

BILL NO. 53-2013
AN ORDINANCE

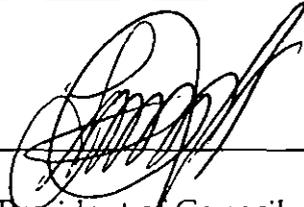
AN ORDINANCE AMENDING THE CITY CODE BOOK, CHAPTER 508,
PART 700 RELATING TO STREET CUTS.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS
FOLLOWS:

SECTION 1. Amending the City Code Book, Chapter 508, Part 700 relating to
street cuts, as set forth in Exhibit A attached hereto and made a part hereof.

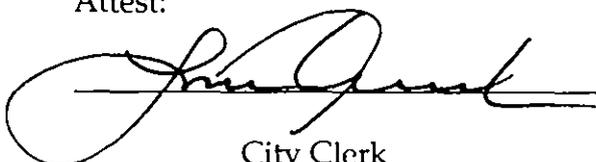
SECTION 2. This ordinance shall become effective ten (10) days after its
adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule
Charter.

Enacted Oct 28, 2013



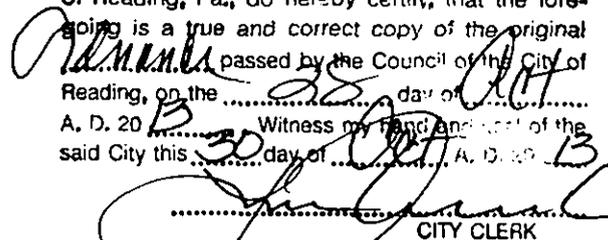
President of Council

Attest:



City Clerk

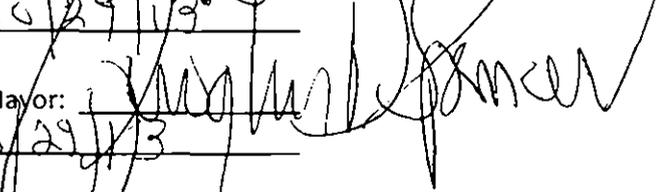
I, LINDA A. KELLEHER, City Clerk of the City
of Reading, Pa., do hereby certify, that the fore-
going is a true and correct copy of the original
ordinance passed by the Council of the City of
Reading, on the 28 day of Oct
A. D. 2013. Witness my hand and seal of the
said City this 30 day of Oct, A. D. 2013



CITY CLERK

Submitted to Mayor: 
Date: 10/29/13

Received by Mayor's Office: 
Date: 10/29/13

Approved by Mayor: 
Date: 10/29/13

Vetoed by Mayor: _____
Date: _____

§ 508-701. Purpose.²⁰

No person, firm or corporation shall break the pavement or surface of any legally open street, between the curblines thereof, until a permit is obtained from the Department of Public Works.

§ 508-701. Application.

A. Applications to break the pavement or surface of any legally open streets shall be made on the form provided by the Department of Public Works, shall include all information requested and shall be signed by the applicant.

B. Applications shall also be accompanied by a permit fee, as provided in Chapter 212, Fees, and a payment to defray the cost of street restoration by the City of Reading in accordance *with* Chapter 212, Fees, unless otherwise stipulated.

§ 508-703. Charged surface.

In computing the square yards of the surface to be charged, ~~nine~~ *twelve* inches shall be added to all sides of the proposed cut. All fees and charges shall be paid or a legally binding letter of agreement accepted by the City before the issuance of the requested permit.

§ 508-704. Permits for pavement cuts.

Permits for pavement cuts on streets paved within ten (10) years from the date of application for the cut shall be issued at the following additional costs; 100% additional for the current year *through the fifth year; and 80% additional for years six through ten.* ~~and the first year; 80% additional second year; 60% additional for third year; 40% additional for fourth year; and 20% additional for the fifth year of service.~~

§ 508-705. Site conditions.

Where in the opinion of the Director of Public Works and at his sole discretion site conditions are such that additional effort is required to protect the integrity of the City's streets, 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 applicant along with payment of all above stipulated fees and charges; or the *reconstruction and/or street break or cut at the permittee's expense.* Where additional work is required, a legally binding "letter of agreement" acceptable to the City shall be provided by the applicant before issuance of the permit. Applications to break the pavement or surface of any legally open streets shall be made on the form provided by the Department of Public Works, shall include all information requested and shall be signed by the applicant.

§ 508-706. Inspection.²²

Upon inspection, if it be determined that the applicant 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 applicant shall forthwith pay a proportionate amount to be fixed by the Department of Public Works, within three days after demand thereof shall be made in writing.

§ 508-707. Permits.

