

**BOROUGH OF CALIFORNIA  
COUNTY OF WASHINGTON  
COMMONWEALTH OF PENNSYLVANIA**

**ORDINANCE NO. 561**

**AN ORDINANCE OF THE BOROUGH OF CALIFORNIA, WASHINGTON COUNTY, COMMONWEALTH OF PENNSYLVANIA, REGULATING THE OPENING UP, EXCAVATION, AND TUNNELING OF STREETS, ALLEYS, RIGHTS OF WAY, OR SIDEWALKS WITHIN THE BOROUGH; REPEALING INCONSISTENT ORDINANCES AND/OR PORTIONS OF INCONSISTENT ORDINANCES, INCLUDING, SPECIFICALLY, CHAPTER NO. 184 OF THE CODE OF ORDINANCES OF THE BOROUGH AND ORDINANCE NO. 527; INCLUDING A SAVINGS CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Borough Council is authorized to regulate streets, alleys, rights of way, and sidewalks within the Borough; and

WHEREAS, the Borough Council has determined that it is in the best interest and welfare of the Borough's residents, visitors, and invitees to regulate streets, alleys, rights of way, and sidewalks within the Borough; and

WHEREAS, the current Ordinances that regulate streets, alleys, rights of way, and sidewalks are contained in Chapter No. 184 of the Code of Ordinances of the Borough and a subsequent Ordinance, Ordinance No. 527, which was adopted on April 14, 2011; and

WHEREAS, the Borough Council has determined it to be in the best interest and welfare of its residents, visitors, and invitees to repeal both Chapter No. 184 of the Code of Ordinances and Ordinance No. 527 in their entirety by this instant Ordinance, which will both combine certain sections of those prior Ordinances into a single Ordinance, and, also, will update certain sections of said prior Ordinances.

NOW, THEREFORE, be it ORDAINED and ENACTED and it is hereby ORDAINED AND ENACTED by the Council of the Borough of California, Washington County, Pennsylvania, as follows:

**ARTICLE I. STREET OPENINGS.**

**SECTION 1. PERMITS REQUIRED.**

A. It shall be unlawful for any person, firm, association, or corporation to make any opening, excavation in or under any street, alley, right of way or sidewalk within the Borough, until such time as a permit is secured from the Street Commissioner, Code Enforcement Officer, or another duly authorized person designated by Borough Council for each such undertaking, and unless the express permission of Borough Council is secured as required by this Ordinance. The permit fee shall accompany the application for the Street Opening Permit, at the time the application is submitted according to the fee schedule set forth in this Ordinance. Said fee schedule can be amended, at any time, by resolution of Council.

B. Types of Permits:

1. Standard Permit: A standard permit shall be defined as any opening four (4) feet wide or less and can extend the entire width of the street right of way, with an area not to exceed two hundred and sixty (260) square feet. A standard permit can be issued by the Street Commissioner, Code Enforcement Officer, or another duly authorized person designated by Borough Council.

2. Extended Permit: An extended permit can only be issued by the Street Commissioner, Code Enforcement Officer or another duly authorized person designated by Borough Council, upon authorization of Borough Council, once the proper review of the application has been completed by the Borough Council pursuant to the provisions contained in this Ordinance. An extended permit shall be defined as follows:

- a. Any street opening over four (4) feet in width or encompassing an area exceeding two hundred sixty (260) square feet extending across the width of the street right of way, or
- b. Any street opening up to eight (8) feet in width running parallel to the street right of way.

3. Emergency Permit: In the event an emergency situation is deemed to exist by the person, firm, association, or corporation undertaking any of the work within the Borough, work may be commenced without obtaining the necessary permits, provided, however, that the Street Commissioner, Code Enforcement Officer, or another duly authorized person designated by Council, are notified immediately of the existence of an emergency situation and are provided specific details on what comprises the emergency. In these situations, the Borough will require the completion of a Borough form detailing the particulars of the emergency. Copies of the completed form will be distributed to the Street Commissioner, the Code Enforcement Officer, the Secretary/Treasurer, and any other duly authorized person designated by Borough Council.

