

CHAPTER 176 – STREETS AND SIDEWALKS

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§ 176-1. Permit required.

It shall be unlawful for any person, firm or corporation to construct a driveway or make an opening into a township street, road or highway or to install a ditch or drain in or along the township street, road or highway without first securing a permit as hereinafter provided and in accordance with the standards adopted by the Board of Supervisors.

§ 176-2. Application for permit.

Any person, firm or corporation desiring to construct a driveway or make an opening into or to install a ditch or a drain in or along a township street, road or highway shall make application to the Township Engineer, in writing, for that purpose. Such application shall be upon blanks furnished by the township and shall set forth the name of the applicant, the exact location of the proposed driveway, opening, ditch or drain, the approximate size, width, depth, grade or relative measurements thereof and the type of material proposed to be used. The Township Engineer shall issue such permit if the application conforms with the standards adopted by the Board of Supervisors.

§ 176-3. Driveway standards.

- A.** Access drives shall not be closer than 40 feet to a public street intersection or within 10 feet of a fire hydrant, catch basin or drain inlet.
- B.** Driveways shall not exceed a slope of 10% and shall have a leveling area with a slope not exceeding 2% within 15 feet of the public street cartway line. Where drives enter a bank through a cut, retaining walls shall be provided, or in lieu thereof, the side slopes of the cut shall be graded to not more than ½ foot vertical to one foot horizontal within 10 feet of the point where the drive intersects with the right-of-way line of the public street.
- C.** The center-line elevation of the driveway shall be on grade with the curb cut or, in lieu of a curbing, not more than two inches above the cartway surface of the public street.
- D.** No driveway shall exceed 24 feet in width within 15 feet of the public street cartway except as increased by a curb radius not greater than five feet. [Amended 6-3-1991 by Ord. No. 91-07]
- E.** Nonresidential driveways shall conform with the additional standards listed in Chapter 203, Zoning and Land Use. [Added 6-20-1994 by Ord. No. 94-17]
- F.** All new driveways shall be paved for a minimum distance of 50 feet from the edge of the cartway. [Added 6-20-1994 by Ord. No. 94-17]

§ 176-4. Precautions.

During such installation, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the drains open and to maintain the street in a safe and passable condition; and such permit shall be issued on the express condition that the person to whom the same is issued shall indemnify, save and hold harmless the township from any loss or damage of any kind occasioned by the construction of such driveway or installation of such ditch or drain.

§ 176-5. Performance of work.

In the event that any work performed pursuant to such permit shall, in the opinion of the Township Engineer, be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him, such time not to be less than three days, or in the event that the work for which the permit was granted is not completed within the time fixed by such permit, the township may proceed to

correct such unsatisfactory work or complete any such work not completed and charge the cost thereof, plus any penalties allowable by law, to the applicant. In default of payment of such charges and penalties within 30 days after written notice thereof, the same shall be collected by the township in the same manner provided by law for the collection of municipal claims.

§ 176-6. Violations and penalties.

Any person, firm or corporation who or which violates or permits a violation of this article, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

§176-7. Intent.

It is the intent of this article to provide regulatory and construction standards for the installation of curbing and sidewalks in Lower Paxton Township. The township's overall goal is to provide a safe, equitable, functional, economical, comfortable and continuous pedestrian access network.

§ 176-8. Definitions.

As used in this article, certain terms are defined as follows:

ACCESS DRIVE - A private street providing for vehicular movement between a public or private street and a parking area or service area within the land development.

ATTACHED SIDEWALKS - A sidewalk located against the interior edge of the curb.

CROSSWALK MARKINGS - Paint or other materials applied to the roadway surface to delineate a pedestrian route.

CURB CUT RAMP - A sloped portion of the sidewalk which permits movement from the sidewalk elevation to the street elevation by depressing the curb.

DENSITY - The number of dwelling units per acre based on the gross acreage in the development tract.

DETACHED SIDEWALK - A sidewalk separated from the interior edge of the curb by a mowing strip.

DRIVEWAY APRON - That portion of the driveway extending from the edge of the street paving or interior face of a curb to the street edge of the sidewalk.

GROSS ACREAGE - The total land area of a tract with no exclusions.

MOWING STRIP - The open space between the detached sidewalk and curb.

NET ACREAGE - Acreage remaining in a tract after the reduction of specified rights-of-way, easements or other land areas.

SIDEWALK WIDTH - The dimension of the sidewalk structure measured perpendicular to the edge of the sidewalk and excluding adjacent curbs.

SITE DISTANCE - The length of road visible to a driver of a vehicle or pedestrian at any given point in the road when viewing is unobstructed by vehicular traffic.

