

Chapter 21

Streets and Sidewalks

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Part 1**Street Excavations****§21-101. Definitions.**

The following words, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise.

Applicant - any person who makes application for a permit.

Emergency - any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

Manager - the Manager of the Township, or his/her authorized deputy, representative, or inspector.

Newly-improved street - newly-constructed cartways, including base and surfacing of either concrete or asphalt and reconstructed cartways surfaced with at least 1¼ inch top of asphalt. It shall be the prerogative of the Director of Public Works to define the category of “newly-improved street” and advise the proper utility companies of this designation.

Permittee - any person who has been issued a permit and has agreed to fulfill all the terms of this Part.

Public utility company - Allegheny County Sanitary Authority (ALCOSAN), any cable television company, or any company subject to the jurisdiction of and control by the Pennsylvania Public Utility Commission.

Street - a public street, public easement, right-of-way, public highway, public alley, public sidewalk, public way, or public road accepted or maintained by the Township, or open for travel and use by the public, whether or not so accepted or maintained, including the entire area within the right-of-way thereof.

(Ord. 349, 6/2/1992)

§21-102. Street Openings and Pavement Cuts.

1. *Permit Required.* It shall be unlawful for any person to make any tunnel, opening, or excavation of any kind in or under the surface of any street without first securing a permit from the Manager for each separate undertaking; provided, however, any person maintaining pipes, lines, or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided the permit could not reasonably and practically have been obtained beforehand. In such cases where emergency openings are necessary, however, the Township shall be notified prior to such openings in one of the following manners:

- A. Fax notification.
- B. Telephone notification.
- C. PA One call.

The person shall thereafter apply for a permit on the first regular business day on

which the office of the Manager is open for business, and said permit shall be retroactive to the date when the work was begun.

2. *Street Openings Limited.* No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount greater than that specified in the permit, except that where the permittee desires to perform additional work not in excess of an amount greater than 10 percent of the amount specified in the permit, permittee may apply to the Manager for an amended permit to permit the additional work. If the additional work desired to be performed by the permittee exceeds 10 percent of the amount specified in the original permit, an application for a new permit shall be made. Any deposit or bond posted in connection with the original permit shall be deemed to cover any such additional work as may be added pursuant to the issuance of an amended permit within the limit specified herein.

3. *Commencement of Work.* Work for which a permit has been issued shall commence within 30 days after the issuance of the permit therefor. If not so commenced, the permit shall be terminated automatically unless the permittee applies for an extension of time within which to commence work. If such an extension is granted, the original permit shall remain in force for the period of time specified in the extension. Permits which terminate by reason of failure to commence work within 30 days after issuance or within any extension of time granted hereunder may be renewed only upon the payment of an additional permit fee as originally required.

4. *Permits Nontransferable.* Permits are not transferable from one person to another, and the work shall not be performed in any place other than the location specifically designated in the permit.

5. *Expiration of Permits.* Every permit shall expire at the end of the period of time which shall be set out in the permit. If the permittee shall be unable to complete the work within the specified time, he shall, prior to expiration of the permit, present in writing to the Manager a request for an extension of time, setting forth therein the reasons for the requested extension. If the Manager finds that the failure to complete the work under the permit within the time specified therein was due to circumstances reasonably beyond the control of the permittee and that an extension of time to complete the work under the permit is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work.

6. *Municipal Utility Cuts.* All street openings required by utilities owned and/or operated by the Township shall be made and restored under the direction and supervision of the Manager. The permit, fee, deposit, insurance, and bond requirements of this Part shall not be applicable to any openings made by municipally-owned and/or operated utilities.

7. *State and County Highways.* The provisions of this Part shall not be applicable in those instances where the street or highway is maintained by the Commonwealth or by the County of Allegheny; provided, however, that any person applying for a permit to do work within the right-of-way of a street or highway maintained by the Commonwealth of Pennsylvania or by the County of Allegheny which would otherwise require a permit under the terms of this Part, shall notify the Manager at the time that said application is made and at the time that the work under any permit issued pursuant to said application is begun, so that proper safety precautions may be taken by the Township during the continuation of said work.