In the event that the work commenced pursuant to an emergency situation continues for a period in excess of five (5) days, it shall be deemed to have ceased to be an emergency situation and no further work shall be performed without both the express permission of the Street Commissioner, Code Enforcement Officer, or another duly authorized person designated by Borough Council for a standard permit, and, also, without the express permission of Borough Council for an extended permit. The mere fact that an emergency situation is deemed to exist does not excuse or waive the requirement that a permit be secured, but rather is intended to permit the start of emergency repairs without securing the required permit from the Borough.

## **SECTION 2. APPLICATIONS.**

Permits for the opening, excavation, or tunneling of streets, alleys, rights of way, or sidewalks shall be granted upon compliance with the following specifications:

1. Standard Permit: A written application shall be filed for each opening and signed by the person, firm, association or corporation desiring such permit, on forms provided by the Borough, which set forth the purpose, extent, size, location, and dates of the opening.

2. Extended Permit:

- a. An application shall be accompanied by a plan showing the location, character, and dimensions of the proposed opening.
- b. Penn Dot specifications or specifications decided upon by Borough Council must be complied with at all times.
- c. All applications for extended permits shall be reviewed by the Borough Council.
- d. All applications for an extended permit shall be submitted at least sixty (60) days before the proposed date of the opening to ensure enough time for a proper review by the Borough Council
- e. It shall be the right of Borough Council to request that the person, firm, association, or corporation appear before Council to discuss the work to be performed and the time frame(s) within which said work shall be completed.
- f. Borough Council may request that any plans submitted be sent to the Borough's engineer for review, with all review costs paid by the applicant.
- g. Borough Council reserves the right to attach additional conditions with the authorization to issue the extended permit including, but not limited to, the following:
  - (1) Notification of all property owners and/or residents abutting the street, alley, right of way or sidewalk, who are affected by the opening, at least a week in advance of the work to be done, by U.S. First-class mail or personal delivery, and, also, by posting of the affected street when the work will be performed;
  - (2) All temporary paving, which has not been permanently paved, after October 31<sup>st</sup>, shall be property sealed and maintained until the permanent paving is performed after April 1<sup>st</sup>, the following year. Also, all street markings must be replaced on the temporary paving during the November 1<sup>st</sup> to March 31<sup>st</sup> time period;

- (3) All roadway markings, street signs, parking meters, etc. damaged or displaced during construction, shall be replaced;
  - (4) All roads in the vicinity of the construction activity shall be swept daily;
  - (5) All trenches shall be cut in straight lines;
  - (6) No excavations shall be kept open overnight;
  - (7) All trenches shall be restored in accordance with the appropriate section of Appendix I, and
  - (8) The Borough Street Commissioner shall have the authority to suspend construction activities after reasonable investigation has determined that the Permittee is not complying with the terms of this Ordinance.
- h. The temporary parking of construction vehicles and equipment within the Borough shall comply with the requirements of the Borough Zoning Ordinance and shall be restricted to the A-1, C-1, C-2, and MU Zoning Districts.
  - i. While there will be no fee for an extended permit on a street that is a State-owned road, the applicant will have to comply with all other conditions of this Ordinance.

### **SECTION 3. FEES.**

A. General: The Borough Council shall levy a fee for the issuance of a permit to cover the costs of carrying out the provisions of this Ordinance. The fee schedule may be changed, at any time, by resolution of Council. The setting of a fee for an extended permit during the review process does not prohibit the Borough Council from assessing additional fees if the scope of the work increases beyond what was set forth in the original permit. Borough Council reserves the right to waive the requirements for assessing a permit fee during the plan review.

B. Fee Schedule:

1. Standard Permit: The fee for a standard permit shall be \$200.00.

2. Extended Permit: The fee for an extended permit shall be \$1.00 per lineal foot of opening up to a maximum width of eight (8) feet, with a minimum permit fee of \$200; for openings over eight (8) feet in width, the permit fee shall be \$1.00 per square foot of opening. The permit fee shall be assessed during the plan review by Council.

3. Emergency Permit: The fee for an emergency permit shall be \$50.00. This fee shall be assessed on each occasion that an emergency is deemed to exist as set forth prescribed in this Ordinance. The mere fact that an applicant acquires an emergency permit does not prohibit the Borough from assessing the regular permit fees set forth in this Ordinance.

