

**BOROUGH OF PERKASIE
ORDINANCE NO. 973**

**ORDINANCE OF THE BOROUGH OF PERKASIE AMENDING THE OFFICIAL BOROUGH
CODE OF ORDINANCES CHAPTER 160 - STREETS AND SIDEWALKS -ADDING NEW
SECTION 160-43.B.(6), REGARDING MILLING AND OVERLAYING OF STREETS IN THE
CASE OF ROADWAY TRENCHING**

WHEREAS, the Borough Code at 53 P.S. § 45101 *et seq.*, authorizes the Borough Council of the Borough of Perkasia ("Borough Council") to make and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the property management, care and control of the Borough and the maintenance of peace, good government, health and welfare of the Borough and its citizens; and

WHEREAS, the Borough Council believes that it will be in the best interest of the residents of the Borough of Perkasia to revise and amend Chapter 160 of Borough Code of Ordinances to make the following inclusion; and

WHEREAS, Borough Council has met all the procedural requirements of the Borough Code relative to advertising and any required public hearings for this Ordinance amendment; and

WHEREAS, Borough Council, after due consideration of the proposed ordinance at a duly advertised meeting, has determined that the health, safety, and general welfare of the residents of Perkasia Borough will be served by the amendment of the Borough Code of Ordinances as follows.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Perkasia, Bucks County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

SECTION 1. Section 160-43.B.(6) shall be added to the Borough Code of Ordinances and state as follows:

When a trench is cut into any roadway within the Borough, the permit holder shall be required to mill and overlay the half-width of the roadway a depth of 1 ½ inches for the entire length of the trench cut. In cases where the trench cut occurs on both sides of the roadway and/or along the centerline of the roadway, the permit holder shall be required to mill and overlay the entire width of the roadway a depth of 1 ½ inches for the entire length of the trench cut.

SECTION 2. All ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed, it being understood and intended that all ordinances and the Borough Code, such as are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

SECTION 3. The Council of the Borough of Perkasio does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of this Ordinance, including this provision.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, by any court of competent jurisdiction, such provision shall be separate, distinct and independent, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. The failure of the Borough of Perkasio to enforce any provisions of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

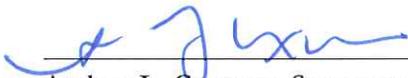
SECTION 6. This Ordinance shall take effect immediately and be in force from and after its enactment as provided by law.

SECTION 7. Under the authority conferred by the Borough Code, 53 P.S. § 45101, *et seq.*, and other relevant statutory law, the Council of the Borough of Perkasio in the County of Bucks, Commonwealth of Pennsylvania does hereby enact and ordain this Ordinance for the Borough of Perkasio.

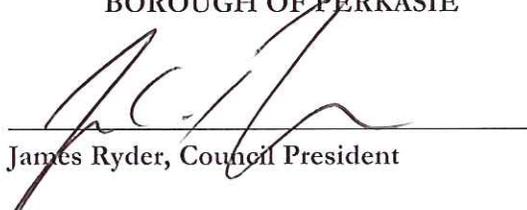
Approved by the Borough Council of the Borough of Perkasio, this 21st day of April, 2014.

Attest:

BOROUGH OF PERKASIO



Andrea L. Coaxum, Secretary


James Ryder, Council President

Examined and approved this 21st day of April, 2014.



John Hollenbach, Mayor