8. *Right of Township.* Every permit shall be granted subject to the right of the Township or of any other person entitled thereto to use the street for any purpose for which such street may lawfully be used not inconsistent with the permit.

9. *Revocation of Permits.*

A. Any permit may be revoked by the Manager, after notice to the permittee, for:

(1) Violation of any condition of the permit or of any provision of this Part.

(2) Violation of any other applicable provision of the municipal code, or any law relating to the work.

(3) Existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of others.

B. A permittee shall be granted a period of 3 days from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked.

C. Written notice of any such violation or condition shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the reasons for revoking the permit. Notice may be given either by personal delivery thereof to the person to be notified or by certified or registered United States mail addressed to the person to be notified.

D. When any permit has been revoked and the work authorized by the permit has not been completed, the Manager shall do or cause to be done such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses thereby incurred by the Township shall be recovered from the deposit or bond the permittee has made or filed with the Township.

(Ord. 349, 6/2/1992)

§21-103. Applications and Permits.

1. *Duties and Responsibilities of Applicants.* It shall be the duty and responsibility of any applicant to:

A. Make written application for such permit with the Manager on such form as he/she shall prescribe. No work shall commence until the Manager has approved the application and plan and issued a permit and until the permittee has paid and provided all required fees, deposits, certificates, and bonds.

B. Furnish in triplicate a plan showing the work to be performed under said permit. Two copies of such plan shall be returned to the applicant at the time the permit is granted.

C. Agree to hold the Township, its officers, employees, and agents harmless from any and all costs, damages, and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit. The acceptance of a permit shall constitute such an agreement by the applicant whether the same is expressed or not.

2. *Duties and Responsibilities of Permittees.* It shall be the duty and responsibility of any applicant:

A. Pay a minimum permit fee in an amount as established from time to time by resolution of the Board of Commissioners. [*Ord. 427*]

B. Make a deposit to cover (1) any additional costs borne by the Township specifically related to the work authorized by the permit and, unless the permittee is granted permission to restore the street surface as provided in §21-104.2.D of this Part; (2) the cost of restoring the street surface removed or damaged by the work done under such permit. The amount of such deposit shall be computed by the Manager as provided in §21-105 of this Part. In the case of public utility companies, the Township may waive this requirement of a deposit if said utility companies file with the Township their corporate bond in a form satisfactory to the Township Solicitor, conditioned upon the payment to the Township of all costs which would otherwise be covered by and paid out of such a deposit. In the event such utility companies elect to file such a bond, the Township shall bill such utility companies monthly for such costs as they accrue.

C. Furnish a maintenance bond as required in §21-106 of this Part and, when the permittee is granted permission to restore the street surface as provided in §21-104.2.D of this Part, a performance bond as required in §21-106 of this Part.

D. Furnish a certificate of insurance as required in §21-107 of this Part unless excepted from such requirement by the provisions of §21-107.

E. Submit, when required by the Manager, a list of owners and/or tenants and/or addresses of all properties abutting the area where the work authorized by the permit is to be performed.

F. Present evidence, when required, that all materials, labor, and equipment which are needed to complete such work as authorized by the permit are available.

G. Keep the original copy of the permit and an approved copy of the plan (see subsection .1.B above) at all times while such work is in progress at the location for which such permit was granted and show such permit and/or plan upon demand by a municipal official.

H. Provide advance notification to operators of underground facilities about excavation, augering, blasting, or other activities which may endanger underground facilities, using a one call system if one is in operation.

(*Ord. 349, 6/2/1992; as amended by Ord. 427, 4/4/2006*)

§21-104. Street Opening Regulations.

1. Opening and Excavation Restrictions.

A. No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored.

B. No more than 250 feet measured longitudinally shall be opened in any street at any one time, except by special permission of the Manager.

C. All utility facilities shall be exposed sufficiently or definite location be determined ahead of trench excavation work to avoid damage to those facilities and to permit their relocation, if necessary.

D. Pipe drains, pipe culverts or other facilities encountered shall be protected

by the permittee.

