

**BOROUGH OF MILTON
NORTHUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE NO. 1267**

**AN ORDINANCE OF THE BOROUGH OF MILTON, NORTHUMBERLAND COUNTY,
PENNSYLVANIA, CONSOLIDATING AND REPLACING PRIOR STREET OPENING
ORDINANCES; REGULATING THE OPENING, CUTTING, EXCAVATION, AND
RESTORATION OF BOROUGH STREETS; ESTABLISHING PERMIT REQUIREMENTS;
SETTING FEES; PROVIDING SECURITY AND BONDING REQUIREMENTS; AND
PRESCRIBING PENALTIES FOR VIOLATIONS.**

Section 1. Title

This Ordinance shall be known and may be cited as the “Milton Borough Street Opening Ordinance.”

Section 2. Purpose and Intent

The purpose of this Ordinance is to:

- Protect the structural integrity of Borough streets
- Ensure safe and proper excavation, backfilling, and restoration
- Establish uniform procedures, fees, and bonding requirements
- Consolidate and modernize all prior street opening regulations

Section 3. Authority

This Ordinance is enacted pursuant to the Pennsylvania Borough Code, 8 Pa.C.S. § 101 et seq.

Section 4. Definitions

APPLICANT – Any person making application to the Borough for an excavation permit issued under this Ordinance and Chapter 209 of the Milton Borough Code.

CONTRACTOR – The person or agency performing the excavation and restoration work authorized under a permit issued pursuant to this Ordinance.

EMERGENCY EXCAVATION – An excavation required to repair failed existing infrastructure when necessary to protect the health, sanitation, or safety of persons or property within the Borough, as determined by the Borough Manager.

PA PUBLIC UTILITY – Any public utility permitted to operate within the Borough limits, by franchise or otherwise, for the purpose of supplying water, gas, electric, or telephone service, or any excavation performed under a contract awarded by the Borough or performed directly by the Borough.

PERMITTEE – Any person who has been granted and currently holds a valid excavation permit issued under this Ordinance and Chapter 209 of the Milton Borough Code.

PROPERTY OWNER – Any person who owns the property for which the excavation work is being performed.

STREET SECTION – The portion of a street contained between two intersecting streets, measured from curb face to curb face across all lanes of travel.

STREET OPENING / EXCAVATION – Any opening, cut, trench, bore, or disturbance created by cutting within any Street Section owned or maintained by the Borough of Milton.

Section 5. Permit Required

It shall be unlawful for any person to dig up, break, excavate, tunnel, bore, undermine or in any manner break up any street or to make or cause to be made any excavation in or under the surface of any street or to place, deposit or leave upon any street any earth or unexcavated material obstructing or tending to interfere with the free use of the street unless such person shall first have obtained an excavation permit therefor from the Borough as herein provided.

Exceptions:

- Emergency Excavation: Emergency work necessary to protect public health, safety, or property may proceed without prior permit, provided the Borough is notified within twenty-four (24) hours of the start of work and a permit application is submitted immediately thereafter.
- Borough Work: The Borough of Milton, its employees, and any contractors or agents performing work on behalf of the Borough are exempt from the permit requirement for any work conducted as part of Borough operations, maintenance, or capital projects.

Section 6. Application Requirements

No excavation permit shall be issued unless a complete application, on forms provided by the Borough, has been submitted and approved. The application shall include the following information:

- A. Applicant Information The name, address, and contact information of the applicant and contractor.
- B. Description of Work The nature, location, purpose, and scope of the proposed excavation, including the proposed date of commencement and date of completion.
- C. Plans and Drawings A sketch or plan showing the location and dimensions of the excavation. For extensive excavation or construction, the application shall be accompanied by detailed plans showing:
 - The full extent of the proposed excavation work
 - Dimensions and elevations of existing ground conditions
 - Proposed finished elevations
 - The location of all excavation work
 - Any additional information required by the Borough
- D. Insurance Proof of insurance acceptable to the Borough.
- E. Traffic Control Plan A traffic control plan, when applicable, demonstrating compliance with PennDOT Publication 213 and Borough requirements.
- F. Fees and Deposits Payment of all required permit fees, inspection fees, restoration deposits, and any other charges established by the Borough.
- G. Bonding Requirements All bonding required under Article 9 shall be fully satisfied and submitted at the time of application. No application shall be considered complete until all bonding requirements are met.