VERTICAL CURB - A curb designed so that the face adjacent to the street is at approximately 90° to the street surface.

§ 176-9. Sidewalk and curb requirements.

- A.** These requirements control facilities intended for or used by the general public. Facilities intended and used for private on-lot movement, such as sidewalks providing access to individual structures, service walks and similar types of walks on private property with limited pedestrian traffic, are excluded.
- B.** [Amended 9-28-1989 by Ord. No. 89-12; 6-20-1994 by Ord. No. 94-17] Sidewalks shall be provided in accordance with Table A which establishes the minimum standards for each township zoning district. For residential streets, curbs shall be required in accordance with Chapter 203, Zoning and Land Use, including instances where sidewalks are not required. Curbs shall be required in all instances for streets in nonresidential areas, including instances where sidewalks are not required. Additionally, sidewalks and/or curbs may be required as determined by the Board of Supervisors in the following circumstances:
 - 1. To continue existing sidewalk and/or curb systems to the terminus of a service area or block.
 - 2. To provide access to vehicular parking compounds.
 - 3. Where unusual or particular conditions prevail with respect to prospective traffic and/or safety of pedestrians.
 - 4. Change of any residential building to any other use.
- C.** [Amended 6-20-1994 by Ord. No. 94-17] Curb cut ramps shall be provided on each corner of all intersections where sidewalks are constructed, reconstructed or altered, except as follows:
 - 1. When safe operation of a wheelchair cannot be ensured due to hazards peculiar to the particular intersection; or
 - 2. When the sidewalk slope entering the intersection is in excess of eight-percent grade.

D. In situations where sidewalks are required on only one side of a street, the following prioritized considerations shall apply: in all instances the safety and continuity of the pedestrian access system should always be of foremost concern.

1. The sidewalk shall be located on the side of the street generating the greatest pedestrian volume.
2. If pedestrian volumes are equal, the side requiring the least grading and resulting in the lowest grades shall be used.
3. In a cut-fill situation, locate the sidewalk on the side primarily in cut.
4. Select the side requiring the fewest crosswalks.
5. Select the side with the fewest anticipated obstacles.
6. Select the side with permitted parking.
7. Select the side best lit by night lighting.
8. Select the side with parks or open spaces.
9. Select the side with southern sun exposure.
10. Select the side upwind from vehicle exhaust fumes.

§ 176-10. Design standards.

Sidewalks, curbs and curb cut ramps required by § 176-9 shall be designed in accordance with the following standards:

A. Sidewalks.

1. Sidewalks shall be located along the existing street frontage of the tract, along the side of proposed public and private streets within a project and adjacent to vehicular parking compounds. These sidewalk locations may be varied if, in the judgment of the township, an alternate system meets the projected need for pedestrian circulation.
2. All sidewalks shall be detached sidewalks; however, the township may permit attached sidewalks under the following conditions upon request by the landowner.
 - (a) When existing natural or man-made conditions cause physical constraints, such as insufficient distance between an existing stream or structure and an existing roadway, which shall not accommodate detached sidewalks; or
 - (b) When the construction shall complete an existing attached sidewalk and the length of sidewalk to be completed is less than 100 feet.
3. Sidewalks adjacent to public streets shall be located within the street right-of-way, beginning on the right-of-way line with the width extending toward the street.
4. Sidewalks adjacent to private streets, access drives and parking compounds need not be located at any prescribed setback.
5. Pedestrian easements provided in lieu of sidewalks along public or private streets or to give access to community facilities shall have a minimum width of 10 feet and a minimum walkway width of four feet. These walkways shall be improved to the standards required by the township.

B. Curbs.

1. All new curbs shall be the vertical type. (See Figure A.)
2. Curbs which continue, replace or become an integral part of an existing curb system may be a type resembling the existing curbing when the total length of new curbing is less than 100 feet. Curb lengths in excess of 100 feet shall require vertical curbs.

C. Curb cut ramps.

1. The preferred location of the ramps shall be the point of curvature of the curb intersection radius. (See Figure B.)
2. For the safety of the blind, the location of curb cut ramps shall be uniform within a general area.

§ 176-11. Construction specifications.

Construction of sidewalks, curbs and curb cut ramps as required in § 176-9 shall conform to the following specifications. Any reference to the "Department" in Pennsylvania Department of Transportation (PennDOT) Form 408 shall be understood to mean Lower Paxton Township.