E. Any person whose facilities are damaged, or caused to be relocated by the permittee, shall notify the permittee and the Township of such damage and thereafter may make the necessary repairs or relocation and (in conjunction with notifying the Township of such) may file a claim against the permittee for the cost of such repairs or relocation. Public utility companies concerned shall be notified by the Township in sufficient time to determine the validity of the damage or relocation claims. The cost of such repair work or relocation work may be withheld by the Manager from the deposit pending determination of liability for the damage.

F. Monuments of concrete, iron, or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point or a permanent survey bench mark within the Township shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the Manager. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper replacements of the monument.

G. When work performed by the permittee interferes with the established drainage system of any street, provision shall be made by the permittee to provide proper drainage.

H. When any earth, gravel, or other excavated material is caused to flow roll, or wash upon any street, the permittee shall cause removal of same from the street within 8 hours after deposit to permit safe flow of traffic. In the event the earth, gravel, or other excavated material so deposited is not removed as specified, the Manager shall cause such removal and the cost incurred shall be paid by the permittee or deducted from his deposit.

I. Every permittee shall place around the project such barriers, barricades, lights, warning flags, and danger signs as shall be determined by the Manager to be necessary for the protection of the public. Additional safety requirements may be prescribed by the Manager and, where applicable, shall be in conformance with the requirements set forth in 67 Pa.Code §203.1 *et seq.* dealing with work zone traffic control. Copies of the publication shall be made available in the office of the Manager for inspection by the public. Whenever any person fails to provide or maintain the required safety devices, such devices shall be installed and maintained by the Township. The amount of the cost incurred shall be paid by the permittee or deducted from his deposit. No person shall willfully move, remove, injure, destroy, or extinguish any barrier, warning light, sign, or notice erected, placed or posted in accordance with the provisions of this Section.

J. Access to private driveways shall be provided except during working hours when construction operations prohibit provision of such access. Free access must be provided at all times to fire hydrants.

K. Excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate dirt or dust nuisance, the Manager may require the permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the Manager.

If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee shall keep a passageway at least one-half the sidewalk width open along such sidewalk line.

L. Work authorized by a permit shall be performed between the hours of 7 a.m. and 7p.m., Monday through Saturday, unless the permittee obtains written consent from the Manager to do the work at an earlier or later hour. Such permission shall be granted only in the case of an emergency or in the event the work authorized by the permit is to be performed in traffic-congested areas.

M. In granting any permit, the Manager may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall not be limited to:

- (1) Limitations on the period of the year in which the work may be performed.
- (2) Restrictions as to the size, weight, and type of equipment.
- (3) Designation of routes upon which materials may be transported.
- (4) Designation of the place and manner of disposal of excavated materials.
- (5) Requirements as to the laying of dust, the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public or any portion thereof.
- (6) Regulations as to the use of streets in the course of the work.

N. *Hydra-hammer, Headache Ball.* The use of a mechanical device for the breaking of pavement, such as a hydra-hammer, headache ball, etc., will be permitted only under special written permission of the Manager.

2. *Backfilling and Restoring Opening.*

A. In order to assure a seamless roadway surface pavement overlay with sealed, keyed or saw-cut edges along the entire length of any excavation, any person, entity, public utility contractor or homeowner who engages in any repair work, improvements, excavation, digging of any kind in any street, avenue, road, alley, highway or other public place located within the Township shall be required to restore and resurface the roadway, from curb line to curb line, consistent with the standards and requirements set forth in this Part and as described and depicted in Appendix I hereof. In addition, should any excavation or construction disturb a section of sidewalk, the Township Manager is hereby authorized to require a complete, whole or in part, replacement of the sidewalk within the area of disturbance or limits of construction.

B. All pavement cuts, opening, and excavations shall be made properly and backfilled properly by the permittee in accordance with the specifications set forth in Appendix I hereof. Unless permittee has been granted permission to restore the street surface as provided in paragraphs .C through .E hereof the permittee also shall place a temporary surface on the pavement cut, opening, or excavation in accordance with municipal specification. If the permittee has been granted permission to restore the street surface but weather conditions are such as to

prevent the completion of permanent restoration of the street surface at the time backfilling is completed, permittee shall install a temporary surface in accordance with Township specifications until such time as weather conditions will permit permanent restoration of the street surface.

