

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2026- 2 _____

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 16-09, AS AMENDED, § 462-18, ET SEQ., TO ADD DEFINITIONS; TO PROVIDE FOR THE REGULATION OF BORING, TUNNELING, ACCESS, AND INSTALLATIONS WITHIN CITY STREETS AND RIGHTS-OF-WAY; REPEALING INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Jeannette previously adopted Ordinance No. 16-09, and subsequent amendments, including Ordinance No. 2026-02, governing the opening and excavating of streets and rights-of-way situated within the City of Jeannette; and

WHEREAS, the City of Jeannette desires to maintain the improved condition of any public records and to minimize the cost, inconvenience, safety concerns, and other negative impacts resulting from the opening and excavating of any street and right-of-way situated within the City of Jeannette; and

WHEREAS, pursuant to the Third Class City Code, 11 Pa.C.S.A. § 12445, “Council may consent to a person using city streets and other properties, whether the use is within, on or over the streets or public property in question, for transportation purposes or for the purpose of installing and maintaining pipes, wires, fibers, cables or any other utility or service medium. Council may define a reasonable district within which all electric or telephone wires, cables or any other utility or service medium are to be placed underground;” and

WHEREAS, 15 Pa.C.S.A. § 1511(e) provides that “[a] public utility corporation shall have the right to enter upon and occupy streets, highways, waters and other public ways and places for one or more of the principal purposes specified in subsection (a) and ancillary purposes reasonably necessary or appropriate for the accomplishment of the principal purposes, including the placement, maintenance and removal of aerial, surface and subsurface public utility facilities thereon or therein. Before entering upon any street, highway or other public way, the public utility corporation shall obtain such permits as may be required by law and shall comply with the lawful and reasonable regulations of the governmental authority having responsibility for the maintenance thereof;”

WHEREAS, 53 P.S. § 1991 provides that “[t]he proper corporate authorities of such municipality shall have the right to issue permits determining the manner in which public service corporations or individuals shall place, on or under or over such municipal streets or alleys, railway tracks, pipes, conduits, telegraph lines, or other devices used in the furtherance of business; and nothing herein contained should be construed to in any way affect or impair the rights, powers, and privileges of the municipality in, on, under, over, or through the public streets or alleys of such municipalities, except as herein provided;”

WHEREAS, the City of Jeannette desires to exercise its authority to protect and preserve its public rights of way by requiring permits for boring or disturbance beneath any street or public alleyway.

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12414, affords the City of Jeannette with the power “to prohibit and abate public nuisances;” and

WHEREAS, the Third Class City Code affords the City of Jeannette with the power to regulate businesses and business activities within the City; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 141A05, affords the City of Jeannette with powers relating to codes, occupancy, and inspections; and

WHEREAS, the Third Class City Code, 11 Pa.C.S.A. § 12435, affords the City of Jeannette with the power “to enact, make, adopt, modify, repeal and enforce, in accordance with this part, ordinances, resolutions, rules and regulations not inconsistent with or restrained by the Constitution of Pennsylvania and laws of this Commonwealth that are either of the following: (1) Expedient or necessary for the proper management, care and control of the city and its finances and the maintenance of the peace, good government, safety and welfare of the city and its trade, commerce and manufactures. (2) Necessary to the exercise of the powers and authority of local self-government in municipal affairs.”

BE IT ENACTED AND ORDAINED by the City Council of the City of Jeannette, Westmoreland County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Legislative Intent and Policy. It is the legislative intent and policy of the City of Jeannette to require the payment of proper and necessary permit fees for opening and excavating streets and rights-of-way situated within the City of Jeannette.