4. Late Fees: A fine of \$100.00 shall be assessed to the person, firm, association or corporation issued an extended permit for each day that work continues on a permit past the approved deadline.

#### **SECTION 4. APPLICATION FOR PERMIT; BOND REQUIRED.**

A. All applications for permits to make any opening, trench or excavation in any part of the streets, alleys, rights of way, or sidewalks of the Borough shall be in writing on a form to be furnished by the Borough. All applications shall set forth the location of the proposed openings, trenches, or excavations, the length, width and depth thereof, and every applicant shall furnish each application with a bond, the penalty of which shall be at the rate of \$2.00 per square foot of excavation on improved streets, alleys, rights of way, or sidewalks in the Borough. In no event shall any bond be in a penal sum less than \$200.00, and all bonds shall be in the form prepared by the Borough Solicitor, and be conditioned for the faithful compliance with all of the terms and conditions of this Ordinance. Public utility corporations operating and maintaining facilities in the Borough and being subject to regulation under the provisions of the public utility laws of the Commonwealth shall have the right to file an annual bond in a penal sum of \$200.00 in lieu of an individual bond with each application, and such annual bond shall be security for the faithful compliance with all of the terms and conditions of this Ordinance and for all permits granted during the calendar year for which such bond is given.

B. All applications for permits and all bonds given for the faithful compliance with the terms and conditions of this Ordinance shall be signed by the applicant or applicants, and, in case of corporate applicants, all such applications and bonds shall be signed and executed by the corporate officers or by some person duly authorized, in writing, to sign and execute applications and bonds on behalf of such corporate applicants. Where an application for a permit is made by a contractor or contractors in the performance of any work for another, the bond required to be given shall be with one or more sureties to be approved by the Borough Secretary/Treasurer and the Borough Solicitor.

#### **SECTION 5. CONDITIONS FOR PERMIT ISSUANCE.**

All permits to be issued by the Borough's Street Commissioner, Code Enforcement Officer, or other duly authorized Borough representative designated by the Borough Council pursuant to this Ordinance shall be upon the following terms and conditions:

A. All permits must be at all times conspicuously posted at the scene of the work while it is in progress, and in the event that said permit becomes lost or destroyed before completion of said work, a duplicate permit shall be procured from the Borough for which an additional fee of \$10.00 shall be charged.

B. Excavation material and equipment shall be so placed and operations so conducted that there will be no interference with the flow or water in any gutter, drain, pipe, ditch or waterway, and all surplus material shall be promptly removed.

C. In case it shall be necessary to cross any street with a conduit or trench, not more than  $\frac{1}{2}$  the width of such street shall be opened or obstructed at any one time. The person, firm or corporation to whom the permit is issued shall comply with the requirements of the latest version of Pa. D.O.T. Publication 213 and the requirements of this Ordinance. Movement of vehicular traffic shall be kept open at all times.

D. All openings, trenches or excavations shall be properly guarded, suitable barricades erected and suitable lighting shall be displaced therefrom from sunset to sunrise, so as to provide a sufficient safeguard to persons and vehicles lawfully using the streets, alleys, rights of way, or sidewalks. The persons, firm, or corporation to whom the permit is issued shall also comply with the requirements of the latest version of Pa. D.O.T. Publication 213.

E. The person, firm or corporation to whom a permit is granted shall at all times indemnify and save harmless the Borough of and from any and all claims for injury or damages suffered or sustained by others in or about the work.

F. All openings, trenches or excavations made in pursuance of this Ordinance and by virtue of a permit issued hereunder shall be backfilled and restored in the following matter:

1. The ground shall be carefully backfilled with 100% coarse aggregate and compacted in layers of not more than eight inches in thickness as the work progresses, using mechanical tampers.
2. In unimproved streets or alleys, the backfilling and compaction shall bring the surface over the excavation to the grade of the surface existing prior to such excavation.
3. On improved streets, the backfilling and compaction shall be done so as to leave a subgrade 14 inches below the bottom of the finish grade. On this subgrade shall be placed 8 inches of compacted 2A coarse aggregate followed by 4  $\frac{1}{2}$ " of Superpave Asphalt Mixture Design, HMA Binder Course, 19 mm, followed by 1  $\frac{1}{2}$ " of Superpage Asphalt Mixture Design, HMA Wearing Course, 9.5 mm. Subbase, Binder Course and Wearing Course shall be constructed in accordance with Borough standards (see Appendix I) and the latest version of the

specifications in the Pennsylvania Department of Transportation Publication 408.