A. Sidewalks.

1. Sidewalks shall have a minimum width of four feet unless otherwise indicated in Table A.
2. Cross slope on sidewalks shall be as follows unless otherwise directed to meet special requirements:
 - (a) Walks abutting building structures shall slope away from the building at a 1/4 inch per foot slope.
 - (b) All other walks and adjacent mowing strips shall be constructed to discharge drainage with a 1/4 inch per foot cross slope. Mowing strips shall always drain toward the street.
3. Sidewalks adjacent to public streets may be constructed of any appropriate paving material approved by the township. Concrete used in sidewalk work shall be as specified in PennDOT Form 408 for cement concrete sidewalks.
4. All sidewalks shall be laid to the line and grade shown on the approved construction plans and shall be constructed in accordance with PennDOT Form 408 for cement concrete sidewalks, except that premolded expansion joints shall be 1/4 of an inch in thickness.
5. All concrete sidewalks shall have a minimum thickness of four inches, except at driveways, where the sidewalks shall have a minimum thickness of six inches and shall contain one layer of 6 x 6 W 2.9 x W 2.9 welded wire fabric. (See Figure C2.)
6. In residential areas, sidewalks not adjacent to public streets may be constructed of bituminous surfacing on a stone base. (See Figure C3.) Bituminous walks shall be laid to the line and grade shown on the approved construction plans and shall be constructed in accordance with PennDOT Form 408 for ID-2 bituminous wearing course and subbase.

B. Curbs.

1. All curbs shall be of stone, granite or concrete construction. All materials used in construction of curbs shall be as specified in PennDOT Form 408 for plain cement concrete curb, granite curb or stone curb.
2. All concrete curbs shall be treated with an anti-spalling compound, resistant to de-icing chemicals.
3. Vertical curbs shall be 18 inches deep, seven inches wide at the top and eight inches wide at the base. The distance from the top of the curb to the flow line of the gutter shall be eight inches. (See Figure A.)
4. Curbs shall be constructed in accordance with PennDOT Form 408 for the applicable type curb, except as noted.
5. To provide for driveways, depressions in the curb may be constructed and finished during the time of construction. The curb shall be depressed to 1 1/2 inches above the street surface for driveways. (See Figure D.)
6. If changes must be made to driveway locations, the existing curb depression shall be completely removed and replaced with the standard vertical curb. Any damage to the street paving resulting from the removal of the existing driveway depression shall be repaired to the satisfaction of the township.
7. At all intersections with curbs, the curbs shall be constructed with a smooth, continuous radius, with expansion joints provided at the beginning and end of all radii.

C. Curb cut ramps.

1. Curb cut ramps shall be constructed of concrete as specified in Pennsylvania Department of Transportation (PennDOT) Form 408 for cement concrete sidewalks.
2. Curb cut ramps shall have a minimum width of two feet six inches and a maximum grade of 17%. (See Figure E1.)
3. A one-half-inch curb face with a tolerance of 1/8 inch in the ramp width portion of the curb cut shall be provided. (See Figure E2.)
4. The concrete shall be a minimum of four inches thick on a four-inch subbase as required for sidewalks. (See Figure C1.) The surface texture of the ramp should be rougher than the texture used on the surrounding sidewalk and be obtained by a course brooming, transverse to the slope of the ramp.
5. A one-fourth-inch expansion joint shall be required where the ramp joins any rigid pavement or structure. The top of the joint filler shall be flush with the adjacent concrete.
6. Care should be taken to assure a uniform grade on the ramp, free of sags and abrupt grade changes.
7. The pedestrian crosswalk lines at intersections with curb cut ramps shall be as shown in Figure B.

§ 176-12. Plan submission; contractor or developer responsibilities.

- A.** Plans for construction, reconstruction or alteration of any sidewalks, curbs or curb cut ramps required by this article, except those included as part of an approved subdivision or land development plan, shall be filed with the Codes Enforcement Office during normal business hours and at no other time.
- B.** Plans submitted for approval shall consist of four clear blue or black line prints, all of which shall be filed with the township.
- C.** The plans shall include the following:
 - 1. The name and address of the property owner or developer and the contractor responsible for construction.
 - 2. A map providing sufficient detail to show the location of the work within the township.
 - 3. A plan providing sufficient detail to show the dimensional location of the work with regard to existing improvements, property lines and rights-of-way.
 - 4. A profile showing the elevation of proposed sidewalks and curbs in relationship to the existing street elevations. Elevations shall be shown at twenty-five-foot stations.
 - 5. Cross sections and details as necessary to indicate that the proposed facility complies with the design standards and construction specifications of this article.
- D.** The township shall act on all submissions within 10 calendar days from the date of submission of complete plans.
- E.** The contractor shall notify the township for final inspection of elevation stakes prior to installing construction materials.
- F.** Any monuments or property corners which would be covered or disturbed by the construction shall be reset by a licensed surveyor at the contractor's expense.
- G.** The contractor shall clean and remove from the project and adjacent property all surplus and discarded materials, equipment and temporary structures within 48 hours after completion of the work.
- H.** Suitable barricades shall be placed around the work area in such a manner as to protect both pedestrian and vehicular traffic. Such barricades shall be properly lighted during the night hours.
- I.** When construction covers only curbs, it shall be the duty of the contractor to restore all damaged sidewalks, lawn areas, landscaping, curb cut ramps and street paving. The foundation of the facility shall be thoroughly compacted before the facility is replaced.
- J.** It shall be the responsibility of the developer to relocate all existing utilities which shall be affected by or which shall affect the installation of sidewalks and also to obtain necessary permits.

