

ORDINANCE NO. 2010-31

AN ORDINANCE OF THE TOWNSHIP OF RADNOR, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE GENERAL CODE OF THE TOWNSHIP OF RADNOR, CHAPTER 250, STREETS AND SIDEWALKS, ARTICLE VI, STREET EXCAVATIONS, SECTION 250-26, BACKFILLING AND PAVING, TO REQUIRE PERMITTEE TO, BACKFILL, RESTORE AND REPAIR EXCAVATIONS AND ESTABLISHING STANDARDS FOR SUCH WORK.

WHEREAS, The Board of Commissioners of the Township of Radnor, County of Delaware, Commonwealth of Pennsylvania, have determined that it is advisable to require any person who obtains a permit for a street opening or excavation to, as a part of such permit, to backfill, restore and repair such excavation or opening at its own expense; and

WHEREAS, The Board of Commissioners desires that such permittee complete the backfilling, restoration and repair in accordance with appropriate standards

NOW, THEREFORE, be it *ENACTED* and *ORDAINED* by the Board of Commissioners of the Township of Radnor, Delaware County, Commonwealth of Pennsylvania, as follows:

Section 1. Chapter 250, Streets and Sidewalks, Article VI, *Street Excavations*, Section 250-26, Backfilling and Paving, Subsections A., B., and C. are hereby amended as follows, and a new Subsection D., is added as set forth below:

§250-26. Backfilling and paving.

A.

The permittee shall be responsible for backfilling, paving and sealing the opening and restoring the street surface to its original condition prior to the street being cut. This work is to be completed within two months of the initial opening. [If the permittee is not capable of doing so, the Township will make the permanent restoration, provided that the permittee has paid the appropriate fees.] This does not relieve the permittee of the responsibility to backfill properly and place a [suitable temporary patch over the opening] temporary paving of three inches of compacted asphaltic concrete flush with the surface of the adjoining paving. The permittee shall keep and maintain such paving in proper condition until such time as the permanent paving is installed.

B.

The Department of Public Works shall have the authority to establish and revise standards for paving and backfilling procedures as well as standards of materials. Details specifying paving and backfilling procedures shall be obtained from the Department prior to [any street opening work] the commencement of any street excavation work.

C.

In cases where the work has not been completed before the permit expiration date (60 days), the Department of Public Works may take steps to backfill the trench and replace the street surface over the opening for which the permit has been issued. This is to be done only after proper notification has been sent to the applicant. The applicant [may] will be billed [a reasonable amount] for the work completed.

D.

When four or more openings have been made within one hundred lineal feet of pavement or one continuous opening over one hundred lineal feet of pavement, the permittee shall mill out one and one half inches of roadway and install one and one half inches of compacted 9.5 mm asphalt in the traffic lanes in which the opening was made, for the entire length of the opening in a manner authorized by the Department of Public Works. All pavement markings affected by road opening must also be reinstalled.

Section 2. Repealer. All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed.

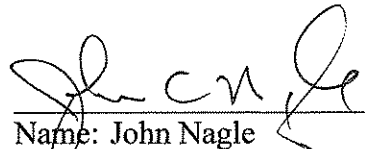
Section 3. Severability. If any section, paragraph, sub-section, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

Section 4. Effective Date. This Ordinance shall become effective in accordance with the Radnor Township Home Rule Charter.

ENACTED AND ORDAINED this **11th** day of **October**, A.D., 2010.

RADNOR TOWNSHIP

By:


Name: John Nagle
Title: President

ATTEST:


Matthew Baumann, Secretary

Key: [] = Delete ___ = Add