C. The Manager shall be notified by the permittee during the 48-hour periods preceding the beginnings of (1) backfilling and (2) restoration and the approximate time each will be begun.

D. No backfilling or restoration shall be accomplished unless or until the Manager is present or permission has been granted for backfilling or restoration after inspection by the Manager.

E. The work of final restoration, including both paving surface and paving base, shall be performed directly by the Township under the supervision of the Manager; provided, however, that upon a public utility company's application for permission to perform the work of restoration, the Township may grant permission to such public utility company to perform the work of restoration. In those cases where such permission is granted, the work of restoration, including both paving surface and paving base, shall be performed by the permittee in accordance with the specifications set forth herein and in Appendix I hereof and shall be subject to inspection by the Township.

F. After excavation is commenced, the work of making and backfilling the same shall be prosecuted with due diligence. Unless the provisions of paragraph .B of this Section apply, the permittee is required to complete permanent restoration of the street surface in accordance with Township specifications within 7 days after repairs and/or installation are completed. Furthermore, the permittee shall be required to install and maintain a temporary surface in accordance with Township specifications during:

(1) The period between the completion of repairs and/or installation and the commencement of final restoration.

(2) The periods during the actual work when workers do not require access to the excavation.

G. Inspections of all work authorized by a permit shall be made by the Manager at such times and in such manner as required to assure compliance with provisions of this Part. If the nature of the work to be performed under any permit is such as to require the services of a full-time inspector, the Manager shall provide for the services of such an inspector.

H. All inspection costs shall be borne by the permittee. Such costs shall be based upon a schedule of charges on file in the office of the Manager.

I. Upon completion of all work accomplished under the provisions of a permit, the permittee shall notify the Manager in writing. A certificate of final inspection shall be issued by the Manager to each permittee no sooner than 1 year and not later 18 months after the permanent restoration of the excavation has been made, providing the work authorized by the permit has been performed according to Township specifications. Prior to the issuance of a certificate, the Manager shall make a final inspection of the restoration to determine compliance with Township specifications.

J. If any settlement in a restored area occurs within a period of 2 years from date of completion of the permanent restoration, and permittee fails to make such correction after notification, any expense incurred by the Township in correcting such settlement shall be paid by the permittee or recovered from his bond, unless the permittee submits proof satisfactory to the Manager that the settlement was not due to defective backfilling.

K. In no case shall any opening made by a permittee be considered in the charge or care of the Township or any of its officers or employees, and no officer or employee of the Township is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of the police power, when it is necessary to protect life and property; provided, however, that the Township assumes charge when making final surface restoration, unless permittee has been granted permission to perform the work of restoration of the street surface as provided in paragraph .E.

[Ord. 459]

(Ord. 349, 6/2/1992; and amended by Ord. 459, 5/8/2012, §§1, 2)

§21-105. Deposits.

1. *Computation of Deposit.* The Manager, upon receipt of a properly completed application, shall determine the amount of the deposit to be made by the permittee in accordance with the schedule of charges established pursuant to subsection .5 of this Section; provided, however, that the minimum deposit required shall not be less than \$50.00. The deposit shall be paid at the time the permit is issued, and the deposit shall be used to reimburse the Township for the cost of any work and/or materials furnished by it in connection with work authorized by the permit, to cover the cost of all necessary inspections of said work or any other expenses incurred by the Township in carrying out the provisions of this Part. In the case of a public utility company, the requirement of such deposit may be waived if such public utility company files with the Township its corporate bond as provided in §21-103.2.B of this Part.

2. *Form of Deposit.* The deposit may be either in the form of a certified, treasurer's, or cashier's check or in lawful money of the United States.

3. *Insufficient Deposit.* If any deposit is less than sufficient to pay all costs, the permittee shall, upon demand, pay to the Township an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the Township may institute an action to recover the same in any occur of competent jurisdiction. Until such deficiency is paid in full, no additional permits shall be issued to such permittee.

