

CHAPTER 320 - STREETS AND SIDEWALKS

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ARTICLE I. GENERAL PROVISIONS

§ 320-1.01 SHORT TITLE.

This Ordinance shall be known as the “Millersville Borough Streets and Sidewalks Ordinance.”

§ 320-1.02 STATEMENT OF FINDINGS.

The Borough Council of Millersville Borough finds that an Ordinance is required to establish criteria, rules, and regulations for access to a *Borough street and sidewalk* or the construction of any road, street and/or stormwater management facility to be dedicated to Millersville Borough, upon satisfactory completion; and prescribing penalties for the violation of this Ordinance.

§ 320-1.03 PURPOSE.

The purpose of this Ordinance is to establish criteria for access to a *Borough street and sidewalk* or for construction of roads, streets, driveways, utilities and storm water management facilities to be dedicated to Millersville Borough, including a procedure for the acceptance and dedication of the same upon satisfactory completion of their construction.

§ 320-1.04 OTHER REQUIREMENTS.

Issuance of a permit under these regulations does not relieve the permittee from any additional responsibility to secure other Federal, State or Local approvals or permits as may be required by law.

§ 320-1.05 SAFETY REQUIREMENTS.

Nothing contained in this Ordinance is intended to relax existing safety requirements.

§ 320-1.06 COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS.

All plans for streets, driveways, utilities or stormwater management facilities shall comply with the requirements and reflect the information required by those applicable provisions of the Millersville Borough Subdivision and Land Development Ordinance, the Millersville Borough Storm Water Management Ordinance, and with the requirements of this Ordinance or other Federal or State approvals, all as amended from time to time. Where inconsistencies exist with respect to other ordinances, the terms of the ordinance shall be reconciled if at all possible. If the terms of such other ordinances are not reconcilable, the ordinance which provides the stricter standards shall prevail.

§ 320-1.07 CB § 186-19.4. PROHIBITED ACTS.

It shall be unlawful for any person to injure, damage, mar, or deface any street in the Borough, or to render the same unsafe or dangerous to the traveling public in any way, which shall include, but shall not be limited to, the following: (a) the dragging or drawing of logs, trees or timber or other heavy objects, whether composed of wood, metal or other substance, on or over the surface; (b) the building of fires or the burning of rubbish or other material upon or over the

surface; (c) the placing of or allowing to run, leak or be placed upon the surface of any oil, gasoline, kerosene or other substance that might be harmful to the surface; or (d) the operation of any vehicle upon any street with the wheels covered with mud or other material to the extent that such mud or other material drops therefrom onto such street causing a discoloration and/or slippery condition.

ARTICLE II. DEFINITIONS

§ 320-2.01 GENERAL.

Unless otherwise expressly stated, the terms as set forth in this article shall, for the purpose of the chapter, have the meanings indicated. Words in the singular include the plural, and words in the plural include the singular. The word "person" includes a corporation, unincorporated association, all forms of business entities, non-profit organizations, and a partnership as well as an individual. The word "building" shall be construed as if followed by the words "or part thereof." The word "watercourse" includes "drain," "ditch" and "stream." The words "shall" and "will" are mandatory; the word "may" is permissive. If a term is not defined by this Ordinance, but is defined in the Zoning Ordinance, Subdivision and Land Development Ordinance, or Stormwater Ordinance, the definition in that other Ordinance shall apply to this Ordinance. If a term is not defined in any of those Ordinances, then the term shall have its plain and ordinary meaning, within the context of the provision. A standard reference dictionary may be consulted in such case.

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

Access - A way or means of approach for vehicle and/or pedestrian traffic from a street, right-of-way, public area or community facility to a lot and/or vice versa.

Alley – (See Street, Alley)

Applicant/ Permittee – Any natural person, corporation, Limited Liability Company, trust, joint venture, association, company, partnership, governmental authority or other entity.

Approved – Approved by the recognized authoritative agency or official as specified in the respective regulations.

Borough – The Borough of Millersville, County of Lancaster, Commonwealth of Pennsylvania.

Borough Council - The Borough Council of Millersville Borough.

Borough Engineer – A professional Engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Borough.

Borough Official – The Borough Manager, Street Superintendent, Zoning Officer, Code Official/Officer, Borough Engineer or other Borough designee.

Cable Act – *The Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996, and as hereafter amended (47 U.S.C. §§ 521 et seq., as hereafter amended).*

Cable Franchise – *Authorization granted by the Borough in accordance with the Cable Act, authorizing a person to own, construct, operate and maintain a cable system to provide cable service within the Borough.*

Cable Operator – *A person providing or offering to provide cable service over a cable system within the Borough as that term is defined in the Cable Act.*

Cable Service - *The one-way transmission to subscribers of video programming or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.*

Cartway – The surface of a street or alley available for vehicular traffic.

Clear Sight Triangle - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street centerlines.

Council – The Borough Council of Millersville Borough, Lancaster County, Pennsylvania.

Cul-de-Sac – A special turning area for a vehicle at the end of a street.

Curb - A curb is defined as any monolithic or modular material, such as concrete, limestone or brick, which runs parallel to streets and sidewalks and projects above the street and is installed and intended to protect the street from raveling, to channel rainwater or to support an adjacent sidewalk. Whenever a curb is located closer than six inches to an adjacent sidewalk, the top shall be considered part of the sidewalk.

Curbline – A line formed by the face of the existing curb or as established by the Borough.

Designee - The agent of Millersville Borough involved with the administration, review or enforcement of any provisions of this chapter by appointment, contract or memorandum of understanding.

Developer – Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development.

Driveway – A private drive providing pedestrian and vehicular access between a public or private street and a parking area.

- A. High Volume – A driveway used or expected to be used by 1500 or more vehicles a day.
- B. Joint use – A driveway shared by and constructed to provide access to two or more properties or uses.
- C. Low Volume – A driveway used or expected to be used by more than 25 but less than 750 vehicles per day.
- D. Medium Volume – A driveway used or expected to be used by 750 or more but less than 1500 vehicles per day.
- E. Minimum Use – A residential or other driveway which is used or expected to be used by not more than 25 vehicles per day.

Driveway Width – The narrowest width of a driveway measured perpendicular to the centerline of the driveway.

Easement – A right-of-way granted for limited use of the land for public or quasi-public purpose.

Emergency – Any unforeseen circumstance which calls for immediate action to protect or safeguard life or property.

Engineer – A professional engineer registered in the Commonwealth of Pennsylvania.

Excavate/Excavation – Any activity within the right-of-way of any street, which involves cutting, drilling, boring, tunneling, breaking or disturbance of the surface thereof or any and all facilities and/or appurtenances located within the street (by way of example only: curbing, gutter, sidewalk, storm sewers, utilities and traffic control devices).

Facilities – *Conduit, pipes, cables, wires, lines, towers, optic fiber, antennae, poles, associated equipment and appurtenances, and any other infrastructure or materials located in the Right-of-Way and designed, constructed, and/or used, by right-of-way occupants for transmitting, transporting, or distributing communications, telecommunications, electricity, natural gas or*

manufactured gas, oil, gasoline, steam, or any other form of energy, signal or substance, or for any other lawful purpose.

Grade, Finished – The completed surfaces of lawns, walks and streets brought to grades as shown on official plans or designs relating thereto.

Improved Area – The area within the street right-of-way which has been constructed for local street purposes, including roadbed, pavement, shoulders, slope, sidewalks, stormwater management facilities and any other appurtenances.

Land Development – Any activities meeting the definition of Land Development as defined in the Borough Subdivision and Land Development Ordinance.

Landowner – The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he/she is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Local Street – See Street.

Lot – A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

Open/Opening – Any cutting or excavating of the surface or soil of any street, sidewalk area or public Borough property.

Pavement Edge – The edge of the main traveled portion of any roadway, exclusive of shoulder.

Permit – A license issued by the recognized official or authoritative agency, as specified in the respective regulations, which permits the Applicant to proceed with the work certified by said official or authoritative agency in the permit application.

Person - Any natural person, partnership, firm, association, organization, company, corporation, utility, or municipal authority.

Public Agency – The Federal Government, the Commonwealth of Pennsylvania and their instrumentalities, a municipality, school board, authority or other officially constituted body qualified to hold and administer publicly owned properties.

Public Utility – *Any entity that is currently certificated as a public utility by the Public Utility Commission of the Commonwealth of Pennsylvania.*

Public Utility Commission (PUC) – *The Public Utility Commission of the Commonwealth of Pennsylvania.*

Publication 408 – The current Commonwealth of Pennsylvania Department of Transportation specifications.

Rights-of-Way – *The surface and the area across, in, over, along, under and upon the public streets, roads, lanes, avenues, alleys, sidewalks, bridges, highways and other rights-of-way, as the same now or may thereafter exist, which are under the jurisdiction or control of the Borough of Millersville.*

Right-of-Way Occupant – *An applicant for, or recipient of, a Right-of-Way Agreement, Right-of-Way Construction Permit or Cable Franchise that is issued by the Borough pursuant to this Chapter, and persons holding existing franchises, special ordinances, or other authorizations for use of the rights-of-way, or otherwise maintaining facilities in the rights-of-way including the Borough, its departments, agencies, and authorities.*

Right-of-Way Construction Permit or Permit – *A permit issued by the Borough authorizing use of the public rights-of-way, issued pursuant to this Ordinance.*

Right-of-Way Use Agreement – *An agreement authorizing use of the rights-of-way by a person seeking to construct, maintain, and operate Facilities within the rights-of-way of the Borough of Millersville.*

Road – See Street.

Roadway – That portion of a surface improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

Roadway Construction Standards – Pennsylvania Department of Transportation Publication No. 72 containing the Department’s design standards for roadway construction.

Sidewalk – A paved walkway, continuous for a reasonable distance and an integral part of the roadway, with or without a grass strip between the curb or cartway edge and the sidewalk, constructed solely for use by pedestrians. OR

any paved or unpaved surface on or along the right-of-way of public streets used or obviously intended for use by pedestrians traveling along said street. It shall include paved surfaces such as concrete, asphalt, flagstone, brick, slate or other monolithic or modular building material.

Sight Distance – The length of street visible to the driver of a vehicle at any given point in the street when viewing is unobstructed by traffic.

Stopping Sight Distance – The distance required by a driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver.

Street – Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other way used or intended to be used by vehicular traffic (excluding driveways), whether public or private. Streets shall conform to one of the following categories:

- A. **Alley** – A vehicle right-of-way having a maximum right-of-way width of 20 feet and that usually provides secondary access to the side or rear of one or more lots and which is not intended for through traffic.
- B. **Arterial** – A street whose primary function is to serve comparatively high volumes of through traffic at speeds higher than desirable on collector and local streets.
- C. **Collector** – A street which, in addition to providing access to abutting properties, collects traffic from the local street system.
- D. **Local** – A street used primarily to provide access to abutting properties.
- E. **Cul-de-sac Street** - A street intersecting another street at one end and terminating at the other in a vehicular turnaround.
- F. **P Street** - Any local street which does not intersect with a through street at two separate and distinct locations. A P-street includes a street which intersects with a through street, extends and then loops back upon itself in roughly the shape of a P or a street which intersects with one or more other streets, all of which are either cul-de-sac streets or streets which merge through various intersections to all be served by a single connection with a through street.
- F. **Street Centerline** – The center of the surveyed road right-of-way; or where not surveyed, the center of the traveled cartway.

- G. **Street Grade** – The officially-established grade of the street upon which a lot fronts; or in its absence, the established grade of other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

Traffic Control Device – Any sign, signal, marking, or device placed or erected for the purpose of regulating, warning, or guiding vehicular traffic or pedestrians, or both.

Vehicle – Every device in or by which any person or property is or may be transported.

ARTICLE III. STREET OPENING AND EXCAVATION PERMITS

§ 320-3.01 GENERAL RULE.

It shall be unlawful for any person to open or to make any excavation in any street in the Borough unless a permit is obtained for that purpose in the manner hereinafter described without first submitting plans to the Borough Council or their Designee.

The Borough Council or their Designee reserves the right, in its discretion, to waive, or to waive subject to conditions, any or all of the requirements of this section relating to furnishing of confession of judgment, public liability insurance and performance bond in cases of street-opening permit applications for work to be performed by public utility corporations by their own employees (but not by their contractors), upon submission by such corporations of condensed financial statements and/or certificates of self-insurance which they shall consider to establish that such waivers may be granted without prejudice to the interests of the Borough and its taxpayers, and if such corporations shall have theretofore faithfully complied with all requirements of Borough ordinances.

The property owner or utility company for whose benefit the work is to be done shall be jointly and severally responsible (regardless of whether or not all owners have signed the application for the permit required hereunder) for compliance with the permit requirements listed in this ordinance.

§ 320-3.02 APPLICATION PROCEDURES.

A. Who May Execute Applications:

Permits shall only be issued to persons furnishing public utility services or owning real property adjoining the location where the opening or excavation is to be made.

B. Where to Submit Application:

Permit applications shall be submitted to the Borough on any legal business day during normal business hours.

C. When to Submit Applications:

Permit applications for streets excavations shall be submitted prior to the commencement of any construction.

D. Review Procedures

A permit shall be issued to the Applicant by the Borough Council or their Designee after all permit requirements have been completed. If the application is disapproved, written notice of disapproval together with the reasons therefor shall be given to the Applicant.

§ 320-3.03 APPLICATION FORMS AND REQUIRED INFORMATION.

A. Permit applications for street excavations:

- (1) Shall be submitted in person, by mail or as designated by the Borough;

- (2) Shall be submitted on a properly completed Borough permit application form;
 - (3) Shall be signed by the Applicant;
 - (4) Shall include two sets of plans, of a quality sufficient for photocopying or scanning, detailing the location and pertinent dimensions of both the proposed installation and related roadway features;
 - (5) Shall be accompanied by a check or money order, payable to the Borough, in the appropriate amount as hereinafter set forth (relating to permit fees);
 - (6) Shall be submitted to the Borough at least 10 working days prior to the anticipated start of work; and
 - (7) Shall contain proof of ownership.
- B. Permit applications involving public sewer:
- (1) *Where the street opening permit is required for public sewer purposes, the application shall be countersigned by the Sewer Department Superintendent or his/her designee before the Borough shall issue the permit. Where the street opening permit is for a utility other than public sewer, the applicant shall present evidence that the utility has consented to the work.*
- C. *Permits with respect to state highways shall be subject to any additional requirements of PennDOT.*
- D. Except in emergency situations, a permit shall be issued to the Applicant by the Borough Council or their Designee after all requirements for the issuance thereof have been completed. If the application is disapproved, written notice of disapproval together with the reasons therefor shall be given to the Applicant.

§ 320-3.04 PLAN REQUIREMENTS.

- A. The permit application shall include a plan which illustrates, at a minimum, the following, including dimensions where applicable:
- (1) Exact location of the proposed opening or excavation and the approximate size or depth thereof.
 - (2) Typical details showing how the opening will be repaired including material thickness and type.
 - (3) The plan shall be of the quality required for the excavation, construction, and repair of the street.

