

BOROUGH OF BLAKELY, LACKAWANNA COUNTY,  
PENNSYLVANIA  
ORDINANCE NO. 6 of 2017

AN ORDINANCE AMENDING THE BOROUGH OF BLAKELY'S  
EXCAVATION OF STREETS ORDINANCE,  
ORDINANCE NUMBER 4 OF 1976

WHEREAS, on September 18, 2017 the Council of the Borough of Blakely adopted Ordinance Number 6 of 2017, which Ordinance regulates the Excavation, Backfill, and Restoration of Borough Streets, Roads, Avenues, Alleys, or Rights-of Ways. A true and correct copy of Ordinance Number 6 of 2017 is attached hereto and made a part hereof as Exhibit "A". Requiring a permit therefor, and payment of fees; and prescribing penalties for violation of the ordinance.

Be it ordained by the Council of the Borough of Blakely and it is hereby ordained by and with the authority of the same as follows:

#### OVERVIEW

The Borough has the responsibility to accommodate both Applicants/Permittees and the traveling public. It is in public interest to regulate the design, construction, drainage and maintenance of accesses, local roads, utility facilities and other property and structures within the right-of-way in order to preserve safe and reasonable access, safe and convenient passage of traffic, as well as protect the structural integrity of the road system.

Utility Permits may be issued to install, repair, replace, connect, remove, or disconnect privately, publicly or cooperatively owned lines, facilities, and systems such as electricity, telephone, and cable television poles and conduits, utilities such as gas, water and sewer lines, and similar encroachments and obstructions, and any other structures which directly or indirectly serve the public or any part thereof.

Driveway Permits may be issued to install, alter, or remove a driveway and/or private road or other means of passage of vehicles between the street and abutting property. Also, to construct, replace, or remove a curb and/or sidewalk or to connect to drainage and/or sanitary-facilities.

#### PURPOSE

The purpose of this Ordinance is to:

- A. Require permits for access to the right-of-way of Borough roads for railways, driveways, private roads, electricity, telephone and cable television poles and conduits, utilities (such as gas, water and sewer lines), and similar encroachments and obstructions, and any other structures; it being in the public interest to regulate:

- a. The location, construction and maintenance of utility facilities and other such structures within the Borough's right-of-way.
  - b. The location, design, construction, maintenance and drainage of driveways and private streets within the Borough's rights-of-way, to ensure the structural integrity of streets, economy of maintenance, preservation of proper drainage, and safe and convenient passage of traffic.
- B. Authorize the Borough to remove or permit the removal from any Borough Street or right-of-way any grass, brush, shrub, tree or other vegetation deemed to constitute a hazardous or dangerous condition to the use of the road or those which impair the use or maintenance of the road.
  - C. Authorize the Borough to require the removal of any nuisance or obstruction on any Borough road or associated drainage facility created by felling trees, making fences, turning the road, diverting water onto the road, filling, or in any other manner.
  - D. Describe the specifications and requirements for restoration of any Borough Road or right-of-way following the installation or repair of any railways, driveways, private roads, electricity, telephone and cable television poles and conduits, utilities (such as gas, water and sewer lines), and similar encroachments and obstructions, and any other structures.

#### SECTION I. DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "Applicant" - Any person making application to the Borough for an excavation permit hereunder.
- B. "Bores" - The installation of conduit or pipe by using the Conventional Bore or Jacking method.
- C. "Borough" - The Borough of Blakely, and in cases where the text of this Ordinance so implies, the Borough Council or its agents.
- D. Directional Boring, also referred to as Horizontal Directional Drill (HDD) is a steerable trenchless method of installing underground pipe, conduit, or cables in a shallow arc along a prescribed bore path by using a surface-launched **drilling** rig, with minimal impact on the surrounding area. Pa. Act 287 will apply for underground utility identification.