

ORDINANCE NO. 447

**AN ORDINANCE OF HARMONY BOROUGH, BUTLER COUNTY, PENNSYLVANIA,
REGULATING STREET OPENINGS, EXCAVATIONS, BORINGS, AND RESTORATION WITHIN
BOROUGH RIGHTS-OF-WAY; ESTABLISHING PERMIT, INSURANCE, BONDING,
CONSTRUCTION, RESTORATION, INSPECTION, AND ENFORCEMENT REQUIREMENTS;
ADOPTING A FEE SCHEDULE BY REFERENCE; AND INCORPORATING PENNDOT
STANDARDS BY REFERENCE.**

WHEREAS, Borough Council of the Borough of Harmony have previously adopted Chapter 21, Part 2 of the Harmony Borough Code of Ordinances relating to street excavations;

WHEREAS, the Borough Council is now cognizant of the fact that the provisions relating to street excavations must be amended for the best interest of or benefit to the Borough of Harmony;

NOW, THEREFORE, be it ordained and enacted by the Council of the Borough of Harmony that Chapter 21, Part 2 of the Borough of Harmony Code of Ordinances is hereby rescinded and replaced with the following provisions;

BE IT FURTHER ORDAINED AND ENACTED by the Borough Council of Harmony Borough, Butler County, Pennsylvania, and it is hereby ordained and enacted as follows:

ARTICLE I – GENERAL PROVISIONS

§101. Short Title.

This Ordinance shall be known and cited as the “Harmony Borough Street Excavation Ordinance.”

§102. Unlawful Acts.

- **Unauthorized Excavations.**
It shall be unlawful for any person to open, cut, bore, trench, or make any excavation of any kind within any street in the Borough of Harmony, within those portions established for vehicular travel and in accordance with this Part.

- **Permit Required.**
It shall be unlawful for any person to open, cut, bore, trench, or make any excavation of any kind within any street in the Harmony Borough without first obtaining a valid street opening permit issued by the Borough as provided herein.

§103. Purpose and Intent.

This Ordinance is enacted to protect public streets, alleys, sidewalks, curbs, shoulders, and rights-of-way; to minimize deterioration caused by excavations; to ensure permanent restoration equal to or exceeding original conditions; to protect public safety; and to assign full responsibility for construction quality and long-term performance to the permittee.

§104. Applicability.

This Ordinance applies to all utilities, authorities, contractors, developers, property owners, and other persons performing work within Borough streets and/or rights-of-way.

§105. Definitions.

The following words and terms, when used in this Part, shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise:

PERSON

Any natural person, partnership, firm, association, corporation, or any private or public utility.

STREET

Any public street, avenue, road, square, alley, highway, or other public place located within the Harmony Borough and established for the use of vehicular travel. For purposes of this Part, words used in the singular shall include the plural, and words of any gender shall include all genders.

ARTICLE II – PERMIT REQUIREMENTS

§201. Permit Required.

No person, utility, authority, contractor, developer, or property owner shall excavate, trench, bore, tunnel, cut, or disturb any Borough street and/or right-of-way without obtaining a Street Opening Permit.

§202. Emergency Work.

Emergency repairs necessary to protect life, health, or property may proceed immediately; however, the Borough must be notified within twenty-four (24) hours and a permit application submitted within forty-eight (48) hours.

ARTICLE III – APPLICATION, INSURANCE, AND BONDING

§301. Application Contents.

Applications shall include location, dimensions, method of excavation, traffic control plan, restoration details, contractor information, and schedule.

§302. Pennsylvania One Call Compliance.

Prior to any excavation, trenching, boring, or disturbance of the Borough street and/or right-of-way, the permittee shall comply with all requirements of the Pennsylvania Underground Utility Line Protection Law (Act 287), as amended, including notification to the Pennsylvania One Call System.

Proof of an active PA One Call ticket number shall be provided to the Borough prior to permit issuance and maintained on site at all times during construction.

§303. Insurance.

Minimum insurance coverage shall include:

- \$1,000,000 General Liability
- \$1,000,000 Automobile Liability
- Workers' Compensation (statutory)

§304. Performance Bond.

A performance bond in an amount not less than Ten Thousand Dollars (\$10,000) shall be required prior to permit issuance. The Borough Council, Borough Engineer, or Public Works Supervisor may require a higher bond amount based upon roadway conditions, extent of excavation, traffic volume, moratorium status, or anticipated restoration cost. The bond shall remain in effect for twenty-four (24) months following final acceptance.

ARTICLE IV – FEES AND FEE SCHEDULE

§401. Permit Fees.

Street opening permit fees, inspection fees, and all related charges shall be established from time to time by resolution from the Borough Council.

§402. Inspection and Engineering Fees.

The permittee shall reimburse the Borough for all actual inspection, engineering, testing, and administrative costs incurred in connection with the permitted work.

§403. Additional Costs.

