

ORDINANCE NO. 530

AN ORDINANCE AMENDING ORDINANCE NO. 155  
REGULATING STREET OPENINGS, EXCAVATIONS  
AND PAVEMENT CUTS WITHIN PENN TOWNSHIP,  
PROVIDING FOR PENALTIES AND APPROPRIATE  
FEES.

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Penn Township, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same:

SECTION 1. Definitions

The following shall be added to Section 101:

"Shoulder" shall mean the portion of the roadway contiguous to the traffic lanes, for accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses and pavement.

SECTION 2. Amendments

The following amendments shall be made:

SECTION 201. Permit Required

The first sentence of Section 201 which currently reads:

"It shall be unlawful for any person to make any tunnel, opening or excavation of any kind in or under the surface of any street, except for the erection of public utility poles, without first securing a permit from Penn Township for each separate undertaking; . . . ."

Shall be amended to read:

" It shall be unlawful for any person to make any tunnel, opening or excavation of any kind in or under the surface of any street without first securing a permit from Penn Township for each separate undertaking; . . . ."

## SECTION 302. Duties and Responsibilities of Permittees

Which currently reads:

It shall be the duty and responsibility of any person obtaining a permit to:

- A. Pay a permit fee for the issuance of an excavation permit which shall be in addition to all other fees for permits or charges relative to any proposed construction work. The minimum excavation permit fee shall be in an amount varying with the type, amount and age of surface to be opened, dug or excavated under the permit issued, as follows:
1. On streets constructed, reconstructed or resurfaced within the year prior to the issuance of the excavation permit: two hundred dollars (\$200) for every one hundred (100) lineal feet of opening or part thereof.
  2. On streets constructed, reconstructed or resurfaced between one (1) and two (2) years prior to the issuance of the excavation permit: one hundred fifty dollars (\$150) for every one hundred (100) lineal feet of opening or part thereof.
  3. On streets constructed, reconstructed or resurfaced between two (2) and three (3) years prior to the issuance of the excavation permit: one hundred dollars (\$100) for every one hundred (100) lineal feet of opening or part thereof.
  4. On streets constructed, reconstructed or resurfaced between three (3) and four (4) years prior to the issuance of the excavation permit: seventy-five dollars (\$75) for every one hundred (100) lineal feet of opening or part thereof.
  5. On streets constructed, reconstructed or resurfaced between (4) and five (5) years prior to the issuance of the excavation permit: fifty dollars (\$50) for every one hundred (100) lineal feet of opening or part thereof.
  6. On all other streets and for all excavations deemed by the Manager to be of an emergency nature: ten dollars (\$10) for every one hundred (100) lineal feet of opening or part thereof.
- B. Pay an inspection fee based on the cost of inspection plus fifteen percent (15%) or a fee of ten dollars (\$10), whichever is greater.

Shall be amended to read:

It shall be the duty and responsibility of any person obtaining a permit to:

- A. Pay a permit application fee for the issuance of an excavation permit to defray costs incurred by the Township in reviewing and processing the application and plans (if required) of the site location identified in the application, whether or not a permit is processed and issued. The permit, once issued, is valid for a period of thirty (30) days. Excavation must commence within the 30 days or the permit becomes invalid, and a new permit application is required. Application fees shall be in an amount varying with the type of excavation and the age of surface to be opened and shall be set, from time to time, by Resolution of the Board of Commissioners.
- B. Pay a general permit inspection fee to defray the costs incurred by the Township in spot inspections of permitted work or subsequent inspections after the permitted work has been completed and to monitor compliance with the permit. Inspection fees shall be invoiced and shall include a 15% administration charge. Said fees shall be set, from time to time, by Resolution of the Board of Commissioners.

#### SECTION 401. Opening and Excavation Restrictions

Which currently reads:

- J. To protect the public, every permittee shall place around the project such barriers, barricades, lights, warning flags and danger signs as shall be determined by the Manager. All safety requirements and precautionary measures prescribed by the Manager shall be based upon and in conformance with, where applicable, the requirements set forth in the United States Department of the Army, Corps of Engineers, United States Army publication, Safety Requirements, latest edition. Copies of this publication are available in the office of the Manager for inspection by any permittee. Whenever any person fails to provide or maintain the safety devices required by the Manager, such device may be installed and maintained by the Township. The amount of the cost incurred shall be paid by the permittee or deducted from his deposit. No unauthorized person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this Ordinance.
- M. All materials excavated shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. Wherever necessary, in the opinion of the Manager, in order to

expedite the flow of traffic or to abate a dirt or dust nuisance, toe boards or bins will be required to prevent the spreading of dirt into traffic lanes; temporary wooden plank walks shall be installed where the excavated area is muddy and causes inconvenience to pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee or his agent shall keep a passageway at least one-half (1/2) the sidewalk width open along such sidewalk line.