4. *Yearly Deposit.* Whenever any public utility company shall anticipate applying for permits for more than one street opening or excavation per calendar year and does not elect to file a corporate bond as hereinbefore provided, such public utility company may post one deposit in an amount and form as hereinbefore provided for the calendar year or part thereof to cover the cost of deposits which would otherwise be required for the anticipated permits.

5. *Deposit and Cost Schedules.* The Manager shall establish a schedule of charges for inspections, labor, materials, and other such expenses as may be incurred by the Township in carrying out the provisions of this Part. This schedule shall be established by the Manager in accordance with the reasonably anticipated costs to be incurred by

the Township in making such inspections, including reasonable administrative and overhead expenses, and in accordance with the currently prevailing costs in the area for any labor and materials which may be provided by the Township. The Manager shall revise said schedule from time to time to reflect any increase or decrease in the costs used to establish said charges. The schedule shall be open to public inspection in the office of the Manager upon request.

6. *Decision on Costs.* The decision of the Manager as to the cost of any work done or repairs made by him/her or under his/her direction, pursuant to the provisions of this Part, shall be final and conclusive as to such cost.

7. *Refund of Deposit.* Upon notification by the permittee that all work authorized by the permit has been completed and after restoration of the opening, the Manager shall refund to the permittee his deposit less all costs incurred by the Township in connection with said permit. In no event shall the permit fee be refunded.

(Ord. 349, 6/2/1992)

§21-106. Bond Requirements.

1. *Performance Bond Where Township Does Not Restore Opening.* In those instances where the applicant has received or intends to apply for permission to perform the work of restoration of the street surface, each such applicant or permittee, upon receipt of a permit, shall provide the Township with an acceptable corporate surety bond to guarantee faithful performance of the work authorized by a permit granted pursuant to this Part. The amount of the bond shall be 100 percent of the estimated cost of restoring the street opening. The term of the bond shall begin upon the date of posting thereof and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Manager. If the permittee anticipates requesting more than one permit per year as required by this Part, he may furnish one continuing corporate surety bond to guarantee faithful performance in such amount as the Manager deems necessary. The amount of such bond shall be in relation to the cost of restoring pavement cuts to be made by the permittee throughout the year. In the case of a public utility company, its corporate bond in a form satisfactory to the Solicitor may be accepted in lieu of the corporate surety bond required by this Section.

2. *Maintenance Bond.* Each applicant, upon the receipt of a permit, shall provide the Township with an acceptable corporate surety bond conditioned for compliance with the street opening specifications of the Township and the provisions of this Part. The Manager shall determine the amount of the bond, and it shall be in relation to the cost of restoring the pavement cut to be made by the permittee; provided, however, the minimum amount of the bond shall not be less than \$2,000. The term of each such bond shall begin from the completion date of the permanent restoration of the opening by the Township and shall terminate upon the receipt by the permittee of a certificate of final inspection from the Manager. If the permittee anticipates requesting more than one permit a year, he may file a continuing corporate surety bond conditioned for compliance with the specifications of the Township and the provisions of this Part in such amount as the Manager deems necessary. The amount of such bond shall be in relation to the cost of restoring pavement cuts to be made by the permittee throughout the year. In the case of a public utility company, its corporate bond in a form satisfactory to the Solicitor may be accepted in lieu of the corporate surety bond

required by this Part.

3. *Default in Performance.* Whenever the Manager shall find that a default has occurred in the performance of any term or condition of the permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Manager to be reasonably necessary for the completion of such work.

4. *Completion of Work.* After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, indemnify the Township for the cost of doing the work as set forth in the notice. (Ord. 349, 6/2/1992)

§21-107. Liability Insurance.