§ 176-13. Maintenance.

- A.** It is the obligation of the adjacent property owner to maintain sidewalks, curbs and mowing strips and eliminate any conditions which, in the opinion of the

township, may be a hazard to the public. The following conditions shall be considered sufficient cause for requiring repair or replacement of sidewalks or curbs:

1. Movement out of vertical alignment in excess of 1 1/4 inches resulting in an abrupt change in height of the walking surface which causes a tripping hazard or permits the accumulation of stormwater.
 2. The surface is broken up, pitted or disintegrating, causing a safety hazard.
 3. Movement out of horizontal alignment creating a safety hazard or drainage problem.
- B.** The township shall determine the extent of repairs necessary to eliminate hazards. When the repair work includes the removal of sidewalk, the removal or cutback shall only be done with a saw, and the sidewalk replacement shall follow a neat, straight line in joining old work.
- C.** Where the existing condition to be repaired includes a drainage depression in the sidewalk surface, every attempt shall be made to replace the depression with a drain pipe under the sidewalk.

§ 176-14. Modifications of requirements. [Added 6-20-1994 by Ord. No. 94-17]

- A.** The requirement for sidewalks and curbs may be modified by the Board of Supervisors. Modifications of these requirements shall not nullify the intent and purpose of this article, and the Board of Supervisors shall not grant modifications unless the request complies with each of the six conditions listed below:
1. Where sidewalks and curbs are deemed inconsistent with the intent of this article.
 2. Where unique physical circumstances or conditions exist providing no possibility that sidewalks or curbs can be installed.
 3. Where the need for a modification has not been created by the actions of the applicant.
 4. Where the modification, if granted, will not alter the essential character of the transportation network or land development activities existing in the vicinity of the request.
 5. Where the modification, if granted, will not impair either pedestrian movement or roadway drainage.
 6. Where the modification, if granted, will represent the minimum deviation from the requirements of this article that will afford relief to the applicant.
- B.** Applications for any modification of these requirements shall be submitted in writing. The applicant shall state fully the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Code involved and the minimum modification necessary.
- C.** The applicant shall submit a plan and detail providing for the alternative design should the request for modification be granted.
- D.** The request for modifications shall be reviewed by the Township Planning Staff, Township Engineer and the Township Planning Commission. Advisory comments from these reviews shall be provided to the Board of Supervisors

for consideration. In granting a modification, the Board may attach such reasonable conditions and safeguards as it deems necessary.

- E. The Board of Supervisors may consider requests for modifications in conjunction with the associated subdivision or land development plans when applicable.
- F. The township shall keep a written record of all action on all requests for modifications.

§ 176-15. Violations and penalties.

Any person, firm or corporation who or which violates or permits a violation of this article, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

§ 176-16. Compliance.

It shall be unlawful for any person, firm or corporation to perform any work in any street, highway, sidewalk or other public right-of-way involving the placing of utility facilities or other structures or opening of the surface without first obtaining a permit from the township or without complying with the provisions of this article or in violation of a variance from the terms of any such permit.

§ 176-17. Permit applications.

- A. Applications for such permits shall be made upon the township form to the Codes Enforcement Office, and shall contain:
 - 1. A description of the location of the intended excavation, tunnel, or installation;
 - 2. The size of the excavation, tunnel or installation;
 - 3. The purpose of the excavation, tunnel or installation;
 - 4. Three (3) sets of Final Design Plans complying with the regulations of the Pennsylvania One Call Law, and showing the Design Serial Number, the location and pertinent dimensions of the opening, the proposed excavation or installation and related highway features; [Amended 9-20-2011 by Ord. No. 11-08]
 - 5. The name of the person, firm or corporation doing the actual excavating or installation work; and
 - 6. The name of the person, firm or corporation for whom the work is being done.
- B. Applications for such permits shall be accompanied by:

