

Chapter 21

Streets and Sidewalks

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Part 1**Sidewalks****§21-101. Title.**

This Part shall be known and may be cited as the “Sidewalk Ordinance.”

(A.O.)

§21-102. Definitions.¹

The following words and phrases as used in this Part shall have the following meanings, unless the context clearly indicates a different meaning:

Sidewalk—a pedestrian walkway for public use located along a street in the Township, including, for the purposes of this Part, supporting walls, retaining walls, railings, grass area between sidewalk and curb and any other structures or appurtenances necessary, desirable or incidental to the installation and safe use of a sidewalk.

(A.O.)

§21-103. Authority to Require Installations.

The Board of Supervisors may require the installation of sidewalks along any street in the Township when the Board of Supervisors, in its discretion, determines that sidewalks are necessary to assure the safe movement of pedestrians in the Township, subject to the requirements of the Second Class Township Code, 53 P.S. §65101 *et seq.*, and this Code.

(A.O.)

§21-104. Cost Allocation.

The cost of the initial installation of sidewalks shall be allocated as follows:

A. When required as part of a subdivision, land development, planned residential development or other land use approval, the cost of installation shall be the responsibility of the developer; and,

B. In all other circumstances the cost of installation shall be allocated in accordance with §2401(c) of the Second Class Township Code, 53 P.S. §67401(c), as amended.

(A.O.)

§21-105. Construction Specifications.

Sidewalks shall be installed, replaced and/or repaired in accordance with the Township Standard Details. The location, size of sidewalks, as well as the material utilized for construction, shall be subject to the approval of the Township Engineer.

¹Editor’s Note: See also the general definitions contained in Chapter 1, Part 1 of this Code.

Americans with Disabilities Act (ADA) ramps and other accommodations shall be included with sidewalks consistent with the Township Standard Details.

(A.O.)

§21-106. Responsibility for Repairs and/or Replacement.

After the initial installation of any sidewalk, all repairs and replacement are the responsibility of the abutting property owner. The Code Official may issue a notice to the property owner to replace and/or repair a sidewalk within a reasonable time period after the receipt of the notice. If the property owner fails to comply, within the time period specified in such notice, then the Township may perform the work and recover the cost plus 10 percent penalty from the property owner as allowed by law.

(A.O.)

§21-107. Responsibility for Maintenance and Unobstructed Use.

1. It shall be the responsibility of the owner and/or legal resident of the property abutting the sidewalk to keep the sidewalk in a proper state of repair, and maintained free from hazardous conditions and obstructions including, but not limited to, snow, ice, mud and debris.

2. Sidewalks are intended for the use of pedestrians only. It shall be unlawful to drive or park any motor vehicle on any sidewalk except as required to enter or exit from a driveway.

3. It shall be the responsibility of the owner and/or legal resident of the property to remove from the sidewalk, prior to darkness, any object or other materials which might endanger a pedestrian.

5. The owners and/or occupants of buildings adjacent to sidewalks shall prevent the falling of snow, ice and/or water from such buildings upon said sidewalks.

(A.O.)

§21-108. Removal of Snow and Ice by Township.

1. In the event that the owner and/or legal resident of any property abutting a sidewalk fails or refuses to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk, as required by this Part, the Township may at its sole discretion, because of the exceptional safety situations, as soon as practicable after such failure, cause such work to be done.

2. The Township shall ascertain and keep a record of the exact cost of all work caused to be done in accordance with this Section on account of each act or omission of each owner and/or occupant, and shall identify said persons with particularity.

3. Each person whose act or omission makes it necessary that the Township cause work to be done in accordance with this Section shall be liable to the Township for the cost of such work, plus any additional amount or penalty imposed herein.

(A.O.)

§21-109. Prohibited Uses of Sidewalk.

1. It shall be unlawful for any person to occupy or to use any sidewalk, or any

portion thereof, or to place signs, signboards or other devices upon the sidewalk, for the purpose of exhibiting or vending any merchandise, except with permission of the Code Official as set forth below and subject to the prohibition set forth in subsection .6, below.

2. It shall be unlawful to put or place upon any sidewalk any boxes, barrels or other articles that would tend to obstruct the free use of any sidewalk, except when articles are so placed during loading or unloading, removing or storing away the same and such articles do not remain on any sidewalk for more than 1 hour; when any sidewalk is so used, a free passageway of at least 3 feet shall be left at all times.

3. It shall be unlawful to use any sidewalk as a transfer or assembling point for the purpose of assembling packages for delivery or reassembling the contents of delivery vehicles.

4. It shall be unlawful for any owner or contractor to obstruct any sidewalk in front of any building in process of erection or being repaired, but such sidewalk shall always be kept open for public traffic and such sidewalk kept in a safe and passable condition.

5. It shall be unlawful to permit any rubbish, debris or any other matter to remain upon or interfere with the free use of any sidewalks.

6. Sandwich board signs and mechanical vending devices shall not be permitted on any public right-of-way. This prohibition shall be interpreted to prohibit the display or placement of sandwich board signs and mechanical vending devices on a permanent or temporary basis.

7. For purposes of this Section, “mechanical vending devices” shall be defined as those coin, currency or debit card operated devices that are used to market, sell and dispense merchandise, beverages, food, or other similar items. This definition shall not include those machines used solely to sell and dispense newspapers.

(A.O.)

§21-110. Care of Trees and Other Plants Along Sidewalks.

