

cc: File

BILL NO. 74 - 2013

AN ORDINANCE OF THE CITY OF READING AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 508 STREET CUTS BY ADDING AN INSPECTION FEE, MODIFYING THE RE-PAVEMENT REQUIREMENTS, MODIFYING THE PERMIT AND APPLICATION REQUIREMENTS AND MAKING OTHER CLARIFICATIONS.

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

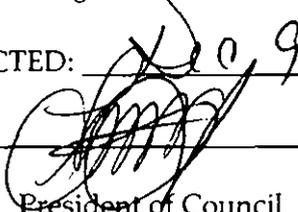
SECTION 1. Amending the City of Reading Codified Ordinances, Chapter 508 Street Cuts by adding an inspection fee, modifying the re-pavement requirements, modifying the permit and application requirements and making other clarifications, as attached in Exhibit A:

SECTION 2. All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended by this Ordinance shall remain in full force and effect.

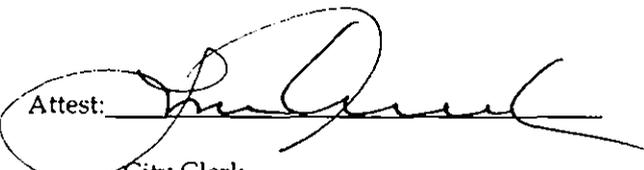
SECTION 3. If any section, subsection, sentence or clause of this Ordinance is held for any reason to be invalid, such decisions shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4. This Ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

ENACTED: Dec 9, 2013

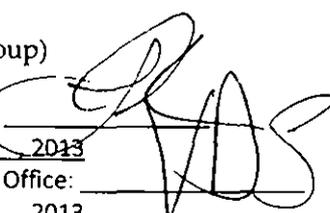


President of Council

Attest: 

City Clerk

(Bus Analyst Work Group)

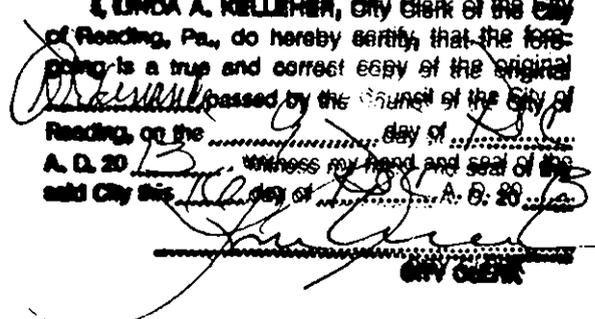
Submitted to the Mayor: 

Date: 12/10, 2013

Received by the Mayor's Office:

Date: 12/10, 2013

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the _____ day of _____, A. D. 2013. Witness my hand and seal of the said City this _____ day of _____, A. D. 2013.



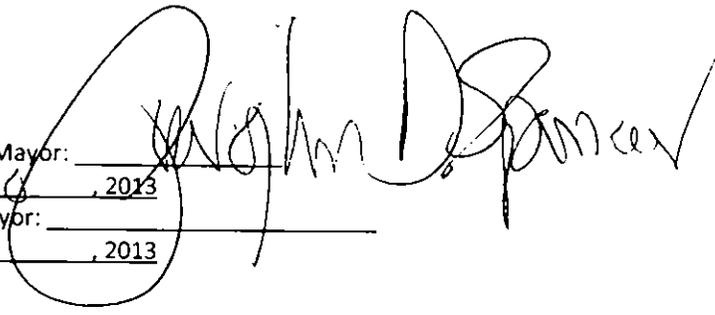
CITY CLERK

Approved by the Mayor: _____

Date: 12/18, 2013

Vetoed by the Mayor: _____

Date: _____, 2013

A large, stylized handwritten signature in black ink, which appears to read "William D. Spencer". The signature is written over the horizontal lines of the approval and veto sections.

Part 7

Street Cut Permits

§ 508-701. Purpose.

No person, firm or corporation shall break the pavement or surface of any legally open street, between the curblines thereof, until a Street Cut Permit (Permit) is obtained from the Department of Public Works. It shall be the responsibility of the person receiving the Permit (the Permittee) to promptly restore the permitted street cut and any other affected facility in proper order and repair in accordance with this ordinance and associated guidance documents. When the street cut involves the use of a utility the Permittee shall be the owner of the utility or the owner's legal agent.