1. A check or money order, payable to the township, in the appropriate amount, as set forth in § 176-18 (relating to permit fees);
 2. A maintenance bond as set forth in § 176-21F (relating to requirements for a maintenance bond); and
 3. A hold harmless and indemnification agreement as set forth in § 176-21E (relating to requirements for a hold harmless and indemnification agreement).
- C.** Information provided in applications must be accurate. Section 4904 of the Crimes Code 18 Pa.C.S.A. § 4904 (relating to unsworn falsification to authorities) makes it a misdemeanor of the second degree for a person to mislead a public servant in performing an official function by making any written false statement which the person does not believe to be true.
- D.** The township will examine and determine the genuineness, regularity and legality of every application and may reject any application if not satisfied as to its genuineness, regularity or legality or the truth of any statement contained in the application. The township may also make such investigation and require such additional information as it deems necessary.

§ 176-18. Permit fees.

- A.** Permit issuance fees shall be used to defray costs incurred by the township in reviewing and processing the application and plans, including the preliminary review of the site location identified in the application, and issuing and processing the permit. The issuance fee shall be as set forth from time to time by resolution of the Board of Supervisors.
- B.** General permit inspection fees shall be used to defray costs incurred by the township in inspections of permitted work or subsequent inspections, or both, after the permitted work has been completed, to ensure compliance with the permit and the provisions of this article.
1. Underground facilities (for example: pipelines, buried cable with pedestals, conduit, manholes, headwalls, inlet, and grate). This fee is calculated on the total linear feet of the facility or facilities being permitted within the right of way regardless of whether the surface is opened.
 - (a) Physically connected facility or facilities (first 50 feet or fraction thereof) (each section): as set forth from time to time by resolution of the Board of Supervisors.
 - (b) Additional physically connected facilities (each 100 feet or fraction thereof): as set forth from time to time by resolution of the Board of Supervisors.
 2. Surface openings of less than 25 square feet (for example: service connections performed independently of underground facility installation, pipe line repairs) (each opening): as set forth from time to time by resolution of the Board of Supervisors.
 3. Aboveground facilities (for example: poles or guys or anchors if installed independently of poles):

- (a) Up to 10 physically connected aboveground facilities (each continuous group): as set forth from time to time by resolution of the Board of Supervisors.
 - (b) Additional aboveground physically connected facilities (each pole with appurtenances): as set forth from time to time by resolution of the Board of Supervisors.
4. Crossings (for example: overhead tipples, conveyers or pedestrian walkways and undergrade subways or mines): as set forth from time to time by resolution of the Board of Supervisors.

§ 176-19. Issuance of permits.

- A. Upon application duly made, in accordance with the provisions of this article, a permit will be issued by the Codes Enforcement Office, subject to the provisions of this article and the conditions contained on the permit and its attachments and supplements. The permit shall be the applicant's authority to proceed with the work and shall also serve as a receipt for the fees accompanying the application.
- B. During the course of the work, inspections must be made by the township. The applicant must notify the Codes Enforcement Office when the work is ready for inspection as set forth on the permit.

§ 176-20. Emergency work.

- A. Emergency repairs involving the placing of facilities or opening of the surface within the right-of-way may be performed prior to obtaining a permit, provided that the following procedure is adhered to:
 1. The utility facility owner shall immediately notify the Codes Enforcement Office by telephone when the necessity for an emergency repair occurs during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. Emergency work occurring at other times shall be reported to the Codes Enforcement Office on the following business day.
 2. Prior to opening the surface or placing utility facilities within the right-of-way, the utility work crew shall record the following information, in legible handwriting using indelible ink:
 - (a) Date emergency work is started.
 - (b) Time emergency work is started.
 - (c) Location of emergency work site.
 - (d) Description of emergency work.
 3. The recorded information shall be located at the work site and shall be available for inspection by any police officer or representative of the township.
 4. A permit shall be applied for within five days to confirm and set forth in detail any work performed.
- B. All work performed prior to the issuance of a permit shall conform to the provisions of this article and the conditions contained on the permit.

§ 176-21. General conditions.

The following conditions shall apply to permits issued under the provisions of this article:

- A.** The permit shall be binding on the permittee, its agents, contractors, successors and assigns.
 - 1. The permittee shall be responsible for causing compliance with all terms and conditions of the permit by its employees, agents and contractors.
 - 2. The permit shall be located at the work site and shall be available for inspection by any police officer or representative of the township.
 - 3. The permittee shall be principally liable to the township for any failure to comply with the provisions of this article. The principal liability of the permittee shall not preclude the township from bringing any action against the permittee's contractor, subcontractor, engineer, architect, assignee or any other person.
- B.** The work shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements of the township. If at any time it shall be found by the township that the work is not being done or has not been properly performed, the permittee, upon being notified in writing by the township, shall immediately take the necessary steps, at its own expense, to place the work in condition and conform to such requirements. In case any dispute arises between the permittee and the township's inspector, the inspector shall have the authority to suspend work until the question at issue may be referred to and be decided by the Codes Enforcement Office.
- C.** Permittee responsibilities shall include the following:
 - 1. The permittee shall pay all costs and expenses incident to or arising from the project, including the prescribed fees therefor, the cost of making and maintaining temporary restoration of the disturbed areas and making permanent restoration.
 - 2. In the event of failure or neglect by the permittee to perform and comply with the permit or the provisions of this article, the township may immediately revoke and annul the permit and order and direct the permittee to remove any or all structures, equipment or property belonging to the permittee or its contractors, or both, from the legal limits of the right-of-way and restore the same to its former condition.
 - 3. If work is stopped on a project for any reason, other than at the end of any normal workday, and any ditch or trench, in the opinion of the township, remains open for an unreasonable period, the permittee, if so directed, shall refill the ditch or trench and work shall not be resumed until the permittee is prepared to proceed immediately with the work to its completion.
- D.** Streets shall be protected by the following types of equipment:
 - 1. To protect the pavement and shoulders, all equipment shall have rubber wheels or runners and shall have rubber, wood or similar

protective pads between the outriggers and the surface unless otherwise authorized by the permit.

2. In the event that other than rubber-equipped machinery is authorized for use, the pavement, shoulders and sidewalks shall be protected by the use of matting, wood or other suitable protective material having a minimum thickness of four inches, unless the permit requires the permittee to repave the roadway full width.
 3. If the equipment damages the pavement, shoulders or sidewalks, the permittee shall restore them to their former condition at the expense of the permittee.
- E.** Prior to the issuance of a permit, the permittee shall enter into an agreement to fully indemnify and save harmless and defend, if requested, the township, its agents and employees of and from all liability for damages or injury occurring to any person or persons or property through or in consequence of any act or omission of any contractor, agent, servant, employee or person engaged or employed in, about or upon the work by, at the instance or with the approval or consent of the permittee; from any failure of the permittee or any such person to comply with the permit or the provisions of this article; and, for a period of two years after completion of the permitted work, from the failure of the street in the immediate area of the work performed under the permit where there is no similar failure of the street beyond the area adjacent to the area of the permitted work.
- F.** No permit shall be issued unless and until the applicant therefor has deposited, with the Codes Enforcement Office, on the form provided by the township, a bond in the sum of not less than \$10,000 conditioned to indemnify the township for maintenance of the immediate area wherein the tunnel or excavation was made for a period of two years from the date of permanent restoration.
1. Except as provided in Subsection F(2) of this subsection, each \$10,000 bond may be used as security for not more than five openings.
 2. In the event that a street excavation opening would necessitate overlaying any portion of the street pursuant to § 176-22, the \$10,000 bond used as security for such a project may not be used as security for any other project.
- G.** The permittee shall, upon request, submit to the Codes Enforcement Office a certificate or certificates of insurance for public liability and property damage, in form and amount satisfactory to the township, to cover any loss that may be incurred for or on account of any matter, cause or installation of the permitted structures or facilities.
- H.** As long as the permittee operates and leaves in place any structures or facilities in, upon or along the right-of-way, the permittee shall maintain and keep them in good order and repair.
- I.** If at any time the structure or facility shall become damaged from any cause whatsoever, the permittee shall have it removed, repaired or otherwise made safe immediately upon notification from the township.

- J. If there is a failure of the street, including slope, or any other appurtenance thereto in the immediate area of the permitted work within two years after completion of the permitted work and there is no similar failure of the street beyond the immediate area of the permitted work, the permittee shall have absolute responsibility to make all temporary and permanent restoration, including restoration of the immediate area if it has failed.
- K. Approval by an inspector of the township of all or part of any permitted work shall not constitute acknowledgment that the work was performed in accordance with the permit, nor shall such approval of the inspector act as a release of the permittee or waiver by the township of its right to seek performance or restitution from the permittee.

§ 176-22. Special conditions for subsurface operations.

