

ORDINANCE NO. 2023-01  
TOWNSHIP OF WYSOX  
BRADFORD COUNTY, PENNSYLVANIA

**AN ORDINANCE OF THE TOWNSHIP OF WYSOX, COUNTY OF BRADFORD AND  
COMMONWEALTH OF PENNSYLVANIA, SETTING FORTH THE REQUIREMENTS,  
PERMITS AND LIMITATIONS ASSOCIATED WITH ANY CUTTING, DIGGING,  
OPENING OR EXCAVATING WITHIN A TOWNSHIP ROADWAY, PUBLIC STREET,  
PUBLIC LOT OR TOWNSHIP PROPERTY.**

WHEREAS, the Board of Supervisors of the Township of Wysox enact the following ordinance in order to establish requirements, permits and limitations associated with any cutting, digging, opening or excavating within a township roadway, public street, public lot or township property;

NOW THEREFORE, the Board of Supervisors of the Township of Wysox, Bradford County, Pennsylvania, do hereby ENACT AND ORDAIN that:

**Permit Required.**

- A. The provisions of this Ordinance shall not apply to authorized work completed by the Township of Wysox and/or authorized work performed by the Wysox Township Municipal Authority.
  
- B. No person, firm or corporation shall cut, dig or open the Township roadway, any Township public street, or Township parking lot, or a stabilized or paved area of on Township property, or Township property within the Township of Wysox without first obtaining a permit therefore from the Township after review and recommendation by the Township Engineer. Street cut permits will be valid for up to six months from the date of issue. All permitted work shall be completed within those six months. A time- extension permit supplement will be issued to extend the completion time an additional six months. The cost for each permit and/or extension permit will be set by resolution by the Township.
  
- C. For private permittees, in the case when a permit reaches the six-month expiration date, no time extension has been granted by the Township, and the work has not been completed and accepted by the Township, the Permittee's bonding company will be notified by the Township and no further permits will be issued until the matter has been corrected. In the case of a public utility company, an extension will be issued automatically by the Township and the required fee will be added to the monthly invoice. All permit fees are levied in accordance with the fees specified by Township ordinance and set forth by resolution.
  
- D. A Permit is invalid until it is paid in full by check or money order, payable to the Township.

E. No person, firm or corporation shall cut, dig, open or excavate the roadway of any Township public street, Township parking lot, or a paved area on Township property within the Township of Wysox within five years from the date the area was paved. This will not apply to emergency excavations verified by an emergency Pennsylvania One-Call and the Township Roadmaster.

F. For the purposes of this ordinance the definition of a stabilized area is any area with non-grass, non-soil, or non-topsoil surfacing materials, including any previously paved or gravel areas which show any form of organic growth such as grass, weeds, and the like.

#### **Permit Application.**

A. Application for a street cut permit shall be made in writing on the forms prescribed by the Township. The application shall indicate the property street address, location and description of the area for which such cut(s) or opening is to be made; the name and address of the applicant; dimensions; purpose of the proposed cut or opening; approximate time required to complete the work; anticipated start time when work will be commenced; the appropriate Pennsylvania One-Call Serial Number for Design-Level projects; and a copy of a work zone traffic control plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and PennDOT Publication 213, latest revision, and any applicable amendments.

B. Application for a supplemental street cut permit time extension shall be made in writing on the forms prescribed by the Township. The application shall indicate the original permit number, expiration date and a written explanation as to the reason for the supplement.

C. To avoid work delays, Applicants must submit an application (either an initial application or an application for time extension) to the Township at least ten (10) working days in advance of the anticipated date work is to commence or, in the case of supplemental street cut permit time extensions, of the original permit expiration date.

D. Information regarding the on-line system is attached.

#### **Bond Conditions and Amount.**

The Permittee shall provide a Performance Bond in favor of Wysox Township in the amount of 110% of the actual construction cost of the proposed Permitted work. The Permittee may require any or all persons, firms or corporations performing the actual work, on behalf of the Permittee, to furnish said bond to the Wysox Township. The Performance Bond shall cover the actual work of opening the street and making excavations, backfilling, and repairs, as hereinabove provided. The Performance Bond shall be so structured as to convert at the same value to a three-year Maintenance (Warranty) Bond upon completion of the work and permit closeout by Wysox Township. The bond shall be approved by Wysox Township prior to commencement of the proposed work. Said bond shall be a surety bond issued by a bonding company acceptable to

and subject to the approval of Wysox Township. Surety companies must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of Pennsylvania. The condition of said bond being that work performed under street opening permits shall be consistent with requirements of this article and the scope of work and timelines listed in the approved permit. Failure of the Permittee, or any persons, firms, or corporations performing the actual work on behalf of the Permittee, shall cause the bonding amount, or a portion thereof, to be forfeited to the Township of Wysox. The amount forfeited shall be the Township's cost of completing the work (in the case of the Performance Bond) or correcting any deficiency in workmanship of the permit holder (following conversion to a Performance (Warranty) Bond).