§ 320-3.05 STREET OPENING PERMIT EXEMPTIONS.

- A. The obtaining of street opening permits by Borough departments shall be waived when work is to be performed completely by their own personnel.
- B. The obtaining of street opening permits by contractors shall be waived when work is to be performed as part of a Borough public works project.

§ 320-3.06 EMERGENCY EXCAVATIONS.

- A. In the case of any leak, explosion, or other accident in any subsurface pipe, line, construction, or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus, to commence excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than five regular business days thereafter, and that all other provisions of this article are fully complied with. Said permit shall be retroactive to the date when the work began.
- B. A person performing street openings for an emergency must certify the emergency nature of the circumstance in writing to the Borough Council or their Designee, within five regular business days following such emergency.
- C. A person performing street openings for an emergency must notify the Borough Police Department (written or verbal) of the location of the emergency street opening prior to commencing the emergency operation, either en route or at the scene.
- D. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Borough, after such notice as they shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency and charge the same on the basis of cost plus 20% to such owner or person.
- E. Failure to apply for the street opening permit within the specified time period will result in a penalty established by Borough Council and may be changed from time to time by resolution of the Borough Council.

§ 320-3.07 EXCAVATION REQUIREMENTS AND SPECIFICATIONS.

The property owner or utility company for whose benefit the work described in this article hereof is to be done shall be jointly and severally responsible (regardless of whether or not all owners have signed the application for the permit required hereunder) for:

- A. All work in Borough streets governed by this chapter and for which the permit has been issued in accordance herewith shall be done in accordance with and pursuant to the Millersville Borough Technical Specifications and Standard Details in Appendix B.
- B. The Borough shall have the full authority to establish standards for paving and backfilling materials and associated procedures. Details specifying paving and backfilling procedures and materials shall be obtained from the Borough prior to any street opening work. The type of backfill material (either flowable backfill, 2A Crushed Stone or other materials) shall be as directed by the Borough Street Superintendent or designee.
- C. Any person who shall open or excavate any street in the Borough shall thoroughly and completely refill the opening or excavation as to prevent any settling thereafter, and shall restore the surface and appurtenances (appurtenances include, but are not limited to, curbs, sidewalks, storm sewers, utilities and traffic control devices) to no worse condition than they were before the opening or excavation. As restored, the surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening.

- D. All work in connection with the permit (including all items shown on the plans and specifications submitted to obtain the permit and any and all incidental work required to complete the work to the satisfaction of the Borough Street Superintendent) shall be done by or for the person to whom the permit has been issued at their expense.
- E. Any person performing work pursuant to a permit issued hereunder shall at all times comply with all applicable federal, state and local laws, rules, regulations, provisions, and policies governing health and safety, including without limitation the Federal Construction Safety Act (Public Law 91-54), Federal Register, Chapter XVII, Part 1926 of Title 29 Code of Federal Regulations, Occupational Safety and Health Regulations for Construction, and subsequent publications updating these regulations.
- F. Access to all driveways must be maintained except for short durations of time for construction of utilities, curb, sidewalk or paving. The Contractor must notify the property owners 24 hours in advance prior to closing the driveway. The driveway must be open and passable at the close of each working day unless approved by the Borough.
- G. In the excavation of any street, the applicant shall take all necessary and reasonable precautions to ensure that the street remains in a safe and passable condition for the traveling public at all times. Such precautions may include but are not limited to the use of signs, barriers, lanterns, and all other warning devices sufficient to alert the traveling public of possible dangers relative to the excavation.
- H. No opening or excavation in any street shall extend from the curbline into the highway a distance greater than one foot beyond the center line of the street before being refilled. The surface of the highway shall be restored to a condition safe and convenient for travel.
- I. All openings and excavations shall be backfilled promptly. At the close of each working day, the Contractor must have all lateral trenches backfilled, all driveways open and all open trenches either backfilled or covered with steel plates.
- J. The use of steel plates to cover open excavations shall be prohibited at all times between the dates of October 15 and April 15 unless approval is granted in writing by the Borough.
- K. No more than 500 feet longitudinally shall be opened in any street at any one time.
- L. The applicant shall be responsible to replace all pavement markings and signs that are removed or damaged. All material shall be in conformance with the Millersville Borough Technical Specifications, The Manual on Uniform Traffic Control Devices (MUTCD) and PennDOT Requirements.
- M. The permission herein granted does not confer on the permit holder or its contractors the right to cut, remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations, and conditions as the Street Superintendent or Borough Official may prescribe.
- N. The work of excavation shall be so conducted as not to interfere with any existing underground utility line or lateral or aboveground utility line without first contacting the owner of such utility and obtaining written permission from them for the work.

- O. Construction, extension or replacement of existing water, sewer, steam or gas main or electric, telephone, cable or other utility shall be at a minimum depth of 30 inches from the surface of the street unless approved by **Borough Council or their Designee**.
- P. All excavation permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Borough from any loss in damages or otherwise whatsoever which may or shall be occasioned at any time by the said excavation or by any leak, explosion or other injury from any pipes, apparatus, conduit or any other matter placed in the said excavation. *The entity or person who obtained the Borough permit maintains the responsibility to comply with the Pennsylvania Underground Utility Protection Act, unless specified otherwise in an agreement with the Borough.*
- Q. If at any time in the future the roadway is widened, reconstructed or the alignment or grades are changed, the permit holder further agrees to change or relocate all or any part of the structures covered by this permit which interfere with the improvements of the roadway at the permit holder's own cost and expense.

§ 320-3.08 REQUIREMENTS FOR PAVEMENT RESTORATION.

- A. *If a street opening exceeds 10 linear feet in length, the entire area shall be milled and overlaid for a width of 1/2 the street/alley width, unless the repair crosses the center line of the street/alley, then the mill and overlay shall be for the full width of the street/alley.*
- B. *If two or more street openings are made less than 100 feet apart, the entire area between the two openings and including the two openings shall be milled and overlaid for a width of 1/2 the street/alley width, unless the repair crosses the center line of the street/alley, then the mill and overlay shall be for the full width of the street/alley.*
- C. *If four or more openings are made within a 500-foot span, the entire area between and including the openings shall be milled and overlaid for a width of 1/2 the street/alley width, unless the repair crosses the center line of the street/alley, then the mill and overlay shall be for the full width of the street/alley.*
- D. When the opening is to be closer than three feet from the edge of the existing pavement, the opening shall be extended to the edge of pavement.
- E. When the 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.
- F. When the opening is located in a street 16 feet wide or less, then the applicant shall overlay the entire street width for the entire length of the opening.
- G. **Any applicant test boring or drilling into any Borough street for location of leaks or venting of leaks shall be required to backfill holes as directed by the Borough Street Superintendent or their Designee.**
- H. **Trenches shall remain unpaved for no longer than five business days after backfilling and shall not remain unpaved during any weekend or any holiday officially observed by the Borough.**

- I. Temporary paving shall be placed and maintained for a maximum of 180 days. Temporary paving shall be thoroughly bound and compacted, installed flush with the surface of the adjoining paving. Such temporary paving material and thicknesses shall be in accordance with the Millersville Borough Technical Specifications and Standard Details in Appendix B. Alternate temporary paving consisting of cold patch may be used on a case-by-case basis if approved in writing by the Borough.
- J. Permanent paving shall be thoroughly bound and compacted, installed flush with the surface of the adjoining paving. Such permanent paving material and thicknesses shall be in accordance with the Millersville Borough Technical Specifications and Standard Details in Appendix B. All temporary paving material shall be removed from trenches prior to placement of the permanent paving base course.

§ 320-3.09 MORATORIUM ON STREET OPENINGS.

- A. The Borough Council or their Designee shall give timely notice to all persons owning property on or abutting to any street within the Borough about to be resurfaced or reconstructed, and to all public utility companies operating in the Borough. All such persons and utility companies shall make all water, gas or sewer connections as well as any repairs thereto which would necessitate excavation of the said street within 30 days from the giving of such notice, unless such time is extended in writing for cause shown by the Borough Council or their Designee.
- B. Newly paved streets shall not be opened for a period of 5 years after the completion thereof except in the case of emergency. If excavation or street opening is sought within 5 years after the completion of the paving thereof for any other reason than an emergency, the Applicant shall make written application to the Borough Council or their Designee, and a permit for such opening shall only be issued after express approval of Borough Council or their Designee. *If a street opening occurs within the five-year period, the Borough Staff shall ensure that the street opening is restored satisfactorily. The restoration must include pavement restoration (milling and repaving) for the full-width of the roadway to a distance of approximately 100 feet around the area of the opening.*

§ 320-3.10 PERMIT FEES, DEGRADATION FEES AND BONDING.

- A. Before any permit shall be issued to open or excavate any street within the Borough limits, the Applicant shall pay a permit fee to the Borough. This fee will cover the cost of inspection and other services in connection therewith. This permit fee may be changed from time to time by resolution of the Borough Council.
- B. The Applicant shall pay a degradation fee to the Borough upon receipt of a permit to open or excavate a street to defray a percentage of the costs for resurfacing and reconstruction of Borough streets associated with street openings and excavations. The degradation fee shall be in accordance with the degradation fee schedule established by resolution of the Borough Council.
 - (1) If such work or repairs are completed before the street is paved or improved pursuant to this article, the Borough may waive the street degradation fee for the applicant.

- (2) Where the applicant is required to overlay the street or lane pursuant to this article, the Borough may waive the street degradation fee for the applicant.

C. Public utility companies desiring to open or excavate a street shall provide the Borough with a bond of indemnity by a reputable surety company licensed to do business in the Commonwealth of Pennsylvania, in the amount established by resolution of Borough Council for each calendar year, which amount shall be the same for each year thereafter unless changed by resolution of Borough Council. A bond of indemnity shall be furnished separately for each calendar year by a public utility company and shall be in effect for 36 months.

D. All other persons or entities, including contractors performing work for the Borough, desiring to open or excavate a street shall furnish to the Borough a properly executed surety bond. All such bonds furnished shall be executed by a reputable surety company licensed to do business in the Commonwealth. All such bonds shall cover street opening or excavating work performed during one calendar year and shall be in effect for a thirty-six month period. The amount of the surety bond shall be established by resolution of Borough Council. The amount shall be the same for each year thereafter unless changed by resolution of Borough Council.

§ 320-3.11 RESTORATION AND MAINTENANCE FINANCIAL SECURITY.

No person shall excavate any street without first giving to the Borough a performance guarantee in an amount as determined by the Borough and acceptable to the Borough Council or their Designee. Without limitation as to other types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, irrevocable letters of credit issued by a federal or state-chartered bank or lending institution or restrictive escrow accounts held by such banks or lending institutions shall be deemed acceptable financial security for the purposes of this article.

§ 320-3.12 VIOLATIONS AND PENALTIES.

Any person who violates or permits the violation of any provision of this article shall be liable, upon summary conviction therefor, to fines and penalties of not less than \$100 nor more than \$1,000 plus all costs of prosecution, including attorneys' fees, which costs, fines, and penalties may be collected as provided by law. Each day that a violation continues and each section of this article which is violated constitutes a separate violation.

ARTICLE IV. STREET AND DRIVEWAY PERMITS

§ 320-4.01 GENERAL RULE.

It is in the public interest to regulate the location, design, construction, maintenance and drainage of driveways, streets and other property within Borough street rights-of-way for the purpose of security, economy of maintenance, preservation of proper stormwater management and safe and reasonable access.

No driveway, street or stormwater management facility or structure shall be constructed or altered within an existing Borough street right-of-way or easement area or within a right-of-way or easement area which has been offered for dedication to the Borough by document, land development plan or otherwise, whether or not accepted, and no stormwater management facility of the Borough shall be altered or connected to without first obtaining a permit from the Borough. A permit shall not be required for maintenance procedures.

§ 320-4.02 APPLICATION PROCEDURES.

A. Who May Execute Applications:

Permit applications shall be submitted in the name of and executed by the owner of property.

B. Where to Submit Application:

Permit applications shall be submitted to the Borough on any legal business day during normal business hours.

C. When to Submit Applications:

Permit applications for streets, driveways or stormwater management facilities shall be submitted prior to the commencement of any construction. Permit applications for driveways should be submitted prior to the commencement of construction of any building which the proposed driveway will serve to assure that the driveway can be constructed in accordance with this Ordinance.

D. Review Procedures

A permit shall be issued to the Applicant by the Borough Council or their Designee after all permit requirements have been completed. If the application is disapproved, written notice of disapproval together with the reasons therefor shall be given to the Applicant.

E. Streets and Driveways Submitted as Part of Subdivision or Land Development Plan.

All plans for streets, driveways (other than minimum use) or stormwater management facilities filed with the Borough as part of a subdivision or land development shall follow the plan processing procedures set forth in the Subdivisions and Land Development Ordinance.

§ 320-4.03 APPLICATION FORMS AND REQUIRED INFORMATION.

A. Permit applications for driveways:

- (1) Shall be submitted in person, by mail or as designated by the Borough;

- (2) Shall be submitted on a properly completed Borough permit application form;
- (3) Shall be signed by the Applicant;
- (4) Shall include two sets of plans, of a quality sufficient for photocopying or scanning, detailing the location and pertinent dimensions of both the proposed installation and related roadway features;
- (5) Shall be accompanied by a check or money order, payable to the Borough, in the appropriate amount as hereinafter set forth (relating to permit fees);
- (6) Shall be submitted to the Borough at least 10 working days prior to the anticipated start of work; and
- (7) Shall contain proof of ownership.

§ 320-4.04 PLAN REQUIREMENTS.

A. Minimum-Use Driveways

The permit application for all minimum-use driveways shall include a plan which illustrates, at a minimum, the following, including dimensions where applicable:

- (1) Design features of existing and proposed driveways, curbs, tapers, and acceleration and deceleration lanes, including the following:
 - (a) Driveway width.
 - (b) Driveway radii and other points of curvature.
 - (c) Driveway grade or profile and cross sections.
 - (d) Driveway angle relative to the roadway.
- (2) Distance from each existing and proposed driveway to the following:
 - (a) Nearest street intersection.
 - (b) Nearest driveway on adjacent properties within the limits of the safe sight distance.
 - (c) Streets and driveways opposite the site and within the limits of the safe sight distance.
 - (d) Relevant property lines and property lines extended to the roadway.
- (3) Sight distance in each direction from each proposed driveway.
- (4) The number of vehicles per day which are expected to utilize each proposed driveway.

