

**CHAPTER 17**  
**STREETS AND SIDEWALKS**

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**ARTICLE I**  
**TOWNSHIP ROAD OCCUPANCY PERMITS**

*History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 26, July 5, 1978 and amended by Ordinance No. 2000-8-9. To the extent inconsistent with this Article I, Ordinance No. 26 and Ordinance No. 2000-8-9 were amended and in part repealed upon enactment of this Codification. Further amended by Ordinance No. 2004-12-10, December 8, 2004, Ordinance No. 2004-12-11, December 8, 2004 and Ordinance No. 2007-02-04, February 14, 2007.*

**§17-101. Definitions and Interpretation**

In this Article, the singular shall include the plural and the masculine shall include the feminine and the neuter.

- A. **Person:** Any natural person, partnership, firm, general contractor, association, corporation, utility, or municipal authority.
- B. **Street:** Any public street, avenue, road, square, alley, highway or other public place located in the Township of Center and established for the use of vehicles, including the entire legal right-of-way of the street.
- C. **Right-of-Way:** The legally established right-of-way of any dedicated or adopted street or road and any right-of-way dedicated for public use, including but not limited to utility easements, sanitary sewer easements and access easements and storm water management easements. (Ord. No. 2007-02-04)

**§17-102. Permit Required**

It shall be unlawful for any person to open or to make any excavation of any kind in any of the streets in the Township of Center without first securing a permit therefore, as hereinafter provided.

**§17-103. Application for Permit**

Any person desiring to make any opening or excavation in any of the streets in the Township of Center shall make application to the Township Secretary in writing, upon blanks furnished by the Township setting forth the name of the applicant, the exact location of the proposed opening or excavation, and the approximate width or depth thereof, and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the regulations of the Township and the laws of the

Commonwealth in relation thereto, and that the applicant shall well and truly save, defend and keep harmless the Township from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening or excavation, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto, or by any leak, explosion or other injury from any pipe, apparatus, conduit, or any other matter placed in said excavation.

**§17-104. Permit Fee**

Before any permit shall be issued to open or excavate in any street in the Township, the applicant shall pay the Township Secretary a permit fee which shall be determined by the prevailing fee schedule as adopted by the Township Board of Supervisors. In addition to the permit fee, a road opening bond shall be required in an amount, which shall be determined by the prevailing fee schedule as adopted by the Township Board of Supervisors.

**§17-105. Removal and Separation of Paving Material: Barricades and Warning Lights**

Applicant shall carefully remove the brick ballast or other paving material and deposit the same for reuse and keep the same separate from other material; shall complete the work promptly; shall barricade the excavation until refilled to prevent injury to users of the street, and keep the same lighted with red lanterns or blinkers or reflectors at night, until the excavation is refilled and approved by the Township Inspector.

**§17-106. Work by Contractors and Public Utilities**

- A. In the case of contractors constructing sewers, drains and other public works either in streets or on private property for the Township or an authority created by the Township and public utilities having the right to do so under a franchise heretofore granted, a proper bond with surety shall be posted with the Township Secretary to guarantee the replacement of the paving material and surface within thirty (30) days from the time of removal of same; and in the event that the said contractor or public utility shall not replace the surface by completely refilling the excavation within said period, the right to do so shall be forfeited and thereupon the Township shall have the right to refill said opening and charge the cost thereof to the said public utility or contractor. Upon backfilling and compacting or settling of same to a depth of approximately six inches (6") below the elevation of the normal ground surfaces for areas not used as thoroughfares or not to be paved, top soil previously removed shall be replaced and compacted. Thereafter, sod, shrubbery, hedges, trees and the like previously removed shall be replaced to a condition equal to that before construction began. For construction areas whether or not in the right-of-way, in which sod, shrubbery, hedges, trees and the like have been damaged or removed but not stored or preserved properly,