1. No owner and/or legal resident of a property abutting a sidewalk shall permit trees to interfere with the free use of said sidewalks. Branches of trees shall be trimmed so that the lowest part of said trees or branches are at least 8 feet above the sidewalk.

2. It shall be unlawful to permit weeds, grasses, plants, bushes or shrubbery to grow upon or lean over or obstruct the sidewalk in any manner whatsoever.

3. The owner or legal resident of a property shall be responsible for the proper maintenance of any grassed, landscaped, or planted area between the sidewalk and curblin e or pavement of the street.

(A.O.)

§21-111. Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, 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 \$100 nor more than \$1,000 plus costs,

including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, the Township Roadmaster, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(A.O.)

Part 2**Streets****§21-201. Title.**

This Part shall be known and may be cited as the “Street Ordinance.”
(*Ord. 342*, 7/17/1991; as added by A.O.)

§21-202. Definitions.²

As used in this Part, the following words and phrases shall have the following meanings unless the context clearly indicates a different meaning: [A.O.]

Applicant—any person, partnership or corporation who or which makes application for a permit.

Backfill—approved material used to fill a trench or other excavation, or the process of doing so.

Cartway—paved area of the road within which vehicles are permitted, including curbs and shoulders.

Certificate of insurance—a certificate provided by the applicant which verifies that said applicant carries the minimum insurance coverages as stipulated in this Part.

Degradation fee—a fee that is imposed on any person, partnership or corporation who or which obtains a street excavation permit and the work to be performed includes open cutting of any Township road. [*Ord. 414*]

Driveway—a private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

Emergency situation—a situation or event, such as breakage of a utility line, which presents an imminent hazard to the public health, safety and welfare. Not included in this definition are the routine placement or replacement of service facilities which are being constructed or replaced as part of normal expansion or routine maintenance activities.

Excavations—removal of soil, rocks, sidewalk, driveway or cartway material for the purpose of installing, replacing, repairing or removing underground facilities.

Exception—any deviation from the literal terms of this Part which has been approved by the Board of Supervisors.

Final completion certificate—a certificate issued by the Township Roadmaster certifying that all work has been completed in accordance with the provisions of this Part. [A.O.]

Fire Department—the Moon Township Volunteer Fire Company. [A.O.]

Inspection fee—a fee established, from time to time, by resolution of the Board

²Editor’s Note: See also the general definitions contained in Chapter 1, Part 1 of this Code.

of Supervisors for the purpose of performing inspections of a work site that has obtained a permit.

Normal flow—the direction, intensity and volume of stormwater runoff typically present during various precipitation events.

Pavement cuts—open cutting of a cartway, sidewalk or driveway.

Performance security—financial security submitted to the Township which guarantees that all work required as part of an approved permit will be satisfactorily completed. An acceptable security can be a bond, letter of credit or certified check. Said security must be made payable to Moon Township and comply with the Financial Security Ordinance [Chapter 1, Part 7]. [A.O.]

Permit fees—a fee established, from time to time, by resolution of Board of Supervisors for the purpose of administration costs in issuing permits. [A.O.]

Permittee—any person, partnership or corporation to whom or which a permit is issued.

Regular business day—Monday through Friday, 8 a.m. to 4:30 p.m., prevailing time, except designated holidays.

Right-of-way—land under the control of the Township which contains Township roads, sidewalks, driveways, driveway aprons and other nonpaved portions of land which may or may not contain aboveground or underground utilities.

Right-of-way occupancy permit—a permit which, when issued, permits the permittee to perform work within a Township right-of-way. The work permitted under this permit shall not include any work authorized by a street excavation permit.

Sidewalk—a paved, surfaced or leveled area, paralleling and usually separated from the cartway, used as a pedestrian walkway.

Site plan—a plan of the area to be worked upon which shows all pertinent information including, but not limited to, right-of-way lines, street locations, sidewalk locations and any existing subsurface and aboveground utilities which may be impacted by the work to be performed.

Street—includes a public street, public easement, public right-of-way, public highway, public alley, public way or public road accepted or maintained by the Township and all improvements within the limits thereof including pavement, curbs and sidewalks. [A.O.]

Street excavation permit—a permit which, when issued, permits the permittee to open cut any Township road, sidewalk or driveway or tunnel under any Township road, sidewalk or driveway. Also known as a “street opening permit” or “road opening permit.” [A.O.]

Subsurface facilities—any public utility or private transmission lines which are located below grade.

Township road—any road which has been dedicated to and accepted by the Township for use as a public road. See “cartway.” [A.O.]

Tunnel—to perform work which utilizes equipment that tunnels or bores beneath the cartway, sidewalk, driveway, driveway apron or other areas of a Township road or right-of-way.

Utility easement—a right-of-way or easement for utility or similar purposes located outside the right-of-way, as required by the Subdivision and Land Development Ordinance [Chapter 22], the Zoning Ordinance [Chapter 27] and/or the Township Standard Details. [A.O.]

(*Ord. 342*, 7/17/1991; as amended by *Ord. 414*, 4/13/1994, §183-10; by *Ord. 613*, 12/6/2006, §1; and by A.O.)

§21-203. Township Roadmaster. [A.O.]

The Township Roadmaster shall: [A.O.]

A. Administer and enforce the provisions of this Part in accordance with its literal terms and shall not have the power to permit any construction which does not conform to this Part.

B. Issue street excavation permits and right-of-way occupancy permits.

C. Maintain a permanent file of all applications for permits and permits issued as public records.

D. Perform all necessary inspections and initiate any enforcement proceedings which are necessary to ensure compliance with the provisions of this Part.

