of Mohnton with a list of all road projects proposed by the Borough of Mohnton during the succeeding calendar year.
- D. Subsurface plans. Upon completion of work, the permittee shall furnish to the Engineer of the Borough of Mohnton completely dimensioned plans showing accurately and distinctly, and in such detail as required, the size, shape and kind of structure he/she installed or altered and its location with reference to the street surface and the nearest curb line and curb intersection.
- E. Time limit. In case the work has not been completed on or before the date as shown on the permit, the Engineer of the Borough of Mohnton may, if he deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening for which the permit has been issued. If an extension of time beyond said date is necessary for the completion of the work, a written application therefor must be filed and approved.
- F. Excavations; notice.
 - (1) Act of Assembly No. 1986-172 requires those who intend to excavate, demolish or blast to file certain notices (one-call, etc.) before commencing work. Permittees for permits to break the pavement or surface of any public street of the Borough of Mohnton shall comply with all the requirements of this Act. Permits issued in the Borough of Mohnton shall be deemed null and void unless the requirements of the Act have been met.

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- (2) Trenches in paved areas shall be cut to neat edge using an asphalt/concrete saw or jackhammer
- G. Barricade cover, lighting and traffic control.
- (1) All street openings shall be completely barricaded and protected by the permittee. Excavations left open or incompletely repaired after dark shall be marked by PennDOT approved flashing lights. Where work is interrupted, the person(s) responsible for the opening shall secure and cover the excavation with an appropriate metal plate.
 - (2) All required traffic control shall be provided by the permittee in accordance with PennDOT Publication 203 (Work Zone Traffic Control).
 - (3) Nothing contained in this Part or other legislation of the Borough of Mohnton shall release the person, firm, corporation or other entity opening the street from any liability associated with claims for injury or damage resulting therefrom.
- H. Backfilling. All openings made in the improved area shall be backfilled by the permittee in accordance with the following minimum standards.
- (1) The opening shall first be backfilled with material suitable for insulation to a height not to exceed one foot over the top of the facility, compacted in not more than four-inch layers.
 - (2) The opening shall then be backfilled with either No. 2 RC aggregate, or other material specified in the permit, and compacted throughout its full width in layers not to exceed four inches if a tamper or wacker is used or in or layers not to exceed eight inches if approved vibratory compaction equipment is used.
 - (3) Where the existing pavement structure includes a course of subbase material, it shall be replaced to a depth equal to the existing course depth, with material meeting the requirements of Section 350, PennDOT Form 408.
- I. Paving restoration. Immediately following backfilling and compaction, the permittee shall apply ID-2 bituminous binder course (or cold patch if hot mix is not available) to a minimum depth of two inches and compacted to the level of the abutting surface. The surface material shall be tamped with a gravity roller or vibrating compactor subject to the approval of the Engineer of the Borough of Mohnton. The permittee shall maintain the restoration by re-excavating and/or applying additional surface material in order to provide a smooth riding surface for a period of one year after temporary restoration or until the Borough of Mohnton provides a permanent surface repair. Repairs shall be made by the permittee within 24 hours' notice by the

Borough of Mohnton, and by accepting a street cut whether or not he/she is notified by the Borough of Mohnton to perform additional work.

J. Shoulder restoration.

- (1) Paved and stabilized shoulders. Paved and stabilized shoulders shall be reconstructed and restored to a serviceable condition, of the same type as existed before the start of work.
- (2) Other shoulders. Other shoulders shall be restored according to the following:
 - (a) Suitable material shall be used for backfill of openings in shoulders.
 - (b) If the length of the facility exceeds 50 feet, the shoulder shall be graded, rolled and penetrated with RT-2C or MC-30 bituminous material at a minimum rate of 0.25 gallon per square yard and chipped or lightly sanded to prevent tracking of oil onto the pavement.
- (3) All shoulder restoration shall be the responsibility of the permittee.

