PERKASIE BOROUGH
ORDINANCE NO. 1074

AN ORDINANCE OF THE BOROUGH OF PERKASIE, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE PROVISIONS OF CHAPTER 160, STREETS AND SIDEWALKS, SUBSECTION ARTICLE V, STREET OPENINGS, EXCAVATIONS AND PAVEMENT CUTS, SUB-SUBSECTION 160-42.

WHEREAS, the Pennsylvania Borough Code at 8 Pa.C.S.A. §101 *et seq.*, authorizes the Borough Council of the Borough of Perkasie ("Borough Council") to make and adopt ordinances that are consistent with the Constitution and laws of the Commonwealth when necessary for the proper 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 of Perkasie, in furtherance of the authority noted previously in this ordinance, has determined that it is essential to modify the provisions of the Borough Code related to street openings and permits issued thereto; and

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

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

SECTION 1. The provisions of §160-42 are hereby amended so as to delete that section, and in lieu thereof provide as follows:

§160-42. Permanent repairs to street surfaces.

A. For a roadway surface that has not been resurfaced within the past five years and a permittee causes five or more cuts, openings or modifications in said roadway within 150 feet of one another, depending on the location of the excavation within the roadway, the permittee shall be required to mill and overlay the entire section of roadway between all openings either from curb to curb, or curb to center line of the roadway. Roadway resurfacing shall require the reapplication of all pavement markings, including pre-marked utility markings required by the State's One Call System.

B. For a roadway that has been resurfaced within the past five years and a permittee causes three or more cuts, openings or disturbances in said roadway within 150 feet of one another, depending on the location of the excavation within the roadway, the permittee shall be required to mill and overlay the entire section of roadway between all openings either from curb to curb, or curb to center line of the roadway. Roadway resurfacing shall require the reapplication of all pavement markings, including pre-marked utility markings required by the State's One Call System.

C. All permanent repairs to street surfaces within the Borough shall be made within ninety (90) days after the temporary repair is completed, weather permitting.

SECTION 2. Severability. If any section, provision, or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance so long as it remains legally enforceable minus the invalid portion. The Borough reserves the right to amend this Ordinance or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Ordinance, and the effective administration thereof.

SECTION 3. Effective Date. This Ordinance shall become effective immediately after enactment.

Approved by the Borough Council of the Borough of Perkasie on this 2nd day of November, 2026.

ATTEST:

Carolyn McCreary, Secretary

BOROUGH OF PERKASIE:

Robin Schilling, Council President

Examined and approved this 2nd day of November, 2026.

Jeff Hollenbach, Mayor

THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ENACTMENT AND SIGNATURE