### **Insurance and Indemnification.**

In addition, the Permittee, Permittee's excavators and/or contractors shall furnish a certificate of insurance in the general liability amount of at least \$1,000,000 to cover all property and casualty damages caused by the opening or excavation, and name the Permittee, Wysox Township, and the Township's Engineer as an additional insured. Naming Wysox Township or the Township Engineer simply as a "Certificate Holder" shall not be sufficient proof of coverage. The Permittee and its contractors and/or anyone performing the work on behalf of the Permittee shall fully indemnify, save harmless and defend the Township and its assigns of and from all liability for damages or injury occurring to any person or persons or property through or in consequence with any act or omission of any contractor, agent, servant, employee or person engaged or employed in, about or upon the work by the Permittee.

### **Street Closure; No Parking.**

Township ordinances do not permit closure of Township streets as a matter of course with issuance of a street cut permit. Specific approval to close a street or to materially alter traffic patterns must be obtained from the Township. In every case, the permittee's request to close or alter traffic must include precise location, reason, work methods, time and date, and what alternatives were considered. The Township reserves the right to require work hours of 9:00 a.m. to 3:00 p.m. and 6:00 p.m. to 6:00 a.m., Permittees will be required to place steel plates, pinned in place, to maintain traffic flow during nonworking hours in such areas. Such authority shall include, but not be limited to, the power to require that work be done on a continuous, around-the-clock, twenty-four-hour basis for major thoroughfares.

### **Traffic Accommodation and Control; Public Notification.**

A. All permittees are responsible for notifying businesses, school districts, emergency services, and residences that will be affected by street cut work on both sides of the street in the block area that blocks, restricts traffic flow, or prevents the usual parking in the area affected by the work. This notification shall be given by "door to door" notices and written notification by way of door hangers, or via hand-delivered or electronic mail communications in the case of

notifying emergency services and school districts, in the work site area at least 48 hours prior to commencing work. A copy of the property owners and agencies notified shall be provided to the Township. (See sample notice attached).

B. All permittees shall furnish material and traffic control devices necessary for the maintenance and protection of traffic and pedestrians, in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) and PennDOT Publication 213, latest revision, and any applicable amendments thereto until the roadway is restored to the condition required. If at any time a detour may be required, the permittee shall first contact the Township Engineer or designated representative.

C. Permittees shall notify the Township by way of phone during normal Township hours of operation, and in writing five (5) business days prior to commencing work and further the Township shall be notified at that time as to the exact day that work is to commence.

#### **Street Cut Excavations, Trenching and Township Notification.**

A. The Permittee and its agents, contractors, and subcontractors, shall be fully responsible for complying with all applicable requirements of the Pennsylvania One Call Law, Act 50 of 2017, as amended, for both Design and Excavation-Level One-Call Notifications associated with the Permittee's work.

B. All existing pavements shall be saw cut or cut to preserve a square edge. No irregular or serrated trench edges shall be permitted. Alligator or settlement cracking must be cut back at least one (1) foot beyond the visible extent of the cracking. Cuts shall be full depth of any concrete or other base course material thicknesses, and care shall be taken in removing all base course materials to insure that a smooth, uniform, and stable vertical face remains after material removal. All excavated material shall be removed from the site. There shall be no storage of any material on the street surface.

C. All excavation, trenching and shoring, and the like shall be performed in a manner compliant with the requirements of the Occupational Health and Safety Administration (OSHA), Department of Labor, Safety and Health Regulations for construction. It is the responsibility of the permittee, therefore, to understand and abide by all OSHA regulations concerning trenching and shoring as outlined in the OSHA Technical Manual, Section V, Chapter 2 and amendments.

D. All Permittees are responsible for notifying the Township Engineer or the Township's designated inspection representative in advance of all excavations within the Township right-of-way.