K. Restoration at appurtenances.

- (1) The top of every manhole, valve box or other access to the facility shall be of the same elevation as the surface in which it is located.
- (2) The surface surrounding manholes or valve covers located in shoulders shall be paved in such a manner as to prevent washouts.
- (3) All manholes, including those cast-in-place, shall be constructed in compliance with current industry standards and PennDOT Form 408, Section 713.2(c).

L. Additional restoration. All disturbed portions of the street, including all appurtenances and structures such as guiderails or drainpipes, shall be restored to a condition equal to that which existed before the start of any work authorized by the permit.

- (1) If the permittee opens any street pavement having a bituminous concrete surface, whether to install a new facility or to modify an existing facility, the permittee shall, in addition to the restoration conditions outlined in the permit and in this Part, overlay the street pavement in accordance with the following conditions:
 - (a) When a longitudinal opening longer than 10 feet and wider than three feet is made in the street pavement, the permittee shall

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overlay the traffic lanes in which the opening was made, for the entire length of street that was opened, as directed by the Engineer of the Borough of Mohnton.

- (b) When two or more transverse trench openings are made in the street pavement less than 200 feet apart, the permittee shall overlay all traffic lanes in which the openings were made, for the entire length of street between such openings, as directed by the Engineer of the Borough of Mohnton.
- (c) When five or more emergency openings have been made by the same permittee in the street pavement less than 200 feet apart within five years of the last resurfacing by the Borough of Mohnton, the permittee shall overlay all traffic lanes in which the openings were made, in accordance with the PennDOT Maintenance Manual, for the entire length of street between such openings.
- (d) Where disturbed lanes adjacent to shoulders are overlaid, the shoulder shall be raised so that the overlaid pavement and shoulder edges are at the same elevation.

(2) Regardless of the age of the wearing course:

- (a) When both longitudinal and transverse trench openings are made in the street pavement, the Engineer of the Borough of Mohnton may require the permittee to overlay all traffic lanes in which such openings were made for the entire length of street that was opened, if the Engineer of the Borough of Mohnton determines that the present serviceability index of the street, as discussed in Chapter 3 of the PennDOT Maintenance Manual, has been impaired by the opening; or
- (b) When five or more openings are made by the same permittee in the street highway pavement less than 100 feet apart, the Engineer of the Borough of Mohnton may require the permittee to overlay the entire disturbed area.

M. Notice to Borough. The Borough Engineer, at telephone number 610-777-1311, shall be notified when the opening in the pavement is to be made and shall be further notified when a cut is to be backfilled and completed.

N. Work for Borough of Mohnton. No permit will be required of contractors doing work of this nature for the Borough of Mohnton. Contractors doing work of this nature for the Borough of Mohnton shall be required to obtain a permit therefor; however, said permits shall be issued without charges.

- O. Work to conform to Borough of Mohnton standards. The work shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the Borough of Mohnton. If the Borough of Mohnton discovers that the work has been discontinued or has not been properly performed, the Borough of Mohnton shall immediately take all necessary steps, at his or her own expense, to place the work in such condition as to conform to the Borough of Mohnton's Inspector. The Inspector shall have the authority to suspend work until the matter can be referred to and be decided by the Engineer of the Borough of Mohnton.

- P. Additional inspection fees. If the Borough of Mohnton determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more employees to inspect the permitted work on a more than a spot inspection basis, the permit will so indicate, and the permittee shall be charged for all costs incurred by the Borough of Mohnton for inspection.

(Ord. 610, 3/8/2000, §6)

§507. Violations and Penalties.

Any person, firm, corporation or other entity who breaks or cuts in any manner the pavement or surface of any public street of the Borough of Mohnton without first having obtained the proper permit and paid the application fees and charges hereinbefore set forth, including any extension fee, or who violates any of the other provisions of this Part shall, upon conviction before a District Justice, be sentenced to pay a fine not exceeding \$600 for each offense, plus costs; and in default of the payment of such fine and costs, said person and/or the responsible agents or officers of firms or corporations violating the provisions of this Part, shall be imprisoned in the Berks County Prison for a period not exceeding 30 days. (Ord. 610, 3/8/2000, §7)