(*Ord. 342*, 7/17/1991; as amended by A.O.)

§21-204. Street Excavation Permit.

1. A street excavation permit shall be obtained before any person, partnership or corporation may:

A. Open and/or cut any Township road. [A.O.]

B. Open and/or cut any sidewalk. [A.O.]

C. Open and/or cut any driveway. [A.O.]

D. Utilize any type of device or equipment which tunnels under any Township road.

E. Utilize any type of device or equipment which tunnels under any sidewalk, driveway or driveway apron.

2. Application for a street excavation permit shall be accompanied by:

A. A completed and signed application form utilizing an application form prescribed from time to time by the Township Roadmaster. [A.O.]

B. The required permit fee and inspection fee. [A.O.]

C. The required degradation fee, if necessary.

D. The required performance security, as required by §21-208. [A.O.]

E. A certificate of insurance as required by §21-209. [A.O.]

F. A site plan, as defined in §21-202.

G. A location plan which generally indicates the distance the street excavation will occur from the nearest intersecting street.

H. A profile indicating the elevation(s) of any subsurface facilities which are being removed, repaired or constructed. This profile shall indicate the depth below the roadway surface the work is going to be performed.

- I. Additional documentation as the Township Roadmaster may require. [A.O.]
3. The completed application shall be submitted to the Township Roadmaster at the Township Municipal Building. Upon receipt of the completed application, the Township Roadmaster shall: [A.O.]
- A. Review all documentation for completeness and accuracy.
 - B. Review and render a decision regarding the application within 3 regular business days of his receipt of said application.
 - C. Request review and recommendations from the Township Engineer if such review is warranted.
4. Upon approval of an application, the Township Roadmaster shall provide the applicant with two signed copies of the permit. The applicant must maintain one copy of the approved application at the job site. [A.O.]
5. The granting of any street excavation permit shall confer a right upon the permittee, subject to the terms and conditions of the permit, permission to temporarily occupy and use the subject street surface during the course of construction work covered by the permit and to thereafter occupy the space within which the work is to be located, subject in every case to the specific right of the Township to require temporary or permanent relocation or removal of any of the facilities entirely at the permittee's expense in the event that said facilities are in conflict with the Township's interest or the public interest in the use of the street. [A.O.]
6. In granting any permit, the Township may attach such special conditions thereto as may be reasonably necessary to protect public and private property.
7. By accepting the permit, the applicant agrees to perform the work in accordance with the terms and conditions of the permit, any special conditions which may be attached to the permit and this Part, and to hold harmless and defend the Township, its officers, employees and agents from any and all costs, damages and liabilities which may accrue by reason of the work performed under such permit. The acceptance of any permit under this Part shall constitute such an agreement by the applicant whether the same is expressed or not. [A.O.]
8. Every permit issued hereunder shall expire 30 days after it is issued. 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 Township Roadmaster a request for an extension of time, setting forth therein the reasons for the requested extension. If, in the opinion of the Township Roadmaster, such an extension is necessary, the permittee may be granted additional time for the completion of the work. [A.O.]
9. The applicant must notify the Township Roadmaster and Police Department at least 24 hours before work is commenced and shall not backfill any open cut before the Township Roadmaster has inspected the site. [A.O.]
10. The Township Roadmaster may revoke any permit issued under the provisions of this Part if he determines that the terms of the permit and/or this Part are being, or have been, violated. Upon revocation of the permit, the Township Roadmaster shall provide the permittee with a written explanation of the terms of the permit and/or this Part which are being, or have been, violated and establish a time frame under which the permittee must complete all necessary reparations to bring the job into compliance

with the provisions of the permit and this Part. [A.O.]

11. Permits are not transferable from one person to another and the work shall not be made in any place other than the location specifically designated in the permit. [A.O.]

12. If final paving repairs are not completed to the satisfaction of the Township Roadmaster, the Township reserves the right, after notice to the permittee, to complete final paving repairs, including the removal of substandard work. These repairs will be funded by the performance security which the permittee must provide. Upon the satisfactory completion of all work, the Township Roadmaster shall issue a final completion certificate and return the required performance security or portion thereof. [A.O.]

(Ord. 342, 7/17/1991; as amended by A.O.)

§21-205. Right-of-Way Occupancy Permit.

1. A right-of-way occupancy permit shall be obtained before any person, partnership or corporation shall perform work in any Township right-of-way and within any utility easement along a public road which does not include the activity which requires a street excavation permit. [Ord. 613]

2. Application for a right-of-way occupancy permit shall be accompanied by:

A. A completed and signed application form, utilizing an application form prescribed, from time to time, by the Township Roadmaster. [A.O.]

B. The required permit fee and inspection fee. [A.O.]

C. A certificate of insurance, as required by §21-209. [A.O.]

D. A site plan which clearly shows where in the right-of-way the work will occur.

E. Additional documentation as the Township Roadmaster may require. [A.O.]

3. The completed application shall be submitted to the Township Roadmaster at the Township Municipal Building. Upon receipt of the completed application, the Township Roadmaster shall: [A.O.]

A. Review all documentation for completeness and accuracy.

B. Review and render a decision regarding the completed application within 3 regular business days of his receipt of said application. [A.O.]

4. Upon approval of an application, the Township Roadmaster shall provide the applicant with two signed copies of the permit. The applicant must maintain one copy of the approved application at the job site. [A.O.]