- A. Drilling, boring, driving or tunneling across improved areas shall comply with the following conditions:
 - 1. When crossing under any improved area, the opening for a utility facility shall be drilled, bored, driven or tunneled on a horizontal plane at a minimum depth of three feet from the surface of the street and its swale ditches to the top of the opening.
 - (a) If the facility is more than 12 inches in diameter, the bored cylindrical space surrounding the facility shall be filled with grout.
 - (b) Wet boring shall be prohibited.
 - 2. No openings for the purpose of placing utility facilities or other structures under improved area by drilling, boring, driving or tunneling shall be made closer than three feet to the edge of the roadway, unless the permit authorizes a lesser clearance.
 - 3. Facilities and other structures crossing under the improved area shall be constructed so as to ensure the safety of the traveling public and to preclude the necessity of entering upon the improved area to effect future maintenance or replacement.
- B. Trenching across improved areas shall be performed by one of the following two methods:
 - 1. Utility facility placed in one piece across street.
 - (a) Traffic shall be routed over 1/2 of the pavement width.
 - (b) The closed half of the pavement shall be opened to the required depth and bridged with steel plates.
 - (c) Traffic shall be shifted to the bridged half of the pavement.
 - (d) The remaining half of the pavement shall be opened to the required depth.
 - (e) The facility shall be placed full width.
 - (f) The open trench shall be backfilled and restored half-width in accordance with the provisions of this section.
 - (g) Traffic shall be shifted to the restored half of the pavement.
 - (h) The bridging shall be removed and the remaining half of the trench shall be backfilled and restored in accordance with the provisions of this section.

2. Utility facility placed in more than one piece across street.
 - (a) Traffic shall be routed over 1/2 of the pavement width.
 - (b) The closed half of the pavement shall be opened to the required depth, the facility placed and the trench backfilled and restored in accordance with the provisions of this section.
 - (c) Traffic shall be shifted to the restored half of the pavement.
 - (d) The remaining half of the pavement shall be opened to the required depth, the facility placed and the trench backfilled and restored in accordance with the provisions of this section.
 3. If it is impossible to trench across an improved area without closing the street to all traffic, the street shall not be closed for more than a period of eight consecutive hours.
 4. All trenches left open at the end of the workday shall be marked by lighted barricades and bridged with steel plates.
- C.** Requirements for trench openings parallel to a street shall be as follows:
1. Trench openings for utility facilities and other structures shall be made so that the near edge of the opening is at least three feet outside the edge of roadway unless the permit authorizes a lesser clearance, with a minimum depth of three feet from the surface to the top of the facility.
 2. No trench opening shall be made for a distance of more than 200 feet at any one time, unless authorized by the permit. In addition, no more than 40 feet of trench shall be left open on the shoulder of a street at the end of any workday, unless authorized by the permit.
 3. All trenches left open at the end of the workday shall be marked by lighted barricades and bridged with steel plates.
- D.** Except for emergency repairs of utility facilities, work shall be stopped prior to peak traffic hours that exist on a particular street on a particular day. Steel plates or bridging shall be placed over all openings made within the improved area which are less than six feet in either length or width when work is stopped. The plates or bridging shall be extended to a minimum of 18 inches from each edge of the opening and shall be secured in a safe manner.
- E.** The responsibility of the permittee for disposition of the materials shall be as follows:
1. The permittee shall keep the improved area free of all material which may be deposited on the street by vehicles during the performance of the work authorized by the permit.
 2. The permittee shall be responsible for controlling dust conditions created by its own operations.
 3. All excess material and material that is not suitable for backfill shall be removed and disposed of outside the right-of-way as the work progresses.
 4. All retained suitable material shall be placed or stored on the side of the operation farthest from traffic unless otherwise authorized by permit, and in such a manner that there will be no interference with the flow of water in any gutter, drain, pipe, culvert, ditch or waterway.

- F.** All openings made in the improved area shall be backfilled by the permittee in accordance with the following minimum standards.
1. The opening shall be backfilled using one of two possible methods:
 - (a) The opening shall first be backfilled with material suitable for insulation to a height not to exceed one foot over the top of the facility, compacted in not more than four-inch layers, and then backfilled with 2A subbase aggregate or fine material (type A or better stone) and compacted throughout its full width in layers not to exceed four inches if a tamper is used or in layers not to exceed eight inches if approved vibratory compaction equipment is used; or
 - (b) The opening shall be backfilled entirely with 2A subbase aggregate or fine material (type A or better stone) and compacted throughout its full width in layers not to exceed four inches if a tamper is used or in layers not to exceed eight inches if approved vibratory equipment is used.
- G.** Base and surface restoration of pavement shall be as follows:
1. Prior to replacement of the base course, one foot from each edge of the trench shall be sawed or cut, in a neat straight line, to the bottom elevation of the existing base course, and the detached material shall be removed. Drilling shall not be permitted.
 - (a) The permanent base course shall consist of bituminous concrete at a minimum depth of six inches on minor streets and a minimum of eight inches on collector and arterial street.
 - (b) The bituminous binder of not less than six or eight inches of BCBC or binder shall then be applied, followed by the wearing course of not less than 1 1/2 inches of ID-2.
 - (c) After application of the wearing course, the edges of the opening shall be sealed with AC/20 sealer or equivalent, a width of not less than six inches.
 2. At the option of the permittee, a temporary restoration may be done prior to permanent restoration. Prior to making the permanent restoration, one foot from each edge of the opening shall be sawed or cut, in a neat straight line, to the bottom elevation of the existing base course, and the detached material shall be removed. Drilling shall not be permitted.
 - (a) Temporary restoration, if made, shall be kept in place for a maximum of 90 days. After backfilling, as provided in Subsection F of this section, the opening shall be patched with bituminous concrete to the original grade. If supplies of bituminous concrete are not available or it is impractical to install due to the season of the year, A and B patch (cold patch) may be substituted.
 - (b) If neither bituminous concrete nor A and B patch are available, the opening shall be backfilled as provided in Subsection F of this section and the opening shall be marked by lighted barricades and bridged with steel plates until stabilized with blacktop.

