

Road Opening and repair Permit AND FEE WORKSHEET

Property Location _____
 Not for use along a State Highway—Contact PennDOT directly to obtain a Highway Occupancy Permit (610-871-4167)
 (East Main St, West Main St, North Chestnut St, South Chestnut St, North Walnut St., Willow Lane, Part of Lehigh St.)

Property Owner _____

 Phone No. _____

Applicant _____

 Phone No. _____ or Cell No. _____ Fax No. _____

I hereby certify that the information provided herein is correct to the best of my knowledge, I agree to pay all resurfacing and inspection costs as per Borough Code and agree to conduct all work in conformance with Borough Codes.

Signature _____ (Applicant or Contractor) Date _____
 For Contractor (if applicable) - PA HIC Registration No. _____
 Contractor acknowledges that they have a copy of Borough Specifications _____

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 Type of Excavation _____ Curbing Replacement, New Curbing
 _____ Utility Excavation
 _____ Other
 Size of Excavation Length _____ x Width _____ = _____ Square Feet
 Start Date _____ End Date _____

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INSTRUCTIONS: [See page two for full text of code]
 Section 296-4 of the Borough Code requires that the Borough shall do the resurfacing of streets unless the permit holder has a special agreement with Borough Council. The permit holder may request a special agreement with Borough Council to allow the permit holder to resurface the street in lieu of the Borough Public Works resurfacing the street.

Section 296-1 (A) states that the applicant for the permit shall deposit an amount as established in the current fee schedule which shall be applied against the cost of resurfacing the street by the Borough after completion and refilling the excavation by the permit holder.

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Fee Calculations
 Application Fee - \$25.00 (Not required with curb permit) \$ _____
 Inspection and Resurfacing Fee Deposit - (Minimum \$100.00) \$ _____ (From Worksheet)
 (To be paid at the time of filing application) Total \$ _____

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(BOROUGH USE ONLY) Resurfacing Cost calculation for Borough to Resurface Street
 Estimate of Resurfacing Costs from worksheet
 Amount to be deposited \$ _____
 Actual Borough Costs \$ _____
 Balance Due or Refund \$ _____

Billed on _____ Paid on _____

ARTICLE I
Openings and Excavations

[Adopted as derived from Part 12, Ch. 1, Art. A, §§ 12-1001 through 12-1005, of the 2001 Code]

§ 296-1. Permit required to make opening or excavation in street. [Amended 1-2-2001 by Ord. No. 2001-1]

A. It shall be unlawful for any person to make any excavation or opening in any street in the Borough without first having obtained a permit from the Borough. The permit shall be issued by the Manager upon payment of a fee as established in the current fee schedule as set by resolution of Council from time to time, which fee shall be for the use of the Borough to cover in whole or in part the cost of issuing the permit and of the supervision and inspections under this article. In addition, the applicant for the permit shall deposit an amount as established in the current fee schedule which shall be applied against the cost of resurfacing the street by the Borough after completion and refilling the excavation by the permit holder.

B. At the discretion of Council and upon request of an applicant for a permit under this section, the permit holder, instead of the Borough, shall resurface the street, under the terms of a special agreement between the Borough and the permit holder. The agreement may provide that the permit holder, in lieu of depositing the sum specified in the current fee schedule, shall file a bond, in the amount specified by Council, to indemnify the Borough in case of failure to resurface or of any inadequacy or flaw in the resurfacing that shall be disclosed within the time limit stated in the agreement.

§ 296-2. Conditions of permit.

Every permit issued under this article shall state, as conditions of the permit: the purpose for which the opening or excavation is authorized; the location and approximate surface area of the opening; the date when the work under the permit is to be commenced; and the number of days for which the permit shall be valid. It shall be the duty of the permit holder to do all work under this article in conformity with all these conditions, and a failure to comply with any of the conditions shall constitute a violation of this article.

§ 296-3. Duty of permit holder.

It shall be the duty of the holder of every permit issued under this article:

A. At all times to take every necessary and reasonable safety precaution, including the installation and maintenance of guards, barriers and warning signs, and, during hours of darkness and restricted visibility, warning lights and/or flares;

B. To backfill the excavation under the direction of the Superintendent of Public Works with materials prescribed by him, and compacted into layers as directed by him;

C. Prior to the date of expiration of the permit, to remove all tools, equipment, debris and other material and articles used in connection with or accumulating by reason of the opening or excavation and the work pertaining to the opening or excavation;

D. To save the Borough harmless from and indemnify it against all actions, suits, demands, payments, costs and charges for or by reason of the opening or excavation, and all damages to persons or property resulting in any manner from the opening or excavation or occurring in the prosecution of the work connected with it, or from any other matter, cause or thing relating to it, at any time when the permit is in effect and for a period of one year after the date of expiration of the permit. Provided: any permit holder who occupies any street pursuant to any franchise heretofore granted by the Borough shall also be responsible for adhering to any conditions contained in that franchise pertaining to the subject matter of this article or to the making, guarding or refilling of openings and excavations in streets and/or the restoration of the surface of the street thereafter.

§ 296-4. Resurfacing of streets.

The resurfacing of streets, following the making of openings or excavations under this article, shall, except where resurfacing is to be done by the permit holder under a special agreement, be done by the Borough either by its own employees or by persons under contract with the Borough. The cost and expense of the resurfacing not done under special agreement shall be paid by the Borough, but the deposit made by the applicant for the permit under § 296-1 shall be applied against that cost and expense, with any surplus to be returned to the permit holder.

§ 296-5. Emergency opening or excavation.

In case of any emergency resulting from the breaking of any pipe or main, explosion or other unforeseen occurrence, the person responsible for the maintenance of the pipe, main or other facility involved in the emergency may proceed with the opening or excavation of the streets as necessary to remedy the condition and to make necessary repairs, without first having applied for and obtained the permit required under this article, but within 72 hours after the occurrence of the emergency he shall apply for and obtain a proper permit, following the same procedures and adhering to all other requirements that would have applied had he applied for and obtained the permit in advance.