Section 2. Street Opening and Paving Permits; Amendment of Section 2.3(I) (§ 462-20(C)(9)). Section 2.3(I), as codified at § 462-20(C)(9), is hereby amended to read, in its entirety, as follows:

“No permit shall be issued by the City Manager, which would allow an excavation or opening to be cut into a pavement less than five (5) years old unless the applicant can clearly demonstrate that public health or safety require that the contemplated work be permitted or unless an emergency condition exists. If by special action of the City Manager a permit is issued to a person to open any pavement less than five (5) years old, an additional charge or penalty will be made for such opening, provided, however, that no such charge or penalty will be assessed in the event it is determined that the work is of an emergency nature. The additional charge or penalty shall be assessed in accordance with the Schedule of Permit Fees attached hereto as Exhibit “B” or as determined from time to time by ordinance or resolution of City Council. The City Engineer shall establish the limits of restoration work to be completed as a condition of any permit or, for emergency work, in conjunction with such project. For an excavation or opening cut into a pavement less than five (5) years old,

restoration work shall be completed in accordance the requirements of Section 3.2(H), § 462-21(B)(9), Additional Restoration.”

Section 3. Restoration of Openings; Amendment of Section 3.2(C) (§ 462-21(B)(3)). Section 3.2(C), as codified at § 462-21(B)(3), is hereby amended to read, in its entirety, as follows:

“Restoration of flexible base pavements. Base and surface restoration of flexible base pavements shall be performed under this subsection and as specified in the permit. Prior to replacement of the base course, one foot outside of each edge of the opening shall be sawed, in a neat straight line, to the top elevation of the existing aggregate subbase or stone base course, and the detached material shall be removed. Other surface opening methods, such as cutting, may be authorized if the methods result in the opened pavement having a neat straight vertical line.

- a. Exposed vertical and horizontal surfaces shall be prepared under § 401.3(f) of PennDOT Publication No. 408.
- b. The base course shall consist of bituminous concrete meeting the requirements of PennDOT Publication 408 or other base course material authorized by the City Engineer. The base course material shall have a minimum depth of 5 inches or a depth equal to the existing base course, whichever is greater.
- c. The binder course shall consist of bituminous concrete meeting the requirements of PennDOT Publication 408. The binder course shall have a minimum depth of 2-1/2 inches or a depth equal to the existing binder course, whichever is greater.
- d. The wearing course shall consist of bituminous material meeting the requirements of PennDOT Publication 408. The wearing course shall have a minimum depth of 1 1/2 inches or a depth equal to the existing wearing course, whichever is greater.
- e. Sealing of bituminous restoration to be in accordance with PennDOT Publication 408.
- f. Restoration of the bituminous pavement shall not be completed when raining or outside temperature is below 40°F.
- g. Openings in a roadway are to be restored from the face of the curb to the centerline of the roadway. Openings crossing the centerline of the roadway are to be restored from face of the curb to face of the curb, constituting a full roadway width restoration.”

Section 4. Additional Restoration; Amendment of Section 3.2(H), § 462-21(B)(9)(b). Section 3.2(H)(b), as codified at § 462-21(B)(9)(b), is hereby amended to read, in its entirety, as follows:

- “b. If the permittee opens pavement having a bituminous concrete surface and the wearing course in pavement less than five (5) years old, the permittee shall, in addition to the restoration conditions outlined in the permit and in this section, overlay the pavement in accordance with the following conditions:
 - i. When a longitudinal opening longer than fifty (50) linear feet has been made in the pavement, the permittee shall overlay the lane in which the opening was made and the adjacent lane, for the entire length of highway that was opened, in a manner authorized by the City Engineer.
 - ii. When two (2) or more transverse openings have been made within fifty (50) linear feet of pavement, the permittee shall overlay the lane in which the opening was made and the adjacent lane, for the entire length of highway

- between the openings, in a manner authorized by the City Engineer.
- iii. When two (2) or more emergency openings have been made by the same permittee within fifty (50) linear feet of pavement, the permittee shall overlay the lane in which the opening was made and the adjacent lane, for the entire length of highway between the openings, in a manner authorized by the City Engineer.
 - iv. If disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lane shall be sawcut or milled to a depth of one and one-half (1 ½) inch or the depth of the existing surface course, whichever is less, for the length of the opening to insure a smooth joint, with proper elevation and cross section. A full width overlay may be authorized on various highways instead of saw cutting or milling the disturbed lane.
 - v. If disturbed lanes adjacent to shoulders are overlaid, the shoulder shall be raised, with material and in a manner authorized by the City Engineer for the type of existing shoulder, so that the overlaid pavement and shoulder edges are at the same elevation.”