B. Driveways Other Than Minimum-Use

The permit application for all driveways other than those classified as minimum-use shall include a plan which illustrates, as a minimum, the following, including dimensions where applicable:

- (1) Existing roadway pavement, ditches, rights-of-way and relevant property lines, roadway appurtenances, utilities, medians and other significant features that may affect the location of the proposed driveway.
- (2) Existing and proposed buildings, including a description of present and proposed uses of buildings.
- (3) Details of internal traffic circulation, parking and traffic signs.
- (4) Design features of existing and proposed driveways, curbs, tapers, acceleration and deceleration lanes, including the following:
 - (a) Driveway width.
 - (b) Driveway radii and other points of curvature.
 - (c) Driveway grade or profile and cross sections.
 - (d) Driveway angle relative to the roadway.
 - (e) Dimensions of traffic islands adjacent to the roadway and within the development that separate traffic flow from or onto the roadway.
 - (f) Driveway surface material and traffic island materials.
 - (g) Location of all required traffic control devices.
- (5) Distance from each existing and proposed driveway to the following:
 - (a) Nearest street intersection.
 - (b) Nearest driveway on adjacent properties within the limits of the safe sight distance.
 - (c) Streets and driveways opposite the site and within the limits of the safe sight distance.
 - (d) Relevant property lines and property lines extended to the roadway.
 - (e) Building and business appurtenances on the site.
- (6) Sight distance in each direction from each proposed driveway.
- (7) The number of vehicles per day which are expected to utilize each proposed driveway.

ARTICLE V. SIDEWALK AND CURB PERMITS

§ 320-5.01 CONSTRUCTION OF CURB AND SIDEWALK REQUIRED.

- A. Every owner of real estate in the Borough of Millersville along, adjacent to, or abutting on a public or private street is hereby required to lay out and construct, and permanently maintain, both a curb and a sidewalk along such street or streets except as follows.
 - (1) The abutting street is identified in § 320-5.05. In such case, the owner of the real estate along, adjacent to or abutting a designated street is required to lay out and construct curb and/or sidewalk as designated in such sections.
 - (2) A waiver is granted by Borough Council under this Code or the Subdivision and Land Development Ordinance.

§ 320-5.02 PERMITS.

- A. No curb or sidewalk shall be laid out, constructed, reconstructed or materially repaired by any person, firm or corporation unless a permit is obtained from the Borough Official assigned to handle such permits.
- B. No permit shall be issued by the Borough Official until the person, firm or corporation making application shall submit plans for approval showing the location, length, width, depth, grade and design of the proposed curb and sidewalk to be constructed or repaired. The plan shall also include all materials to be used for construction.
- C. All curbs and all sidewalks shall be designed and constructed in accordance with Article VIII and the Millersville Borough Technical Specifications and Standard Details in Appendix B.

§ 320-5.03 COMMENCEMENT OF WORK.

- A. Where required by this chapter, work on the construction of curbs and sidewalks shall commence within 180 days from the date of the enactment of this article and shall proceed with due diligence upon proper notification from the Borough Official.
- B. Where streets are added by ordinance to the list of designated streets, the property owners thereon shall commence work within 180 days of the date of enactment of such ordinance. Where such compliance would constitute a hardship for the property owner, said owner may make written application for an extension of time to the Borough Council.

§ 320-5.04 MAINTENANCE.

All curbs and sidewalks now in existence or hereafter constructed shall be kept in good repair and in safe and usable condition. See Article XI concerning snow and ice removal.

§ 320-5.05 DESIGNATED STREETS FOR CURBS AND SIDEWALKS.

The owners of real estate adjacent to the following streets shall not be required to lay out or construct curbs or sidewalks, unless curb and sidewalk construction is required under the Subdivision and Land Development Ordinance for a particular project:

| Street | Side | From | To | Curb | Sidewalk |
|-----------------------|-------|--|------------------------------------|------|----------|
| Allen Drive | Both | Glen Oaks Drive | Blue Ridge Drive | Yes | No |
| Ann Street | Both | Shenks Lane | End | No | No |
| Barbara Street | West | Wabank Road | Spring Drive | Yes | No |
| Bender Avenue | Both | Manor Avenue | End | No | No |
| Blue Ridge Drive | Both | Pilgrim Drive | Wabank Road | Yes | No |
| Breneman Avenue | Both | North George Street | High School Avenue | No | No |
| Briargate Place | Both | Laurelgate Place | Cul-de-sac | Yes | No |
| Broadlawn Circle | Both | Fresh Meadow Drive | End | Yes | No |
| Cedar Hurst Circle | Both | Saint Regis Lane | End | Yes | No |
| Cemetery Road | Both | Manor Avenue | Northern Borough municipal line | No | No |
| Circle Avenue | Both | Herr Avenue | Cul-de-sac | No | No |
| Colonial Avenue | Both | Western property line of 10 Colonial Avenue | End | No | No |
| Creek Drive | Both | Northeast corner of Tax Account No. 440- 67692-0- 0000 (Conestoga River) | Borough line | No | No |
| Creek Drive | Both | Pucillo Drive | Conestoga River | Yes | No |
| Crossland Pass | Both | South Duke Street | Eastern Borough municipal line | No | No |
| East Charlotte Street | South | North George Street | High School Avenue | Yes | No |
| East Cottage Avenue | North | Spring Drive | Barbara Street | Yes | No |
| Fresh Meadow Drive | Both | Pilgrim Drive | Blue Ridge Drive | Yes | No |
| Friends Lane | Both | Gable Park Road | Pilgrim Drive | Yes | No |
| Gable Park Road | East | Friends Lane | Millersville Pike | No | No |
| Gable Park Road | West | Friends Lane | Millersville Pike | Yes | No |
| Glen Oaks Drive | Both | Fresh Meadow Drive | Fresh Meadow Drive | Yes | No |
| Green Hills Drive | Both | Millersville Pike | Fresh Meadow Drive | Yes | No |
| Heisey Avenue | Both | Leaman Avenue | Wabank Road | No | No |
| High School Avenue | Both | Ann Street | East Charlotte Street | No | No |
| Kauffman Alley | Both | Landis Avenue | Kready Avenue | No | No |
| Kready Avenue | Both | North George Street | Herr Avenue | No | Yes |
| Laurelgate Place | Both | Crossland Pass | Cul-de-sac | Yes | No |
| Leaman Avenue | Both | Manor Avenue | Heisey Avenue | No | No |

| | | | | | |
|-----------------------|-------|-------------------------------|------------------------------------|-----|----|
| Locust Point Lane | Both | Green Hills Drive | End | Yes | No |
| Mary Street | Both | West Frederick Street | End | No | No |
| Millersville Road | West | Millersville Pike | Northern Borough municipal line | No | No |
| Millersville Road | East | Millersville Pike | Northern Borough municipal line | Yes | No |
| Millersville Road | East | Wabank Road | East Charlotte Street | Yes | No |
| Model Avenue | South | High School Avenue | North George Street | Yes | No |
| Murray Cross Way | Both | Crossland Pass | Eastern Borough municipal line | No | No |
| North Duke Street | West | West Frederick Street | 143 North Duke Street | Yes | No |
| Oak Ridge Drive | Both | Saint Regis Lane | Blue Ridge Drive | Yes | No |
| Old Cove Lane | Both | Fresh Meadow Drive | End | Yes | No |
| Pilgrim Drive | Both | Millersville Pike | Wabank Road | Yes | No |
| Quaker Hills Road | Both | Pilgrim Drive | Allen Drive | Yes | No |
| Ridge Avenue | East | East Charlotte Street | Kready Avenue | No | No |
| Saint Regis Lane | Both | Pilgrim Drive | Glen Oaks Drive | Yes | No |
| Shertzer Lane | Both | South entrance food market | Borough line | No | No |
| Shertzer Lane | West | South entrance food market | Manor Avenue | No | No |
| South Duke Street | East | Crossland Pass | Borough line | No | No |
| Spring Drive | East | East Cottage Avenue | New Street | Yes | No |
| Stonegate Court | Both | Murray Cross Way | Cul-de-sac | Yes | No |
| Thorngate Place | Both | Murray Cross Way | Cul-de-sac | Yes | No |
| Timber Point Lane | Both | Pilgrim Drive | End | Yes | No |
| Village Green Lane | Both | Fresh Meadow Drive | Glen Oaks Drive | Yes | No |
| Wabank Road | Both | Millersville Road | Eastern borough municipal line | Yes | No |
| Wabank Road | East | Barbara Street | Manor Avenue | Yes | No |
| Walnut Lane | Both | Fresh Meadow Drive | End | Yes | No |
| West Frederick Street | South | North Duke Street | 228 West Frederick Street | No | No |
| West Frederick Street | South | South Duke Street | North Duke Street | Yes | No |
| Windgate Court | Both | Crossland Pass | Cul-de-sac | Yes | No |
| | | | | No | No |

§ 320-5.06 ACTION UPON FAILURE TO COMPLY; VIOLATIONS AND PENALTIES.

- A. Upon neglect of any property owner to comply with any provision of this article, the Borough may, after 30 days' notice, have the laying out, grading, constructing or repairing of curbs and sidewalks done by the Borough. The cost of that work, plus 10% additional, together with all charges and expenses, shall be assessed against that property owner and may be collected by municipal claim or action in assumpsit.
- B. Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. After receiving notice of any violation, each day thereafter shall constitute a separate offense until the violation is remedied; and provided, further, that the penalties prescribed in this subsection may be in addition to any amount assessed and collected under Subsection A of this section.

§ 320-5.07 NOTICES.

Any and all notices required by this article shall be served on the owner of the premises to which the notice refers if such owner is a resident of the Borough. If the owner is not a resident, then the notice may be served upon the agent or tenant of the owner or upon the occupant of such premises. If the owner has no agent or tenant or there is no occupier of such premises, then service shall be by notice posted upon the premises and mailed to the last known address of the owner.

ARTICLE VI. RIGHT-OF-WAY MANAGEMENT PERMITS

§ 320-6.01 APPLICABILITY.

The requirements of this Ordinance shall govern the construction, maintenance and operation of Facilities within the Rights-of-Way of the Borough of Millersville, unless otherwise prescribed in an Ordinance of the Borough or a valid agreement between the Borough and any Right-of-Way Occupant.

§ 320-6.02 ADMINISTRATION.

Administration of the Rights-of-Way shall be the responsibility of the Streets Superintendent or their designee.

§ 320-6.03 RIGHT-OF-WAY USE AGREEMENT.

- A. All Right-of-Way Occupants that are not Public Utilities shall be required to execute a valid Right-of-Way Use Agreement with the Borough. The execution of a valid Right-of-Way Use Agreement shall be prerequisite to the issuance of any Right-of-Way Construction Permit authorizing the construction of Facilities in the Rights-of-Way.
- B. No Right-of-Way Use Agreement shall be required for any Cable Operator that is party to a valid Cable Franchise with the Borough. Any Cable Operator seeking to provide service in the Borough shall be required to obtain a valid Cable Franchise from the Borough prior to providing cable service in the Borough.

§ 320-6.04 RIGHT-OF-WAY PERMITS REQUIRED.

- A. Unless otherwise provided in this Chapter, no Right-of-Way Occupant may construct any Facilities in the Rights-of-Way without first having obtained a Right-of-Way Construction Permit from the Borough in accordance with the requirements of this Chapter.
- B. Right-of-Way Construction Permit Requirements.
 - (1) A Right-of-Way Construction Permit shall authorize the Right-of-Way Occupant to construct only those Facilities expressly specified by the Right-of-Way Construction Permit. Such authorization shall be valid only for the dates and area(s) of the Rights-of-Way specified in such Right-of-Way Construction Permit.
 - (2) No Right-of-Way Construction Permit shall be required for the installation, repair or maintenance of Facilities by or for the Borough.
- C. Emergency repairs may be undertaken without first obtaining a Right-of-Way Construction Permit, provided however that the Right-of-Way Occupant must inform the Borough Streets Superintendent of such repairs as immediately as is practicable and shall apply for a Right-of-Way Construction Permit within 24 hours of the onset of the Emergency. Such application shall include all information required by Section 320-59 and shall provide a detailed written description of the Emergency and the work that was

performed to remedy, whether completed or ongoing, to address such issues as have arisen from the Emergency.

§ 320-6.05 RIGHT-OF-WAY PERMIT APPLICATION PROCESS.

- A. An application for a Right-of-Way Construction Permit shall be submitted to the Borough Streets Superintendent or their designee. Applications for Right-of-Way Construction Permits shall be submitted in writing.
- B. An application for a Right-of-Way Construction Permit shall include, at minimum, the following information:
 - (1) The firm name, primary contact name, address, e-mail and telephone number of each Applicant by or for whom Facilities will be installed in the Rights-of-Way. If the proposed project involves multiple parties, contractors, or subcontractors, then the application shall include the firm name, primary contact name, address, and e-mail and telephone contact information of each party along with a description of the work to be performed by each party.
 - (2) A detailed description of the work to be performed pursuant to the Right-of-Way Construction Permit, including all construction activity, the locations of such construction activity, and all Facilities that will be constructed or installed.
 - (3) Insurance documentation showing the following:
 - (a) Verification that an insurance policy has been insured to the Applicant by an insurance company licensed to do business in the Commonwealth of Pennsylvania or a form of self-insurance acceptable to the Borough.
 - (b) Verification that the Applicant is insured as required by Section 320-61 of this Ordinance or applicable law.
 - (c) The Borough may require a copy of the actual insurance policies.
 - (4) A copy of the Applicant's Right-of-Way Use Agreement, Certificate of Public Convenience and Necessity from the Public Utility Commission, Cable Franchise, or other legal authorization granting permission to occupy the Rights-of-Way.
 - (5) Construction plans or other documentation clearly showing the proposed Facilities to be constructed in the Rights-of-Way, all construction activity necessary in order to construct such Facilities, all locations that will be affected by such construction, and the anticipated timeline for completion of all construction.
 - (6) If traffic control will be required as part of the construction, a traffic control plan shall be submitted as part of the application.
 - (7) If excavation is required, the Applicant shall also be required to obtain a permit in accordance with the requirements of Chapter 320, Article I of the Borough Code.
 - (8) If the proposed Facilities will be attached to utility poles or other property owned by a party other than the Applicant, documentation shall be submitted showing

that the Applicant has obtained permission to attach the proposed Facilities to such utility poles or other property.

- (9) All fees required by this Ordinance, any other applicable provision of the Borough Code and the Borough fee schedule.

C. Approval.

- (1) Upon a determination that an application for a Right-of-Way Construction Permit is complete and satisfies all requirements of this Ordinance, and that the Applicant does not have a substantial history of non-compliance with the Borough Code that has not been remedied, the Streets Superintendent or their designee shall issue a Right-of-Way Construction Permit within ten (10) business days of the filing of the application.
- (2) If an application is incomplete or otherwise fails to comply with the requirements of this Ordinance, the Borough Streets Superintendent or their designee shall issue a notice of denial, specifying the reasons for the denial, within ten (10) business days of the filing of the application.
- (3) The Borough Streets Superintendent or their designee may include in the issuance of any Right-of-Way Construction Permit such reasonable conditions as are necessary to protect the public health, safety and welfare of Borough residents and preserve the Rights-of-Way, consistent with applicable federal and state law.
- (4) A Right-of-Way Construction Permit shall be valid for a period of one hundred eighty (180) days from the date of issuance, unless otherwise specified by the Borough Streets Superintendent or their designee upon issuance of the Right-of-Way Construction Permit. If an Applicant will need additional time to perform the activity contemplated by the Right-of-Way Permit, the Applicant shall request such additional time as part of the application.
- (5) Upon the expiration of a valid Right-of-Way Construction Permit, the Right-of-Way Occupant must immediately cease all construction activity contemplated by the expired Permit until such time as a new Right-of-Way Construction Permit is granted to the Right-of-Way Occupant by the Borough.
- (6) At any time prior to the expiration of a Right-of-Way Construction Permit, Right-of-Way Occupant may request an extension of the Right-of-Way Construction Permit by submitting a written request to the Borough Streets Superintendent or their designee. Such request shall state the length of extension requested and shall provide an explanation as to why such extension is necessary. The Borough Streets Superintendent or their designee may grant or deny such requests in their sole discretion.

