

## ARTICLE 903

### Excavations

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### CROSS REFERENCES

Power to open streets, etc. - See 3rd Class §2915 (53. P.S. §37915)

Department of Public Works - See ADM. Art. 107

Deep and shallow excavations - See BLDG. Art. 1701.02; BOCA 1807.2.1.

#### 903.01 DEFINITIONS.

(a) As used in this Article, "applicant" shall mean any person, firm, association or corporation applying for and to whom a permit to make an excavation may be issued.

(b) A degradation fee is a rate charged for officially authorized street excavation to defray a percentage of the costs for resurfacing and reconstruction of City streets resulting from the depreciation of streets associated with street openings. (Ord. 4096. Passed 11/20/01.)

(c) "Excavation" or "excavations" shall mean the digging of any trench or excavating through or under the limits of any ordained or dedicated street in the City, or any public sidewalk, or the cutting into or opening and

removal of any paved or unpaved surfaces in the public right-of-way within the City. (Ord. 3024 §1. Passed 10/15/85.)

#### 903.02 PERMIT REQUIRED.

No person shall make or cause to be made any excavation in the public right-of-way within the City without first obtaining a permit therefor. (Ord. 3024 §1. Passed 10/15/85.)

#### 903.03 PERMIT APPLICATION.

(a) Application for an Excavation permit shall be made to the Department of Public Works. Each application may be required to be accompanied by plans indicating the location, purpose, size and time of the Excavation and shall be subject to approval by the City Engineer.

(b) No permit shall be issued for the opening and digging up of any street or public right-of-way in the City between December 1 of any year and March 1 following, except to repair leaking and damaged water pipes, gas pipe, sewer or drain, or such other work deemed necessary and essential by the City Engineer, and then only with the issuance of a permit and written consent of the City Engineer.

(c) Should a situation arise where it would become necessary to open or dig up any street or public right-of-way between December 1 of any year and March 1 following for any reason other than emergency repairs to existing utilities, such request shall be made in writing to the Department of Public Works. Such a request must provide sufficient cause for the Excavation and the City Engineer may require accompanying plans indicating location, purpose, size and time, etc. Such Excavation can only be done upon the issuance of a permit and written approval of the City Engineer. Special requirements may be imposed by the City Engineer. (Ord. 3117 §1. Passed 3/17/87).

#### 903.04 INSURANCE.

The applicant shall deposit or show evidence of a public liability insurance policy insuring the City, as well as the person doing the work, against any loss or damage to persons or property resulting from the acts or work being done, in such amounts as shall be deemed adequate by the

Director of the Department of Public Works. (Ord. 1800 §4. Passed 3/5/63.)

#### 903.05 PERMIT/DEGRADATION FEE.

Prior to the issuance of the permit, the applicant shall pay to the City Treasurer, a permit fee in accordance with the following schedule:

(a) For excavations that involve any portion of the paved roadway in any public area of the City, the following Roadway Excavation Permit Fees shall apply per each excavation as finally restored:

- (1) Roadway Pavement Age - More than Five Years \$10.00/SF
- (2) Sanitary Sewer Lateral Replacement/Repair \$10.00/SF  
Degradation Fee Does Not Apply

Degradation Fee (In addition to Excavation Fee in Item (1) above):

- (1) Roadway Pavement Age - Less than Five Years \$10.00/SF  
Includes Degradation Fee
- (2) Roadway Pavement Age - Less than Four Years \$20.00/SF  
Includes Degradation Fee
- (3) Roadway Pavement Age - Less than Three Years \$35.00/SF  
Includes Degradation Fee
- (4) Roadway Pavement Age - Less than Two Years \$50.00/SF  
Includes Degradation Fee
- (5) Roadway Pavement Age - Less than One Year \$60.00/SF  
Includes Degradation Fee

(b) For excavations in public areas which do not involve the paved roadway, a fee of \$3.00/SF shall be paid.

The permit shall be valid for a period of ninety (90) days from the date of issue and no work shall be done after any permit has expired. All work shall be done in accordance with the specifications of the City Engineer. (Ord. 3024 §1. Passed 10/15/85; Ord. 4096. Passed 11/20/01; Ord. 2010-31. Passed 12/21/10.)

### 903.06 COMPLIANCE WITH SPECIFICATIONS AND REGULATIONS.

All work shall be performed in accordance with the specifications of the City Engineer, the rules and regulations of the Commonwealth of Pennsylvania and the provisions of this Article. (Ord. 1800 §6. Passed 3/5/63.)

### 903.07 SUPERVISION AND INSPECTION.

All work shall be subject to supervision and inspection of the City Engineer, and shall be done to his satisfaction and approval. (Ord. 1800 §7. Passed 3/5/63. )

### 903.08 SAFETY PRECAUTIONS.

(a) The applicant shall provide such barriers and lighting devices as to make the Excavation safe at all times.

(b) Before any Excavation is made and in accordance with 1974, Dec. 10, P.L. 852, No. 287; As Amended 1986, Dec. 12, No. 172, the Applicant shall notify all utilities that he will be making an Excavation at least three (3) working days prior to the day of beginning such work so that each utility can mark or locate their lines for the Applicant; they shall then be located and if required, supported during the Excavation operation.

(c) The walls and faces of all Excavations and trenches 5 feet or more deep in which humans are exposed to danger from cave-in shall be guarded by a shoring system, sloping of the ground, or some other equivalent means.

(d) In Excavations which humans may be required to enter, excavated or other material shall be effectively stored and retained at least 2 feet or more from the edge of the Excavation.

(e) Excavations 4 feet deep or more shall have an adequate means of exit, such as, ladders or steps, located so as to require no more than 25 feet of lateral travel. (Ord. 3117 §2. Passed 3/17/87).

#### 903.09 CITY MAY PERFORM WORK; COSTS.

The City shall have the right to correct any deficiencies in the work performed by the applicant and to charge the costs to the applicant. (Ord. 3024 §1. Passed 10/15/85.)

#### 903.10 WHEN FEE NOT REQUIRED.

No charge shall be made for an excavation on the sidewalk where the same is made in connection with a permit granted for an excavation in the roadway, or for excavations made under permits issued for the construction or repair of sidewalks, curbing or gutters, or where permits have been granted for the erection of poles, or for contracts executed for the City or any department thereof, or for any work done under the direction and authority of any City department; but in all cases proper application shall be made and a permit secured as herein provided. (Ord. 3024 §1. Passed 10/15/85.)

#### 903.11 REFILLING EXCAVATIONS.

All persons opening or digging any of the streets of the City for any purpose whatever shall refill the same in the following manner:

Spaces excavated for but not occupied by structures shall be backfilled with suitable material as approved by the City Engineer. Backfill material shall be placed in uniform horizontal layers of not more than a loose eight inch depth for full width of the cross section. Each layer is to be thoroughly compacted by adequate tamping. This procedure shall be followed from the bottom of the Excavation until the Excavation is solidly filled to street level. Frozen material shall not be used for backfill at any time. Surfacing material, other than earth, removed for trench Excavation shall not be used for backfill and shall be removed from the site. All Excavations shall be backfilled within a reasonable time allowed for the work to be performed. Final restoration of the trench will be in accordance with City specifications. (Ord. 3117 §3. Passed 3/17/87.)

#### 903.99 PENALTY.

Any person who violates any provision of this Article shall be subject to the following penalties:

(a) First violation - A fine of \$200.00, or thirty days imprisonment, or both;

(b) Second violation - A fine of \$500.00, or sixty days imprisonment, or both;

(c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both. (Ord. 3038. Passed 10/22/85; Ord. 3242. Passed 2/7/89.)