

Chapter 21

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Board of Supervisors of the Township of German as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Street Excavations [Adopted 3-10-1995 by Ord. No. 295]

§ 21-1. Short title.

This article shall be known and may be cited as the "Street Excavation Ordinance."

§ 21-2. General scope.

The subject matter of this article is the regulation of the excavation or opening of streets by any contractor, subcontractor, utility, municipal authority, etc., upon any streets within the Township of German and prescribing penalties for violation thereof.

harmless the Township of German 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.

- B. The applicant shall take out and maintain public liability and property damage insurance in an amount sufficient to indemnify and save harmless the Township of German from all liability for damages or injury done to persons and property which may be incurred by reason of such opening or any failure to properly protect, maintain, barricade, light, backfill, and/or otherwise properly affect the same. The insurance shall not be in an amount less than \$25,000 for injury to persons and \$10,000 for injury to property. The Township Supervisors or their authorized agent shall set the amount of insurance in accordance with the size of the opening.

§ 21-7. Permit fees. ¹

- A. Before any permit shall be issued under this article, the applicant shall pay to the Township Supervisors or their authorized agent, for the use of the Township, a nonrefundable permit fee in an amount to be established, from time to time, by resolution of the Board of Supervisor to cover the cost of inspection and other incidental services in connection therewith. Provided, emergency breaks or leaks may be repaired and a permit therefore secured as provided in § 21-8 of this article upon payment of the aforesaid fee.
- B. Whenever any public utility or municipal authority maintaining underground facilities shall contemplate more than one street opening or excavation, it may post a bond to cover all work. The insurance requirements of § 21-6 shall be waived upon receipt of notice of self-insurance by any public utility or municipal authority. In any case, the bond shall be approved by the Township Supervisors or their authorized agent.

§ 21-8. Refilling of opening: restoration of disturbed surfaces.

Every person who shall open or excavate any improved street or sidewalk in the Township shall thoroughly and completely refill the opening or excavation with granulated slag or equivalent so as to prevent any settling thereafter and shall restore the surface to the same condition as it was before the opening or excavation. Such restoration shall be in accordance with the specifications of the Pennsylvania Department of Transportation, which are hereby adopted as specifications of the Township for restoration of surfaces of street and sidewalks 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 within two years after the restoration of the surface, as herein provided, defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall redo the work within the period of time set by the Township Supervisors or their authorized agent or reimburse the Township for the cost of all necessary repairs to the permanent paving. Old fill, soil, broken

1. Editor's Note: Amended at time of adoption of Code (see Ch. 28, General Provisions, Art. I).

excavation, or by any leak, explosion or other injury from any pipe, apparatus, conduit or any other matter placed in the said excavation.

- H. The permit holder shall notify the Township Supervisors or their authorized agent when the opening or excavation is ready and the backfilling is to be done, and when the work is completed by proper backfilling in the case of unimproved streets and by temporary paving in the case of improved streets and sidewalks.
- I. In the event that any work performed by or for a permit holder shall, in the opinion of the Township Supervisors or their authorized agent, be unsatisfactory, and the same shall not be correct in accordance with his instructions within the time fixed by him, or in the event that the work for which the permit was granted is not completed with the time fixed by the Township Supervisors or their authorized agent, the Township may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 75% to the permit holder.
- J. On all improved streets prior to replacing surface, the permit holder shall place six-inch thick concrete pad underneath said surface and extending at least six inches beyond the limits of the excavation in all directions.
- K. The permit holder shall, at all times and at his or its own expense, preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. The permit holder shall at his or its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damages to public or private property or streets or sidewalks resulting from his or its failure to properly protect and carry out said work. Whenever it may be necessary for the permit holder to trench through any lawn area, said area shall be reseeded or the sod shall be carefully cut and rolled and replaced with the said cut sod or new sod after ditches have been backfilled as required by this article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. Except in case of an emergency, the permit holder shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas, without first obtaining the consent of the Township Supervisors or their authorized agent. The permit holder shall replace any trees or shrubs removed from said area at his or its cost and expense.
- L. As the excavation work progresses, all streets or sidewalks shall be thoroughly cleaned of all rubbish, excess, earth, rock and other debris resulting from such work. All clean up operations at the location of such excavation shall be accomplished at the expense of the permit holder and shall be completed to the satisfaction of the Township Supervisors or their authorized agent. From time to time, as may be ordered by the Township Supervisors or their authorized agent and in any event immediately after completion of said work, the permit holder shall, at his or its expense, clean up and remove all refuse and unused materials of any kind resulting from said work, and upon failure to do so within 24 hours after having been notified to do so by the Township Supervisors or their authorized agent, said work may be done by the Township Street Department and the permit holder shall be liable to the Township for the cost thereof plus 75%.

§ 21-13. Responsibility of permit holder for certain work.

All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by or for the person to whom or which the permit has been issued at his or its expense, and all such work shall be subject to the provisions of this article and to the supervision and approval of the Township Manager, provided that the Township Supervisors or their authorized agent may if he deems it necessary to the proper performance of the work, require that cutting of the surface of streets and the backfilling of all excavations therein shall be done by the Township, in which event the applicant shall pay the actual cost of the work performed by the Township.

§ 21-14. Restrictions regarding trees and shrubbery.

The permission herein granted does not confer upon the permittee or its contractors the right to cut, remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations and conditions as the Township may prescribe.

§ 21-15. Permittee responsibilities for future relocation of work.

If at any time in the future the roadway is widened, reconstructed or the alignment or grades are changed, the permittee further agrees to change or relocate all or any part of the structures covered by this permit which interfere with the improvement of the roadway at its own cost and expense.

§ 21-16. Conditions for laying and extending utility lines.

No new water, sewer, steam or gas main or electric, telephone or other utility line shall hereafter be laid or constructed, and no such existing main or line shall be extended, in any of the streets of the Township until the plan therefore shall have been first filed with the Township and such plan, and the exact location of such main or line, approved by the Township.

§ 21-17. Payment for work done by the Township.

Payment for all work done by the Township under the provisions hereof shall be made by the person made liable therefore under the provisions hereof within 30 days after a bill therefore is sent to such person by the Township. Upon failure to pay such charges within such time, the same shall be collectible by the Township in the manner provided by law for the collection of municipal claims.

§ 21-18. Liability of the Township.

This article shall not be construed as imposing upon the Township or any official or employee thereof any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the Township or any official or employee thereof be deemed to have assumed any such liability

§ 21-24. Violations and penalties. 4

Any person, firm or corporation who shall violate any provision of this article, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this article continues or each section of this article which shall be found to have been violated shall constitute a separate offense.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 28, General Provisions, Art. 1).

Chapter 22
(RESERVED)

Chapter 23
(RESERVED)