G. On all streets paved with a concrete pavement or paved with brick on a concrete base, no opening shall be made in such pavement, but all work shall be done by means of horizontal boring or directional drilling; provided, however, that where, in the opinion of the Street Commissioner horizontal boring or directional drilling is impractical, openings may be made in such pavements. In the case of horizontal boring or directional drilling, the work shall be done in such manner as to maintain the surface of the street in safe condition for travel. Permits for such excavations shall stipulate thereon that the work shall be done by horizontal boring or directional drilling and not by opening the surface. All fill removed from horizontal boring or directional drilling shall be replaced and compacted by means of mechanical tampers, and additional fill supplied to complete the backfill whenever necessary. When, in the opinion of the Street Commissioner, an opening at the curb is required to begin horizontal boring or directional drilling, the permit shall stipulate thereon the exact length and width of the opening required and the work of horizontal boring or directional drilling and backfilling shall be carried out as hereinbefore stated. When backfilling and compaction have been completed, as specified, the edges of the concrete shall be cut back eight inches from either edge of original excavation. The edge of concrete shall be cut neatly and to line and concrete replaced to the exact thickness of its original level. The surface shall be floated and finished to the exact surface line of original roadway. Should horizontal boring or directional drilling be impractical, the Street Commissioner may approve an open-cut method of construction in accordance with Borough Standards and the latest version of Pennsylvania Department of Transportation Publication No. 408.

H. Any person, firm or corporation to whom a permit is issued hereunder shall comply with all other applicable statutes, ordinances, rules and regulations, including, but not limited to, the Pennsylvania One-Call Act.

#### **SECTION 6. TERM OF BOND; INSPECTIONS; CORRECTION OF DEFECTS.**

Any bond required to be given in pursuance of Section 4(A) of this Ordinance shall remain in full force and effect for a period of one year after completion of the work of refilling the opening, trench or excavation and the relaying of any pavement over the same, and in the case of annual bonds given by public utility corporations, for a period of one year after completion of the last work done in the calendar year for which said bond is given. It shall be the duty of the Street Commissioner to make such inspections of the work during its progress or after completion as he or she may deem necessary, and to report any settlements in paving or defective conditions found as a result of the work done. It shall be the duty of the Borough Secretary/Treasurer, upon instruction of the Street Commissioner or Council, or if so advised by the Solicitor, to give prompt notice to any person, firm, or corporation to whom the permit was given to make such opening, trench or excavation was issued, to repair any such settlement in paving or defective condition within 30 days and, upon the failure or refusal of such person, firm or corporation to make the necessary repairs or replacements pursuant to such notice within 30 days, the Borough shall proceed to do the work and the cost, together with an attorney's fee of 5%, or \$750.00, whichever is the greater amount, shall be collected from the person, firm or

corporation obtaining such permit by appropriate legal action upon said bond, or against any sureties on said bond, or in any other manner provided by law.

### **SECTION 7. WORK PERFORMED BY PROPERTY OWNERS.**

Openings, trenches, and excavations between the curb and the property line may be made by an abutting property owner, his or her agent or agents, employee or employees, lessee or lessees, after obtaining a permit from the Borough in accordance with this Ordinance; provided, however, that the Borough is hereby authorized to issue such a permit, without the payment of any fee, and without the necessity of a bond, if it determines that is appropriate. All such replacements, repairs, and fills shall be made, and all such work shall be performed, as specified in this Ordinance.