§ 508-702. Application.

Applications for a Permit to break the pavement or surface of any legally open streets shall be submitted on the form provided by the Department of Public Works, shall include all information and applicable fees, and shall be signed by the applicant. The application information and fees shall include the following:

- A. **Permit Fee.** Each application shall be accompanied by a permit fee as provided in Chapter 212, Fees.
- B. **Inspection Fee.** An inspection fee will be assessed for each separate street cut as provided in Chapter 212, Fees.
- C. **Pavement Restoration Fee.** The Permittee shall pay a permanent pavement restoration fee for those cuts where the permanent pavement restoration is provided by the City of Reading, in accordance with Chapter 212, Fees, unless otherwise stipulated. Refer to Section 508-706 Pavement cuts on recently paved streets for additional charges that may apply to recently paved streets. Permittee's who prefer to have their contractor perform the permanent pavement restoration work must have completed a Letter of Agreement with the City to that effect and will not be assessed the permanent pavement restoration fee.
- D. **Detailed Plan of the work.** A scale plan shall accompany the application showing the extent and nature of the planned work at each street cut location within the Right-of-Way. The Permittee shall include all other important details on the plan that the Permittee is aware of and other information as required by this section and as directed by the City Engineer or his/her designee (City Engineer).
- E. **Letter of Agreement.** A properly executed Letter of Agreement will be required for all Permits with the exception of a single Permit application for one street cut by a non-utility applicant.
- F. **Bond.** Each street cut will require a bond or other acceptable form of surety before a Permit is issued. The bond shall be signed by the applicant in the amount as specified in Chapter 212, Fees. The bond shall accompany the Permit application and shall remain in effect for a period of two years from the date of the acceptance of the final pavement restoration. Public utility companies shall provide a bond as specified in Chapter 212, Fees that will warrant all street cut

work performed in that calendar year. Bonds for utility companies shall be renewable on an annual basis. If the condition is such that the Permittee fails to comply with this ordinance by not promptly completing the permitted work, including trench restorations and restoration of other affected facilities or fails to maintain such restorations in proper order and repair following construction, the City Engineer shall have cause to remedy that condition by calling on the Permittee's bonding company to perform the work necessary to restore the street and other affected facilities to proper order.

- G. **Additional fees and information.** The size and type of street cut(s) may require payment of additional fees and submission of additional information as prescribed in this ordinance.

All fees, plan information, bonding, application and Letter of Agreement must be provided and approved before the City will issue a Permit. Permits are issued subject to all other applicable ordinances of the City of Reading, and all applicable state and federal laws.

§ 508-703. Rejection of application

Street Cut Permits shall not be issued to any person, firm or corporation indebted to the City due to a previously issued permit.

The City Engineer may deny or delay issuance of a Permit if existing or anticipated conditions for the use of the street indicate that the street cut work will interfere with the safety and judicious use of the street and the Right-of-Way.

§ 508-704. Permit issuance and schedule for construction of street cuts

Permit applications shall be submitted a minimum of two weeks prior to the start of the proposed street cut work. The Permittee shall notify the City at least three days in advance of breaking the street. Each Permit shall be valid for a period of six months. If deemed necessary, Permit time extensions may be granted as specified in Section 508-709 Other related permits and fees.

§ 508-705. Charged surface

In computing the surface area of the permanent pavement restoration surface to be charged, twelve inches shall be added to all sides of the proposed cut. If the Permittee or City inspector determines that the Permittee removed, disturbed or damaged a pavement area greater than what is stated on the Permit, the Permittee shall pay a proportionate amount to be fixed by the Department of Public Works.

§ 508-706. Pavement cuts on recently paved streets

Final pavement restorations for street cuts on recently paved streets will be provided by the City, and are subject to additional charges to recover the premature degradation caused by the work. The restoration fee for pavement cuts on streets paved more than 10 years before the date of the application shall be calculated at the permanent pavement restoration rate specified in Chapter 212, Fees. The restoration fee for pavement cuts on streets paved within ten years from the date of the application shall be issued based on the following additional fees; 100% additional for the current year through the fifth year; and 80% additional for years six through ten.