5. The granting of a right-of-way occupancy permit shall confer upon the permittee, subject to the terms and conditions of the permit, permission to temporarily occupy and use the road right-of-way during the course of construction work covered by the permit and to thereafter occupy the space within which the work is to be located, subject in every case to the specific right of the Township to require temporary or permanent relocation or removal of any of the facilities entirely at the permittee's expense in the event that said facilities are in conflict with the Township's interest or the public interest in the use of the right-of-way. The right-of-way occupancy permit

does not authorize the permittee to perform any work which is governed by the requirements of a street excavation permit.

6. In granting any permit, the Township may attach such special conditions thereto as may be reasonably necessary to protect the public and private property.

7. By accepting the permit, the applicant agrees to perform the work in accordance with the terms and conditions of the permit, any special conditions which may be attached to the permit and this Part, and to hold harmless and defend the Township, its officers, employees and agents from any and all costs, damages and liabilities which may accrue by reason of the work performed under such permit. The acceptance of any permit under this Part shall constitute such an agreement by the applicant whether the same is expressed or not. [A.O.]

8. Every permit issued hereunder shall expire 30 days after it is issued. 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 Township Roadmaster a request for an extension of time, setting forth therein the reasons for the requested extension. If, in the opinion of the Township Roadmaster, such an extension is necessary, the permittee may be granted additional time for the completion of the work. [A.O.]

9. The applicant must notify the Township Roadmaster and Police Department at least 24 hours before work is commenced and shall not backfill any trenches before the Township Roadmaster has inspected the site. [A.O.]

10. The Township Roadmaster may revoke any permit issued under the provisions of this Part if he deems the terms of the permit and/or this Part are being, or have been, violated. Upon revocation of the permit, the Township Roadmaster shall provide the permittee with a written explanation of the terms of the permit and/or this Part which are being, or have been, violated and shall establish a time frame under which the permittee must complete all necessary reparations to bring the job into compliance with the provisions of the permit and this Part. [A.O.]

11. Permits are not transferable from one person to another and the work shall not be made in any place other than the location specifically designated in the permit. [A.O.]

12. Upon the satisfactory completion of all work, the Township Roadmaster shall issue a final completion certificate. [A.O.]

(*Ord. 342, 7/17/1991; as amended by Ord. 613, 12/6/2006, §2; and by A.O.*)

§21-206. Fees.

1. Permit fees and inspection fees shall be established, from time to time, by resolution of the Board of Supervisors. [A.O.]

2. Degradation fees shall be established from time to time by resolution of the Board of Supervisors. [*Ord. 414*]

(*Ord. 342, 7/17/1991; as amended by Ord. 414, 4/13/1994, §183-14; and by A.O.*)

§21-207. Inspections.

1. The work shall be subject at all times to inspection by the Township Roadmaster. Under no circumstances shall a trench be backfilled without prior inspection of the work by the Township Roadmaster or his/her designee.

2. After final inspection and acceptance of the work and after payment of any refund or collection of any insufficiency due, the Township shall issue a final completion certificate. The date of such final completion certificate shall fix the 18-month time period during which the permittee absolutely is responsible for maintenance of permanent pavement repairs, trenches or any other reparations performed. Any problems which arise during this 18-month period and are attributable to the work performed by a permittee or his/her assigns shall be rectified immediately. Failure to perform reparations determined necessary by the Township Roadmaster or his/her designee will result in the completion of repairs by the Township. The Township will recover all funds expended in performing said repairs by providing the permittee with an itemized bill listing all costs the Township incurs. The Township will reserve the right to deny any new permit applications submitted by the permittee or his/her assigns until these costs or any other funds due to the Township are remitted to the Township. (Ord. 342, 7/17/1991; as amended by A.O.)

§21-208. Financial Security.

1. *Performance Security.* Upon filing a street excavation permit application, each applicant shall provide the Township with financial security to guarantee faithful performance of the work authorized by a street excavation permit granted pursuant to this Part. Any such performance security shall comply with the Financial Security Ordinance [Chapter 1, Part 7]. The amount of the performance security shall be 100 percent of the estimated cost of restoring the street opening or \$5,000, whichever is greater. The term of the performance security shall begin upon the date of posting thereof and shall terminate upon the permittee's receipt of a final completion certificate from the Township Roadmaster. If the permittee anticipates requesting more than one permit per year as required by this Part, he may furnish one continuing form of financial security to guarantee faithful performance in such amount as the Township Roadmaster deems necessary. The amount of such performance security shall be in relation to the cost of restoring pavement cuts to be made by the permittee throughout the year.

2. *Maintenance Security.* To the extent deemed necessary, the Township Roadmaster may require a permittee of a street excavation permit to provide the Township with financial security to guarantee the workmanship, structural integrity and maintenance of the work authorized by a street excavation permit granted pursuant to this Part and conditioned on compliance with the provisions of this Part. Any such financial security shall be posted with the Township Roadmaster prior to the issuance of a final completion certificate and shall comply with the Financial Security Ordinance [Chapter 1, Part 7]. The Township Roadmaster shall determine the amount of the maintenance security, and it shall be in relation to the cost of restoring the pavement cut made by the permittee; provided, however, the minimum amount of the maintenance security shall not be less than \$2,000. The term of each such maintenance security shall be for 2 years from the Township Roadmaster's issuance of the applicable final completion certificate. If the permittee anticipates requesting more than one permit per year, the Township Roadmaster may require a continuing form of financial security conditioned upon compliance with the specifications of the Township and the provisions of this Part in such amount as the Township Roadmaster deems necessary. The amount of such maintenance security 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 maintenance security required by this Section.

