

TOWNSHIP OF WASHINGTON
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 255

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, NORTHAMPTON COUNTY, PENNSYLVANIA, REPEALING ORDINANCE NO. 159, ENACTED JULY 17, 1974, AND PROVIDING THAT NO PUBLIC STREETS OF THE TOWNSHIP OF WASHINGTON SHALL BE OPENED OR CUT BY ANY PERSON, FIRM, CORPORATION OR UTILITY WITHOUT FIRST SECURING A PERMIT IN ACCORDANCE WITH THE PROVISIONS OF THE SECOND CLASS TOWNSHIP CODE, AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.:

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Board of Supervisors of Washington Township, Northampton County, Pennsylvania, as follows:

Section 1:

In accordance with the provisions of Section 2322 of Article XXIII of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any Township road, nor shall any railroad or street railway crossings, driveway connections, gas pipe, water pipe, electric conduits or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles or any coal tipples or any other obstructions be erected upon or in, any portion of a Township road except under conditions, restrictions and regulations specified in permits granted by the Township for that purpose.

Section 2: PERMIT REQUIRED.

The application for permit shall be upon a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Department of Transportation for Highway Occupancy Permits and Restoration

Charges. In addition, the applicant shall submit three (3) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

Section 3. PERMIT ISSUANCE

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

b. Nothing in this Ordinance shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or the restoration or continuance of public utility services or other public service, but application for the permit and the fees shall be submitted within five (5) days after completion of the work, after which the remaining portions of this Ordinance apply.

Section 4. MANNER OF DIGGING OR OPENING HOLES

All persons, firms and corporations digging or opening holes, trenches or excavations in any of the streets of the Township of Washington for any purpose whatsoever shall create openings in the surface of said streets in the following manner:

If the street be blacktopped, macadamized or stone-surfaced, a cutter shall be used and only square or rectangular openings shall be made;

If the street be paved with amiesite, concrete or similar material, a saw shall be used and only square or rectangular openings shall be made;

Test holes in any paved street shall be opened only by use of a drill.

Section 5. REFILLING AND REPAVING OF OPENINGS

Before commencing and refilling or repaving operations, the permittee shall notify the Township Engineer or Road Supervisor so that the Township can arrange to inspect the work as it progresses.

All persons, firms, and corporations digging or opening holes, trenches, or excavations in any of the streets of the Township for any purpose shall refill the same in the following manner:

a. If the street be unimproved or consist of natural ground or other ordinary material, the hole, trench or excavation shall be filled with the material excavated.

b. If the street is macadamized, stone-surfaced or paved with amiesite, concrete, or similar material, the excavation shall be refilled only with select materials confirming to specifications 2-RC. All excavated material shall be promptly removed from the street by the person, firm or corporation receiving the permit at their own expense.

In no case shall the broken stone, macadam, amiesite, concrete or similar material be used to refill any excavation. All material replaced in a hole, trench, or excavation shall be compacted in layers not to exceed eight (8") inches in depth by adequate machine tamping. It shall be unlawful to puddle or water fill in lieu of such tamping.

Streets shall be temporarily restored with cold patching. The cold patching shall remain in place for a minimum of ninety (90) days and a maximum of one hundred twenty (120) days.

If the street so excavated be macadamized, stone-surfaced, or paved with amiesite, concrete or similar material, the permittee shall, under the direction of the Township Engineer and/or Road Supervisor, and at the cost and expense of the permittee, restore the portion of the roadway so dug up or disturbed by repaving it with approved material of the same type and at least the same thickness of which the remainder of the street is composed.

In order to eliminate cracks or open joints in the surface, the wearing course shall overlap the existing pavement and shall be tapered and rolled in order to form a smooth even riding surface. All seams and joints must be sealed.

The permittee shall ensure that the street shall be restored to as good condition as it was prior to such disturbance.

Section 6. REQUIRED REPAVING/OVERLAYING OF STREETS

Any trenching project consisting of ten (10) or more lineal feet of trench, all persons, firms and corporations digging or opening such trenches in any streets of the Township for any purpose whatsoever shall be responsible for overlaying the pavement of said Township street twenty (20) feet prior to the opening and twenty (20) feet beyond the opposite edge of the opening, with the width of the overlay to be from the curbing or edge of road to the center line of the disturbed traffic lane in accordance with standards established by the

Township. The repaving or overlaying work done by the permittee shall be performed under the direction of the Township Engineer and/or Road Supervisor, at the sole cost and expense of the permittee.

Whenever any digging project consist of holes being opened within twenty-five (25') feet of each other within a three (3) year period in a Township street, the same overlaying requirements set forth above shall apply, subject to the same standards and supervision provisions therein set above.

Whenever any road opening or excavation project consists of 100 linear feet (measured longitudinally or transversely) in the pavement, the Township shall require the permittee to overlay the traffic lanes in which the openings were made for the entire length of the roadway segment, subject to the same standards and supervision provisions therein set above.

All other street openings shall be restored and repaved in accordance with the requirements of Pennsylvania Department of Transportation Form 408, 1994 Specifications.

Section 7. MANNER OF EXCAVATION

Except for boring operations, no part of a hole, trench or excavation shall be tunneled or undermined so as to leave the surface undisturbed, but all material shall be removed to the full length, width and depth of the excavation, except in such cases as may be approved by the Board of Supervisors, the basis of the fee in such cases, however, to be the same as if the surface had been removed.