Shall be amended to read:

- J. To protect the public, every permittee shall place around the project such barriers, barricades, lights warning flags and danger signs as shall be determined by the Manager. All safety requirements and precautionary measures prescribed by Manager shall be based upon and in conformance with, where applicable, the requirements set forth in Publication 203, PaDOT Work Zone Traffic Controls, latest edition. Copies of this publication are available in the office of the Township Engineer for inspection by any permittee. Whenever any person fails to provide or maintain the safety devices required by the Manager, such device may be installed and maintained by the Township. The amount of the cost incurred shall be paid by the permittee or deducted from his deposit. No unauthorized person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this Ordinance.
- M. All materials excavated shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel. Wherever necessary, in the opinion of the Manager, in order to expedite the flow of traffic or to abate a dirt or dust nuisance, toe boards or bins will be required to prevent the spreading of dirt into traffic lanes; temporary steel plate walks shall be installed where the excavated area is muddy and causes inconvenience to pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, the permittee or his agent shall keep passageway at least one-half (1/2) the sidewalk width open along such sidewalk line.

#### SECTION 402. Paving Cuts and Backfilling and Restoring Openings

Which currently reads:

- G. (5) Whenever any excavation for the laying of pipe is made through rock, the pipe shall be laid six (6) inches above the rock bottom of the trench and the space under, around and six (6) inches above the pipe shall be backfilled with clean river sand, noncorrosive soil or one-fourth-inch

minus gravel. Broken pavement, large stones and debris shall not be used in the backfill.

- (6) Backfilling shall be completed by placing the backfill material well up over the top of the trench. For dry backfilling, the material shall be compacted with a roller of an approved type or with the rear of a truck carrying at least five (5) tons until the surface is unyielding. The surface shall then be graded as required.

Shall be amended to read:

- G. (5) Whenever any excavation for the laying of pipe is made through rock, the pipe shall be laid according to the specifications of the Township's standard detail drawings, latest version.
- (6) Backfilling shall be completed by placing and compacting the backfill material in accordance with PaDOT Publication 408, latest edition. The surface shall then be graded as required.

#### SECTION 905. Location of New Lines

Which currently reads:

Whenever feasible, new underground pipes, lines or conduits shall be laid under sidewalks rather than under streets. The Manager shall have the power to designate such location, subject to appeal to the Penn Township Board of Commissioners. The Commissioners' decision shall be final.

Shall be amended to read:

Whenever feasible, new underground pipes, lines or conduits shall be laid under the grass plot between the sidewalk and street rather than under streets. The Manager shall have the power to designate such location, subject to appeal to the Penn Township Board of Commissioners. The Commissioners' decision shall be final.

#### SECTION 908. Hanover Municipal Water Works

Which currently reads:

The Hanover Municipal Waterworks, as an independently operated department of the Borough of Hanover, shall be required to obtain permits for all street excavations, furnish the certificate of insurance and the faithful performance bond and conform to all other requirements and provisions of Part 1 of this chapter, provided that the Waterworks

shall be exempt from all deposits and fee except the permit fee for nonemergency openings of new streets specified by § Section 302 (a) Item (1) through (5) inclusive.

Shall be amended to read:

The Hanover Water Company, as an independently operated department of the Borough of Hanover, shall be required to obtain permits for all street excavations, furnish the certificate of insurance and the faithful performance bond and conform to all other requirements and provisions of Part 1 of this chapter, provided that the Water Company shall be exempt from all deposits and fees.

### SECTION 3. Severability

The provisions of this Ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, said invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application of this ordinance.

### SECTION 4. Repealer

All Ordinances and parts of this ordinance inconsistent herewith are hereby repealed.

### SECTION 5. Amendment to Township Code

The Articles hereby adopted shall be deemed to be incorporated into the Penn Township Code so that reference to the Code shall be understood and intended to include such changes.

ENACTED AND ORDAINED this 19th day of January 1998.

Board of Commissioners of Penn Township

By: Frederick W. Stine  
Frederick W. Stine, President

Attest:

Sharon A. Lance  
Sharon A. Lance, Secretary