

**ORDINANCE NO. 1-74-01**

**AN ORDINANCE OF CROSS CREEK TOWNSHIP, COUNTY OF WASHINGTON, COMMONWEALTH OF PENNSYLVANIA, REQUIRING A PERMIT FOR STREET EXCAVATION AND PRESCRIBING THE DUTIES AND RESPONSIBILITIES OF THE PERMIT HOLDER AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE**

§101. Definitions. For the purposes of this Ordinance, the following terms shall have the meanings set forth below:

- a. Degradation Fee - A fee charged for the premature excavation/opening of a road that has been constructed or resurfaced within seven (7) years.
- b. 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 replacements of service facilities which are being constructed or replaced as part of normal expansion or routine maintenance activities.
- c. Franchised Organizations - An organization providing a service under the authority of a franchise granted by the Township of Cross Creek.
- d. Notification - This may be done by normal mail, registered letter or personally delivered written notice.
- e. Performance Bond - Security submitted to the Township which guarantees that all work required as part of an approved permit will be satisfactorily completed. An acceptable security at the option of the Township can be a letter of credit, certified check or escrow agreement with institutions authorized to provide such securities in Pennsylvania. Said security must be made payable to Cross Creek Township.
- f. Public Street - Any street, avenue, boulevard, road, right-of-way, lane alley, court or walkway used or intended for use by vehicular or pedestrian traffic, which has been dedicated to and accepted for public purposes by the Township of Cross Creek, provided however, that this term shall not include streets, roads, highways, walk-ways, or rights-of-way owned, maintained or under control of other governmental agencies, or any privately owned streets.

- g. Public Utility - A business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water and communications.
- h. Tunnel - To perform work which utilizes equipment that tunnels or bores beneath the cartway, sidewalk, driveway, driveway apron or other areas of the Township road or right-of-way. Not included and not permitted for use in tunneling unless specifically authorized is use of pneumatic mole.

§102. Permit Required. That, after the effective date of this Ordinance, it shall be unlawful to open, cut, trench, bore or dig in any public street or right-of-way without having first obtained a permit in accordance with the provisions of this Ordinance, and that all work performed which relates to such activities shall be performed in compliance with the provisions hereof provided, however, that nothing contained in this section shall prevent a Public Utility from making cuts or openings in public streets or public easements in emergency situations threatening the health or safety of any person, and in such case, said permit shall be secured as soon as practicable after the repair necessitated by the emergency has commenced.

§103. Permit Application. That an application for the required permit shall be made in writing on a form prescribed by the Township. The Public Utility or owner of the facility to be installed, repaired or replaced, shall make such application and such applicant shall be solely responsible for compliance with the terms and conditions of this Ordinance. Contractors or subcontractors may be permitted to make application for a permit required by this Ordinance on behalf of the owner of a property.

§104. Completion of Work. That a permit issued under the terms of the Ordinance shall expire and be of no further force or effect if work authorized by such permit shall not be commenced within thirty (30) days from the date of issuance, and further, that such authorized work be completed and restored within sixty (60) days of the start of such work. Exceptions to those provisions may be granted by the issuing authority when unusual circumstances can be demonstrated. Failure to comply with any such conditions shall be cause for revocation of such permit and shall constitute a violation of this Ordinance. If road opening is during a season not practical for permanent repairs, temporary repairs satisfactory to the municipality will be required. Temporary repairs must be maintained within forty-eight (48) hours of notification by the Township. The Township reserves the right to make emergency repairs if deemed required for public safety. The cost of those repairs shall be borne by the permit holder and if not paid will be taken from the performance bond.

**§105. Fee Schedule.** The following is hereby established as the schedule of fees for the issuance of the permit required by this Ordinance:

Permit Issuance	\$25.00
Crossing cartways by trenching/tunneling	50.00
Manholes or vaults	25.00
Degradation fee	
Less than 1 year	\$18.00/sq. yd.
1-2 years	14.00/sq. yd.
3-5 years	10.00/sq. yd.
5-7 years	6.00/sq. yd.

When the proposed work does not include cutting or disturbing Township maintained, paved or improved surfaces, the following schedule shall apply:

Permit Issuance	\$25.00
Opening of 25 feet to 100 feet	50.00

Bonding may be waived for openings under one hundred feet (100') that does not involve improved surfaces. If the opening or cut is greater than one hundred feet (100') in length, the Township reserves the right to have a full or part-time inspector present with the cost being borne by the applicant. Inspection costs to be only when the proper Municipal officials are satisfied that unusual circumstances exist which, by their nature, require such method.

When an application for hauling in excess of posted limited on Township roads is made, the following fees shall be charged:

Permit Issuance	\$ 25.00
Weekly Fee	25.00/week
Monthly Fee	100.00/month
Annual Fee	1,000.00/year

**§106. Financial Security.** No permit shall be issued until the applicant shall have first furnished the Township with cash security for the proper restoration of the work authorized by such permit in the amount of not less than five hundred dollars (\$500.00), specific amount to be determined by the Township Engineer. In lieu of providing security with each application, an applicant may post with the Township a five thousand dollar (\$5,000.00) performance security, the validity of such security shall be reviewed annually at the beginning of each calendar year. In cases of anticipated projects of unusual magnitude, the Township may require security in excess of five thousand dollars (\$5,000.00) as a condition of permit issuance. Bonding and permit fees for Franchised Organizations shall be governed by their Franchise Agreement, but are subject to all other requirements of this Ordinance.

§107. Notification of Work. The permit holder shall coordinate his activities with the Cross Creek Township Public Works Department. The Department will regulate time of the opening or work, barricades, lighting and flagmen. If, during the course of construction, any Township owned or maintained sewer, underdrain, manhole, catch basin, curb, guardrail, or other facility or appurtenance is damaged, destroyed or disturbed, such condition shall be reported immediately to the Township, which shall then prescribe, direct, supervise, and inspect the necessary corrective action, with inspection costs being borne by the applicant.

§108. Rectification of Defects; Cost of Rectification. All restoration work involving any public street shall be performed in accordance with approved the standards provided in Pennsylvania Department of Transportation Publication 408 or as hereafter revised and amended. When notice requiring repair or maintenance is given by the Township concerning permit work, and the applicant shall fail or neglect to make repairs within fourteen (14) calendar days of such notice, such action shall constitute grounds for the Township to use available cash securities to perform such work. Further, this shall constitute a violation of this Ordinance.

§109. Additional Provisions.

- a. Where a proposed opening involves less than one hundred feet (100') of improved surface, the person requesting a permit shall first be required to photograph the area proposed for opening such that the area to be affected by the proposed work shall be adequately depicted. Such photographs shall be delivered to the Township along with permit application.
- b. Where a proposed opening involves more than one hundred feet (100') of improved surface, the person requesting a permit shall first be required to videotape the area proposed for opening such that the area to be affected by the proposed work shall be adequately depicted. Such videotape shall be delivered to the Township along with the permit application.

§110. Penalties. That any person, partnership, firm or corporation who violates this Ordinance shall pay a fine of not more than five hundred dollars (\$500.00) plus costs. Each day that such condition continues to exist shall constitute a separate offense, and prior notice to the offender shall not be necessary to constitute an offense.

§111. Prior Ordinance. Ordinance No. 1-74 enacted June 19, 1974 is hereby repealed.

ORDAINED AND ENACTED the 19th day of June, 2001, by the Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania.

ATTEST:

CROSS CREEK TOWNSHIP

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Secretary

By  
Gary A. Stokum, Chairman

By  
Dean Casiola, Supervisor

By  
Tim Paris, Supervisor