

## ORDINANCE SUMMARY

Notice is hereby given by Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, that Borough Council will consider a proposed ordinance for adoption at a regularly scheduled public meeting of the Borough Council of the Borough of Waynesboro on Wednesday, June 20, 2018, at 7:30 p.m. The proposed ordinance is summarized below. The title of the proposed ordinance is:

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA, REGULATING OPENINGS AND EXCAVATIONS IN OR UNDER THE STREETS AND HIGHWAYS OF THE BOROUGH OF WAYNESBORO

The contents of the Ordinance are summarized as follows:

SECTION I. DEFINITIONS – Key terms are defined.

SECTION II. PERMIT REQUIRED – Makes unlawful for any person to make any opening or excavation in any street unless and until a permit has been issued.

SECTION III. APPLICATION FOR PERMIT – Process and instructions for submission of an application.

SECTION IV. PERMIT FEE. Fee schedule for an excavation permit, in addition to all other fees for permits or charges relative to construction work, with the exceptions of Additional Fees.

SECTION V. FINANCIAL SECURITY AND INSURANCE REQUIRED. Provides for the requirements of security in the form of performance bond, irrevocable letter of credit, certified check, cash or other security acceptable to the Borough as well as a certificate from an insurance company for comprehensive general liability insurance.

SECTION VI. PERMITTEE RESPONSIBILITIES DUE TO EXCESSIVE EXCAVATION. Provides for Permittee's responsibility to overlay the entire width of the street when four (4) distinct excavations or openings of a street are within one hundred linear feet (100'); or when one (1) trench is one hundred linear feet (100').

SECTION VII. PROTECTIVE MEASURES. Provides for Permittee's responsibility to provide proper and adequate guards, barriers and lights to prevent accidents and safety for pedestrians and vehicular traffic. In the event the Permittee fails to provide such, the Borough shall provide such safety measures at Permittee's expense.

SECTION VIII. RECTIFICATION OF IMPROPER OR INCOMPLETE WORK. Provides procedures to rectify improper or incomplete work and allows the Borough to do so with all costs assessed to the Permittee or property owner upon due notice.

SECTION IX. BOROUGH WORK. Provides for request by applicant to the Borough to perform opening a street on behalf of applicant and costs related.

SECTION X. VIOLATION AND PENALTIES. Provides for violation of this ordinance and the amount of fine for each offense. Each day of such violation shall constitute a separate offense.

SECTION XI. REPEALER. All provisions of previous Ordinances of the Borough of Waynesboro which are contrary to this Ordinance are expressly repealed.

SECTION XII. SEVERABILITY. The provisions of this Ordinance are severable and if any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provision shall not affect or impair any remaining sections, clauses, or sentences of the same.

SECTION XIII. EFFECTIVE DATE. This Ordinance shall take effect five (5) days from its formal approval.

Copies of the proposed ordinance may be examined without charge at Borough Hall, 55 East Main Street, Waynesboro, Pennsylvania, during normal business hours which are Monday through Friday, 8:00 a.m. to 5:00 p.m. Copies of the proposed ordinance have been furnished to the newspaper publishing this Notice and the Franklin County Law Library, 100 Lincoln Way East, 3<sup>rd</sup> floor, Chambersburg, Pennsylvania, and are available for inspection during normal business hours at those offices. Any person who needs an accommodation in order to gain access to or participate in this public meeting should call (717) 762-2101 prior to the meeting date.

Jason B. Stains  
Borough Manager

AD TO RUN: June 11, 2018