E. All Permittees are responsible for notifying the Township Engineer or the Township's designated inspection representative prior to any concrete and/or final restorations in order to schedule the inspection visit to each location/site.

## **Street Restoration and Maintenance.**

- A. The Township's Engineer or the Township's designated inspection representative may adjust the requirements of restoration and maintenance based on the Township's street maintenance schedule, the condition of the Township streets, or the Wysox Township Municipal Authority's sewer or waterline replacement schedule for said streets.
- B. It shall be the duty of the Permittee, in the manner set forth in this chapter, to cause such streets to be restored in the manner and timeframes specified as outlined in the approved permit and supporting documents. Permittee is to maintain such portion of the highway for a period of three years from the date of such final restoration, subject at all times to the approval of the Township, or the Township's designated Engineer or inspection representative. In the event the permittee fails to maintain such restoration after having received written notice from the Township or its designee, the Township or its designee will instruct the Permittee's bonding agent to cause the proper restoration to be performed and maintained for the period required herein.
- C. When a longitudinal opening longer than 10 feet and/or wider than three feet is made in the highway pavement, the permittee shall mill, overlay, and pave the entire traffic lane width plus one foot of overcut on the perimeter in which the opening was made.
- D. When any two or more transverse openings, in the same travel lane but less than 100 feet apart measured from centerline-to-centerline of trench, are made in the highway pavement, the permittee shall mill, overlay, and repave the full traffic lane width (including paved shoulder) in which the openings were made, for the entire length of the highway between such openings.
- E. When three or more openings are made or are to be made by the same permittee (even if under separate permits) in the highway pavement that are less than 100 feet apart, whether in the same travel lane or not, the Township or its designated representative shall require the permittee to mill, overlay, and repave the entire disturbed area, curb-to-curb, or outside-edge-of-shoulder to outside-edge-of-shoulder in the absence of curbing.
- F. When the permitted opening is to be closer than five feet from the edge of an existing patch or patches in the pavement, the restoration shall be extended to include said patch.
- G. All permittees test boring, or drilling a three-inch diameter or larger hole into any Township highway for location of leaks, venting of leaks, or for any other exploratory purpose, will be required to backfill holes with flowable fill only, and no filler material shall be permitted. All permittees shall install asphalt surface in accordance with the Asphaltic Concrete Restoration as outlined within this Ordinance. If the hole is three inches or less the permittee will fill the hole with No. 8 stone and AC 20 asphalt sealer.

H. Pavement markings. It is the permittee's responsibility to replace all in conforming with pavement markings that are removed or damaged. All material shall meet with the approval of the Township Engineer or designee.

I. Detectable warning surfaces shall be required on every handicapped ramp within every street that is part of a street opening project by a utility company and shall be installed by a utility company when the street opening work is performed on any street within a one-block area from the street opening project. The Permittee shall be required to repair or replace the detectable warning surface for three (3) years from the last day of installation of the detectable warning surface.

### **Compaction and Backfill.**

A. The Permittee shall engage the services, at the Permittee's sole cost and expense, of a qualified Compaction Testing agency, to be approved by the Township, to verify compaction in all backfill activities associated with the permit. Compaction shall be to 100% maximum density with flowable fill, and to 95% maximum density in accordance with ASTM D-1557 with granular materials. Soil that has exceeded liquid limits may not be used as backfill. When the opening is ready for backfill, the Permittee shall contact the Township of Wysox at the Office of the Township Secretary. The Township will dispatch the Township Engineer or inspection designee to inspect the backfilling process as expeditiously as possible. If the permittee starts backfilling the excavation before the Township inspector arrives, the permittee will be required to re-excavate the backfill if a question arises as to the liquid limit or compaction percentage of the backfill material.

B. The permittee shall not commence with backfilling of any part of the excavation until the Township Engineer or designee from the Township has inspected such part.

C. On streets that have not been paved in the last seven years and on heavily traveled streets as determined by the Township Engineer or his designee, the permittee shall backfill with flowable fill or adequate virgin materials, No. 2RC aggregate material, or No. 57 clean course aggregate.

D. Compaction is to be performed using vibrating compaction equipment or mechanical tampers; hand tamp around utilities, if necessary.

E. When an opening is made in the center of the highway, the permittee shall match the existing grade of the pavement and pave from curb to curb.

F. The Township's Engineer or designee may adjust the requirements for compaction and backfill based on the condition of the subsurface of the street.

