

**ORDINANCE NO. 2024-286**

**AMENDMENT TO NEW STANTON BOROUGH ORDINANCE §§ 21-207(14)(B)(2) and 21-207(14)(C) REGARDING RESTORATION OF HIGHWAYS DUE TO SUBSURFACE OPERATIONS**

**Whereas**, New Stanton Borough Council seeks to protect, preserve, and restore its highways when they are dug into for permitted subsurface operations.

**Whereas**, New Stanton Borough Council recognizes that Ordinance §§ 21-207(14)(B)(2) and 21-207(14)(C) do not mandate sufficient street restoration efforts after permitted subsurface operations occur in New Stanton Borough’s highways. Ord. §§ 21-207(14)(B)(2), 21-207(14)(C).

**Whereas**, 8 Pa. C.S. § 1202(12) authorizes New Stanton Borough to “regulate the streets, sewers . . . common grounds, gutters, culverts[,] and drains . . . .” 8 Pa. C.S. § 1202(12).

**Wherefore**, New Stanton Borough Council hereby amends Ordinance § 21-207(14)(B)(2) to state only as follows:

B. If the permittee opens pavement having a bituminous concrete surface and the Borough's wearing course is less than five 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:

- \* \* \* \* \*
- (2) When two or more transverse openings have been made within 100 linear feet of pavement, the permittee shall overlay traffic lanes in which the openings were made, for the entire length of highway between the openings, in a manner authorized by the Borough.

**And, Wherefore,** New Stanton Borough Council hereby amends Ordinance § 21-207(14)(C) to state only as follows:

C. Regardless of the age of the wearing course:

- (1) If more than 100 linear feet of longitudinal or transverse openings, or both, are made in the pavement, the Borough shall require the permittee to overlay, curb to curb, the entire length wherein the openings were made in the highway.
- (2) If three or more openings are made within a single block of highway, which is defined as an area between intersections with other public roads, then the Borough shall require the permittee to overlay, curb to curb, the block of highway for a distance of: (1) 150 feet in front of the openings or to the nearest intersection, whichever distance is less; and (2) 150 feet behind the openings or to the nearest intersection, whichever distance is less.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

**Ordained and Enacted** into law by the Council of the Borough of New Stanton

this 2nd day of April, 2024.

ATTEST:

BOROUGH OF NEW STANTON


  
\_\_\_\_\_  
Secretary

By:   
\_\_\_\_\_  
President, New Stanton Borough Council

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Secretary

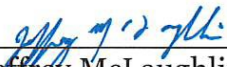
  
\_\_\_\_\_  
Mayor

**CERTIFICATION**

I, Jeffrey McLaughlin, duly qualified Secretary-Treasurer of the Borough Council of the Borough of New Stanton, Westmoreland County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 2024-286 is a true and correct copy of the original Ordinance No. 2024-286 duly passed and adopted by a majority vote of the Borough Council of the Borough of New Stanton at a duly advertised and convened regular meeting held on the 2nd day of April, 2024, and that the minutes of said regular meeting showing how each member voted have been duly recorded in the official minutes of said Borough Council and remains in effect as of this date.

**IN WITNESS WHEREOF**, I affix my hand and attach the seal of the Borough of New Stanton, this 2nd day of April, 2024.

Certified to by:

  
\_\_\_\_\_  
Jeffrey McLaughlin  
Secretary-Treasurer