D. Appeal.

- (1) Any Applicant or Right-of-Way Occupant seeking that wishes to appeal a decision of the Borough Streets Superintendent or their designee under this Chapter may do so by filing an appeal with the Borough Council within thirty

(30) days of receipt of any denial, notice of violation, or any other notice issued pursuant to the requirements of this Chapter.

- (2) Any such appeal shall clearly state the application or violation number for which the appeal is being filed, the name, address and contact information of the Applicant or Right-of-Way Occupant, and the reason for the appeal.
- (3) A public hearing on such appeal shall be held within thirty (30) days of filing of the appeal with the Borough Council. Final decision on the appeal shall be issued within ten (10) days of such public hearing.

§ 320-6.06 FEES.

- A. The Borough Council may establish by resolution such fees as are deemed necessary for the review, issuance and extension of Right-of-Way Construction Permits.
- B. No Right-of-Way Construction Permit shall be issued or extended without the payment of all applicable fees. All fees are non-refundable.
- C. Occupancy of Borough Rights-of-Way by any Right-of-Way Occupant, excluding Cable Operators and Public Utilities, is subject to the Borough's right to fix annually a fair and reasonable compensation, which shall be directly related to the Borough's actual Right-of-Way maintenance costs. Any such fee shall be determined by the Borough and authorized by resolution of Borough Council.

§ 320-6.07 CONSTRUCTION IN THE RIGHTS-OF-WAY.

- A. **Scope of Work.** A Right-of-Way Occupant shall be permitted to perform only the work detailed in the Right-of-Way Construction Permit. No additional work may be performed that is not included in the Right-of-Way Construction Permit.
- B. **Standard of Care.** Each Right-of-Way Occupant shall perform construction activity in a manner consistent with the plans it submitted to the Borough pursuant to Chapter 320 of the Borough Code, the Right-of-Way Construction Permit, all applicable industry standards and codes and applicable federal, state and local laws and regulations.
- C. **Permit Required for Excavation.** Except in the case of an Emergency, no Right-of-Way Occupant shall perform any street excavation in the Rights-of-Way without first obtaining a permit and paying the applicable fees pursuant to Chapter 320, Article I of the Borough Code. The procurement of such permit shall only be necessary when the proposed street excavation and/or construction impacts Borough streets; it shall not apply to any construction or excavation activities on state roads.
- D. **One Call.** Whenever a Right-of-Way Occupant or any of its contractors or subcontractors shall disturb any pavement, sidewalk or other public property in order to perform any underground activities, such Right-of-Way Occupant will fully comply by registering with the state's "One Call" system pursuant to 73 P.S. §§ 176 et seq. Such Right-of-Way Occupant shall provide the Borough with information showing planned locations and reference points for equipment to be installed.

- E. Insurance. Each Right-of-Way Occupant shall file with the Borough Streets Superintendent properly executed certificates of insurance verifying that the Right-of-Way Occupant is insured against claims for personal injury as well as against claims for property damage which may arise from the Right-of-Way Occupant's activities within the Borough, whether such activities be performed by the Right-of-Way Occupant or anyone directly or indirectly employed by or contracted by the Right-of-Way Occupant. Liability insurance for bodily injury and property damage shall be an amount not less than one million dollars (\$1,000,000) for each accident and two million dollars (\$2,000,000) in the aggregate.
- F. Relocation or Removal of Facilities. Within sixty (60) days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an Emergency, a Right-of-Way Occupant that is not a Public Utility shall temporarily or permanently remove, relocate, change or alter the position of any Facilities within the Right-of-Way, excluding those underground, whenever the Borough, consistent with applicable PUC regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (1) The construction, repair, maintenance, or installation of any Borough or other public improvement in the Right-of-Way;
 - (2) The operations of the Borough or other governmental entity in the Right-of-Way;
 - (3) Vacation of a Street or the release of a utility easement; or
 - (4) An Emergency as determined by the Borough.
- G. Restoration of Property. A Right-of-Way Occupant, including any contractor working for a Right-of-Way Occupant, shall avoid any damage or disturbance to any public or private property in the Rights-of-Way. If any public or private property is damaged by the Right-of-Way Occupant, including any contractor working for the Right-of-Way Occupant, the Right-of-Way Occupant shall promptly repair and restore such property within ten (10) business days. In the event that the Right-of-Way Occupant fails to restore such property to its former condition within ten (10) business days, the Borough may repair such property itself and assess all costs associated with such repair to the Right-of-Way Occupant.
- H. Damage to Trees. If a Right-of-Way Occupant shall cause damage to any tree on public or private property, the Right-of-Way Occupant shall either replace the tree with a tree of comparable quality or fully compensate the property owner for any damage to such tree. If a Right-of-Way Occupant shall cause damage to any tree on public or private property, the Right-of-Way Occupant shall either replace the tree with a tree of comparable quality or fully compensate the property owner for any damage to such tree.
- I. Indemnification. Each Right-of-Way Occupant shall, at its sole cost and expense, indemnify, defend and hold harmless the Borough, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Right-of-Way Occupant, its officers, agents,

employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of Right-of-Way Occupant's Facilities in the Rights-of-Way. Each Right-of-Way Occupant shall defend any actions or proceedings against the Borough in which it is claimed that personal injury, including death, or property damage was caused by the Right-of-Way Occupant's construction, installation, operation, maintenance or removal of Right-of-Way Occupant's Facilities in the Rights-of-Way. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

§ 320-6.08 MAPS.

Within thirty (30) days of completion of any construction authorized by a Right-of-Way Construction Permit, and upon request thereafter, each Right-of-Way Occupant shall submit to the Borough Streets Superintendent two paper copies and one electronic copy of maps depicting and certifying the location of all affected existing Facilities within the Right-of-Way. On an annual basis and within thirty (30) days of written request by the Borough, a Right-of-Way Occupant shall submit to the Borough Streets Superintendent two paper copies and one electronic copy of maps depicting and certifying the location of all Facilities in the Right-of-Way owned or maintained by the Right-of-Way Occupant.

§ 320-6.09 PENALTIES.

- A. Notice; Opportunity to cure.
- (1) If a Right-of-Way Occupant is found to be in violation of any of the requirements of this Ordinance, the Borough Streets Superintendent shall notify such Right-of-Way Occupant in writing of the nature of the violation. Upon receipt of such notice, the Right-of-Way Occupant shall have five (5) business days to correct such violation. If the nature of the violation is such that more than five (5) business days is required to correct the violation, then the timeframe for remedy may be extended by Borough Streets Superintendent upon a showing by the Right-of-Way Occupant that additional time is necessary and that the Right-of-Way Occupant is diligently pursuing a cure.
 - (2) If a Right-of-Way Occupant fails to correct any violation within the timeframes detailed above, then the Right-of-Way Occupant shall be subject to such penalties as are contemplated by this Ordinance.
- B. Penalties.
- (1) Any person violating any provision of this Ordinance shall be fined one thousand dollars (\$1,000.00) for each and every violation. Each failure to comply with the requirements of this Ordinance, and each and every day during which such violation continues, shall constitute a separate offense.
 - (2) If any Public Utility violates any provision of this Ordinance, the Borough may file a petition with the Public Utility Commission, detailing the nature of the

violation and requesting such relief as is deemed appropriate by the Public Utility Commission.

- C. Denial of future permits. The Borough Streets Superintendent reserves the right to deny the issuance of future permits to any person who is in violation of the requirements of this Ordinance. This provision shall in no way prohibit or limit the right of the Borough to bring legal action against a Right-of-Way Occupant.

§ 320-6.10 MISCELLANEOUS.

- A. Police powers. The Borough, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen, or impair the lawful police powers vested in the Borough under applicable federal, state and local laws and regulations.
- B. Previous Ordinances. Any Ordinance, or part of any Ordinance, conflicting with this Ordinance is hereby repealed insofar as the same effects this Ordinance.
- C. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision, and such holding shall not render the remainder of this Chapter invalid.
- D. **Effective Date. This Ordinance shall become effective immediately upon enactment by the Council of the Borough of Millersville.**

ARTICLE VII. GENERAL CONDITIONS REGARDING PERMITS

§ 320-7.01 CONSTRUCTION IN ACCORDANCE WITH PLANS.

- A. All facilities shall be constructed in strict accordance with the approved plans and no changes shall be effectuated unless the same receive the written authorization of the Borough Council or their Designee. Notwithstanding the provisions of this Section, the Borough Council or their Designee reserves the right to require changes during the construction stages where field conditions warrant such changes.
- B. State forms and regulations. Should any forms, specifications and/or regulations of the Commonwealth of Pennsylvania which are referred to in this article be subsequently amended, replaced or in any other way changed, this article shall be automatically amended to incorporate herein the subsequent, similar forms, specifications and/or regulations of the Commonwealth of Pennsylvania.

§ 320-7.02 PRE-CONSTRUCTION MEETING.

- A. Prior to the commencement of construction, the Applicant shall contact the Borough Street Superintendent or their Designee to arrange a pre-construction meeting. The Applicant, his agents and contractor(s) shall attend the pre-construction meeting to review the Borough's construction requirements and inspection procedures.
- B. The Applicant shall make available 24 hours a day a maintenance crew for repairs and maintenance of trenches or other work which has become hazardous to the public as a result of trench settlement or other reasons. The Applicant shall make the name, address and telephone number of a responsible maintenance person available to the Borough. If the maintenance person so assigned fails to respond or the Applicant fails to make repairs within the time frame directed by the Borough Council or their Designee, then the necessary repairs or maintenance may be performed by the Borough and the full cost of the work charged to the Applicant.

§ 320-7.03 INSPECTIONS.

- A. All work done pursuant to the provisions of this chapter shall be inspected by the **Borough Street Superintendent or their Designee**. The costs of such inspections, observation and tests shall be borne by the applicant, developer or property owner.
- B. Street Excavations - the Applicant shall notify the Borough Street Superintendent or their Designee two (2) days in advance of when the opening or excavation will be ready for backfilling and before commencing any backfilling.
- C. New and reconstructed streets - The Applicant shall notify the Borough Street Superintendent or their Designee two (2) days in advance of the intended date of construction. The Applicant shall make available one (1) loaded tandem dump truck to proof roll the subgrade or base. The Borough, at the Applicant's expense, reserves the right to require testing of the street materials to determine if the street construction complies in all respects with the approved plans, as modified.

- (1) Inspection schedule for new and reconstructed streets:
 - (a) Any street or road started and not completed must be inspected by Borough officials before work is renewed.
 - (b) After completion of subgrade and prior to placing any base material.
 - (c) Upon completion of base course.
 - (d) Upon completion of binder course.
 - (e) Upon completing of wearing course.
 - (f) A final inspection of all items of work shall be completed not more than 10 days prior to dedication of the roadway to the Borough.
- D. Curb and Sidewalk Construction or Repair - the Applicant shall notify the Borough Street Superintendent or their Designee two (2) days in advance of construction or repair of a curb and sidewalk.
 - (1) The Borough Official may review both curblines and curb grade prior to actual construction.
 - (2) The Borough Official may review the sidewalk forms prior to actual construction.
- E. The Borough reserves the right to make periodic inspections of construction. However, no provision of this Section shall be construed as mandating periodic inspections, and the undertaking of periodic inspections shall not be construed as an acceptance of the work during construction or as a final inspection of the construction.
- F. Upon completion of all the public improvements, the Applicant shall request of the Borough the final inspection of the project. The final inspection shall be made by the Borough Street Superintendent or their Designee in conjunction with the Applicant's contractor. Upon completion of the final inspection, the Borough shall provide the Applicant with a final "punch list" of the defective items which must be repaired or replaced to meet Borough standards. No public facilities shall be offered to the Borough for dedication until all punch list items have been satisfied.
- G. Any street, road or curb which is not inspected or does not meet Borough specifications will not be accepted by Millersville Borough.

§ 320-7.04 PERMITTEE RESPONSIBILITIES.

- A. The permittee shall pay all fees, costs and expenses incident to or arising from the project, including the cost of related street improvements which increased traffic or stormwater may necessitate. The permittee shall reimburse the Borough for any and all inspection costs within 30 days after receipt of the Borough's invoice.
- B. The permittee shall make available 24 hours a day a maintenance crew for repairs and maintenance of trenches or other work which has become hazardous to the public as a result of trench settlement or other reasons. The permittee shall make the name, address and telephone number of a responsible maintenance person available to the Borough. If the maintenance person so assigned fails to respond or the permittee fails to make repairs

within the time frame directed by the Borough Council or their Designee, then the necessary repairs or maintenance may be performed by the Borough and the full cost of the work charged to the permittee.

- C. The permittee shall be responsible to visually document the existing conditions of the street subject to excavation and the surrounding areas prior to the commencement of the excavation. Documentation of the area subject to excavation shall be in the form of photographs and/or video. It will be the permittee's responsibility to defend any claims of damage filed by the Borough or other affected party.
- D. In the event of failure or neglect by permittee to perform and comply with the permit or these regulations, the Borough may immediately revoke and annul the permit and order and direct the permittee to remove any or all structures, equipment or property belonging to the permittee or its contractors from the legal limits of the street right-of-way and to restore the right-of-way to its former condition.
- E. In the event the Borough determines that such structures, equipment or property pose a threat to the public safety, and the permittee fails to remove the same after notice from the Borough Council or their Designee to do so, the Borough may perform the necessary and required work and shall be reimbursed for the costs thereof by the permittee within 30 days after receipt of the Borough's invoice.
- F. If work is stopped on a project for any reason, and if any ditch or trench, in the opinion of the Borough Street Superintendent or their Designee, remains open and unprotected, the permittee, if so directed, shall refill the ditch or trench and work shall not be resumed until the permittee is prepared to proceed immediately with the work to its completion. In the event the permittee fails to refill the ditch or trench or complete the work upon notice from the Borough Council or their Designee to do so, the Borough may perform the necessary and required work and shall be reimbursed for the costs by the permittee within 30 days after receipt of the Borough's invoice.
- G. If the permittee, after making an opening in the surface for any other purpose, fails to restore any portion of the street or sidewalk to conform with the requirements of this ordinance upon notice from the Borough Street Superintendent or their Designee to do so, the Borough may perform the work and the permittee shall reimburse the Borough for the costs within 30 days after receipt of the Borough's invoice.
- H. The Borough shall be provided with a copy of all tickets for materials used in the construction of proposed public streets or stormwater management facilities.
- I. At the time of delivery of the manufactured materials, the permittee shall provide the Borough with a statement of certification from the manufacturer that the manufactured materials to be used as part of the construction of the public improvement meet the minimum requirements of the appropriate Millersville Borough or PennDOT specifications.

