

BOROUGH OF CHURCHILL

ORDINANCE NO. 737

AN ORDINANCE OF THE BOROUGH OF CHURCHILL, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 264, ARTICLE I OF THE CODE OF THE BOROUGH OF CHURCHILL ("EXCAVATIONS AND OPENINGS") TO ADD NEW DEFINITIONS AND TO ESTABLISH ADDITIONAL REQUIREMENTS FOR THE RESTORATION OF STREET OPENINGS AND EXCAVATIONS

**WHEREAS**, Section 1202(12) of the Borough Code, 8 Pa.C.S. § 1202(12), authorizes the Council of the Borough of Churchill to regulate public streets; and

**WHEREAS**, Borough Council previously enacted Ordinance No. 248 on March 8, 1960, establishing requirements for openings and excavations in Borough streets, which Ordinance was thereafter amended by Ordinance No. 667 on March 10, 1998; and

**WHEREAS**, Ordinance No. 248, as amended, was subsequently codified at Chapter 264, Article I of the Code of the Borough of Churchill ("Churchill Code"), Sections 264-1 through 264-11; and

**WHEREAS**, the Borough has determined that additional requirements for restoring street openings and excavations in Borough streets are necessary to ensure the health, safety and welfare of the residents of the Borough as well as those traveling through the Borough.

**NOW THEREFORE**, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF CHURCHILL, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF THE AFORESAID AS FOLLOWS:

Section 1. AMENDMENTS.

- A. Section 264-1, Subsection "A" of the Churchill Code is amended to add a definition for "Public Utility Company" that shall read as follows:

PUBLIC UTILITY COMPANY. Allegheny County Sanitary Authority (ALCOSAN), any cable television company, fiber optic company, utility company such as water, gas, electric or the like, or any company subject to the jurisdiction of any control by the Pennsylvania Public Utility Commission.

- B. Section 264-4, Subsection "I" of the Churchill Code is hereby deleted in its entirety and amended to read as follows:

- I. *Safety measures.* Every permittee shall place around the specific project such barriers, barricades, lights, warning flags and danger signs as shall be determined by the Borough Manager or the Borough Engineer or their designees for the protection of the general public. Additional safety requirements may be prescribed by the Borough Manager and, where applicable, shall be in conformance with the requirements set forth in 67 Pa. Code §§ 212.1 et seq., dealing with work zone traffic control. When any person or entity fails to provide or maintain the required safety devices, such devices shall be installed and maintained by the Borough of Churchill. The amount of the cost incurred shall be paid by the permittee or deducted from his/her deposit. No person or entity shall willfully

move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this article.

- C. Section 264-4, Subsection "N" of the Churchill Code is hereby deleted in its entirety and amended to read as follows:

N. Backfilling and restoring opening.

(1) All pavement cuts, openings and excavations shall be made properly and backfilled properly by the permittee according to Borough of Churchill specifications. Permittee also shall place a temporary surface on the pavement cut, opening or excavation in accordance with Borough specifications. If the permittee has been granted permission to restore the street surface but inclement weather conditions are such as to prevent the completion of permanent restoration of the street surface at the time backfilling is completed, permittee shall install a temporary surface in accordance with Borough specifications until such time as weather conditions will permit permanent restoration of the street surface.

(2) The Borough Manager shall be notified by the permittee during the forty-eight-hour period preceding the beginning of backfilling, and/or restoration, and/or excavation, and the approximate time each will begin.

(3) Permittee shall be required to pave/restore/overlay a minimum twelve foot (12') width (or the entire cartway width, if deemed appropriate by the Borough Engineer in the Engineer's sole discretion), which width shall run the entire length of the opening, plus thirty feet (30') on each of the two sides of the opening, and shall be accomplished in accordance with Borough specifications and shall be subject to the Borough Engineer's approval. The bond requirements set forth in Section 264-6 of this Article shall reflect the increased dimensions of this section.

- D. Section 264-4, Subsection "O" of the Churchill Code is hereby deleted in its entirety and reserved as follows:

[O. Reserved]

