

CHAPTER 21

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PART 1

EXCAVATIONS IN STREETS

§21-101. Permit Required for Facilities in Streets.

In accordance with the provisions of Section 1156 of Article XI of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any Township road nor shall any railroad or street railway crossings nor any gas pipe, water pipe, electric conduits, or other piping be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles or any coal tipples or any other obstructions be erected upon or in, any portion of a Township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.

(6/12/1974, §1)

§21-102. Application for Permit; Fee.

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Department of Transportation for Highway Occupancy Permits and Restoration Charges. In addition, the applicant shall submit three copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

(6/12/1974, §2)

§21-103. Issuance of Permit.

A permit shall be issued to the applicant after all the aforementioned requirements have been filed.

(6/12/1974, §3)

§21-104. Notice of Completion.

Upon completion of the work, the applicant shall give written notice thereof to the Township.

(6/12/1974, §4)

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§21-105. Inspection; Rectification of Improper Work.

Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within 60 days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional 20% of such cost.

(6/12/1974, §5)

§21-106. Penalty for Violation.

Any person, firm or corporation who or which shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$300 and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

(6/12/1974, §6, as amended under Adopting Ordinance)

PART 2

STREET CUTS

§21-201. General Provisions.

It shall be unlawful for any person, firm or corporation to make an opening or excavation in or under any Township street, alley, road or highway for the purpose of installing any pipes or other underground facilities without first securing a permit from the Township Supervisors. Provided, however, that emergency breaks or leaks may be repaired and permit secured within 24 hours after said work is commenced or the first day on which the Township Office is open for business thereafter.

(Ord. 5-11-1988, 5/11/1988, §1)

§21-202. Application.

Application for permit shall contain sufficient information requested on such forms to enable the Supervisors to properly issue such permit with applicable conditions therefor, including time when such work shall be commenced and completed and a plan of such opening or excavation showing the location and size thereof.

(Ord. 5-11-1988, 5/11/1988, §2)

§21-203. Charges.

The charge for said permit shall be as follows:

1. For paved surface roadway: \$50, plus \$7.50 per square foot of paved surface.
2. For unpaved surface roadways: \$50, plus \$3 per square foot of unpaved cartway surface.

(Ord. 5-11-1988, 5/11/1988, §3; as amended by Ord. 8-14-02, 8/14/2002, §1)

§21-204. Safety Precautions; Liability of Permittee.

It shall be the duty of any permittee hereunder:

1. To provide and maintain proper and adequate guards, barriers and lights sufficient to prevent accidents.
2. To provide detours for all emergency vehicles if normal traffic is delayed more than 10 minutes.

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3. To locate any underground facilities and perform such excavations so as to avoid damage to the same.
4. To preserve the hard-surface roads by making the cut at the outer edge of the trench with a saw, jack hammer or pressure cutting wheel to a depth which will prevent cracking and breaking beyond the trench area.
5. To remove existing material taken from the excavation and to backfill the same with 2A modified stone, tamped every six inches with a mechanical tamper and brought up to road surface level and maintained at such level for a period of 90 days. Final re-surfacing and maintenance thereafter shall be the responsibility of the Township.

(Ord. 5-11-1988, 5/11/1988, §4)

§21-205. Exceptions.

Any such openings or excavations which exceed 300 linear feet shall be subject to separate agreement in regard to the per-square-foot charge and the re-surfacing and maintenance of said openings or excavations.

(Ord. 5-11-1988, 5/11/1988, §5)

§21-206. Liability of Permittee.

All risks and liability for any and all damages incurred by reason of such excavation or failure to comply with this Part shall be the responsibility of the permittee.

(Ord. 5-11-1988, 5/11/1988, §6)

§21-207. Penalty.

Any person, firm or corporation violating any provisions of this Part shall, upon conviction before a District Justice, be fined not more than \$300, together with costs of prosecution and in default of payment thereof shall be imprisoned in the Dauphin County Prison for not more than five days.

(Ord. 5-11-1988, 5/11/1988, §7)

PART 3

DRIVEWAY CONSTRUCTION

§21-301. Permit Required.

Before any private driveway abutting a Township road is constructed, or any existing driveway is relocated, or any existing driveway is improved, which improvement takes place in the right-of-way of a Township road, a permit shall be obtained from the Township. All construction and improvements shall be made in accordance with specifications required by the Township at the time the permit is issued. Issuance of a permit under this Part shall be further subject to any other requirements for driveways contained in the Township Code of Ordinances. These regulations do not relieve the permittee of any additional responsibility to secure other federal, state or local approvals or permits as may be required by law.

(Ord. 04-14-2010, 4/14/2010)

§21-302. Application to Construct Driveway.

1. Before the construction, relocation or improvement (which improvement takes place in the right-of-way of a Township road) of any driveway is commenced, an application for a permit shall be made to the Township Codes Enforcement Officer on a form provided by the Township. The application shall be submitted and signed by the property owner, and, if a contractor is performing the work, the contractor shall join in and sign the application.
2. Along with the application, a sketch plan shall be submitted, which adequately describes and/or shows:
 - A. Location and width of the driveway;
 - B. Driveway slope and other existing physical features;
 - C. Drainage features;
 - D. Surfacing materials;
 - E. Existing rights-of-way; and
 - F. Property boundary lines.

(Ord. 04-14-2010, 4/14/2010)

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§21-303. Fee.

The fee for a driveway permit shall be as established by resolution of the Board of Supervisors or, in the absence thereof, shall be \$25.

(Ord. 04-14-2010, 4/14/2010)

§21-304. General Requirements.

1. The Township may issue the permit subject to reasonable conditions, restrictions and specifications, including but not limited to:
 - A. Requirements for use of particular surfacing material;
 - B. Measures for proper drainage (including installation of a drainage pipe);
 - C. Improvement of that portion of the driveway within the right-of-way, by macadam or otherwise, so that water or other materials do not drain and/or wash onto the road;
 - D. Construction of a driveway apron that intersects flush with the Township road and is paved with macadam or such other material as is specified by the Township; and
 - E. Requirements that a Township official be present when final grading and paving work is performed in the right-of-way to insure the driveway is properly joined with the Township road.
2. The word “driveway” shall mean a road, alley, lane, drive or other entrance suitable for use by automobiles for ingress and egress to and from a road adopted and maintained by the Township or a road shown on a final subdivision plan approved by the Township and intended at some future date for adoption by the Township. Roads and other entrances suitable only for use by farm tractors and other farm machinery and not suitable for use by passenger automobiles shall not be considered driveways within the provisions of this Part. The owner of any such field drive is responsible to insure such field drive does not erode onto a public road.

(Ord. 04-14-2010, 4/14/2010)

§21-305. Inspection and Rectification.

Upon completion of the work authorized by the permit, the Township shall be notified and the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. In case any person shall construct a driveway that does not conform to the requirements of the permit, or if a person constructs a driveway without obtaining a permit, the Township may notify

and order such person, including the contractor who constructed the driveway and the owner of the property, to remove the improper work, obtain a permit, and/or replace the same in compliance with this Part. If the persons notified fail to remedy any improper work within 60 days after written notice from the Township to do so, the Township may do the work and shall impose upon the owner and/or the contractor the cost thereof, together with an additional 20% of such cost for administration and overhead, to be collected in any manner provided by law, including by placing a lien on the property of the owner.

(Ord. 04-14-2010, 4/14/2010)

§21-306. Penalties.

Any person violating any provisions of this Part shall, upon conviction thereof before a Magistrate Judge, be subject to a penalty not in excess of \$600 for each and every offense. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 04-14-2010, 4/14/2010)