## **ARTICLE II. SIDEWALK AND CURB STANDARDS.**

### **SECTION 8. PERMIT REQUIREMENTS; FEES.**

Any person, individual, company, corporation or other entity which shall construct, reconstruct, repair or replace any public sidewalk or public curb within the Borough shall conform to the following specifications:

A. Prior to opening an existing sidewalk, a permit shall be obtained from the Borough's Street Commissioner, Code Enforcement Officer, or other duly authorized Borough representative designated by the Borough Council. The fee for said permit shall be \$10.00 for the first 30 feet of construction and \$6.00 for each additional 10 feet of construction, except that no permit fee is required for construction or repair done by or at the direction of an owner who uses that property solely for the residence of the owner or his or her immediate family; and, provided, however, that the Borough is hereby authorized to issue such a permit to other persons without the payment of any fee, if it determines that is appropriate. The person who obtains any such permit shall arrange for an inspection by an authorized representative of the Borough during and upon the completion of such construction. Borough Council reserves the right, at any time, to amend these fees by the passing of a resolution by Council.

B. All sidewalks and curbs shall be constructed of concrete as specified herein and any replacement or repair shall be done only with concrete.

C. Any area off the sidewalk, which is used for a driveway or for parking of vehicles, may be surfaced with bituminous material.

D. All sidewalks and curbing shall conform to the specifications as detailed in Sections 9 and 10 of this Ordinance.

E. No person, individual or other entity, being the owner of any real estate within the limits of the Borough, shall permit the public sidewalk adjacent to said real estate to deteriorate

so as to present a hazard or prevent the safe passage of pedestrians upon said sidewalk. Upon notice by the Borough or a violation of this Section, the sidewalk must be repaired within a period of 45 days from the date of service of the notice upon such owner or their agent. This first notice is to be a warning citation carrying no fine or any other penalty. After a period of 45 days has elapsed from the service of the warning citation, a regular citation shall be issued if the unsatisfactory condition has not been abated. If the sidewalk remains in unsatisfactory condition 75 days after the issuance of the warning citation, the Borough may take any appropriate measure necessary for the abatement of the nuisance, charging the property owner for the costs of repair in addition to any fine or costs imposed by this Ordinance or to which any person, individual or entity may be subjected under law.

## **SECTION 9. SIDEWALK SPECIFICATIONS.**

The following are the specifications for concrete sidewalks:

A. All concrete sidewalks shall be replaced in full slabs, using 3500 PSI concrete, four inches in depth. Concrete sidewalks crossing driveways shall be replaced in full slabs, using 3500 PSI concrete, six inches in depth. All concrete sidewalks shall be constructed in compliance with established Borough standards (see Appendix II) and the latest version of Pennsylvania Department of Transportation Roadway Construction Standard 67.

B. The foundation for the bed shall be formed at a depth of 10 inches below and parallel with the finished surface of the sidewalk unless otherwise indicated. Unsuitable material shall be removed and replaced with approved material, and the foundation shall be thoroughly compacted and finished to a firm, even surface.

C. The aggregate shall be spread on the prepared foundation to form a compacted bed four inches in depth. This material shall be thoroughly compacted. Satisfactory outlet for draining the bed shall be provided.

D. Forms shall be of wood or metal, straight, free from warp and of sufficient strength when staked to resist the pressure of the concrete without springing. If wood, they shall be normal two inch planks surfaced on the inside and the top; if of metal, they shall be of approved section. Forms shall have a depth equal to the depth of the concrete and shall be thoroughly cleaned and oiled before the concrete is placed against them. Forms that are worn, bent, or damaged shall not be used.

E. Slabs.

1. Sidewalks shall be constructed in separate slabs 32 feet in length except for closures. These slabs shall be separated by transverse pre-molded expansion-joint filler 1/4 inch in thickness for the full depth of the concrete. Transverse pre-molded expansion-joint filler shall also be placed adjacent to existing structures where directed. The slabs between

expansion joints shall be divided into blocks four feet in length, by scoring transversely. Where the slabs are more than five feet in width, they shall be scored longitudinally in the center. Transverse and longitudinal scoring shall extend for a depth of at least 1/4 of the thickness of the concrete slab.