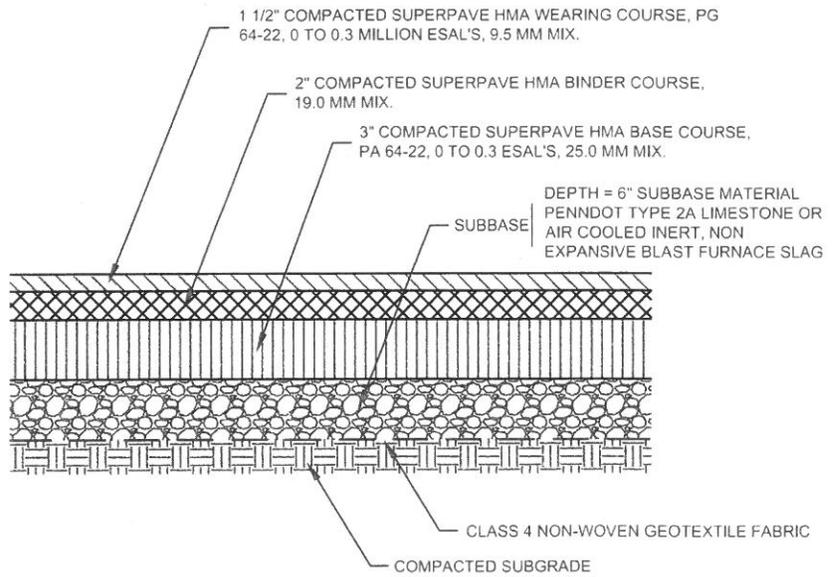
- E. Section 264-4, Subsection "Q" of the Churchill Code is hereby deleted in its entirety and reserved as follows:

[Q. Reserved]

- F. Section 264-4 of the Churchill Code is amended to add Subsection "Y" that shall read as follows:

Y. Emergency excavations and openings by a public utility company.

(1) Should a permit be issued for such a street opening, excavation or tunneling by the Borough Manager to a public utility company based upon the public health or safety or due to an emergency condition or other valid public purpose, the public utility company shall be required to pave/restore/overlay a minimum twelve foot (12') width (or the entire cartway width, if deemed appropriate by the Borough Engineer in the Engineer's sole discretion), which width shall run the entire length of the opening, plus thirty feet (30') on each of the two sides of the opening, and shall be accomplished in accordance with Borough specifications and shall be subject to the Borough Engineer's approval.



**NOTES:**

1. THE ABOVE PAVEMENT THICKNESS & MATERIAL SHALL BE CONSIDERED STANDARD UNLESS OTHERWISE DETERMINED BY ENGINEER.
2. ONCE THE FINAL WEARING COURSE OF BITUMINOUS PAVING IS PLACED, THE CONTRACTOR SHALL SEAL THE GUTTER LINE WITH PG 64-22 ASPHALT CEMENT BY OVERLAPPING 3" ONTO THE CURB AND EXTENDING 9" ON TO THE CARTWAY IN ACCORDANCE WITH PENN D.O.T. PUBLICATION 408.
3. SUBGRADE DRAINS MAY BE REQUIRED WHERE UNDERGROUND WHERE WATER IS ENCOUNTERED.
4. CONSTRUCTION MATERIALS AND INSTALLATION SHALL CONFORM TO PENNDOT 408.
5. CONTRACTOR SHALL PROOF ROLL SUBGRADE PRIOR TO INSTALLATION OF SUBBASE AND SHALL REMOVE AND REPLACE ALL UNSUITABLE MATERIALS PER BOROUGH STANDARDS.
6. ASPHALT PAVING SHALL BE ROLLED TO ACHIEVE REQUIRED DENSITY.

○ STANDARD DUTY ASPHALT PAVEMENT (SUPERPAVE)  
NEW OR RE-CONSTRUCTED ROADWAYS

CHURCHILL ROAD PROGRAM  
CHURCHILL BOROUGH  
ALLEGHENY COUNTY, PA

Project Number: 2016-03-013  
Drawing Scale: 1"=1'-0"  
Date Issued: 02/26/2016  
Issue Number: 01  
Drawn By: J.P.  
Checked By: J.P.  
Project Manager: J.P.

PREPARED FOR:  
**CHURCHILL BOROUGH**  
2300 WILLIAM PENN HIGHWAY  
PITTSBURGH, PA 15235

Date	No	REVISION RECORD
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-	08	-

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(2) The bond requirements set forth in Section 264-6 of this Article shall reflect the increased dimensions of this section.

(3) Upon completion of the paving/restoration/overlay as set forth in this Subsection, the public utility company shall notify the Borough Engineer who shall undertake an inspection and report to the Borough Manager as soon as possible.

G. Section 264-11 of the Churchill Code is hereby deleted in its entirety and amended to read as follows:

§ 264-11 Standards and Specifications.

The standards and specifications for said pavement cuts, openings and excavations shall be made according to standards and specifications established by the Borough Engineer, as they may be amended from time to time.

Section 2. EFFECTIVE DATE. This Ordinance shall become effective immediately upon enactment by Borough Council.

Section 3. REPEALER. All ordinances or resolutions or parts of ordinances and resolutions in conflict with the terms of this Ordinance are repealed and rescinded to the extent that such conflict exists.

ORDAINED AND ENACTED INTO LAW BY THE COUNCIL OF THE BOROUGH OF CHURCHILL, THIS 12th DAY OF JUNE, 2017.

BOROUGH OF CHURCHILL

  
\_\_\_\_\_  
President of Council

ATTEST:

  
\_\_\_\_\_  
Secretary

EXAMINED AND APPROVED THIS 12th DAY OF JUNE, 2017.

  
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Mayor