necessary new planting and seeding shall be made to restore the area to a condition equal to that before the construction except for trees in the direct line of construction, or other plants or shrubbery designated by the Township Engineer as not requiring replacement prior to or during construction. All other materials or items removed and relocated prior to or during construction, such as fences, mailboxes, etc., shall also be replaced to a condition equal to that before construction. All restoration work shall be guaranteed by the contractor for a period of two (2) years from the date of final completion and acceptance. In the event that any improvement or correction of such restoration work as is deemed necessary by the Engineer is not complied with by the contractor within a reasonable period of time stipulated by the Engineer in his notice of such condition to the contractor, the Township may have such work done by others with the cost of said work to be charged to the contractor and deducted from any monies due or to become due him under the contract. For areas to be paved or used as unpaved thoroughfares, the requirements of Section 17-107 shall govern. Contractor shall at all times have a local resident employee on call for twenty-four (24) hours to make necessary repairs for conditions requiring immediate attention during construction and for two (2) years after completion at his own cost.

- B. No house ashes, putrescible refuse or other material of any unsatisfactory character shall be used in refilling. Branches, house connections or other points designated by the Engineer shall not be covered over or filled until the same have been located and measured by the Engineer, and permission given by him to do so.

**§17-107. Temporary Paving; Maintenance Thereof; Maintenance of Unpaved Areas**

In paved areas, the contractor shall place over all backfilled excavations a temporary paving consisting of a layer of No. 3 slag which shall be six inches (6") in depth after compaction. The aggregate shall be spread on a thoroughly tamped subgrade and shall be rolled until there is no evidence of further compaction or settlement. Successive layers of fine materials conforming to PA. No. 6 slag shall be spread over the coarser material, each layer to be rolled until all voids are filled. The same shall be done over all backfilled excavations on unpaved thoroughfares, driveways, walks and traveled portions of berms of all streets at no additional compensation, from the time of temporary paving operations, until permanent pavement is placed thereon. In the case of the unpaved areas, these restored surfaces shall be maintained for the same period as required for permanent pavement replacement. Should the contractor fail to perform any required maintenance or repairs with three (3) days after written notice from the Township or Engineer, the Township may perform such maintenance and deduct the cost thereof from any monies due or to become due the contractor under the contract, plus twenty percent (20%).

**§17-108. Responsibility of Contractor; Shoring and Bracing of Excavation; Removal of Slides and Cave-Ins**

The contractor shall be responsible for the condition of all excavations made by him and the proper shoring and bracing thereof. All slides and cave-ins shall be removed without extra compensation, whenever and however they may occur.

**§17-109. Contractor's Responsibility for Facilities and Structures**

- A. The contractor shall, at his own expense, sustain in their places, and protect from direct or indirect injury, all pipes, tracks, walls, buildings, and other structures or property in the vicinity of his work, whether above or below the ground, or that may appear in the trench.
- B. The contractor shall take all risks attending the presence or proximity of pipes, poles, tracks, walls, buildings and other structures and property, of every kind and description, in or over his trenches, or in the vicinity of his work, whether above or below the surface of the ground; and he shall be responsible for all damages and assume all expenses for direct or indirect injury, caused by his work, to any of them, or to any person or property by reason of injury to them, whether such structures are or are not shown on the drawings.

**§17-110. Permanent Restoration of Street Surfaces; Defects Appearing Within Two (2) Years**

In all instances the permanent restoration of the surface of the street shall conform to the proper grade and be of the same surface covering as the bed of the thoroughfare immediately adjoining the opening. If within two (2) years after the restoration of the surface as herein provided, defects shall appear therein resulting from the defective backfilling by the applicant, the applicant shall reimburse the Township for the cost of all necessary repairs to the permanent paving.

**§17-111. Liability Insurance**

All applicants shall deposit with the Township Secretary liability insurance policies in the sum of one hundred thousand dollars (\$100,000.00) to indemnify the Township against suits, judgments, and demands for damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected with the work or from any cause relating thereto.