2. Pre-molded expansion-joint filler, 1/4 inch in thickness for the full depth of the concrete, shall be placed longitudinally where the sidewalk slab is to be constructed in contact with curbs. Where existing light standards, poles, fire hydrants and similar structures are within the limits of the sidewalk area, the concrete around such structures shall be scored in a block eight inches wider than the maximum dimension of the structure at the sidewalk elevation. Prior to placing the concrete around such structures, pre-molded expansion-joint filler, 1/4 inch in thickness, shall be placed around the structure for the full depth of the concrete in the sidewalk.
3. When replacing sections of existing concrete, it shall be required to install wire mesh and longitudinally pin the new construction with the existing slabs.

F. The concrete shall be proportioned, mixed and placed in accordance with Section 1001.3, Pennsylvania Department of Transportation Publication Form 408, latest edition. The concrete shall be struck off, finished and tested as directed by the Street Commissioner and/or Borough Engineer. Unless otherwise directed, an edger having a radius of 1/4 inch shall be used for edging all joints. The concrete shall be cured and protected in accordance with Section 501.3(n), Pennsylvania Department of Transportation Publication Form 408, latest edition.

G. Side forms shall not be removed within 12 hours after the concrete has been placed. After removal of the forms, minor honeycombed areas shall be filled with mortar composed of one part of cement and two parts of fine aggregate. Major honeycombed areas will be considered as defective work and shall be removed and replaced at no expense to the Borough.

H. All expansion joints and scoring cracks, where required, shall be sealed with joint sealing material.

I. After the concrete has cured for a period of not less than 72 hours, the spaces adjacent to the sidewalk shall be backfilled with approved material in layers of not more than four inches in depth, which shall be thoroughly compacted mechanically to the required elevation and cross section.

J. No new sidewalk shall be placed with a width of less than 48 inches. All replacement of existing sidewalk shall be at least as wide as the original section or sections replaced.

## **SECTION 10. CURB SPECIFICATIONS.**

The following are the specifications for concrete curbs:

A. All concrete curbs shall be replaced by using 3500 PSI concrete and constructed in compliance with established Borough standards (see Appendix II) and the latest version of Pennsylvania Department of Transportation Roadway Construction Standard 64.

B. Forms for the curb shall be of metal, except wood forms may be used on sharp curves and short tangent sections when approved by the Borough Street Commissioner and/or the Borough engineer. Forms shall be straight, free from warp and of sufficient strength, when staked, to resist the pressure of the concrete without springing. At least three stakes shall be provided for each 10 feet of form. Metal forms shall be approved sections and shall have a flat surface on top, and wood forms shall be nominal two-inch surfaced planks. These forms shall be of a depth equal to the depth of the curb, and be designed to permit secure fastenings of the face and back forms at the top. These fastenings shall be constructed in a manner that will not obstruct satisfactory finishing and edging of the top of the curb, but will permit removal of the inside or face forms. The outside or back forms shall be straight from top to bottom. The inside of the face forms shall have a batter from the top of the curb to the finished surface line of the pavement and shall be straight from this line to the bottom. Steel templates of 1/8 inch in thickness of the width of the curb shall be used to separate adjacent sections. All forms and templates shall be thoroughly cleaned and treated with an approved material as required to prevent the concrete from adhering thereto. Oil, bituminous paper or other material which will adhere to or discolor the concrete shall not be used. Forms and templates which are worn, bent, warped or broken shall not be used. The forms shall be accurately set to line and grade in a manner to prevent settlement or displacement.

C. Excavation shall be made to the required depth, and the material upon which the curb is to be constructed shall be compacted to a firm, even surface.

D. The concrete shall be placed in the forms in horizontal layers not to exceed five inches and spaded sufficiently to eliminate all voids. An approved vibrator may be used when permitted by the Borough Street Commissioner and/or the Borough engineer. Where indicated or directed, drainage openings shall be made through the curb at the elevation and of the size required. The curb shall be depressed as indicated or directed. The top surface of the curb shall be finished true to line and grade in a smooth, neat and even manner by means of wood floats, and the edges of the face and back shall be rounded to a radius of not more than 3/4 inch and 1/4 inch, respectively, while the concrete is still plastic. The finished curb shall have a surface free from voids and honeycombs. Any additional surface finishing required shall be performed immediately after extraction.