Section 7. Fees and Deposits

- A. Base Permit Fee – \$150.00
- B. Degradations Fees shall be as follows:
 - Streets older than 5 years — \$150
 - 5-year-old pavement — \$250
 - 4-year-old pavement — \$450
 - 3-year-old pavement — \$650

- 2-year-old pavement — \$850
 - 1 year old or less — \$1,150
- C. The Borough may, by resolution of Borough Council, amend the fees and deposits established by this Section.

Section 8. Restoration & Construction Requirements

8.1 Minor Openings (Streets Older Than 5 Years)

Applies when an applicant creates:

- An opening less than 60 sq ft, or
- Fewer than four (4) cuts

A. Permanent Restoration Requirements

- 4" minimum 25mm binder course
- 1.5" minimum 9.5mm wearing surface
- Vertically saw-cut and sealed edges

B. Completion Timeline

- All work completed within 30 days
- Includes 15-day stabilization of subbase

8.2 Major Openings (Streets Older Than 5 Years)

Applies when an applicant creates:

- An opening exceeding 60 sq ft, and/or
- More than four (4) cuts

A. Required Restoration

- Full-width of the entire Street Section to be mill and overlay with a 1.5" (9.5mm) wearing surface
- All Saw-cuts to be vertical and sealed

B. Completion Timeline

- All work completed within 30 days
- Includes 15-day stabilization of subbase

8.3 Openings in Pavement Five (5) Years Old or Newer

Triggers major-opening restoration when:

- Excavation totals 30 sq ft or more, or
- Two (2) or more cuts are created.

A. Required Restoration

- Full-width of the entire Street Section to be mill and overlay with a 1.5" (9.5mm) wearing surface
- All Saw-cuts to be vertical and sealed

B. Completion Timeline

- All work completed within 30 days
- Includes 15-day stabilization of subbase

8.4 Utility Installation and Backfill Design Criteria

A. Bedding Requirements

All utilities installed within any Street Section shall be bedded in a minimum of six

inches (6") of 1A stone or stone "cracker dust", and covered with a minimum of twelve inches (12") of the same material above the utility line.

- All underground utilities shall include tracer wire or magnetic marking tape, installed within twelve inches (12") of final grade, or as required by applicable utility standards.

B. Backfilling Requirements

1. All excavation in trenches shall be backfilled to the original ground surface or to grades specified. The backfill shall begin as soon as practical after the pipe or other construction has been placed and shall thereafter be carried on as rapidly as the protection of the balance of the work will permit. Depositing of the backfill shall be done so the shock of falling material will not injure the pipe or adjacent structures. Grading over and around all parts of the work shall be done as directed by the Borough representative.
2. Granular or other suitable material as determined by the Borough representative, free from rocks and boulders, shall be deposited in the trench simultaneously on both sides of the pipe for the full width of the trench to a height at least 12 inches above the top of the pipe, placed and hand tamped to fill completely all spaces under and adjacent to the pipe. In the event that suitable natural granular material is not encountered during the normal excavation of the trench or when the material encountered is determined unsuitable by the Borough for backfilling around the pipe as required above, the contractor shall furnish and place other approved material. This approved material should be furnished from surplus material obtainable from the excavation of adjacent trenches or from approved borrow areas. If suitable material is not available as stated above, the contractor should procure suitable 2RC material for backfilling around the pipe according to specific directions from the Borough Engineer.
3. Succeeding layers of backfill may contain coarse materials, but shall be free from large pieces of rock, eight inches maximum length in any direction; concrete, frozen material, roots, stumps, tin cans, rubbish and/or other foreign material will not be permitted in the backfill.
4. Wherever suitable material, as described above, existing within the upper four feet of the finished grade of the paved or traveled portions of the street or roadway, is removed by the trench excavation, the contractor shall replace said material or material of equal quality as backfill in the upper four feet of the finished grade.
5. Compaction
 - a. Compaction of the backfill shall be done in lifts of uniform layers not to exceed the depth shown in the compaction chart below, and each lift shall be compacted over the full width of the excavated area. Backfill shall be compacted to at least 90% of standard proctor density or to the same or greater density as the adjacent undisturbed soil or as approved by the Borough Engineer.
 - b. Three feet of material compacted with a plate vibrator, plate tamper or button-head pneumatic compactor shall be placed over the pipe before a hydra-hammer, vibratory or sheepsfoot roller is operated over the pipe.
 - c. Special compaction shall be done around all valves, hydrants and other

structures and utilities by the use of pneumatic tampers, plate tampers or plate vibrators, with lifts not to exceed that shown in the compaction chart.