§ 320-7.05 SPECIAL PROVISIONS.

- A. Notwithstanding the provisions of this Ordinance, the Council reserves the right and privilege to alter the design specifications, method of construction, type of construction

and to require the utilization of a specific alternate for pavement construction where such alteration is based upon sound engineering judgment and principles and is in the best interest of the public.

- B. Where a proposed subdivision or land development fronts on a Borough or PennDOT Street, the Applicant shall install curbing, sidewalk and pavement widening along the entire length of the proposed subdivision or land development in accordance with this Ordinance, the Borough Subdivision and Land Development Ordinance and the **Millersville Borough Technical Specifications and Standard Details in Appendix B**.
- C. A PennDOT Highway Occupancy Permit shall be required for any work within the PennDOT right-of-way.

§ 320-7.06 TECHNICAL SPECIFICATIONS AND SPECIAL CONDITIONS OF WORK.

- A. All construction shall be in accordance with PennDOT Form 408 Specification, latest edition, or as revised by the **Millersville Borough Technical Specifications and Standard Details in Appendix B**.

§ 320-7.07 STORMWATER MANAGEMENT CONTROL PLAN.

- A. Applicant shall simultaneously submit a stormwater management plan which shall comply with the Millersville Borough Stormwater Management Ordinance (Chapter 260).
- B. No permit will be issued until the Applicant has met the conditions of the Borough's Stormwater Management Ordinance (Chapter 260).
- C. Altering existing stormwater management facilities is prohibited. Unless specifically authorized by the permit, the permittee shall not:
 - (1) Alter the existing stormwater drainage pattern or the existing flow of stormwater water; or
 - (2) Direct additional stormwater onto or into the right-of-way in a way which would have a detrimental effect on the street or street facilities.
- D. When the work performed by the applicant interferes with the established stormwater management system of any street, adequate provision shall be made by the applicant to provide proper drainage to the satisfaction of the Borough.

§ 320-7.08 MAINTENANCE AND PROTECTION OF TRAFFIC.

- A. The Borough may require the Applicant to submit a traffic control plan if it is anticipated that a potential hazard or interference with vehicular or pedestrian traffic will result from performance of the work.
- B. In accordance with, and in addition to the **Millersville Borough Technical Specifications and Standard Details in Appendix B**, during excavation or other construction in any street, every necessary and reasonable precaution shall be taken by the Applicant and the

- parties performing the work to keep the street in a safe and passable condition, both day and night.
- C. Maintenance and protection of traffic shall be carried out in accordance with the most current applicable PennDOT Work Zone Traffic Control requirements.
 - D. The traffic control plan shall be either:
 - (1) A detailed drawing, showing all traffic control devices; or
 - (2) A reference to a standard drawing set by PennDOT, provided that the referenced standard drawing properly depicts the work area and completely addresses the needed traffic control.
 - E. Permittee shall furnish, erect, place and maintain traffic control signs and devices. Permittee shall maintain traffic during hours of construction and at all other times in accordance with the methods indicated on the traffic control plan and the following:
 - (1) Penn DOT Pub. 35, Approved Construction Materials (Bulletin 15).
 - (2) PennDOT Publication 72m.
 - (3) PennDOT Publication 111m.
 - (4) PennDOT Publication 212 Official Traffic Control Devices, Sub Chapter E.
 - (5) PennDOT Publication 213, Temporary Traffic Control Guidelines.
 - (6) PennDOT Publication 236.
 - (7) PennDOT Publication No. 408, Specifications.
 - (8) The Manual on Uniform Traffic Control Devices (MUTCD).
 - F. A traffic control plan shall be submitted to and approved by the Borough Council or their Designee before closing any portion of a lane to vehicular traffic.
 - G. When the driveway is ready for use, the permittee shall, at the permittee's sole cost, install such traffic control devices as are necessary, in the discretion of the Borough Council or their Designee, for public safety.

§ 320-7.09 TRAFFIC CONTROL DEVICES.

- A. Non-Electrically Powered Devices
 - (1) The permittee shall, at its own expense, install and maintain all non-electrically powered traffic control devices, as specified in the permit, which are required to provide for the safe and orderly movement of vehicular or pedestrian traffic, or both. These devices shall include, but not be limited to, any required regulatory, warning or guide signs, delineators and pavement markings.
- B. Electrically Powered Devices
 - (1) When power-operated devices, including traffic signals, are required for proper traffic control, a traffic signal permit shall be obtained from the Department of Transportation, Commonwealth of Pennsylvania. The permit to own and operate a

traffic control device may be requested by and issued only to the Borough. The permittee, however, shall provide all information necessary to obtain such a permit and shall reimburse the Borough for all expenses involved in applying for and obtaining the permit, and in purchasing, constructing, installing, operating and maintaining such device.

- (2) Applications for driveways that include traffic signal control shall be accompanied by the following additional information:
 - (a) An engineering study in sufficient detail to allow determination of the need for signal control and the adequacy of its design and operation.
 - (b) Location of traffic signal heads, poles, controller and detectors.
 - (c) Phasing and timing diagrams in Penn DOT format.
- (3) Applicants proposing new traffic signals or modifications to existing traffic signals are required to install new equipment or upgrade all existing signal equipment to the current standards as provided by the Street Superintendent.

C. Permanent Sign Installations

- (1) All permanent sign installations within the street right-of-way shall be subject to approval of the Millersville Borough Council.

§ 320-7.10 RESTORATION OF SLOPES.

All disturbed slopes or earthen areas shall be restored to their original condition, or in a manner approved by the Borough.

§ 320-7.11 DEPOSIT OF MATERIALS.

- A. The permittee shall keep the improved area free of all material which may be deposited by vehicles traveling upon or entering onto the Street during the performance of work authorized by the permit.
- B. The permittee shall be responsible for controlling dust conditions created by its operations.
- C. All excess material and material that is not suitable for backfill shall be removed and disposed of outside the Street right-of-way as the work progresses.
- D. All retained material shall be placed or stored outside the improved area, and in such a manner that there will be no interference with the flow of water in any gutter, drain, pipe, culvert, ditch or waterway.

§ 320-7.12 EQUIPMENT DAMAGING ROADWAY.

- A. To protect the pavement and shoulders, all equipment shall have rubber wheels or runners and shall have rubber, wood or similar protective pads between the outriggers and the surface, unless otherwise authorized by the permit.

- B. In the event that other than rubber-equipped machinery is authorized for use, the pavement and shoulders shall be protected by the use of matting, wood or other suitable protective material having a minimum thickness of four inches.
- C. If the equipment damages the pavement, the permittee shall restore the pavement to its former condition, at the permittee's expense.

§ 320-7.13 RESTORATION.

All disturbed portions of the Street, including slopes, and all appurtenances and structures such as guiderails or drain pipes shall be restored by the permittee to a condition at least equal to that which existed before the start of any work authorized by the permit. This includes providing appropriate end treatments on guiderail systems where existing guiderail is being broken by the driveway.

§ 320-7.14 ACCEPTANCE OF WORK.

Final acceptance of the work shall be made by the Borough Council or their Designee.

§ 320-7.15 CORRECTION OF UNSATISFACTORY OR INCOMPLETE WORK.

- A. In the event that any work performed by or for a permit holder shall, in the opinion of the Borough Street Superintendent or their Designee, be unsatisfactory and the same shall not be corrected in accordance with their instructions within the time fixed by them or, in the event that the work for which the permit was granted is not completed within the time noted on the permit, the Borough may proceed to correct such unsatisfactory work or complete any such work not completed and charge the cost thereof, plus 20%, to the Applicant.
- B. In case any dispute arises between the permittee and the Borough Street Superintendent or their Designee, the Borough Street Superintendent or their Designee shall have the authority to suspend work until the question at issue can be referred to and be decided by the Borough Council.
- C. When any earth, gravel, or other excavated material is caused to roll, flow, or wash upon any street, the applicant shall cause the same to be removed from the street within 24 hours after deposit. In the event the earth, gravel, or other excavated material so deposited is not removed, the Borough shall cause the removal, and the cost incurred shall be paid by the applicant.
- D. If within 18 months after the restoration of the surface as herein provided, defects shall appear therein resulting from defective backfilling by the applicant or its contractor or otherwise related to the applicant's work, the Borough may proceed to correct such unsatisfactory work and charge the cost thereof, plus 20%, to the Applicant.
- E. Payment for all work done by the Borough under the provisions hereof shall be made by the person made liable therefore within 30 days after a bill is sent to such person by the Borough. Upon failure to pay such charges within such time, the same shall be collectible by the Borough by an action at law or in the manner provided by law for the collection of municipal claims.

§ 320-7.16 MAINTENANCE.

All driveways and adjacent areas within the Street right-of-way shall be continuously maintained by the landowner so as to conform to the permit and so as not to interfere or be inconsistent with the design, maintenance and drainage of the Street or the safe and convenient passage of traffic upon the Street.

§ 320-7.17 USE OF STREET RIGHT-OF-WAY PROHIBITED.

- A. No part of the Street right-of-way shall be used for servicing vehicles, displays or conducting business. The area between the edge of the pavement and the right-of-way line shall be kept clear of all buildings, sales exhibits, business signs, vehicles, service equipment and similar items.
- B. Improvements on private property adjacent to the Street right-of-way shall be so located that parking, stopping and maneuvering of vehicles on the right-of-way will not be necessary in order for vehicles or patrons to be served.

§ 320-7.18 INSURANCE.

- A. The permittee, his agent or contractor shall submit to the Borough Office a certificate or certificates of insurance for public liability. The type and amount of insurance shall be as specified in the Special Conditions of Work section of the **Millersville Borough Technical Specifications and Standard Details in Appendix B.**
- B. The permittee, his agent or contractor shall submit to the Borough Office Evidence that the contractor has workers' compensation insurance or that such contractor is not required to maintain workers' compensation insurance.

§ 320-7.19 ADDITIONAL RESTRICTIONS.

- A. All work authorized by the permit shall be subject to all applicable laws, rules, and regulations, including, but not limited to the following:
 - (1) Act of October 26, 1972 (P. L. 1017, No. 247) (53 P. S. § 1611), concerning environmental control measures related to pollution and the preservation of public natural resources.
 - (2) Act of December 10, 1974 (P. L. 852, No. 287) (73 P. S. § § 176—182), concerning protection of the public health and safety by preventing excavation or demolition work from damaging underground utility facilities.
 - (3) Act of October 5, 1978 (P. L. 1104, No. 260) (72 P. S. § § 4651-1—4651-10) which provides that the Board of Claims shall have jurisdiction of claims against the Commonwealth arising from contracts.
 - (4) O.S.H.A. construction safety and health regulations, 39 Fed. Reg. 22801 (June 24, 1974) and 29 CFR § 1926.1 et seq.
 - (5) Ordinances enacted by Millersville Borough which contain more stringent minimum safety requirements than this chapter.

§ 320-7.20 AS-BUILT PLAN OF UNDERGROUND FACILITIES AND STRUCTURES.

- A. Within 60 days after completion of installation of any pipe, conduit or other underground structure under any Borough street or sidewalk by any party other than a Borough employee or contractor (acting under Borough authority), the applicant for the permit authorizing such work shall file or procure the filing showing the exact size, location and depth of the underground facilities or structures, with tie-in measurements to enduring surface monuments, accompanied by a certificate by the applicant or his/her contractor that the installation, as actually made, was in conformity with the location and any other specifications prescribed by the permit.

ARTICLE VIII. DESIGN STANDARDS FOR CURB AND SIDEWALK

§ 320-8.01 CURB AND SIDEWALK CONSTRUCTION.

- A. All curbs and all sidewalks shall be designed and constructed in accordance with all requirements of this Chapter and the following:
- (1) PennDOT Publication 408 or its successor publication.
 - (2) PennDOT Publication 72 or its successor publication.
 - (3) PennDOT specifications for ADA-accessible curb ramps, sidewalk and driveway aprons (Pub 72 Standards for Roadway Construction Standard RC-67M).
 - (4) Americans with Disabilities Act.
 - (5) Chapter 325 Subdivision and Land Development of the Borough's Codified Ordinances.
 - (6) The Millersville Borough Technical Specifications and Standard Details in Appendix B.

§ 320-8.02 CURB.

- A. All curb shall be concrete. Vertical concrete curb shall have a 6" or 8" reveal. All curbs shall be designed and constructed as shown in the Millersville Borough Technical Specifications and Standard Details in Appendix B.
- B. The use of rolled concrete curb, macadam curb, or alternate materials is not permitted, except to match existing curb on adjacent properties and is subject to approval by the Borough Council or their Designee.
- C. Curb ramps for handicapped persons shall be constructed at crosswalks in accordance with guidelines and criteria contained in Chapter 8, Pedestrian Facilities, of the PennDOT Design Manual, Roadway Construction Standard RC-67M or any such future publications or any regulations adopted by PennDOT. All curb-cut ramps shall additionally comply with the U.S. Americans With Disabilities Act and all regulations adopted pursuant thereto.
- D. Where property abutting the right-of-way line could be used as a parking area, the permit may require curbing, permanent guiderail or bumper blocks to be constructed along the right-of-way line in order to prohibit vehicle encroachment upon the sidewalk area.
- E. Curbing shall be constructed in ten-foot lengths. A pre-molded expansion material having a minimum thickness of 1/4 inch shall be placed between sections of curved curb and at intervals of not more than 120 feet. Intermediate joints between ten-foot sections shall be formed of two layers of single-ply bituminous paper.
- F. The depressed curb at driveways shall be no higher than 1 1/2 inch above the street surface, unless a differing standard is required by PennDOT. The length of this depressed curb shall not exceed 35 feet without a safety island. This safety island shall not be less than 15 feet in length.

- G. Grates or other obstructions shall not be placed in the gutter in front of a depressed curb or curb ramp.

§ 320-8.03 SIDEWALK.

- A. All sidewalks shall be a minimum of 4” thick, with 4” stone base except in areas traversed by vehicles where it shall be 6” thick and reinforced. All sidewalks shall be constructed as shown in the Typical Details section of the Millersville Borough Technical Specifications and Standard Details in Appendix B.
- B. Sidewalks shall have a minimum four feet of clear unobstructed width, except along collector and arterial streets and adjacent to shopping centers, public schools and public parks, where sidewalks shall have a minimum unobstructed width of five feet. If sidewalks are less than 5 feet in width, see standards under the Americans With Disabilities Act, which may require periodic wider areas for passing of wheelchairs.
- C. Sidewalks shall be located within the street right-of-way, a minimum of one foot from the right-of-way line.
- D. All sidewalk and curb ramps shall meet all current ADA and PennDOT Publication 72 Standards for Roadway Construction Standard RC-67M requirements. The location and ramp type should be shown on the plans. Provide a note to indicate that the contractor is responsible to install the curb ramps, sidewalk and driveway aprons to the latest ADA or PennDOT standards at the time of construction.
- E. The detectable warning surface for curb ramps within the public right-of-way shall be constructed from removable panels. The panel’s manufacturer shall be as specified by the Borough. The panels shall be provided and installed according to the manufacturer’s specifications and shall meet all applicable PennDOT and ADA requirements.