**§17-112. Work by Person Other Than Contractor or Public Utility**

Any person, not a contractor or public utility, who shall open or excavate any improved street in the Township shall thoroughly and completely refill the opening or excavation, puddling and ramming so as to prevent any settling thereafter; and shall restore the surface to the same condition as it was before the opening or excavation and such restoration shall be in accordance with the specifications of the Township for restoration of surfaces of streets in the Township; as restored, the surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening. If, in two (2) years after the restoration of the surface as herein provided, defects shall appear therein resulting from detective backfilling, the applicant shall reimburse the Township for the cost of all necessary repairs to permanent paving or surface.

**§17-113. Responsibility for Other Work**

All other work in connection with openings in any street, including excavation protection, refilling and temporary paving shall be done by the applicant at his expense, and all such work shall be subject to the provisions of this Ordinance and to the supervision of and approval of the Township or such employee of the Township as it may from time to time designate for that purpose; provided, that the Township may require that cutting the surface of improved streets and the backfilling of all excavations therein shall be done by the Township, and the charge therefore shall be paid by the applicant on the basis of actual cost of the work plus twenty percent (20%).

**§17-114. Requirements for Work; Restrictions and Limitations**

- A. No opening or excavation in any street shall extend from the curb line into the highway a distance greater than to the centerline of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.
- B. No more than one hundred feet (100') longitudinally shall be opened in any street at any one time.
- C. The work of excavation shall be so conducted as not to interfere with the gas lines, water mains, sewers or their connections with the houses, or any other subsurface lines or constructions, until permission of the proper authorities in connection with subsurface lines or constructions shall have been obtained.
- D. No tunneling shall be permitted without the express approval of the Township and permission therefore endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Township Engineer or an Inspector designated by the Township and shall be done only in a method approved by him.
- E. All openings or excavations shall be backfilled promptly with suitable materials and thoroughly compacted in layers, each of which shall not

exceed six inches (6") in depth. On improved streets, the backfilling shall be placed to within ten inches (10") of the surface.

- F. On improved streets, a temporary paving of suitable stony materials, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving.
- G. Backfilling shall only be done after the Township Secretary is notified and when completed by proper backfilling in the case of unimproved streets and by temporary paving in the case of improved streets shall again notify the Township Secretary.
- H. Work which is unsatisfactory to the Township or an inspector designated by them shall be corrected in accordance with instructions given by him, and if not so corrected, or the work is not completed within the time fixed by the Township, the Township may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus twenty percent (20%), to the applicant.

#### **§17-115. Emergency Work**

In case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus, to commence an excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter, and that all other provisions of this Article are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Township, after such notice as they shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus twenty percent (20%) to such owner or person.

#### **§17-116. Conditions for Construction or Extension of Water or Gas Mains**

No new water or gas main shall hereafter be laid or constructed and no existing water or gas mains shall be extended in any of the streets of the Township until the exact location thereto and the plan thereof shall have been first approved by the Township.

#### **§17-117. Penalty for Violations**

All persons, whether principal, agent or employee, violating or assisting in the violation of any of the provisions of this Ordinance, shall, upon conviction before a District Magistrate, pay a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) and in default of the payment of such fine and costs of prosecution, shall be imprisoned for not more than thirty (30) days.

#### **§17-118. Restrictions on Openings in Winter Months**

No opening shall be made in any street, alley or public place, or any permit issued therefore, during the months of December, January or February in any year except in the case of emergency or absolute necessity, and then only upon express authority of the Township.

**§17-119. Public Utility Bond**

Any public utility having the right heretofore granted to place, maintain and repair its necessary facilities in and upon the public streets of the Township, on filing with the Township its bond in the sum of fifty thousand dollars (\$50,000.00), conditioned that it will properly protect any and all openings, made by it in any public street, alley or public place, and will in accordance with the Township plans and specifications refill said opening, replace the paving in as good condition as it was before the opening was made, and shall save and keep harmless the Township of Center from any damage, cost of expense that may accrue or be caused by reason of said opening having been made, and the Township Secretary has certified to the Township Supervisors and the Township Engineer that such bond has been filed, shall be issued permits as required by this Article, and shall have the right to refill said opening by using mechanical tamper and stamp in four inch (4") layers, until solid, and repave said openings at his own expense and without making payment as provided by this Article.