§ 508-707. Special site conditions

Where, in the opinion of the City Engineer and at his/her sole discretion, site conditions are determined to involve construction work beyond that required for a small single utility service connection, the Permittee shall provide additional information, and may be required to perform additional work and pay additional fees. Where additional work is required to restore the pavement and other features within the Rights-of-Way, those terms shall be included in the Letter of Agreement before issuance of the Permit.

Special site conditions include, but are not limited to, permanent restoration of the street surface by the applicant, permanent restoration of the street beyond the area of the trench cut opening, construction of features within the Rights-of-Way other than trench restoration, and other special site construction work determined during the application. Examples of special site conditions are described below:

- A. **Large cuts.** Additional restoration of the pavement wearing surface will be required for cuts larger than those made for small single utility service connections. Large street cuts include, but are not limited to, the following conditions:
1. Where two or more transverse or longitudinal cuts are made within a 100 foot long section of street. (Transverse cuts are typically made for laterals that run across the street, and longitudinal cuts are typically made for mains running with the street.)
 2. Where a single longitudinal cut exceeds 100 feet.

The additional restoration for these cuts shall comply with the City's drawing and specifications for Large Street Cut Restoration which shall include milling and overlaying of the wearing surface of the entire travel lane(s) between the curb and the street centerline within the area bounded by the cut(s).

- B. **Curb ramps.** For conditions where the Permittee proposes a street cut within a street intersection, or along or through a pedestrian walkway within the City's Rights-of-Way and where the existing curb ramps at that intersection do not meet the current requirements of the Americans with Disabilities Act (ADA), the Permittee will be required to install ADA compliant curb ramps at all corners within that intersection. The area within a street intersection is the area delineated by the curb radii and the lines drawn across the streets that connect the termini of the curb radii, or the lines drawn parallel to the outside edge of the pedestrian walkways, whichever generates the larger area. This condition also applies where the work will disturb any street corner beyond the curbline. For street cuts proposed under these conditions the Permittee will be required to construct, or reconstruct curb ramps at each and every corner of the intersection or alley to meet the current ADA and Penn DOT requirements. To facilitate the proper construction of the ramps, the Permittee shall include with their Permit application the following additional provisions:

1. An existing conditions survey that includes all of the curb ramps within the intersection, alley or other accessible route where the cut is proposed to determine compliance and/or non-compliance with ADA.
2. Curb ramp designs for construction of each new and non-compliant curb ramp. The curb ramp designs must comply with the most current applicable Penn DOT standard for curb ramps. The existing condition survey and the ramp designs must be sealed by a qualified engineer or surveyor registered in the Commonwealth of Pennsylvania.
3. An amendment to the Letter of Agreement that states that the Permittee will construct or replace curb ramps within the intersection or alley that does not currently meet ADA and Penn DOT requirements.
4. A bond, letter of credit or other form of appropriate surety that includes an amount equal to cost to construct the ramps per the approved design. The form of surety other than a bond must be approved by the City Solicitor. The amount of the surety must be approved by the City Engineer.

Ramp designs will be reviewed by the City Engineer for approval prior to issuance of the Permit. For projects that involve state and/or federal funding, additional Penn DOT approval shall be required.

Following construction of the curb ramps, The Permittee shall submit to Public Works completed as-built (record) drawings of the work indicating that the ramps were properly inspected and were found to comply with the approved design.

§ 508-708. Inspection.²²

If the City of Reading determines that the permitted work is of sufficient magnitude or importance to warrant additional inspection beyond routine spot-inspection or due to noncompliance with the Permit conditions, the Permittee shall be charged for all expenses incurred by the City of Reading for the additional inspection(s).

§ 508-709. Other related permits and fees.

A separate Permit shall be issued for each individual street cut. In addition to the streets cut previously described, Street Cut Permits will be issued for the following:

A. **Bore holes.** Bore holes are small auger drilled excavations, up to 8 inches in diameter and no deeper than 18", made in the pavement section for the purpose of investigating pavement conditions, or to open the pavement for investigations below the pavement section. Bore holes made below the pavement section must utilize non-destructive excavation methods. Non-destructive excavation shall be limited to methods that use pressurized air and vacuum systems to excavate borings, up to 4 square feet in area, for visual examination of underground utilities and other subsurface conditions. Non-destructive methods other than air-vacuum systems must be approved in writing by the City Engineer prior to issuance of the Permit. Bore holes are street cuts and a bore hole fee will be charged for each bore hole made, as specified in Chapter 212, Fees. A Permit will be required for each bore hole grouping. The Permittee shall restore the bore holes in the same manner as a standard street cut. The work shall be completed within 30 days of boring. If the applicant does not restore the bore holes within that time period, 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 utility company conducting the investigation and repairs. Upon commencing an emergency cut, the City's Police Department shall be notified immediately at (610) 655-6111, as well as other potentially affected utilities and the PA One Call System. An authorized representative of the responsible party(ies) shall notify the Department of Public Works the next business day, and a proper Permit application accompanied by appropriate fees and other required documents shall be submitted to the City within seven business days of the commencement of the work.²³