Section 5. Bonds Required; Amendment of Section 6.2(A)(a) (§ 462-24(B)(1)(a)[1]). Section 6.2(A)(a), as codified at § 462-24(B)(1)(a)[1], is hereby amended to read, in its entirety, as follows:

“When the permittee is a franchised utility, a Corporate Continuing Bond from year to year in a minimum amount of \$50,000.00; and.”

Section 6. Adoption of Construction Details. The City Council hereby adopts the attachments identified as “Typical Trench Restoration Detail”, “Integral Curb & Sidewalk Detail in Ramp Area”, “Typical Concrete Curb Detail”, “Typical Concrete Curb Gutter Detail”, and “Typical Sidewalk Detail” as the construction detail requirements for street opening and access projects for streets and rights-of-way situated within the City of Jeannette.

Section 7. Adoption of Permit Fee Schedule. The City Council hereby adopts the Permit Fee Schedule attached hereto and incorporated herein as Exhibit A as the Permit Fee Schedule for street opening or access permits. The Permit Fee Schedule may be amended or changed by City Council from time to time by ordinance or resolution.

Section 8. Adoption of Schedule of Charges for Inspections, Labor, Materials, Etc. The City Council hereby adopts the Schedule of Charges for Inspections, Labor, Materials, Etc. attached hereto and incorporated herein as Exhibit B as the Schedule for Charges for Inspections, Labor, Materials, Etc. for reviews, inspections, and work performed. The Schedule of Charges for Inspections, Labor, Materials, Etc. may be amended or changed by City Council from time to time by ordinance or resolution.

Section 9. Rules and Regulations. The City Council of the City of Jeannette is hereby authorized and empowered to prepare, promulgate, and enforce rules and regulations made pursuant to the provision of this Ordinance. Such rules and regulations shall have the full force and effect of law unless modified, revoked, or repealed by City Council.

Section 10. Codification. This Ordinance shall be codified within the codified ordinances of the City of Jeannette as an amendment to §§ 462-20(C)(9), 462-21(B)(3), 462-21(B)(9)(b), and 462-24(B)(1)(a)[1], respectively.

Section 11. Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

Section 12. Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this ordinance is hereby repealed to the extent of any such conflict on the effective date of this ordinance.

Section 13. Effective Date. This Ordinance shall become effective ten (10) days after its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the _____ day of _____, 2026.

CITY OF JEANNETTE

By: 
Michelle Langdon
Mayor and President of Council

ATTEST: (SEAL)



Ethan E. Keedy
City Manager/City Clerk

EXHIBIT A

Street Opening or Access Permit Fee Schedule

- A. Basic Fee: \$150.00 for opening less than 36 Square Feet
- B. Longitudinal Openings
 - a. \$25.00 for the first 15 feet and \$25.00 for each additional 20 feet, or part thereof, thereafter
- C. Surface Opening Greater than 36 Square Feet or part thereof, thereafter, will be Basic Fee of \$150.00 plus:
 - a. \$50.00 for each additional 36 Square Feet Opening in Pavement
 - b. \$30.00 for each additional 36 Square Feet Opening in Shoulder
 - c. \$20.00 for each additional 36 Square Feet Opening Outside Pavement and Shoulder
- D. Non-Emergency Test Holes (\$20.00 per hole)

EXHIBIT B

Schedule of Charges for Inspections, Labor, Materials, Etc.

Inspection Rates: \$60.00 Per Hour Charge

Engineering Rate: \$70.00 Per Hour Charge