- d. Service trenches must be compacted in the same manner as the main trench. In areas where curb and gutter exists, sufficient curbing shall be removed to allow the prescribed compaction over the entire disturbed area.
- e. Compaction chart. The compaction chart is as follows:

Compactor Type	Maximum loose soil lift Height (Feet)
Hydra-hammer (1,000 pounds weight: first shoe; 6-foot drop height)	1.0 or as approved by Borough Manager
Vibratory roller	1.0
Sheepsfoot (150 pounds per square inch minimum)	Not allowed
Plate vibrator	1.0
Button-head pneumatic	0.5
Plate tamper	1.0

6. Special requirements.

- a. When the trench excavation is within the right-of-way of a state or county highway, the backfilling of the trench, compaction of materials, subgrade preparation and resurfacing shall be done in strict accordance with the requirements and specifications of the State or County Highway Department. The applicant is responsible for obtaining all required permits from the state or county and remitting the required fees.
- b. In all cases, the contractor shall blade and compact the roadway after the trench has been backfilled, so that it shall be passable to traffic at all times. The contractor shall maintain the roadway in a condition acceptable to the Engineer at all times until final approval of the entire work by the Borough.
- c. Contractor shall provide barricades, steel plating, reflective cones, signage, and traffic control in accordance with PennDOT Publication 213.

Section 9 Security and Bonding Requirements

9.1 Performance Bond for Restoration Work

A. Performance Bond Required

A two-year performance bond is required for every street opening permit.

B. Bond Amount

The amount of the performance bond shall be no less than the costs of full restoration as determined by Borough Engineer. All bonding shall be made and secured with the Borough Secretary. In the event that the total area to be excavated is less than 60 square feet, the amount of the performance bond shall be set at \$5000.00. Borough Council may, by resolution, amend the amount of the performance bond for excavations under 60 square feet if required to cover increase in restoration costs.

C. Duration

Minimum two (2) years after Borough acceptance.

D. Release Conditions

Bond released only after:

- Borough inspection
- Two-year period
- No defects are discovered

E. Failure to Provide Bond

Grounds for denial, suspension, or revocation of permit.

9.2 Surety Bond for Unlicensed/Unbonded Plumbers and Non-Utility Applicants

A. Applicability

Required for any applicant who is not:

- A licensed/bonded plumber, or
- A PA-regulated public utility.

B. Bond Required

A \$5,000 surety bond must be filed with the Borough Clerk.

C. Bond Conditions

Must:

- Be issued by a PA-authorized surety
- Be acceptable to Borough Attorney
- Ensure compliance with permit, this Ordinance, and Chapter 209
- Hold Borough harmless from claims or damages

D. Non-Exhaustion

Bond remains in full force even after claims.

E. Judgments

Final judgment against Borough is conclusive on permittee and surety.

F. Annual Bond Option

A one-year \$5,000 bond may be filed covering all work for that year.

The surety bond provisions of this article shall not apply to a duly licensed and bonded plumber or to any public utility permitted to operate within the Borough limits, by franchise or otherwise, for the purpose of supplying water, gas, electric or telephone service or for any excavation which is made under a contract awarded by the Borough or made by the Borough.

Section 10. Inspections

The Borough or Borough of Milton engineer may inspect before backfill, during compaction, and after restoration. Failure to request inspection may result in removal and replacement at applicant's cost.

Section 11. Violations and Penalties

Any person who fails, neglects, or refuses to comply with any provision of this ordinance, or of any regulation or requirement made pursuant thereto, shall be fined not more than \$300 for each offense. Each day that a violation continues constitutes a separate offense. Enforcement actions may include citations, fines, permit suspension or revocation, and recovery of Borough costs.

Section 12. Repealer

All ordinances or parts of ordinances inconsistent with this Ordinance, to include, but not limited to Ordinances Nos. 741, 891, 948, and 1103 and including the codification of same, are hereby repealed insofar as they may be inconsistent herewith.

Section 13. Effective Date

This Ordinance shall take effect immediately upon adoption.

ENACTED AND ORDAINED into law by the Borough of Milton, Northumberland County, Pennsylvania, this the ____ day of _____, 2026.

BOROUGH OF MILTON

Council President

ATTEST:

Borough Secretary

APPROVED this ____ day of _____, 2026

Mayor