- (c) Before the maximum ninety-day-period expires, the temporary restoration shall be removed and permanent restoration made in accordance with this section.
- H. Upon completion of temporary and permanent pavement restoration, the restoration date shall be painted either on or immediately adjacent to the restored opening. The painted dates shall indicate the month and year numerically. The numerals shall be at least six inches in height. The paint shall be durable and wear-resistant and shall be color-coded as follows: blue (water), yellow (gas-petroleum), red (electric), orange (communications) and green (sewer).
- I. Appurtenances to underground installations shall include:
 - 1. The top of every manhole, valve box or other access to the facility shall be at the same elevation as the surface in which it is located.
 - 2. The surface surrounding manhole or valve covers located in shoulders shall be paved in such a manner to prevent washouts.
 - 3. All manholes, including those cast in place, shall be constructed in compliance with current industry standards.
- J. Additional restoration shall include the following:
 - 1. All disturbed portions of the street, including all appurtenances and structures such as guardrails or drain pipes, shall be restored to a condition equal to that which existed before the start of the work authorized by the permit.
 - 2. If the permittee opens any street pavement having a bituminous concrete surface, whether to install a new facility or to modify an existing facility or for any reason other than to make up to five emergency openings in the street pavement pursuant to § 176-20 (relating to emergency work), and the 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 street pavement in accordance with the following conditions:
 - (a) When a longitudinal opening longer than 10 feet and wider than three feet is made in the street pavement, the permittee shall overlay the traffic lanes in which the opening was made for the entire length of highway that was opened, as directed by the township.
 - (b) When two or more transverse trench openings are made in the street pavement less than 100 feet apart, the permittee shall overlay all traffic lanes in which the openings were made for the entire length of street between such openings, as directed by the township.
 - (c) When five or more emergency openings have been made by the permittee in the street pavement less than 100 feet apart within five years of the last resurfacing, the permittee shall overlay all traffic lanes in which the openings were made for the entire length of street between such openings.
 - (d) Where disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lane shall be saw cut to a depth of 1 1/2 inches for the length of the opening and the

detached material removed, in order to ensure a smooth joint. A full width overlay may be performed instead of saw cutting and stripping the disturbed lane or lanes.

(e) Where disturbed lanes adjacent to shoulders are overlaid, the shoulder shall be raised so that the overlaid pavement and shoulder edges are at the same elevation.

3. Regardless of the age of the wearing course:

(a) When both longitudinal and transverse trench openings are made in the street pavement, the township may require the permittee to overlay all traffic lanes in which such openings were made for the entire length of street that was opened; or

(b) When five or more openings

K. Proposed subsurface utilities shall be designed and installed maintaining a ten (10) foot minimum horizontal separation and a three (3) foot minimum vertical separation from all existing Sanitary Sewer Facilities and appurtenances, except sanitary sewer laterals and building sewers, unless approved otherwise in writing by the Township. Proposed subsurface utilities shall be designed and installed maintaining a five (5) foot minimum horizontal separation and an eighteen (18) inch minimum vertical separation from all existing sanitary sewer laterals and building sewers unless approved otherwise in writing by the Township. Nothing in this section shall be construed to prevent proposed subsurface utilities from crossing existing Sanitary Sewer Facilities. However, when proposed subsurface utilities must cross Sanitary Sewer Facilities, said crossing shall occur at a 90° angle, unless approved otherwise in writing by the Township. [Added 9-20-2011 by Ord. No. 11-08]

§ 176-23. Violations and penalties.

Any person, firm or corporation who or which violates or permits a violation of this article, upon being found liable therefor in a civil enforcement proceeding, shall pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the township in the enforcement of this article. No judgment shall be imposed until the date of the determination of the violation by the District Justice and/or Court. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.