(*Ord. 342, 7/17/1991; as added by A.O.*)

§21-209. Liability Insurance.

Each applicant, upon the filing of an application for a permit under this Part, shall provide the Township Roadmaster 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 damages 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 Township Roadmaster 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 \$3,000,000 combined single limit. Public utility companies and municipal 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. The Township shall be added as an additional insured and/or loss payee on any insurance policy or policies required by this Section and proof of this additional insured status shall be provided by the Township in the form of a policy endorsement acceptable to the Township.

(*Ord. 342, 7/17/1991; as amended by A.O.*)

§21-210. Emergency Situations.

Any person, partnership or corporation performing work without a permit because of an emergency situation, as defined in §21-202, shall verify the emergency nature of the circumstances, in writing, to the Township Roadmaster within the first regular business day after such emergency situation occurs. All work performed in an emergency situation must be done in compliance with the requirements of §§21-212 through 21-217 of this Part, and a permit must be applied for on the first regular business day following the date the emergency situation occurred. The Township Roadmaster will determine the amount of additional information that will be required. All required fees and performance security will be required to be provided with the application form. Prior to commencing work in an emergency situation, the person, partnership or corporation performing the work must notify the Police Department and Township Roadmaster of the nature of the emergency.

(*Ord. 342, 7/17/1991; as amended by A.O.*)

§21-211. Exceptions.

Exceptions to the requirements of this Part shall not be permitted except upon written request by the applicant and approval by the Board of Supervisors at a public

meeting. The Board of Supervisors may request and utilize the recommendations of the Township Roadmaster and/or the Township Engineer with respect to any exception request. The Board of Supervisors may impose any reasonable conditions to the granting of an exception.

(*Ord. 342, 7/17/1991; as amended by A.O.*)

§21-212. Site Requirements.

1. Unless specifically permitted by the Township:
 - A. No street opening shall extend across more than one-half of the cartway at one time.
 - B. Two-way traffic shall be maintained.
 - C. Access to driveways and/or buildings abutting the street shall be maintained.
 - D. Not more than 250 linear feet of any street shall be opened at any one time.
 - E. No excavated materials or backfill materials shall be stockpiled on the roadway surface or sidewalk.
2. The permittee shall contact the PA One-Call System and ensure that all surface and subsurface facilities are properly marked and otherwise comply with the requirements of the Pennsylvania Underground Utility Line Protection Act, 73 P.S. §176 *et seq.*, as amended, prior to any excavation and/or pavement cut. The permittee shall take all precautions necessary to avoid damage to other utility lines and to public and private property. In the event that damage does occur to the property of others, the permittee shall promptly and satisfactorily repair all damages and restore the property to a satisfactory condition. [A.O.]
3. Provisions shall be made to accommodate the flow of storm drainage, and no excavated material or trench shall be permitted to interfere with the normal flow of surface water.
4. Traffic control shall be maintained in accordance with Pennsylvania Department of Transportation Publications 212 and 213 and 67 Pa.Code §212.1 *et seq.*, dealing with work zone traffic control, and the permittee shall furnish and maintain upon the work site such signs, barricades, lights and flagmen as may be necessary to ensure safe travel for vehicular and pedestrian traffic. [A.O.]
5. If blasting activities are performed, such operations shall be performed by persons authorized by all Federal, State, County and local authorities to undertake such activities and shall be carried out in strict accordance with Federal, State, County and municipal laws and regulations governing the same. [A.O.]
6. Appropriate measures must be taken to provide access for emergency vehicles and to all properties affected by the work.
7. No change shall be permitted in the grade or contour of any street right-of-way, nor shall there be any alteration of any gutter, curbing, drainage ditch or storm sewer except as permitted by this Part. [*Ord. 567*]
8. No hedges, fences, brick pillars, planters or other obstructions shall be permitted within any street right-of-way so as to impair vision, interfere with

pedestrian traffic or create a traffic hazard. [*Ord. 567*]

9. No structures shall be permitted within the utility easement adjacent to the public road right-of-way except retaining walls that are less than 30 inches in height and can be manually removed and replaced; and, brick pillars that are no more than 6 square feet in area. An applicant shall contact the PA One-Call System, as provided in subsection .2 above, prior to installing any such structures. Any such structures shall not interfere with access to utilities or line of sight for vehicular traffic. [A.O.]

10. No vegetation other than grass shall be placed or permitted in the right-of-way between the curblin and the sidewalk within 12 feet of a line drawn perpendicular to the street from the center of any utility boxes or similar aboveground utility equipment. No vegetation other than grass shall be placed or permitted within three feet of the rear and sides of any utility boxes or similar aboveground utility equipment located in the utility easement. [*Ord. 613*]

(*Ord. 342*, 7/17/1991; as amended by *Ord. 567*, 6/2/2004, §1; by *Ord. 613*, 12/6/2006, §§3 and 4; and by A.O.)

§21-213. Excavation Requirements.

1. Cuts through bituminous wearing surfaces shall be scored on a neat, straight line to the full trench width, using either a pneumatic spade or a concrete saw. Cuts through Portland cement concrete shall be sawed to a sufficient depth to enable removal of concrete with a clean, straight break.