C. **Ahead of Paving Permit.** Applicants proposing street cuts at locations that are scheduled for street improvements by the City of Reading will be charged at the Ahead of Paving Permit fee rate as 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 and in accordance with the schedule as directed by the City Engineer.

- D. **Time extension.** For conditions where the permitted work may not be completed, or has not been completed, on or before the Permit expiration date, the City Engineer may, if he/she deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening. If an extension of time beyond the Permit expiration date is necessary for the Permittee to complete the work, then a written application must be submitted and signed by the Permittee at least two weeks prior to the expiration date. Permit time extensions will only be granted upon the timely submission of the Permit extension application and the payment of the time extension fee, as specified in Chapter 212, Fees.

§ 508-710. Construction Standards

- A. **Plan and subsurface drawings and record drawings.** All applicants shall include with their application scale drawings that clearly and accurately shows the location of the proposed work with respect to existing facilities within the vicinity of the proposed work that will be, or could be, affected by the work. The scope of the drawings shall include as a minimum: all adjacent underground utilities, curb lines, sidewalks, traffic control loops, and similar features in both plan and cross section view. Upon completion of work, the Permittee shall furnish to the City Engineer record drawing(s) that indicates the as-constructed location, size and type of utility or feature installed or altered and its location with reference to the street surface and the adjacent curb lines. The standard of accuracy for the drawings shall be:
1. For standard single utility service connections: the same as those submitted for Final Plan under Chapter 515 Subdivision and Land Development Ordinance.
 2. For large street cuts and cuts required for work other than a single service connection: as specified on the City of Reading's Street Cut Restoration drawing.

B. **Excavation notice.** Pennsylvania law (Act No. 187, as amended) requires those who intend to excavate or demolish to file certain notices (PA One Call) 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.

The Permittee shall deliver a construction schedule in writing to the City indicating the date which the street cut will begin, the estimated date when the restoration of the trench will begin, and any other milestones that may be critical to the inspection of the work.

C. **Pavement edges.** The paved surface shall be cut to a neat edge using an asphalt/concrete saw or jackhammer. The Permittee shall take the necessary precautions to protect the neat edge, and is responsible to restore any edges that become broken.

D. **Barricades, trench covers and lighting.** All street openings shall be properly barricaded and protected by the Permittee. Excavations shall not be left open at the end of the work shift or when left unattended. Permittees are responsible for the protection of the public within the construction areas and all work zones shall be marked in accordance with PennDOT's work zone traffic control regulations until the permitted street cut is restored and approved. Nothing contained in this Part or other legislation of the

City of Reading shall release the person or persons opening the street from any liability associated with claims for injury or damage resulting therefrom.

E. **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 crushed stone placed and properly compacted in accordance with the details and specifications issued by the City Engineer.

F. **Paving restoration.** Immediately following backfilling and compaction, the Permittee shall apply a temporary pavement restoration in accordance with the City of Reading's Street Cut Restoration drawing and specifications. For those permits where the Permittee performs the permanent pavement restoration, this work shall be completed not less than 3 months or more than 6 months following the temporary pavement restoration. The surface material shall be compacted with a gravity roller or vibrating compactor subject to the approval of the City Engineer. 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 where applicable, until the City provides a permanent surface repair. Repairs shall be made by the Permittee within 24 hours' notice by the City. The Permittee is responsible for the continual protection and maintenance of the cut whether or not he/she is notified by the City to perform additional work.

- c. **Notices to begin and end work.** The Department of Public Works shall be notified at least three work days prior to the start of the pavement cut, and shall be notified at least three work days prior to when the trench is to be backfilled and the restoration completed.²⁵

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 Permittee's 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 the City Engineer for resolution.

§ 508-711. 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 time 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.