ARTICLE IX. DESIGN STANDARDS FOR STREETS AND DRIVEWAYS

§ 320-9.01 GENERAL STANDARDS.

- A. All streets, driveways, curbs and sidewalks shall be designed and constructed in accordance with all requirements of this Chapter and the following:
 - (1) PennDOT Publication 408 or its successor publication.
 - (2) PennDOT Publication 72 or its successor publication.
 - (3) PennDOT specifications for ADA-accessible curb ramps, sidewalk and driveway aprons (Pub 72 Standards for Roadway Construction Standard RC-67M).
 - (4) Americans with Disabilities Act.
 - (5) Chapter 325 Subdivision and Land Development of the Borough's Codified Ordinances.
 - (6) The Millersville Borough Technical Specifications and Standard Details in Appendix B.

§ 320-9.02 STREETS.

- A. The right-of-way shall be graded to its full width.
- B. Plowing easements shall be provided for snow piles at "T" intersections and permanent or temporary cul-de-sacs.
- C. All storm water management facilities shall be designed in accordance with the Millersville Borough Storm Water Management Ordinance.

§ 320-9.03 GENERAL ARRANGEMENT.

The following criteria shall be considered in the design of streets in all subdivisions and/or land developments.

- A. The Borough Council may require that new street connections be provided that comply with the Comprehensive Plan and/or the Borough Official Map, or that are necessary for efficient traffic movement.
- B. Proposed streets shall further conform to such county and state street and highway plans as have been prepared, adopted and/or filed as prescribed by law.
- C. Streets shall be logically related to the topography so as to produce reasonable grades, satisfactory stormwater management and suitable building sites.
- D. Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets shall provide for the continuation of existing or platted streets and proper access to adjoining undeveloped tracts suitable for future subdivision.

- E. New streets shall be extended to the boundary lines of the development with temporary easements for turnarounds when the subdivision or land development adjoins unsubdivided acreage.
- F. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Street names shall not be repeated, and all street names shall be subject to the approval of appropriate local authorities.
- G. If lots resulting from original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.
- H. The dedication of half streets at the perimeter of a new subdivision is prohibited.
- I. Local streets shall be arranged so as to discourage excessive speeds when their function is to remain local.
- J. Streets shall be laid out to provide convenient and safe access to the development. Where appropriate, the Borough Council or their Designee may require additional cartway improvements and/or right-of-way width along existing street frontages to accommodate the anticipated traffic increase and to facilitate vehicular turning movements to and from individual lots.

§ 320-9.04 PRIVATE STREETS.

- A. Private streets may be used provided the Borough Council determines that no public benefit will be served by dedication. Applications that propose a private street shall be accompanied by a recorded declaration or an agreement which shall be recorded with the Lancaster County Recorder of Deeds as part of the Final Plan. This agreement shall establish the conditions under which the street will be constructed and maintained in accordance with the design approved on the Final Plan, and shall stipulate:
 - (1) Ownership interest in the private street.
 - (2) No limitations on users unless identified in the private agreement.
 - (3) A statement indicating that civil court, not the Borough Council, is responsible for mitigating differences relating to the agreement.
 - (4) The method of assessing maintenance and repair cost.
 - (5) Private streets shall not be offered for dedication as a public street unless they are restored to Borough design standards for streets. The offer for dedication of the street shall be made only for the street as a whole.
- B. Private streets are to be discouraged within subdivisions, unless adequate off-street parking is shown to exist, and proper maintenance of all improvements is guaranteed by the developer.
- C. Streets providing circulation between adjacent land developments (existing and proposed) shall be public streets and shall be connected directly to another public street.

- D. There shall be a note on each preliminary and final plan indicating those streets that are not intended for dedication.
- E. There shall be a note on each preliminary and final plan indicating which private streets will have off-street parking.
- F. Private streets shall adhere to all design standards of a public street except for those standards for which private streets are specifically excluded.
- G. Private streets shall not be offered for dedication.

§ 320-9.05 STREET DESIGN STANDARDS.

A. Right-Of-Way, and Cartway Widths

- (1) The right-of-way width and cartway width for Local, Collector, and Arterial Streets shall be as shown in the Typical Details section of the Millersville Borough Technical Specifications and Standard Details in Appendix B.
- (2) Where a subdivision or land development abuts or contains an existing street of inadequate right-of-way width, additional right-of-way and cartway width shall be provided to conform to the standards in this chapter.

B. Vertical Street Alignments

- (1) Vertical curves shall be used in changes in grade exceeding one percent (1%).
- (2) The minimum lengths (in feet) of vertical curves shall be 25 times the algebraic difference in grade.
- (3) Alignment:
 - (a) Vertical street and driveway alignments shall be measured along the centerline.
 - (b) Minimum Rate of Vertical Curvature K shall be as specified below:

Table 1 Vertical Curve K Values

| Initial Speed (mph) | Curvature, K ¹ (ft/%) Crest | Curvature, K ¹ (ft/%) Sag |
|---------------------|--|--------------------------------------|
| 25 | 12 | 26 |
| 30 | 19 | 37 |
| 35 | 29 | 49 |
| 40 | 44 | 64 |
| 45 | 61 | 79 |
| 50 | 84 | 96 |

¹Rate of vertical curvature, K=length of curve (L) per percent divided by algebraic difference (A) in the intersection grades (K=L/A)

- (4) Grade:
 - (a) The minimum grade shall be one (1%) percent.
 - (b) The maximum grade shall be eight (8%) percent.
 - (c) Where the approaching grade is seven (7%) percent or greater, a leveling area shall be provided within seventy-five (75) feet of a four-way street intersection on the street of lesser classification, or driveway, or the terminating street at a three-way intersection.
 - (d) Such leveling area(s) shall have a maximum grade of four percent (4%) for a minimum length of forty (40) feet measured from the intersection of the centerlines.

C. Horizontal Street Alignments.

- (1) Horizontal curves shall be used at all angle changes in excess of one (1) degree.
- (2) The design of horizontal curves shall be based on an appropriate relationship between design speed and curvature and on their joint relationships with superelevation.
- (3) Single, long radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments.
- (4) There shall be a tangent of at least 100 feet between reverse curves for all streets other than local streets.
- (5) The center line of the street cartway shall correspond with the center line of the street right-of-way.
- (6) The minimum distance between curb face and an obstruction shall be 1.5 feet.
- (7) Proper sight distances shall be provided with respect to both horizontal and vertical alignment. See § 320-9.17 for sight distance requirements.
- (8) Proper super-elevation shall be provided for curves on arterial and collector streets, following standards of PennDOT or AASHTO.
- (9) See Table 2 Minimum Horizontal Curve Radius for determination of minimum horizontal centerline radius.

Table 2 Minimum Horizontal Curve Radius

| Roadway Classifications | Minimum Centerline Radius (feet) |
|-------------------------|----------------------------------|
| Local Street | 150' |
| Collector Roads | 300' |
| Arterial Roads | 500' or as required by PennDOT |

§ 320-9.06 PAVEMENT SECTIONS AND WIDENING.

- A. The typical pavement sections for local, collector and arterial street shall be as shown in the Typical Details section of the Millersville Borough Technical Specifications and Standard Details in Appendix B.
- B. Street Widening
 - (1) For pavement widening, all improvements shall be completed to the centerline of the existing cartway consistent with the design standards shown in the Typical Details section of the Millersville Borough Technical Specifications and Standard Details in Appendix B.
 - (2) The Borough reserves the right to require improvements beyond the centerline if required for vertical or horizontal control, proper storm water management, or safety of vehicular or pedestrian traffic.
 - (3) Existing pavement shall be sawcut full depth a minimum of 1' from the existing edge of cartway, or to an acceptable pavement quality as determined by the Borough, whichever is greater.
 - (4) All paving joints shall receive an emulsified asphalt tack coat and paving fabric a minimum of 2' wide prior to placement of wearing course.
 - (5) A minimum 1½" deep and 5' wide paving notch shall be provided where new wearing course is to meet existing pavement.

§ 320-9.07 STREET INTERSECTIONS.

- A. No more than two streets shall intersect at the same point.
- B. The centerline of all streets shall intersect at right angles.
- C. Minimum separation
 - (1) Intersections involving local streets and local streets shall not be located less than 100 feet apart on the same side of the street, measured from center line to center line, along the center line of the street.
 - (2) Intersections involving local streets and collector or arterial streets shall not be located less than 300 feet apart on the same side of the street, measured from center line to center line, along the center line of the collector or arterial street.
 - (3) Intersections involving arterial or collector streets with arterial or collector streets shall not be located less than 800 feet apart on the same side of the street, measured from center line to center line, along the center line of the collector or arterial street.
 - (4) Two streets intersecting from opposite sides shall intersect at their center lines, or their center lines shall be offset by a minimum of 200 feet
- D. Radius Returns

- (1) When site conditions warrant, larger curb return radii shall be used. The curb returns at all intersections (both streets and driveways) shall be designed for the largest anticipated vehicle to turn without encroaching into the opposing lane.
 - (2) The cartway edge at street intersections shall be rounded by a tangential arc with a minimum radii as follows:
 - (a) When a local street intersects with another local street, it shall have a twenty-foot curb return radius.
 - (b) When a local street intersects with a collector or arterial street, it shall have a thirty-foot curb return radius.
 - (c) When a street intersects with a PennDOT roadway, it shall have a curb return radius in accordance with PennDOT standards.
- E. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway.
- F. Where warranted by a traffic impact study or anticipated large vehicle sizes, the Borough Council may require additional traffic lanes or additional right-of-way to facilitate vehicular turning movements at existing or proposed street intersections within, or adjacent to, proposed subdivisions or land developments.
- G. Where applicable, an intersection may be designed with turning lanes or intermediate islands for channelization and will be reviewed and considered on a case by case basis. All designs shall be in accordance with the book entitled A Policy on Geometric Design of Highways and Streets (latest edition) by American Association of State Highway Transportation Officials or PennDOT standards.
- H. Where applicable, traffic calming measures at intersections and crosswalks may be implemented for new local streets to protect pedestrians. All traffic calming measures shall be designed in accordance with PennDOT standards and approved by the Borough Council.
- I. The developer shall furnish and install street name signs and traffic control signs at all street intersections as directed by the Borough Council or their Designee.
- J. A 100-foot clear sight triangle easement or dedicated right-of-way shall be provided at all street to street intersections in accordance with § 320-9.17.

§ 320-9.08 CUL-DE-SAC STREETS AND P-STREETS.

- A. Permanent cul-de-sac streets or P-streets will not be approved when a through street is feasible.
- B. The length of the cul-de-sac street shall be measured from the centerline intersection with the through street to the center point of the turnaround.
- C. The length of the P-street street shall be measured from the centerline intersection with the through street to the farthest point on the P-street from the intersection with the through street.

- D. Permanent cul-de-sac streets or P-streets shall have a minimum length of two hundred and fifty (250) feet and shall not exceed 1,000 feet in length. Temporary cul-de-sac streets shall not have a minimum length.
- E. Cul-de-sac streets and P-streets shall be designed to serve a maximum of 50 dwelling units or units of occupancy for residential development and a maximum of 500 average daily vehicle trips based on the latest edition of Trip Generation, published by the Institute of Transportation Engineers for a non-residential development.
- F. Permanent cul-de-sac streets must be provided with a paved turnaround with a minimum diameter of 80 feet to the outside curb and of 100 feet to the street right-of-way line.
- G. All cul-de-sac streets shall be designed to provide an area for the deposit of snow by snowplow. If the cul-de-sac street is proposed for dedication to the Borough, the developer shall provide an easement for winter weather maintenance purposes if the area for depositing of snow is located outside of the street and turnaround right-of-way.
- H. Cul-de-sacs with a center island will not be accepted for dedication to the Borough.
- I. Dead-end streets shall be prohibited except when designed as temporary turnarounds to permit future street extension into adjoining tracts or when designed as cul-de-sac streets.
- J. Any street dead-ended for either access to an adjoining property or for authorized stage development which is greater than one lot depth shall be provided with a temporary all-weather turnaround within the subdivision or land development. The use of such turnaround shall be guaranteed to the public until such time as the street is extended. The temporary turnaround shall be circular with a minimum cartway radius of 25 feet and shall remain completely within the right-of-way.

§ 320-9.09 AUXILIARY LANES.

- A. The combination of speed, volumes, location and arrangement of driveways, and intersections may require the installation of turning lanes. When required by a traffic study, a turning lane of sufficient length and width shall be constructed to allow vehicles to safely enter or leave the development.
- B. Where the width of the street right-of-way is insufficient to permit the construction of a needed turning lane, the permittee shall provide any necessary additional right-of-way.
- C. When required, auxiliary lanes shall be constructed at no cost to the Borough.
- D. If an auxiliary lane must be located in front of another person's property, the Applicant shall be required to secure the approval of the other person or indemnify the Borough against any action which the other person may bring against the Borough.

§ 320-9.10 ACCESS REQUIREMENTS.

- A. *All subdivisions and land developments containing more than 50 dwelling units or units of occupancy or non-residential buildings containing, either singly or in combination, greater than 20,000 square feet of gross floor area shall be provided with at least two separate and distinct means of access for the subdivision or land development.*

- (1) *Where a single tract of land is subdivided into lots for subsequent development, all of the lots created by the initial subdivision shall be considered in determining whether there will be more than 50 dwelling units or units of occupancy or non-residential buildings containing, either singly or in combination, greater than 20,000 square feet of gross floor area.*
 - (2) *All development, whether existing or proposed, and all existing dwelling units or units of occupancy and buildings shall be considered in determining whether there will be more than 50 dwelling units or units of occupancy or nonresidential buildings containing, either singly or in combination, greater than 20,000 square feet of gross floor area.*
 - (3) *For the purpose of this section, all development indicated on subdivision and/or land development plans which have been submitted to the Borough and which are either pending approval or have been approved but not constructed shall be considered proposed development.*
- B. *Access may be provided through the location of two or more public or private streets, each of which intersects with an existing public through street. Such public or private streets shall meet all of the requirements of this chapter concerning design, number of access points and construction.*
- C. *Access for a land development may be provided through two or more access drives into the land development from an existing public street or private street meeting the requirements of this chapter, unless such access drives are prohibited by other provisions of this chapter. Such access drives shall be separated by a distance of at least 150 feet, unless a greater separation distance is required by this chapter or by any other law or regulation. The intersection of the access drive with the abutting street shall comply with all requirements of this chapter.*
- D. *If the applicant is unable to provide access to the subdivision or land development meeting the requirements of A(1) or A(2) of this section and, if applicable, has obtained a waiver from the requirements of § 320-9.08 article, the applicant shall provide an emergency access.*
 - (1) *The emergency access shall be improved in a manner that emergency vehicles may safely traverse the area. The Borough Council may consider the recommendations of providers of emergency services within the Borough when determining the nature and extent of the improvements which are required. The area of the emergency access shall be clearly indicated on the plan.*
 - (2) *The applicant shall submit evidence that the emergency access design has been reviewed and approved by the providers of emergency services within the Borough. The applicant shall demonstrate that the emergency access will be accessible to emergency vehicles after completion of construction.*
 - (3) *The emergency access may be located so that access to the subdivision or land development is gained from a public street at a location unsuitable for regular access with the existing public street.*

- (4) *The emergency access may be located so that access is gained from an adjoining tract. For example, a subdivision or land development adjoining a parking lot of another use may provide emergency access through a point with a break chain or other acceptable device. Applicants with plans indicating emergency access through an adjoining tract shall provide evidence that the adjoining property owner has irrevocably consented to such emergency access location.*

§ 320-9.11 STATE HIGHWAYS.