2. Excavated material shall be removed immediately or laid compactly off the roadway surface to cause as little inconvenience as possible to public travel. Pedestrian sidewalks shall be kept clean and free of obstructions and, where necessary, temporary bridging or plank walkways shall be provided. Excavated material not suitable for backfill shall be immediately loaded into trucks and removed as excavation is in progress. Construction materials shall not be stored in the public street. Loose earth and stone shall be promptly cleaned from the streets and sidewalks, and dust shall be regularly swept up and removed. [A.O.]

3. Sidewalls of a trench under 4 feet in depth shall be kept as nearly vertical as possible. When over 4 feet in depth, the trench shall comply with the requirements established by the Occupational Safety and Health Administration standards.

4. Through rock, utility lines and facilities shall be cushioned by not less than 6 inches of clean sand or other approved granular material around and beneath the work, so that a cushion completely surrounds the work to afford protection in the event of future excavation in close proximity thereto.

5. When the road surface is open cut, the utility lines and facilities shall be installed/repai/red/replaced as specifically shown in the Township Standard Details. [A.O.]

6. When a tunneling device is used to install the utility lines and facilities, a minimum depth of 36 inches must be maintained from the top of the utility line to the top of the roadway surface.

7. When the utility lines are outside the roadway surface but still in the right-of-way, a minimum depth of 24 inches must be maintained from the top of the utility line to the top of the ground surface.

(Ord. 342, 7/17/1991; as amended by A.O.)

§21-214. Backfill.

Upon receiving a favorable inspection by the Township Roadmaster, backfilling shall follow immediately after installation of the facilities. Required specifications for backfilling are outlined in the Township Standard Details. Backfilling shall be compacted by vibrating or mechanical tampers only and in layers of proper depth to ensure 95 percent compaction measured by the Modified Proctor Test, ASTM D1557. Excess material shall be promptly removed and the street surface hand-swept prior to paving repairs.

(Ord. 342, 7/17/1991; as amended by A.O.)

§21-215. Restoration of Bituminous Pavement.

1. Temporary pavement repairs shall consist of the trench being backfilled with 2A limestone at 95 percent Proctor density or approved equivalent as listed in the general notes of the Township Standard Details and topped with 3½ inches of cold patch. In all cases, the permittee is responsible to maintain temporary pavement repairs in good condition.

2. Final pavement restoration shall be made only when weather conditions are suitable as determined by the Township Roadmaster. All road crossings trench restorations shall be carried out as shown in the Township Standard Details. If, because of weather conditions or time of year, temporary paving and 2A limestone are utilized, these temporary materials must be removed to a depth of 13½ inches below finished street paving grade. All temporary materials shall be removed and replaced with permanent repairs as soon as weather conditions permit. Any soft or spongy spots shall be removed to form bearing, and replaced with 2A limestone as shown in the Township Standard Details and thoroughly compacted. In any case, edges of the original paving shall be cut back on a straight line so that not less than 3½ inches of undisturbed subgrade is exposed, forming a 12-inch wide shoulder or ledge along either side of the trench. Edges of the existing subbase shall be neatly cut to expose a sound vertical face and fully excavated to the required 13½ inches (regardless of the depth of existing street paving and base) at least 12 inches on each side of the trench excavated for the utility line installation/replacement/repairs.

3. Upon treating the cut edges of the original paving with PG 64-22 sealer, the final pavement repairs shall be performed as designated in the Township Standard Details. Lastly, the joint where the new pavement meets the original must be sealed with either PG 64-22 sealer or E3 emulsion and dusted with sand.

4. 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 financial security, unless the permittee submits proof satisfactory to the Township Roadmaster that the settlement was not due to defective backfilling.

(Ord. 342, 7/17/1991; as amended by A.O.)

§21-216. Restoration of Other Surfaces.

1. Requirements for permanent repairs to surfaces other than bituminous pavement will be determined by the Township in each specific case. In general, final restorations in any case shall be equal to the original surface.

2. Sidewalks must be replaced to meet the criteria as shown in the Township Standard Details. The joints between the last disturbed sidewalk slab section and the first undisturbed section shall be saw cut and ¼-inch premolded expansion joint filler placed along both edges. Backfill material shall be adequately compacted so that no shrinkage shall occur and 2 inches of granular base material placed evenly. Prior to pouring the concrete, the sidewalk subbase and forms must be inspected and approved by the Township Roadmaster. [A.O.]

(Ord. 342, 7/17/1991; as amended by A.O.)

§21-217. Special Requirements.

Wherever unusual conditions exist or arise during construction, the Township Roadmaster may change the permanent restoration requirements from those given herein. In all cases, marks of construction beyond the area of actual trench shall be satisfactorily restored. In cases where a substantial portion of the original roadway paving is removed or damaged, thereby disturbing the envelope of the roadway, the Township may require the permittee to resurface the entire street area, in addition to constructing the final paving repairs over trench areas. A “substantial portion” shall be defined as six openings or more within a 1,000-foot section of the roadway. The Township may also elect to accept payment from the permittee to the Township for final paving repairs, in a sum to be determined by the Township based upon then-current costs for such work, plus 15 percent, and to apply the sum so paid toward the cost of reconstruction of the entire street.

(Ord. 342, 7/17/1991; as amended by A.O.)

§21-218. Trees.

No trees shall be planted by any person in the right-of-way of any Township street, however, trees may be planted along the right-of-way.

(Ord. 342, 7/17/1991; as added by A.O.)

§21-219. Enforcement.