If Borough incurs any additional cost, the permittee shall promptly reimburse the Borough upon invoicing.

ARTICLE V – CONSTRUCTION STANDARDS (PENNDOT INCORPORATED BY REFERENCE)

§501. PennDOT Standards.

All construction, excavation, backfilling, compaction, and restoration shall conform to the latest edition of PennDOT Publication 408, PennDOT Publication 213, the Manual on Uniform Traffic Control Devices (MUTCD), and all applicable PennDOT Specifications, Standards, and Details, as amended or superseded from time to time.

§502. Conflicts.

In the event of a conflict between PennDOT standards and Borough standards, the more stringent requirements shall apply.

§503. Traffic Control.

All traffic control devices and methods shall comply with PennDOT Publication 213 and the MUTCD.

ARTICLE VI – MORATORIUM ON PAVED STREETS

§601. Ten Year- Moratorium.

No street opening shall be permitted on any street resurfaced or reconstructed within the previous Ten (10) years unless specifically authorized by the Borough Council subject to approval of the Borough Council.

§602. Enhanced Restoration.

Where openings are permitted within the moratorium period, the Borough will require full-width, curb-to-curb milling and paving regardless of excavation size.

ARTICLE VII – RESTORATION REQUIREMENTS

§701. Temporary Restoration.

Temporary restoration shall be placed immediately and maintained in a safe condition until permanent restoration is completed. Permanent restoration shall be completed within 180 days unless extended in writing by the Borough Council.

§702. Permanent Restoration.

- a) Before Permanent Restoration begins the Public Works Supervisor must be notified at least 5 days before the start date of restoration. Contact information shall be provided by the Borough upon permit issuance.
- b) Final inspection will be required at the end of restoration work by the Borough Public Works Supervisor or Borough Engineer.
- c) Excavations exceeding fifty percent (50%) of cartway width shall require curb-to-curb or edge-to-edge paving; or
- d) Longitudinal cuts exceeding twenty (20) feet shall require full-lane or curb-to-curb paving; or
- e) Any roadway experiencing more than three (3) street openings within the same block or roadway segment will require full-width restoration, including paving from curb to curb.
- f) Transverse cuts shall restore the full lane width.
- g) All excavations shall be permanently restored in accordance with this Article. Additional requirements will apply within moratorium section.
- h) No person, other than an authorized Borough representative, may open or close a curb valve connected to the Borough water system. No pipe or fitting may be connected to the Borough storm sewer mains via existing laterals or otherwise, without written permission from the Borough office and no such connects may be obscured from view before inspection by an authorized Borough representative.

§703. Trench Standards.

Saw-cut edges are required. Broken pavement edges are prohibited. Full-depth pavement replacement with proper compaction is required.

§704. Curb, Sidewalk, and Shoulder.

Damaged curbs, sidewalks, shoulders, and drainage facilities shall be replaced.

§705. Settlement and Failure.

Any settlement, cracking, or failure during the guarantee period shall be corrected immediately at no cost to the Borough.

ARTICLE VIII – INSPECTION AND GUARANTEE

§801. Inspection.

All work is subject to Borough inspection. Inspection fees shall be charged in accordance with the Borough Fee Schedule.

§802. Guarantee Period.

All restoration is guaranteed for twenty-four (24) months following final acceptance.

ARTICLE IX – ENFORCEMENT AND PENALTIES

§901. Borough Remedies.

In the event that any work performed by or for a permit holder shall, in the opinion of the Code Enforcement Supervisor, Public Works Supervisor or Borough Engineer be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by the borough, or in the event that the work for which the permit was granted is not completed within the time fixed by the Code Enforcement Officer, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed and charge the cost thereof, plus 25%, to the applicant together with any engineering, inspection, or administrative expenses incurred by the Borough.

§902. Penalties.

Violations may result in fines, permit revocation, suspension of future permits, and recovery of legal and administrative costs. Fine Amounts will be set from time to time by resolution.

§903. Stop-Work Order.

The Borough may issue a stop-work order for any violation of this Ordinance or unsafe condition.

ARTICLE X – UTILITIES AND COORDINATION

§1001. Coordination.

Utilities shall coordinate and sequence work to minimize repeated openings and may be required to participate in joint trenching.

ARTICLE XI – MISCELLANEOUS

§1002. Subcontractors.

Any public or private utility may perform work through contractors or subcontractors; however, all such contractors or subcontractors shall be registered with the Borough and identified on the permit prior to commencing work. The permittee shall remain fully responsible for compliance with this Ordinance.

§1103. Severability.

If any provision is held invalid, remaining provisions shall remain in effect.

§1104. Repealer.

All inconsistent ordinances or parts thereof are repealed.

§1105. Effective Date.

This Ordinance shall take effect immediately upon enactment.

ORDAINED AND ENACTED by the Board Council of Harmony Borough this 7th day of April, 2026.

Amey Brown
Attest

Greg Such
Greg Such, Council President