Insurance Requirements. Each applicant, upon the receipt of a permit, shall provide the Township with an acceptable certificate of insurance indicating that he is insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor, or anyone directly or indirectly employed by him. Such insurance shall cover collapse, explosive hazards, and underground work by equipment on the street, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the Manager in accordance with the nature of the risk involved; provided, however, it shall provide for a minimum of comprehensive bodily injury liability insurance including coverage on a personal injury basis and comprehensive property damage liability insurance not less than \$2,000,000 combined single limit. Public utility companies and authorities may be relieved of the obligation of submitting such a certificate if they submit satisfactory evidence that they are insured in accordance with the requirements of this Part or have adequate provision for self-insurance. Public utility companies may file an annual certificate of insurance in lieu of individual certificates for each permit.

(Ord. 349, 6/2/1992)

§21-108. Openings in Newly Improved Streets.

1. *Notice of Proposed Improvement.* When the Township shall improve or pave any street, the Manager first shall give notice to all persons owning property abutting on the street about to be paved or improved, and to all public utility companies and authorities operating in the Township, and all such persons, public utility companies, and authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the street, within 30 days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Manager after consultation with the municipal engineer.

2. *Restrictions upon Opening Newly Improved Street.* No permit shall be issued by the Manager which would allow an excavation or opening in a paved and improved street surface less than 5 years old unless the applicant can demonstrate clearly that public health or safety require that the proposed work be permitted or unless an emergency condition exists.

3. *Penalty for Opening Newly Improved Street.* If, by special action of the Manager, a permit is issued to open any paved and improved street surface less than

5 years old, a penalty charge shall be made for the opening, except that the penalty shall be waived in the event the work is of an emergency nature. The penalty charge shall be on a sliding scale and shall be equal to 2 percent of the cost of restoring the opening for each unelapsed month or fraction thereof of the 5-year restricted period. Said penalty may be waived by action of the Board of Commissioners.

(Ord. 349, 6/2/1992)

§21-109. General Provisions.

1. *Street List of Underground Utility Installations.*

A. Every person owning, using, controlling or having an interest in pipes, conduits, ducts, or other structures under the surface of any street used for the purpose of supplying or conveying gas, electricity, communication impulses, water, or steam to or from the Township or to or from premises of its inhabitants, or for any other purposes, shall file with the Manager, within 120 days after the adoption of this Part a written statement containing the names of the Township's streets wherein the aforementioned facilities owned by such person are located.

B. Within 90 days after the first day of January of each and every year, such person shall notify in writing the Manager of the changes necessary to maintain the street list required under paragraph .A above.

2. *Abandoned Facilities.*

A. Whenever any pipe, conduit, duct, tunnel, or other structure located under the surface of any street is abandoned, or the use thereof abandoned, the person owning, using, controlling, or having an interest therein shall, within 30 days after such abandonment, file with the Manager a statement in writing giving in detail the location of the structure so abandoned. Whenever there are manholes or tunnels associated with any abandoned underground facilities, such manholes or tunnels shall be filled in at the time of abandonment and the Manager notified thereof in writing.

B. When the Township plans to pave or improve streets in which there are abandoned facilities, the owner of such facilities shall be notified to remove them if, in the opinion of the Commission, their removal is in the best interest of the Township. If the owner shall refuse to remove such abandoned facilities, the Township shall remove the abandoned facilities and the owner shall reimburse the Township for such removal.

3. *Notice to Property Owners and Tenants Abutting Project.*

A. If the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, the Manager may require the permittee to submit a list of owners and/or tenants and/or addresses of all properties abutting the area where the work authorized by the permit is to be performed. Upon receipt of such list, the Manager shall notify the affected property owners and/or tenants of the proposed work to be done.

B. If the work to be undertaken by a permittee will affect other subsurface installation(s) in the vicinity of the proposed opening, the Manager shall notify the owner(s) of such facilities of the proposed work.

4. *Notice to Police and Fire Authorities.* The Manager shall notify in writing

municipal police and fire authorities of all street opening permits he/she grants of a nature that would require a street being closed. Such notification shall state the nature of the work to be done, proposed beginning and completion dates, and the location of such project.