1. The Township Roadmaster or members of the Police Department may prevent or restrain any work which is proceeding without benefit of a street excavation permit or right-of-way occupancy permit. If this situation occurs, the person, partnership or corporation performing the work must immediately apply for a permit and must perform any task which will ensure a safe condition for motorists and pedestrians as the Township Roadmaster or Police Department may require. In addition, a permit must be applied for and obtained before work can continue.

2. The Township Roadmaster, upon discovery of a situation where work is being performed on a site for which a permit has been issued and where work is not in compliance with the provision of such permit and/or this Part, may take corrective actions as he deems necessary including, but not limited to, preventing or restraining any additional work until any necessary repairs are completed. Under no circumstances shall the job site be left in an unsafe or hazardous condition.

3. In the event that the permittee does not take the necessary corrective actions within the time frame the Township Roadmaster establishes, the Township may utilize the performance security and take the necessary measures to correct the problem.

(*Ord. 342, 7/17/1991; as amended by A.O.*)

§21-220. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, 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, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, Township Roadmaster, the authorized designee of the Township Manager, and their designees and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(*Ord. 342, 7/17/1991; as amended by Ord. 414, 4/13/1994, §183-26; by Ord. 449, 6/19/1996; by Ord. 460, 4/9/1997; and by A.O.*)

Part 3**Driveways****§21-301. Title.**

This Part shall be known and may be cited as the “Driveway Ordinance.”
(*Ord. 512, 8/9/2001; as added by A.O.*)

§21-302 Definitions.³

The following words and phrases as used in this Part shall have the following meanings; provided, that any words and phrases not defined herein shall be interpreted consistent with the definitions referenced in the Subdivision and Land Development Ordinance [Chapter 22]:

Curblin—a line formed by the face of the existing curb or in its absence the outer edge of the shoulder, along which curbing is or may be located.

Shoulder—the portion of the street, contiguous to the traffic lanes, for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses and pavements.

(*Ord. 512, 8/9/2001; as added by A.O.*)

§21-303. Permit Required.

It shall be unlawful for any person to make, enlarge or modify any connection of any kind to any Township, County or Commonwealth street located in the Township without first securing a driveway permit from the Township Roadmaster in accordance with the provisions of this Part. In the case of any County or Commonwealth street, the requirements of this Part shall be in addition to any requirements imposed by the County or Commonwealth.

(*Ord. 512, 8/9/2001; as amended by A.O.*)

§21-304. Location.

1. Driveways shall be located so as to provide adequate sight distance at intersections with streets.

2. Driveways shall be located in a manner which will not cause interference to the traveling public, will not be a hazard to the free movement of normal traffic or cause areas of traffic congestion on the street. [A.O.]

3. Driveways shall be located, designed and constructed in such a manner so as not to interfere with or be inconsistent with the design, maintenance and drainage of the street. [A.O.]

(*Ord. 512, 8/9/2001; as amended by A.O.*)

³Editor’s Note: See also the general definitions contained in Chapter 1, Part 1 of this Code.

§21-305. Criteria for Review.

The Township Roadmaster shall use the following criteria to determine driveway access to arterial or collector streets: [A.O.]

A. Driveway access for nonresidential and multi-family uses, including townhouses, shall be at least 200 feet apart.

B. No more than five lots of any submitted subdivision plan may have direct access to an existing arterial or collector street. The entire street frontage shall be considered a part of this requirement for lands held in single ownership. [A.O.]

C. Alternates to be considered for larger subdivisions shall be as follows, subject to the approval of the Township Roadmaster upon the recommendation of the Planning Commission. Alternates shall be to provide reverse-frontage interior streets, where determined by the Township Engineer to be necessary to minimize or eliminate substandard access to arterial or collector streets, to be built according to standards under the Subdivision and Land Development Ordinance [Chapter 22] and to provide marginal access roads. [A.O.]

(Ord. 512, 8/9/2001; as amended by A.O.)

§21-306. Distance from Street Intersections.

Driveways shall be located as far from street intersections as is reasonably possible, but not less than the following distances:

A. Individual residential lots—50 feet.

B. Multi-family residential and nonresidential lots—100 feet.

(Ord. 512, 8/9/2001)

§21-307. Number of Nonresidential Driveways.

1. Properties with frontage of 120 feet or less shall be limited to one curb cut.

2. Not more than two curb cuts may be permitted for any single property, tract or lot for each street frontage.

3. More than two curb cuts per street frontage may be permitted only if anticipated traffic volumes warrant more than two and when supported by a traffic study prepared by a registered professional engineer.

(Ord. 512, 8/9/2001)

§21-308. Choice of Streets.

When streets of different classes are involved, the driveway shall provide access to the street of lesser classification, unless this requirement is waived by the Board of Supervisors for reasons of sight distance, incompatibility of traffic, grading or drainage.

(Ord. 512, 8/9/2001)

§21-309. Pavement Widths at Curblines and Grades.