G. All backfill material shall be PennDOT-Certified 2A or 2RC aggregate material, as specified by Penn DOT Form 408, latest revision, Sections 703.2 and 703.3 and placed in six-inch lifts to one foot below the subgrade elevation for streets or poured surfaces.

H. On streets that have been paved within the last seven years and heavily traveled streets as determined by the Township or its designee, the Permittee shall use Penn-DOT-approved Type A flowable backfill.

I. The bituminous concrete base course shall be installed after backfilling with granular material is completed and has achieved the required compaction percentage, all in the presence of the Township's designated inspector, or after sufficient curing time has been achieved for flowable fill.

### **Asphaltic Concrete Restoration.**

All asphaltic materials for new, final street cut restoration must consist of PennDOT-certified materials conforming with PennDOT Publication 408, latest revision, Section 300 (for Base and Binder Courses) and Section 400 (for Wearing Courses). All asphaltic materials shall consist of PennDOT Superpave Hot Mix Asphalt. Pavement thicknesses shall be four and one-half (4-1/2") inches minimum compacted thickness of 25 mm bituminous concrete base course (BCBC), and one and one-half (1-1/2") inches minimum compacted thickness of 9.5 mm Wearing Course, to match the existing street surface. Seal all edges with PG-22 asphalt sealer. Three (3") inches on each side from the edge of the cut to form a six (6")-inch wide continuous seal around the cut. All surfaces in contact with pavement except stone subbase shall be tack coated with asphaltic material conforming with PennDOT Publication 408, latest revision, Section 460.

### **Weather Limitations.**

A. Permittee shall not place asphalt or apply bituminous coatings when base surface temperature is less than 40° F., or when surface is wet or frozen. When an opening is made during the time of year when all local asphalt pug mills are closed, bituminous cold patch may be used. The cold patch shall be installed to a compacted thickness of three (3") inches. When the local pug mills reopen for the season, all openings repaired with cold patch shall be removed and shall be replaced with the hot-mix application; as outlined in the article above, within 60 days of the pug mill reopening date.

B. Utilize a temporary surface of cold patch three (3") inches in depth, if final restoration cannot occur due to weather limitations.

C. Permittee will be allowed to place steel plates on Township streets between October 31 and April 1.

**Protection of Township Sewer System and Storm Water Inlets.**

- A. No permittee may allow dirt or debris to enter the Township sewer system. All stormwater inlets within the drainage area of the excavation must be protected by a filter system that will prohibit water from carrying silt or other debris into the sewer. Acceptable means of protection are the use of a filter material insertion into each inlet.
  
- B. Any permittee who does not provide protection as described herein will be required to clean and flush each inlet that the Township Engineer's representative determines has been contaminated.

**Restoration of Adjacent Surfaces.**

It is the permittee's responsibility to properly restore any and all adjacent surfaces disturbed by the action of work in the right-of-way to equal or better condition than existed prior to start of work. All work is to be done at the permittee's cost and expense to the satisfaction of the Township Engineer.

**Violations and Penalties.**

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be fined not less than \$50 nor more than \$600 for each offense, to be collected as fines and penalties are by law collectible, or shall be imprisoned in the county jail for a term of not exceeding 30 days, or both.

**Default.**

No permit shall be issued to any person, persons, corporation or other party in default under this article until the costs and expense herein provided for are paid.

**Limits of Township Jurisdiction.**

In no case shall any opening or excavation made in the Township of Wysox by any permittee be considered in the care of or in the charge of the Township. No officer or elected official or any other person employed by the Township is authorized in any way to take or assume any jurisdiction or responsibility for the Township over such openings or excavations. The Township inspection of all subject excavations shall be performed only by the Township Engineer or designee of the Township, as hereinbefore stated. The Township inspection does not remove from the permittee his complete responsibility for the subject excavation or opening at all times.



**DULY ENACTED AND ORDAINED** this 13th day of December, 2023, by the Board of Supervisors of the Township of Wysox, Bradford County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOARD OF SUPERVISORS OF  
WYSOX TOWNSHIP

Michelle Joras  
Secretary

Will W. [Signature]

[Signature]

[Signature]

**CERTIFICATION**

I certify that the above is a true and copy of the Wysox Township, Bradford County, Pennsylvania, Ordinance No. 2023-01, adopted by the Board of Supervisors on December 13, 2023, and advertised in the Daily Review on November 16, 2023.

  
Secretary