5. *Violations.* Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense. [Ord. 427]

(Ord. 349, 6/2/1992; as amended by Ord. 427, 4/4/2006)

Appendix I
Bituminous Street Opening Detail;
Concrete Surface Reconstruction Detail

1. In order to assure a seamless roadway surface pavement overlay with sealed, keyed or saw-cut edges along the entire length of the excavation, anyone, including any person, entity, public utility contractor or homeowner who engages in any repair work, improvements, excavation, digging of any kind in any street, avenue, road alley, highway or other public place located within the Township shall be required to restore and resurface the roadway, from curb line to curb line, consistent with the standards and requirements set forth in this Part, in this Appendix I, and the accompanying detail drawings (see attached). In addition, should any excavation or construction disturb a section of sidewalk, the Township Manager is hereby authorized to require a complete, whole or in part, replacement of the sidewalk within the area of disturbance or limits of construction. Prior to commencement of any street opening work, a permit must be obtained from the Township of Baldwin as required by this Part, and all areas requiring restoration, including the means and methods of trench restoration, shall be submitted to and approved by the Township prior to any work commencing.

2. All materials and construction methods shall conform with the latest edition of the Pennsylvania Department of Transportation Publication 408 specifications.

3. All streets, sidewalks, and driveways shall be saw cut to a neat clean, edge prior to placement of bituminous material.

4. All excavated areas within pavement, driveways, or sidewalks shall be backfilled with 100 percent 2A granular aggregate compacted in 8-inch layers.

5. Prior to the placement of the bituminous concrete binder course (i.e., ID-2, Superpave, or other equivalent or superior bituminous concrete binder course as may be included in PennDOT Publication 408 or approved in writing by the Township Engineer), remove all temporary bituminous material from the excavation area. Saw cut and remove all existing bituminous material, extending a minimum of 1 foot beyond the edge of the excavation area, to a minimum depth of 8½ inches. Place a layer of PennDOT approved Class 4 geotextile over the area to receive the bituminous concrete binder (i.e., ID-2, Superpave, or other equivalent or superior bituminous concrete binder course as may be included in PennDOT Publication 408 or approved by the Township Engineer). Note: If the subject street had an existing bituminous concrete wearing course overlay on top of an existing concrete street surface, then the underlying concrete street surface shall also be removed and replaced with a new air-entrained 4,000 psi reinforced concrete roadway in conformance to the Township Engineer's requirements, prior to placement of the final 1½ inch bituminous concrete wearing surface as described below.

6. Coat all vertical asphalt surfaces with AC-20 tack coat and place a minimum of 7 inches of bituminous concrete binder (ID-2, Superpave, or other equivalent or superior bituminous concrete binder course as may be included in PennDOT Publication 408 or approved by the Township Engineer) in the prepared area.

7. In all cases, the entire roadway width shall be milled to a depth of 1½ inches for a minimum of 5 feet parallel to each side of the excavation and extending from face of curb to face of curb if concrete curb and back of curb to back of curb if bituminous wedge curb. Note: If the street being worked on has bituminous concrete wedge curbs

rather than concrete curbs the pavement repair shall extend to the back of the bituminous concrete wedge curb.

8. For streets with a centerline grade of 8 percent or less, prior to placing the 1½-inch bituminous wearing course (ID-2, Superpave, or other equivalent or superior bituminous concrete binder course as may be included in PennDOT Publication 408 or approved by the Township Engineer), the entire milled area shall have a geotextile material such as Petromat, or approved equivalent, placed in the prepared area described above. For streets with a centerline grade greater than 8 percent, the geotextile shall be deleted.

9. Place 1½ inches of bituminous concrete wearing course (ID-2, Superpave, or other equivalent or superior bituminous concrete binder course as may be included in PennDOT Publication 408 or approved by the Township Engineer) over the entire surface from curb line to curb line, as described above. The gutters and asphalt joints are to be sealed with 12-inch wide AC-20 bituminous seal coat and covered with fine sand.

10. All disturbed areas affected by the excavation are to be restored to a condition at least equal to that which existed prior to the construction.

11. Upon acceptance of the street opening repair work by the Township, permittee shall provide a 2-year bond covering 100 percent of the documented actual cost of the excavation repair.