Section 8. TIME AND DAYS WHEN DIGGING IS RESTRICTED

There shall be no digging or replacement on Sunday or after 8 o'clock in the evening on any day except in an emergency of which the Township Engineer and/or Road Supervisor shall be the sole judge. No street ball nor hydro-hammer shall be used for breaking pavement in the Township.

Section 9. SPECIAL PERMITS FOR EXTENSIVE STREET EXCAVATION

Whenever the proposed excavation is of such great proportions that the street involved will be substantially disrupted over a significant distance, the person, firm or corporation applying for a permit to dig or open holes, trenches or excavations in the street of the Township, if such person, firm or corporation shall desire to do so, may apply for a special permit, to be issued for the application fee, providing that the permittee shall reconstruct or repave the

entire street so disturbed, according to the specifications of the Township, at the cost and expense of the permittee, in lieu of payment of the area charges set forth in Section 2 hereof.

It shall be permissible for several persons, firms or corporations to apply for said special permit as a group whenever said persons, firms or corporations desire to make several excavations in a street of the Township simultaneously, provided that each person, firm or corporation applying for said special permit agree to be responsible for repaving or reconstruction of the entire width of the street, provided further that an agreement acceptable to the Board of Supervisors has been reached among the persons, firms or corporations applying for such special permit specifying the proportionate share which each has agreed to contribute toward the cost of repairs and/or restoration of the street, and provided further that a sufficient amount of money has been placed in escrow, according to the terms of the Board of Supervisors, to assure the proper repair or restoration of the street.

Newly paved roads shall not be opened for a period of five (5) years after the completion thereof, except in case of emergency. If it is sought to excavate or open a street within five (5) years after completion of new paving for any other reason than an emergency, the application shall be submitted to the Washington Township Board of Supervisors for approval prior to the issuance of the special permit.

In any case, when the special permit authorized by this Section is obtained, all work done by the permittee shall be done under the supervision of and in accordance with the instructions of the Township Engineer and/or Road Supervisor and the permittee shall pay to the Township a fee for each hour the Engineer or Road Supervisor is engaged in supervising or inspecting the work, based upon an hourly rate to be determined by the Board of Supervisors from time to time.

Section 10. RESPONSIBILITY OF THE PERMIT HOLDER

The person, firm or corporation to whom the permit has been issued is responsible for: refilling and repaving the same; payment of the proper permit fees; and all damages that may arise by reason of the digging or opening of holes, trenches or excavations.

Section 11. PROCEDURE FOLLOWING COMPLETION

Upon completion of the work the permittee is to notify the Township. The Township shall inspect the work and, when necessary enforce compliance with

conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the permittee shall fail to rectify any such settlement or other defect, within thirty (30) days after written notice to do so, the Township may do the work and shall impose upon the permittee the cost thereof, together with an additional twenty (20%) percent of such costs.

Section 12. RESPONSIBILITY FOLLOWING COMPLETION OF WORK

After the excavation has been properly refilled and repaved, and after same has been inspected pursuant to Section 11 of this Ordinance, and after any additional fees due and owing have been tendered to the Township pursuant to the aforementioned Sections 9 and 11, the permittee shall remain responsible to the Township of Washington for any settling, cracking, sinking, or failure of paving materials, which may result following completion. This responsibility and liability shall remain upon the permittee for a period of three (3) years from the date that the Township Engineer or Road Supervisor reports completion of the refilling and repaving of the project. In the event that any defect or settling occurs during this three (3) year period, the penalties contained in this Ordinance shall remain available to the Township of Washington.

Section 13. PENALTIES FOR VIOLATION

Any person, firm or corporation violating any of the provisions of this Ordinance shall be subject to a fine or penalty not exceeding Five Hundred and no/100 (\$500.00) Dollars, recoverable before a District Justice of the Commonwealth of Pennsylvania.

In addition to the above penalties, whenever the permittee shall fail to properly refill or repave an excavation in accordance with the provisions of this Ordinance, the Board of Supervisors may cause the excavation to be properly refilled and repaved and the cost thereof, together with an additional amount of ten (10%) percent may be collected by the Township from the permittee, in the manner provided by law. Failure of a permittee to pay any additional fees as required by this Ordinance, subject the permittee to the costs and expenses of collection of such additional fees, plus ten (10%) percent of the total amount, which shall be collected for the use of the Township as such charges are now by law recoverable.

Section 14. REPEALER

Ordinance No. 159 enacted and adopted on July 17, 1974, is hereby repealed. All other Ordinances or parts of Ordinances inconsistent herewith are also hereby repealed.

Section 15.

In the event any part of this Ordinance shall be found to be illegal or unconstitutional, the remaining part or parts of the Ordinance shall survive and remain in full force and effect.

ORDAINED AND ENACTED by the Supervisors of the Township of Washington, County of Northampton and Commonwealth of Pennsylvania, into an Ordinance, this 10th day of October, 2007.

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

By: David Hess
David Hess, Chairman

By: David Renaldo
David Renaldo

By: Daniel Crafa
Daniel Crafa

ATTEST:
By: Lori Dobson
Lori Dobson, Secretary