1. Driveway paving widths and grades shall be as follows:

Land Use	Minimum Paving Width (feet)	Maximum Paving Width (feet)	Minimum Radius at Curb (feet)	Maximum Grade (percent)
Single-family	9	18, plus radii [A.O.]	5	10% within street right-of-way/utility easement; 15% private property [A.O.]
Townhouse or multi-family residential	10 (1-way) 20 (2-way)	24, plus radii	20 20	10% within street right-of-way/utility easement; 15% private property [A.O.]
Commercial	14 (1-way) 28 (2-way)	28, plus radii [A.O.]	25 or more [A.O.]	10%
Industrial	20 (1-way) 30 (2-way)	30, plus radii [A.O.]	25 or more	10%

2. *Exception.* On a lot serving a single-family dwelling, as defined in the Zoning Ordinance [Chapter 27], the maximum paving width at the curbline may be increased up to a width of no more than 3 feet wider than the width(s) of the garage door(s) associated with such single-family dwelling provided that in no instance shall the aggregate driveway paving width and radius at the curbline exceed 32 feet. This exception shall only apply where the following requirements are also met: (A) The garage door(s) face the street; (B) The garage door(s) are located less than 50 feet from the street right-of-way; and (C) The lot width at the curbline is 50 feet or greater. [A.O.] (*Ord. 512, 8/9/2001; as amended by Ord. 613, 12/6/2006, §5; and by A.O.*)

§21-310. Stopping Areas.

All driveways shall be provided with a stopping area within which the grade shall not exceed 6 percent. The stopping area shall be measured as follows:

A. The length of the stopping area shall be a minimum of 20 feet or the length of the longest vehicle anticipated to use the driveway, whichever is greater.

B. Stopping areas shall be measured from the ultimate right-of-way line for arterial and collector streets and from the edge of the paving, curbline or sidewalk of local streets.

(*Ord. 512, 8/9/2001*)

§21-311. Clear Sight Triangles.

Clear sight triangles shall be provided where driveways intersect streets, in accordance with the standards set forth in Appendix 22-B of the Subdivision and Land Development Ordinance [Chapter 22]. The dimensional standards shall be determined by the classification of street which the driveway intersects.

(*Ord. 512, 8/9/2001; as amended by A.O.*)

§21-312. Permit Restrictions. [A.O.]

No building, grading, occupancy or other permit shall be issued as to any

improvement or improvements in this Township until (A) an application for a driveway permit shall have been made in writing and a permit for the same approved by the Township Board of Supervisors; and (B) with respect to roads over which the County of Allegheny, the Pennsylvania Department of Transportation or other authorities also possess jurisdiction, an application for a highway occupancy shall have been made and a permit for the same approved by the entity.

(*Ord. 512, 8/9/2001*; as amended by *Ord. 612, 12/6/2006, §1*; and by A.O.)

§21-313. Pavement Material.

Any driveway, except those serving single-family and two-family dwellings, constructed after August 9, 2001, shall be constructed with a pervious or impervious engineered surface material. For purposes of this Section, engineered surface material shall mean any combination of pavement consisting of: [A.O.]

A. Poured concrete to a depth of at least 4 inches.

B. Bituminous pavement placed when hot to a depth of at least 2-inch binder course and 1-inch wearing course (compacted thickness) on a 2A limestone base of at least 5 inches thick. [A.O.]

C. Vitrified brick, concrete brick, vitrified tile or any other type of hard-dimensioned material laid on a 2A limestone base at least 5 inches thick with joints between the units of no more than $\frac{3}{8}$ of an inch. [A.O.]

D. Terrazzo placed on a concrete base of a depth at least 4 inches thick.

E. Precast concrete.

F. Pervious paver blocks. [A.O.]

G. Reinforced turf and gravel filled grids. [A.O.]

(*Ord. 512, 8/9/2001*; as amended by A.O.)

§21-314. Driveway Aggregates.

Any driveway aggregates shall be contained within the property boundaries.

(*Ord. 512, 8/9/2001*)

§21-315. Violations and Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, 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, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Police Department, the Code Official, the

Township Roadmaster, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(Ord. 512, 8/9/2001; as added by A.O.

Part 4**Deposit of Debris on Streets and Sidewalks****§21-401. Deposit of Debris Prohibited.**

It shall be unlawful for any person, firm or corporation to deposit or cause to be deposited by any means snow, ice, dirt, mud, earth, rock, brush or debris of any kind on any street, road, sidewalk or curb in the Township.

(A.O.)

§21-402. Debris Falling from Vehicles; Removal.

If transporting dirt, mud, earth, rock, brush or debris of any kind over streets located in the Township and the debris falls onto the surface of any street, then it shall be the responsibility of the person operating the vehicle to remove the debris immediately.

(A.O.)

§21-403. Transport of Excavated Material.

If any person, firm or corporation is engaged in excavating or other earthmoving activities in the Township and earth, mud, dirt, rock or other debris is deposited onto Township streets or sidewalks by vehicle wheels or any other means, the person operating the vehicle and the person responsible for the excavating or earthmoving activities shall jointly and severably be responsible for cleaning streets and preventing such reoccurrence.

(A.O.)

§21-404. Township Authority to Require Preventative Measures.

In the event of a failure to comply with the foregoing requirements of this Part, the Township Manager, in his sole discretion, in addition to any fines that may be imposed, may require that there shall be installed a driveway of PennDOT-approved aggregate from the street to the construction site, and traffic from the street to the construction site, and vice versa, shall be restricted to such driveway.

(A.O.)

§21-405. Penalties.

Any person, firm, or corporation who shall violate any provision of this Part, or fails to comply therewith, or with any of the requirements thereof, 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 \$100 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Part is found to exist and for each section of this Part found to have been violated. The Township may also commence appropriate

actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Part. All fines and penalties collected for violations of this Part shall be paid to the Township Treasurer. The initial determination of ordinance violation is hereby delegated to the Township Manager, the Code Official, the Township Roadmaster, the authorized designee of the Township Manager, and to any other officer or agent that the Township Manager or the Board of Supervisors shall deem appropriate.

(A.O.