E. The curb shall be constructed in uniform lengths or sections of 10 feet, except where shorter sections are necessary for closure or curves, but no section shall be less than four feet in length. Pre-molded expansion-joint filler, 1/4 inch in thickness and cut to conform to the

cross section of the curb, shall be placed at the ends of sections of curved curb and at intervals of not more than 30 feet. Intermediate joints between sections shall be formed of two thicknesses of one-ply bituminous paper cut neatly to the cross section of the curb and one paper placed on each side of the template. If the method of handling the work is such that the template cannot be removed satisfactorily, the curb shall be constructed in alternate sections.

F. The forms shall not be removed within 12 hours after the concrete has been placed. No rubbing to correct irregularities will be permitted until the full curing period has elapsed. Any irregular surface shall be corrected by rubbing with a corundum stone. Brush finishing or plastering will not be permitted, and all rejected curb shall be promptly removed and replaced at no expense to the Borough. All joints in the curb shall be opened from top to bottom immediately after the forms are removed, and the edges adjacent to the joints shall be sharp and clean cut. After the forms are removed, minor defects shall be filled with mortar composed of one part cement and two parts of fine aggregate.

G. The curb shall be cured and protected as specified in Section 1001.1(p), Pennsylvania Department of Transportation Publication Form 408, latest edition, except that membrane curing will be permitted.

H. After the concrete has attained the required strength, the spaces in back of the curb shall be backfilled with approved material in layers of not more than four inches in depth, which shall be thoroughly compacted, mechanically, to the required elevation and cross section.

### **ARTICLE III. OTHER LAWS, RULES AND REGULATIONS; VIOLATIONS AND PENALTIES, AND MISCELLANEOUS PROVISIONS.**

#### **SECTION 11. OTHER LAWS, RULES AND REGULATIONS.**

This Ordinance is not is lieu of, but in addition to, any other laws, rules or regulations which may apply to the construction, alteration or repair of sidewalks or curbs, including, but not limited to requirements that curbing and sidewalks be constructed so as not to hinder the use thereof by handicapped individuals, in accordance with the criteria and standards set forth in the Americans with Disabilities Act of 1990. Whenever possible, easy access ramps shall be established for those individuals with disabilities.

#### **SECTION 12. VIOLATIONS AND PENALTIES.**

A violation of the provisions of this Ordinance shall carry as a penalty a fine of not more than \$1,000.00, plus costs of prosecution and attorney's fees, and, in default of payment of such fine, costs and fees, by imprisonment of not more than 30 days, plus the replacement of all work not meeting specifications, or the cost of such replacement.

**SECTION 13. REPEAL OF PRIOR ORDINANCES.**

Any and all prior Ordinances and/or any and all portions of prior Ordinances, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict. The remaining Ordinances and/or portions of prior Ordinances, not modified herein, shall remain the same.

Chapter No. 184 of the Code of Ordinances of the Borough and Ordinance No. 527 are repealed in their entirety.

**SECTION 14. SEVERABILITY.**

The provisions of this Ordinance shall be severable and if any provisions or other parts shall be held to be unconstitutional, illegal, unenforceable or otherwise invalid, such shall not affect the validity and enforceability of the remaining provisions and other parts of this Ordinance. Borough Council hereby declares its legislative intent to be that this Ordinance would have been adopted had such unconstitutional, illegal, unenforceable or otherwise invalid provisions or parts had not been included herein.

**SECTION 15. SAVINGS CLAUSE.**

The provisions of this Ordinance, so far as they are the same as those Ordinances or regulations in force prior to the enactment of this Ordinance, are intended as a continuation of Ordinances and regulations and not as new enactments. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any repealed Ordinances, regulation or parts thereof.

**SECTION 11. EFFECTIVE DATE.**

This Ordinance shall become effective immediately.

DULY presented and adopted at a meeting of the Borough Council of the Borough of California, Washington County, Commonwealth of Pennsylvania, this 8th day of March, 2018.

ATTEST:

BOROUGH OF CALIFORNIA

\_\_\_\_\_  
Borough Secretary

By: \_\_\_\_\_  
President of Council

EXAMINED AND APPROVED by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BOROUGH OF CALIFORNIA

By: \_\_\_\_\_  
Mayor