No permit shall be issued to any person, firm or corporation indebted to the City because of any previous application or permit. This permit is issued subject to all ordinances of the City of Reading, all state and federal laws and to the following conditions:

A. Bore holes. Bore holes will be considered street cuts and a charge of ~~\$5~~ *specified in Chapter 212, Fees*, will be levied for each bore hole made. A permit will be required for each bore hole grouping. The applicant shall plug or seal bore holes, in a manner and with materials approved by the Director of Public Works, to the street surface within 30 days of boring. If the applicant does not plug or seal these holes within the given time, the City of Reading 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 City's Police Division shall be notified immediately at (610) 655-6111; otherwise, an authorized representative of the responsible party(ies) shall notify the Department of Public Works the next business day, and proper application accompanied by appropriate fees or a legally binding letter of agreement shall be submitted to the City within seven days of commencing the work.²³

C. Ahead of paving permit. Permits for street cuts performed in advance of City of Reading scheduled street improvements at the same location, where the required work is completed in accordance with a schedule approved by the Director of Public Works, will be charged at the rate of ~~\$10 per block and/or street intersection~~ *specified in Chapter 212, Fees*. 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 Director of Public Works.

D. Subsurface plans. Upon completion of work, the permittee shall furnish to the Director of Public Works completely dimensioned plans showing accurately and distinctly, and in such detail as required, the size, shape and kind of structure he/she has installed or altered and its location with reference to the street surface and the nearest curbline and curb intersection. No refunds will be allowed until such plans have been furnished and accepted.

E. Time limit. In case the work has not been completed on or before the date as shown on the permit, the Director of Public Works may, if he deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening for which the permit had been issued. If an extension of time beyond said date is necessary for the completion of the work, a written application therefor must be filled, and if an extension be granted, *upon payment of* an additional fee of ~~\$10 per month, or a fraction thereof, will be charged~~ *as specified in Chapter 212, Fees*.

F. Excavation; notice. Pennsylvania law (Act No. 172, effective June 10, 1987)²⁴ requires those who intend to excavate, demolish or blast to file certain notices (One Call, etc.) before commencing work. Applicants for permits to break the pavement or surface of any legally open street shall comply with all the requirements of this Act and the City of Reading permits issued where this obligation has not been met shall be deemed null and void.

G. Trenches in paved areas shall be cut to a neat edge using an asphalt/concrete saw or jackhammer.

H. Barricade cover and lighting. 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 responsible for the opening shall secure and cover the excavation with an appropriate metal plate. Nothing contained in this Part or other legislation of the City of Reading shall release the person or persons opening the street from all liability associated with claims for injury or damage resulting therefrom.

I. Backfilling. Materials excavated in conjunction with street cuts should be promptly hauled away and shall be removed before nightfall. The permittee shall arrange for the immediate repair of the affected utility and backfill the trench without delay. Backfill material shall consist of 2A modified stone placed and properly tamped or vibrated in six-inch lifts to within two inches of the abutting surface unless other materials and procedures are specifically approved by the Director of Public Works.

J. Paving restoration. Immediately following backfilling and compaction, the permittee shall apply ID-2A bituminous surface material (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 Director of Public Works. 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 restoration or until the City provides a permanent surface repair. Repairs shall be made by the permittee within 24 hours' notice by the City, and by accepting a street cut permit, the permittee acknowledges his/her liability for maintenance of the cut whether or not he/she is notified by the City to perform additional work.

K. Notice to begin work. The Department of Public Works 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, so that the proper instructions may be issued for permanent pavement replacement.²⁵

L. Work for the City of Reading. Permit will be required of contractors doing work of this nature for the City of Reading although all regular fees and charges for said work are waived.

M. Work to conform to the City of Reading 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 City of Reading. If the City of Reading discovers that the work has been discontinued or has not been properly performed, the permittee, upon being notified thereof in writing by the City of Reading, shall immediately take all necessary steps, at his or her own expense, to place the work in such condition, as to conform to the City's requirements or standards. If a dispute arises between the permittee and the City of Reading's inspector, the City of Reading's inspector shall have the authority to suspend work until the matter can be referred to and be decided by the City's Engineer.

N. Additional inspection fees. If the City of Reading 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 spot-inspection basis, the permit will so indicate and the permittee shall be charged for all salary, overhead and expenses incurred by the City of Reading for inspection.

§ 508-708. Violations and penalties.

Any person, firm or corporation who breaks or cuts in any manner the surface of any street of the City without first having obtained the proper permit and paid the application fee and charges

hereinbefore set forth, including any extension fee, or violates any of the other provisions of this section shall, upon conviction before Magisterial District Judge, be sentenced to pay a fine not exceeding \$300 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 section, shall be imprisoned in the Berks County Prison for a period not exceeding 90 days.