Appendix II
Application for Street Opening Permit

[Reserved]

Appendix III
Street Opening Procedure; Emergency Street Opening Procedure

Municipality	Utility
	1) Notifies the Township in one of the following manners; A) Fax B) Telephone C) PA One Call
2) Office generates an application for a permit.	2) Begins excavation.
	3) On the first regular business day on which the office of the Manager is open they apply for a permit.
4) Application is completed. Permit is issued.	
	5) 48 hours prior to backfilling notifies designated Township official.
6) Permission granted for backfilling to begin.	
	7) Backfilling completed.
	8) 48 hours prior to restoration notifies designated Township official.
9) Permission granted for restoration to begin.	
	10) Restoration completed.
11) Bills utility for permit.	
12) Between 1 year and 18 months the final inspection is conducted and a certificate is issued.	

Part 2**Protection of Streets****§21-201. Unlawful Deposits upon Streets and Sidewalks.**

It shall be unlawful for any person, firm, or corporation to cause dirt, earth, rock, brush, or debris of any kind or nature to be deposited upon any of the streets, sidewalks, curbs, or crossings of the streets and roads in the Township of Baldwin.

(*Ord. 30-1954, 12/13/1954, §1*)

§21-202. Transporters to Remove Material Dropped from Vehicles.

When any person, firm, or corporation shall, within the confines of the Township of Baldwin, transport or carry earth, rock, or any form of material or debris over the streets, roads, or crossings of the Township of Baldwin and some of the said earth, rock, debris, or material shall fall to the surface of the said roads or streets, it shall be the duty of the person operating such vehicle over the said streets to cause the said material, debris, earth, or rock to be removed immediately and to clean up the said street or road in such manner as is approved by the Chief of Police of the Township of Baldwin.

(*Ord. 30-1954, 12/13/1954, §2*)

§21-203. Transporters to Remove Material Carried onto Streets by Vehicles.

When any person, firm, or corporation shall, within the confines of the Township of Baldwin, be engaged in excavating or transporting of earth, rock, debris, or other material and some of the said earth, debris, or other material is carried onto the streets of the Township of Baldwin by the wheels or parts of the vehicle carrying on the same, then, upon notice by the Chief of Police of the Township of Baldwin, such person, firm, or corporation shall cause the said dirt, earth, or material to be removed and take such precautions as would prevent a recurrence of such carrying of debris, earth, or material onto the said streets, and further shall place the said streets or roads in a clean, traversable condition.

(*Ord. 30-1954, 12/13/1954, §3*)

§21-204. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 30-1954, 12/13/1954, §4; as amended by Ord. 427, 4/4/2006*)

Part 3**Use by Tracked and Cleated Vehicles****§21-301. Unlawful Operation.**

It shall be unlawful for any person to operate or move, or for the owner to cause or knowingly permit to be moved on any Township street, lane, road, or highway with an improved surface, any bulldozer, tractor, or trailer constructed or equipped with any projection, block, stud, flange, or other protuberance of any material other than rubber which projects beyond the outside surface of the periphery of the wheels of said bulldozer, tractor, or trailer.

(Ord. 454, 2/26/1946, §1)

§21-302. Permit Required.

No bulldozer, tractor, or trailer equipped with bolt heads, lugs, nuts, ice picks, or studs, shall be operated and moved upon any Township road, street, lane, or highway with an improved surface unless and until a permit so to do shall be obtained from the supervisor of roads of the Township of Baldwin and a cash or surety company bond sufficient in amount and conditioned upon the repair of said road, street, lane, and highway, shall be filed with the Board of Township Commissioners.

(Ord. 454, 2/26/1946, §2)

§21-303. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 454, 2/26/1946, §3; as amended by Ord. 427, 4/4/2006)

Part 4**Snow Placement****§21-401. Unlawful Placement of Snow.**

No person, whether he be owner, occupant, or tenant of any property, shall place, cast, or throw upon any of the streets and rights-of-way of the Township of Baldwin, any snow or ice.

(Ord. 213, 9/7/1971, §1)

§21-402. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(Ord. 213, 9/7/1971, §2; as amended by Ord. 427, 4/4/2006)