All subdivisions and land developments which propose access or improvements to a state highway shall comply with all requirements of this chapter and with all applicable requirements of PennDOT. The developer shall obtain all necessary permits and approvals from PennDOT for the proposed access and/or improvement to the state highway.

§ 320-9.12 FEE IN LIEU OF IMPROVEMENTS.

Where this Ordinance requires certain street widening, and/or construction of sidewalks and curbs along a street, and the applicant requests a modification of the requirements, the Borough Council may approve a fee-in-lieu of payment. Such fees shall only be used for streets, sidewalk, trail, curbing and stormwater management improvements within one mile of the subject property. The intent is to allow more comprehensive improvements of a street, as opposed to major improvements to a relatively small percentage of a street. The intent is to also allow transportation spending to be prioritized towards the segments most in need of improvements.

§ 320-9.13 DRIVEWAY CLASSIFICATIONS.

- A. The ability of a driveway to function safely and efficiently as an integral component of a street system requires that its design and construction be based on the amount and type of traffic that it is expected to serve and the type and character of street which it accesses. Driveways are separated into four classifications based on the amount of traffic they are expected to serve. A description of each classification and typical examples of land uses normally associated with each follows:
 - (1) **Minimum-Use Driveway.** A driveway normally used by not more than 25 vehicles per day, such as:
 - (a) Single family dwellings, duplex houses; or
 - (b) Apartments with five units or less.
 - (2) **Low-Volume Driveway.** A driveway normally used by more than 25 vehicles per day, but less than 750 vehicles per day, serving uses such as:
 - (a) Office buildings;
 - (b) Schools; or
 - (c) Car washes.

- (3) Medium-Volume Driveway. A driveway normally used by more than 750 vehicles, but less than 1500 vehicles per day, normally not requiring traffic signalization, serving uses such as:
 - (a) Motels;
 - (b) Fast food restaurants;
 - (c) Service stations and small shopping centers or plazas; or
 - (d) Schools.
- (4) High Volume Driveway. A driveway normally used by more than 1500 vehicles per day, often requiring traffic signalization, serving uses such as:
 - (a) Large shopping centers;
 - (b) Multi-building apartment or office complexes; or
 - (c) Large motels.
- B. Local Street. A driveway acting as a connecting link between two or more streets shall be, for the purpose of this ordinance, considered a local street and not a driveway regardless of its ownership. As such, its design must be in accordance with the standards governing the design of local streets.

§ 320-9.14 LOCATION RESTRICTIONS FOR DRIVEWAYS.

- A. Driveways shall not be located where they would interfere with the placement and proper functioning of street signs, signals, detectors, lighting or other devices that affect traffic control.
 - (1) Proposed driveways shall not be located within 150 feet of a signalized intersection.
- B. Driveways on a lot which abuts two or more intersecting streets may be restricted to only one street.
- C. Driveways shall access the street of lesser classification, unless specific site conditions warrant access to the higher classified street.
- D. No portion of any driveway shall be located outside of the property line of a lot. For the purpose of this section alone, as to lots which do not extend to the centerline of the abutting public street, the property line shall be extended, at right angles or radially from the public street right-of-way, to the centerline of the public street so that no portion of any driveway shall be located in front of an adjoining property.
- E. Driveways shall be located a minimum of (3') three feet from the property line.
- F. The Borough may require the permittee to locate a driveway directly across from a street, or driveway on the opposite side of the street if it is judged necessary or advisable for safety purposes.
- G. Driveways not classified minimum use shall have a minimum of one hundred twenty-five (125) feet centerline separation from all other streets and nonminimum use driveways.

- H. Driveways serving lots located adjacent to a street intersection are subject to the following standards:
 - (1) There shall be a minimum ten (10) foot tangent distance between the intersecting street radius and the radius of the first permitted driveway.
 - (2) The distance from the edge of pavement (curbline) of the intersecting street to the radius of the first permitted driveway shall be a minimum of thirty (30) feet for a local street and forty (40) feet for a collector street.
 - (3) Paragraphs (1) and (2) of this subsection may be modified only if the intersecting street radius extends along the lot frontage to the extent that compliance is physically impossible.
- I. Multiple driveways serving the same lot must be separated by a minimum distance of fifteen (15) feet measured along the street right-of-way line and twenty (20) feet measured along the curb line. The number of driveways allowed for each property shall be in accordance with § 320-9.15B.
- J. All driveways shall be constructed so as not to impair drainage within the street right-of-way, alter the stability of the improved area or change the drainage of adjacent areas.
- K. A traffic impact study in accordance with the Millersville Borough Subdivision and Land Development Ordinance shall be provided as part of an application for a high-volume driveway permit.

§ 320-9.15 DRIVEWAY DESIGN STANDARDS.

- A. Site Requirements
 - (1) Driveways shall be designed for their intended function. Sufficient design information must be submitted to indicate that the number of travel lanes and widths proposed have been designed to accommodate the anticipated traffic to and from the development.
 - (2) Applications for driveways providing access to uses which provide drive-in-service shall, when requested, include information relative to the amount of storage provided between the service facility and the street right-of-way, the number of service operations anticipated during peak periods and the hours and days of operation.
 - (3) Driveways other than minimum use shall be designed and configured to prevent vehicles entering or exiting the site from backing out or stopping on the street or right-of-way.
 - (4) Driveway approaches shall be positioned at right angles (90°) to the street.
- B. Number of Driveways
 - (1) The number and location of entrances which may be granted will be based on usage, interior and exterior traffic patterns and current design policy of the Borough.

- (2) Only one driveway will be permitted for a single family residential lot and not more than two driveways will be permitted for a multifamily or nonresidential lot.
- (3) If the property frontage exceeds 600 feet, the permit may authorize an additional driveway.
- (4) Regardless of frontage, the development may be restricted to a single entrance/exit driveway.

C. Driveway Width, Radius Returns and Grade

- (1) Driveway width and radius returns shall be as shown in the Typical Details section of the Millersville Borough Technical Specifications and Standard Details in Appendix B.
- (2) Driveway grade requirements in curbed and uncurbed streets shall conform to Figure F-1 Driveway Grade contained in the Millersville Borough Technical Specifications and Standard Details in Appendix B.

D. Driveway Pavement

- (1) Minimum use – The first 10 feet of the driveway extending from the back of sidewalk or edge of cartway if no sidewalk is present shall be bituminous paving. The remaining portion of the driveway shall be stone or bituminous paving.
- (2) Driveways other than minimum use shall be bituminous paving

§ 320-9.16 SHARED OR JOINT-USE DRIVEWAYS.

A. Shared or joint-use driveways must meet the following standards:

- (1) Shared minimum use driveways shall be used only for two (2) or fewer dwelling units.
- (2) Shared or joint-use driveways other than minimum use shall be designed to local street standards.
- (3) To decrease the potential for vehicular conflicts, driveways may be located either partially, centered on, or entirely on one lot.
- (4) Joint use or shared driveways do not require a specific right-of-way or easement width.
- (5) An easement agreement shall be provided and recorded that indicates the rights of ownership, access, and maintenance. The Borough is not responsible to settle conflict issues arising from joint or shared driveways.

§ 320-9.17 SIGHT DISTANCE.

- A. Sight distance requirements and measurements other than 100-foot clear sight triangle, shall be determined using the process that would apply under PennDOT regulations along a State Road, even if a State Road is not involved.

- B. Horizontal and Vertical Curve sight distance requirements and measurements shall be in accordance with PennDOT standards for sight distance as outlined in Department of Transportation Design Manual - Part 2, Highway Design (Publication 13), latest edition, and other applicable PennDOT requirements. Sufficient design and plan information shall be submitted with the plan application proving the minimum standard will be achieved.
- C. Sight distance measurements are required for the following
 - (1) Intersections - Sight distance shall be adequate to safely allow each permitted movement to be made into or out of the proposed street or driveway as described by PennDOT regulations.
 - (2) Horizontal Curves – The horizontal curve sight line is the chord of the curve, and the stopping sight distance is measured along the centerline of the inside lane around the curve.
 - (a) If the curve sight line extends beyond the street right-of-way, an easement or additional right-of-way will be required. No obstructions such as walls, cut slopes, buildings and possibly guide rail or other similar items shall be placed within this area.
 - (b) Vertical Curves - Minimum stopping sight distances shall be provided for all crest vertical curves.
 - (3) A 100-foot clear sight triangle easement or dedicated right-of-way shall be provided at all intersections of streets. Driveways do not require a clear sight triangle.
 - (a) The clear sight triangle easement or dedicated right-of-way, shall include the area on each street corner that is bounded by a line-of-sight of 100 feet, measured along the center line of each street from the point of intersection.
 - (b) Clear sight triangles shall be indicated on all plans, and a note shall be provided on all plans which states that “no structures, landscaping or grading may be constructed, installed, performed or maintained in the area of the clear sight triangle which shall exceed three feet in height or which may in any manner obscure the vision of motorists at such intersection”.
 - (c) Deeds to lots which contain clear sight triangles shall specifically include this restriction.

§ 320-9.18 SIGNAGE, UTILITIES, STRUCTURES AND OTHER ITEMS IN THE RIGHT-OF-WAY.

- A. All street and traffic signs and pavement markings shall be consistent with Penn DOT requirements and with The Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD) with respect to type, height and location.
- B. All permanent objects shall be at least 18” behind face of curb. This includes, but is not limited to, items such as utility poles, sign posts, fire hydrants and trees.

- C. Utilities should be installed behind curb when feasible.
- D. Manholes placed in the cartway should not be located in the wheel path of traveling vehicles.
- E. All structures in the street, including, but not limited to, manholes, gas valve boxes and water valve boxes, shall be 0" to ¼" below the finished surface of the cartway and maintained in good working order. Owners of such structures shall be responsible for annual inspection and maintenance. If any deficiencies, including, but not limited to broken or missing valve tops or settlement around the structure, are found and not corrected by the owner or person responsible for such structures within 60 days' notice, the Borough shall proceed to do the work necessary and required to fix the structure and charge the owner of such structure the cost of the repair plus 20%.

Article X. MAINTENANCE OF EXISTING SIDEWALKS AND CURBS

§ 320-10.01 MAINTENANCE.

- A. All curbs and sidewalks now in existence or hereafter constructed shall be kept in good repair and in safe and usable condition.
- B. The property owner shall be responsible for the maintenance of curbing and sidewalks along the frontage of their property.

§ 320-10.01 OBSTRUCTIONS TO SIDEWALKS.

- A. All obstructions to the free use of sidewalks must be removed or corrected. Obstructions in the sidewalks such as curb shutoff valves, sewer vents and expansion joint material shall not project above or below the walk more than 3/4 inch. Broken covers and caps shall be replaced and secured.
- B. Signs along and over sidewalks must be at least (8) eight feet above the surface of the sidewalk. Signs must not obstruct the pathway for persons using the sidewalks or adjacent to the owner's property.
- C. Trees and shrubbery and other vegetation overhanging any sidewalk. The owner of the property shall trim branches from any tree overhanging in any sidewalk adjacent to the property in the Millersville Borough so that there will be a clear height of (8) eight feet above the surface of the sidewalk on or adjacent to the owner's property. Branches of any shrubs, trees or other form of vegetation shall be trimmed to permit an unobstructed pathway for persons using the sidewalks on or adjacent to the owner's property.
- D. Trees overhanging a public street. The owner of a property shall trim branches from any tree overhanging the streets, highways, avenues and alleys in the Borough of Millersville so that there will be a clear height of fourteen (14) feet above the surface of a street, highway avenue, or alley.

§ 320-10.02 SIDEWALK REPAIRS AND REPLACEMENT.

- A. All new sidewalks shall be installed in accordance with all standards for construction of sidewalks in Article VIII.
- B. A sidewalk shall have a continuous common surface without abrupt pitches in angle or interruption by cracks or breaks and shall be free of loose material and holes deeper than 1/2 inch and two inches in diameter. It shall be free of cracks or breaks creating edges of 3/4 inch or more in height, including curbs running parallel to the sidewalk unless such curb is 12 inches or more in height above the sidewalk and is equipped with a handrail or guardrail. Cracks in sidewalks shall be no wider than 3/4 inch.
- C. Where an existing sidewalk is removed and replaced with a new sidewalk, such new sidewalk shall be installed in accordance with all standards set forth in Subsection A above. Where there is inadequate right-of-way or existing features prevent installation of sidewalks meeting the requirements of this article, such replacement sidewalks shall have a minimum width of four feet. If the landowner demonstrates to the satisfaction of the

Borough Council that it is not possible to install a sidewalk with a minimum width of four feet, the Borough Council may grant a waiver to install a sidewalk of lesser width.

- D. Defects in existing sidewalks shall be corrected as soon as they appear. Small defects or repairs to small areas may be corrected with concrete, asphalt, grout or other material suitable for restoring the surface to a safe and usable condition. Should more than 20% of the length of the sidewalk in front of any individual property not be in good repair or safe and usable condition, the entire sidewalk shall be replaced if the existing sidewalk is not at approved grade in accordance with standards and elevations approved by the Borough Official. Replacement sidewalks shall be installed in accordance with Subsection A above.
- E. Sidewalks along Manor Avenue from Leaman Avenue to Route 741 shall be installed in accordance with all standards set forth in Article VIII, except as provided in this subsection. Sidewalks may be a minimum of three feet in width, provided that all requirements of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., and the regulations promulgated under such Act, including but not limited to providing sufficient areas for passing and turning, are met and a grass strip with a minimum width of two feet is maintained between the sidewalk and the curb.

§ 320-10.03 CURB REPAIRS AND REPLACEMENT.

- A. All new curbs shall be installed in accordance with all standards for construction of curbs in Article VIII.
- B. Curbs shall be maintained free of crumbling, settling or tipping. Deviations in horizontal alignment shall not exceed one inch in both vertical and rolled curbs. Spalling, crumbling or other deteriorations of the surface shall not exceed one inch in depth, and vertical alignments shall be within two inches of perpendicular. Adjacent sections shall not be more than 3/4 inch out of vertical alignment.
- C. Curbs shall be repaired with cement, grout, concrete or other material suitable for restoring to a safe and functional condition. Methods of repair may include the use of vertical pins and new concrete when the top sections are deteriorated. Whenever more than 20% of the curb needs to be repaired and is not at current approved elevation, it shall be replaced in accordance with all requirements of Subsection A above.

§ 320-10.04 INSPECTIONS.

The Borough Official or their Designee may make or cause to be made periodic inspections of curbs and sidewalks in the Borough. Inspections shall also be made when complaints are received. If curbs and sidewalks are found to be deficient according to the standards enumerated in this chapter, the property owner shall be notified in accordance with Article III of this chapter.

§ 320-10.05 ASSISTANCE IN DETERMINING METHODS OF REPAIR.

If the property owner requests assistance in determining methods of repair, the Borough Staff, including the Borough's consulting engineer, may lend such assistance.

§ 320-10.06 BOROUGH-CONTRACTED WORK.

- A. The Borough Official shall from time to time prepare specifications for corrective work and procure prices on a competitive basis for types of repair work on a unit cost basis. Such contracts shall be awarded in accordance with current law and Borough policy. If any owner fails to make the repairs after receipt of notice or if he requests the Borough, in writing, to act as his/her agent in making the repairs, the Borough Manager is authorized to issue individual purchase orders for repairs to each property against the previously awarded contract and collect from the property owner in accordance with § 320-5.06 of this chapter.
- B. In instances where property owners do not comply with the notice or ordinance, the information shall be reported to the Borough Manager for enforcement in accordance with § 320-5.06 and § 320-5.07 of this chapter.

§ 320-10.07 VARIANCES.

Variations and modifications to these standards may be granted by written action of the Borough Council after the applicant shows proof of good cause.

ARTICLE XI. SNOW AND ICE REMOVAL

§ 320-11.01 SHORT TITLE.

This article shall be known as the "Millersville Snow and Ice Removal Ordinance."

§ 320-11.02 REMOVAL OF SNOW AND OTHER MATERIALS FROM SIDEWALKS; RESPONSIBILITY.

- A. The owner, occupant or tenant of every property in the Borough located upon or alongside any part of any street having a sidewalk shall remove or have removed from all sidewalks in front of or alongside that property, so as to provide a clear and safe passage on the sidewalk for pedestrians, all snow and ice fallen or formed upon that sidewalk within 24 hours after the snow or ice has ceased to fall or to form.
- B. The owner, occupant or tenant of every property in the Borough shall be required to keep the sidewalk, curb and/or gutter in front of or alongside that property at all times clear of litter, which shall mean any waste or unused products or material, including but not limited to garbage, refuse, rubbish and trash.
- C. The owner of a property shall be responsible for conforming to the requirements of this section where the property is occupied by the owner or is unoccupied; the tenant or occupant shall be responsible where the property is occupied by that tenant or occupant only; and the owner shall be responsible where the property is a multiple-business or multiple-dwelling property occupied by more than one tenant or occupant.
- D. No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk, roadway or loading and unloading area of the public streets, except that snow and ice may be mounded by Millersville Borough on public cartways incident to the cleaning thereof or mounded on curbs.

§ 320-11.03 VIOLATIONS AND PENALTIES.

- A. *Any person, firm, entity or corporation who shall violate any provision of this article shall be required to pay a Quick Ticket after receiving a notice of violation from the Borough Staff. The fine shall be in accordance with Millersville Borough's current fee schedule.*
- B. *If the ticket is not paid within 15 days after receipt, an additional penalty shall apply. Failure to pay the Quick Ticket may result in a summary citation being issued through the Magisterial District's office, which typically results in the assessment of additional costs upon the violator. The Borough may also remediate a hazard and assess the property owner for the costs of the remediation.*

ARTICLE XII. SIGHT OBSTRUCTIONS AT COMMERCIAL ESTABLISHMENTS

§ 320-12.01 REMOVAL OF OBSTRUCTIONS.

Following the effective date of this article, it shall be the duty of the owner or operator of every commercial establishment located within the Borough to remove from the property any tree, plant, shrub, sign or any other view obstruction or part thereof which, by obstructing the view of any driver entering into or leaving from such establishment, constitutes a traffic hazard.

§ 320-12.02 NOTICE OF OBSTRUCTION.

When any authorized agent of the Borough determines that a traffic hazard exists at any commercial establishment, the owner or operator (if different from the property owner) shall be notified of the hazard, and it shall be removed within 10 days of the notification. If the same or similar type of view obstruction shall be permitted or caused to occur after the 10 days following the initial notification, additional notifications for the continuing obstruction or new obstruction of similar nature will not be required.

§ 320-12.03 VIOLATIONS AND PENALTIES.

Any person, firm or corporation who shall violate any provision of this article shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

ARTICLE XIII. SMALL WIRELESS FACILITIES DEPLOYMENT

The existing Article VII of Chapter 320 of the Codified Ordinances of the Borough of Millersville shall continue to be in effect without any amendments.

ARTICLE XIV. ADMINISTRATION

§ 320-14.01 DEDICATION.

- A. Application requests for dedication of streets will only be considered between the dates of January 15 to September 1 in order to meet the submission deadline for Liquid Fuel Funds for said streets.
- B. The Borough will accept into its street system only those streets which have been constructed in accordance with specifications and requirements contained in this Chapter, Chapter 325 Subdivision and Land Development of the Borough's Codified Ordinances and the Millersville Borough Technical Specifications and Standard Details in Appendix B.
- C. Any person who desires to dedicate a street to the Borough shall, at such person's sole cost and expense, provide the Borough with all information and plans necessary for the Borough to process acceptance of dedication. The person offering dedication shall transfer good and marketable title for the street, free of all liens and encumbrances, to the Borough. The person requesting that the Borough accept dedication shall pay all costs associated with such acceptance, including but not limited to preparation of documents, recording costs and advertising costs for the preparation of the ordinance to accept dedication. Nothing in this article shall require the Borough to accept dedication of any street.
- D. With respect to a street through residential areas, when ninety (90%) percent of the lots or dwellings fronting on the street are occupied, or with respect to a street through commercial or industrial developments, when lots having ninety (90%) percent of the front footage have been occupied, and upon completion of the final punch list items, the Applicant may offer the Borough a deed of dedication, accompanied with a fee to cover recording costs and costs of preparing the Resolution of Acceptance.
- E. If the deed is found to be in proper order, the Council shall adopt a Resolution accepting the street and shall execute the deed containing a notation that the street, or in applicable cases, storm water management facility, has been accepted for future maintenance or repair.
- F. No street or, in applicable cases, storm water management facility, shall be considered finally accepted by the Borough until the deed has been recorded and filed with the applicable filing offices of Lancaster County.
- G. Notwithstanding final acceptance of the street or storm water management facility, the Applicant shall remain responsible for maintenance of the same, snow removal excepted, for a period of eighteen (18) months from the date of final acceptance, and the Applicant shall file a letter with the Borough acknowledging said responsibility at the time of submittal of the deed.
- H. In the event that a developer elects the 2-year Base Course Pavement Design as shown in the **Millersville Borough Technical Specifications and Standard Details in Appendix B** and fails to install the wearing course within two years, the Applicant shall remain responsible for maintenance of the same, snow removal excepted, for a period of sixty

(60) months from the date of final acceptance, and the Applicant shall file a letter with the Borough acknowledging said responsibility at the time of submittal of the deed.

§ 320-14.02 ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS.

- A. Permit Requiring Improvements Construction Guarantee: Where the Applicant will be required to perform a substantial amount of work, the Borough may require the Applicant to establish a performance bond or other security satisfactory to the Borough sufficient to cover the costs of the work. The performance bond or other security shall secure to the public the required improvements and shall be in form and amount described in the Millersville Borough Subdivision and Land Development Ordinance.
- B. At the time of final acceptance of the street and accompanying storm water management facilities by the Borough, the Applicant shall provide a maintenance bond to the Borough in an amount of fifteen (15%) percent of the performance bond for a period of eighteen (18) months.
- C. In the event that a developer elects the 2-year Base Course Pavement Design as shown in the **Millersville Borough Technical Specifications and Standard Details in Appendix B** and fails to install the wearing course within two years, the Applicant shall provide a maintenance bond to the Borough in an amount of twenty-five (25%) percent of the performance bond for a period of sixty (60) months.

§ 320-14.03 RELEASE OF FUNDS.

- A. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Request for release of funds shall follow the procedures described in the Millersville Borough Subdivision and Land Development Ordinance.
- B. Prior to the final release of financial security, the developer shall provide the Borough with a:
 - (1) Statement of certification from the contractor responsible for constructing the streets and stormwater management facilities that all construction conforms to Millersville Borough or PennDOT specifications.
 - (2) An As-Built Plan in accordance with the requirements of Chapter 325 Subdivision and Land Development and Chapter 260 Stormwater Management Ordinance.

§ 320-14.04 DESIGNEE TO REVIEW AND APPROVE PLANS.

The Council may designate the Designee to act on its behalf in the approval of all plans, the making of all inspections and the granting of all approvals required by this Ordinance, provided, however, that the formal acceptance of any street, and the execution of any documents related thereto, is reserved for the Council.

§ 320-14.05 EQUITABLE REMEDIES.

In addition to all other remedies, the Borough may seek to enforce the provisions of this Ordinance in an action at law or equity.

§ 320-14.06 INVALID PROVISIONS.

If any section or subsection of this Ordinance shall be found to be invalid, the other sections or subsections of the Ordinance shall not be affected thereby.

§ 320-14.07 ISSUANCE OF PERMITS.

A. General Rule

If the application is in compliance with this Ordinance and other applicable laws and Ordinances, a permit will be issued by the Borough. Where appropriate, the permit may be issued subject to reasonable conditions.

B. Permits will be issued only in the name of the Landowner(s).

C. Request for permit time extension. The construction portion of the permit is valid for a one-year period. If the permittee has not completed all authorized work by the completion date specified on the permit, an application shall be submitted requesting a time extension. If approved, a supplement may be issued by the Borough, without additional cost, authorizing work to continue for an additional six-month period.

D. Work completion notification. When all permitted work has been completed, the Borough shall be notified of such completion.

§ 320-14.08 APPEALS AND REQUESTS FOR MODIFICATIONS.

All appeals or requests for modifications shall be processed in accordance with the following:

A. An appeal or request for a modification shall be submitted to the Borough. The request shall be made in writing and identify the following:

- (1) The specific section of the Ordinance from which a modification is requested or a decision which is being appealed.
- (2) The proposed alternative to the requirements, when applicable.
- (3) Justifications for an approval of the modification or appeal.

B. Modification of Design Requirements

Upon application made, the Borough may modify one or more requirements of this Ordinance where strict compliance with the terms of the Ordinance cannot reasonably be achieved and where each of the following is demonstrated by the Applicant to the reasonable satisfaction of the Borough or its representatives:

- (1) The Applicant has done all that can reasonably be done to satisfy the design requirements;

- (2) If additional land is required, the Applicant provides satisfactory evidence that it cannot be purchased at a reasonable price.
 - (3) No traffic problem will be created as a result of the modification.
 - (4) The Applicant executes an indemnity agreement satisfactory to the Borough.
- C. The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety and welfare. The Borough Council may grant a modification from literal compliance with mandatory provisions of this Ordinance if the Applicant can demonstrate that an alternative proposal will allow for equal or better results.
- D. Any persons aggrieved by any action of the Borough designee may appeal to the Borough Council of Millersville Borough within thirty (30) days of the date of the action taken by the Borough designee.
- E. The approval of a modification or appeal shall not have the effect of making null and void the intent and purpose of this Ordinance. In the approval of a modification or appeal, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

§ 320-14.09 VIOLATIONS AND PENALTIES.

- A. Any violation of this Ordinance or the permit requirements or any falsification of any aspect of the application or the failure to pay any fee or reimbursement chargeable hereunder shall constitute grounds for imposition of any or all of the following penalties and remedies:
- (1) Upon receipt of oral or written notice of any violation from the Borough's authorized representative, the permittee shall cease to perform any further work in the permitted area except to restore the area to a safe condition. No further work shall commence in the permitted area until the violation has been remedied. Where the permittee has received oral notice of the violation, written notice shall be sent to the permittee within ten (10) days of receipt of the oral notice.
 - (2) The Borough or its authorized representative may confiscate the Applicant's permit.
 - (3) The Borough may revoke the Applicant's permit.
 - (4) The Borough may block streets, or driveways or sever, remove or block stormwater management facilities constructed without a permit or in violation of this Ordinance.
- B. *It shall be a violation of this article to undertake construction, reconstruction or repair of any streets, curbs or sidewalks within the Borough in any manner which does not meet all of the standards and requirements set forth in this article. It shall additionally be a violation of this article to commit or any action prohibited by this article.*
- C. *Any person who violates any provision of this article shall be liable, upon summary conviction thereof, to fines and penalties of not less than \$100 nor more than \$600 plus all costs of prosecution, which fines and penalties may be collected as provided by law,*

and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. All fines and penalties collected for violation of this article shall be paid over to the Borough Treasurer. Each day that a violation continues and each section of this article which is violated constitutes a separate violation.

- D. In addition to institution of a summary proceeding, the Borough may institute proceedings to restrain any violation of or to require compliance with this article.*
- E. The penalties and remedies set forth in this article are in addition to and not in lieu of any fines, penalties or remedies authorized under the law. The existence or exercise of any remedy under this article shall not prevent the Borough from exercising any other remedy provided under this article or under any other Borough ordinance, including but not limited to Chapter 325, Subdivision and Land Development, or available at law or equity.*

§ 320-14.10 INCONSISTENT ORDINANCE.

This Ordinance is intended to be construed consistently with the Borough Zoning Ordinance, the Borough Subdivision and Land Development Ordinance and the Borough Storm Water Management Ordinance. Where inconsistencies exist with respect to other Ordinances, the terms of the Ordinance shall be reconciled if at all possible. If the terms of such other Ordinances are not reconcilable, the Ordinance which provides the stricter standards shall prevail.

REPEALER, SEVERABILITY, ADOPTION

Repealer. The pre-existing Streets and Sidewalks Code, Chapter 320 of the Codified Ordinances of the Borough of Millersville is hereby repealed and replaced by this new Ordinance, except that the existing Article VII shall continue to be in effect without any amendments. Portions of all other ordinances or resolutions that are clearly in direct conflict with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

Severability. Section 1-14 of the Codified Ordinances shall also apply to this Ordinance.

Enactment and Effective Date. The attached new Streets and Sidewalks Ordinance for the Borough of Millersville, Lancaster County, Pennsylvania is hereby enacted by the Millersville Borough Council as a new Chapter 320 of the Codified Ordinances of the Borough of Millersville on this date of _____, 202____. This Ordinance shall become effective in five calendar days after the enactment date.

President of Borough Council

Mayor

ATTEST: Borough Secretary

APPENDIX A STREETS AND SIDEWALKS APPROVAL CERTIFICATE

**MILLERSVILLE BOROUGH COUNCIL
STREETS AND SIDEWALKS APPROVAL CERTIFICATE**

At a meeting held on _____, 20__, the Millersville Borough Council approved this project, including the complete set of plans and information which are filed with the Council in File No. _____, based upon its conformity with the standards of the Millersville Borough Streets and Sidewalks Ordinance.

* _____

*Signatures of the Chairman or Vice Chairman or their designees.

DRAFT 04-14-2025

APPENDIX B TECHNICAL SPECIFICATIONS AND STANDARD DETAILS