

AN ORDINANCE PROVIDING FOR RULES AND REGULATIONS WITH REGARD TO STREET DAMAGES, EXCAVATIONS AND SIDEWALK IMPROVEMENTS AND DAMAGES WITHIN EAST BETHLEHEM TOWNSHIP

§101. Definitions. The following words and phrases, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

APPLICANT – any person who makes application for a permit.

CALENDAR YEAR – January 1 through December 31, inclusive.

TOWNSHIP – East Bethlehem Township.

TOWNSHIP CORPORATION AUTHORITY – any governmental corporation initiated by The Commissioners under the Municipal Authorities Act of 1945.

TOWNSHIP HIGHWAY FUND – a fund established and regulated by the Township; the monies therein are explicitly designated for the resurfacing and reconstruction of Township streets.

CONCRETE – soil cement, plain cement concrete or base course of some Township streets.

COST – actual expenditures incurred by the Township for labor, equipment and material, which include all fringe benefits and overhead.

DEGRADATION FEE – a fee paid by the permittee to the Township to defray a percentage of the costs for resurfacing and reconstruction of Township streets resulting from the depreciation of streets associated with street openings.

DEPARTMENT – the Department of Public Works.

EMERGENCY – any condition constituting a clear and present danger to life or property by reason of escaping gas, exposed wires or other breaks or defects in the user's line.

INSPECTION FEE – a fee paid by the permittee to the Township to defray street opening inspection costs.

PERMIT FEE – a fee paid by the permittee to the Township to cover the costs of issuing, processing and filing the street opening permit or any other permit required herein.

PERMITTEE – any person who has been issued a permit and has agreed to fulfill the provisions of this ordinance, but not limited to the owner of the property adjacent to the subject roadway and the person or entity to perform the improvement or engaging in the use of certain motor vehicles as set forth herein.

PERSON – any natural person, partnership, firm, association, utility or corporation.

PUBLIC UTILITY – any utility company, excluding corporate authorities of the Township, franchised by the Public Utility Commission of the Commonwealth of Pennsylvania.

RESURFACE – a process which provides a new wearing surface and any required work below the wearing surface in a certain paved street area between curbs with the same material that was existing prior to excavation.

SIDEWALK AREA – the portion of the street right-of-way reserved for sidewalks or that area defined on the Township plans or ordinances.

STREET – the entire right-of-way of a public street, public highway, public alley, public avenue, public road or public easement within the Township limits, excluding the designated curb and sidewalk area.

USER – the public utility, municipal corporation, municipal authority, rural electric cooperative or other person who or which uses a line to provide service to one (1) or more customers.

WORKDAY – normal business day for the Township government, including Monday through Friday, except designated holidays.

§102. Permit Required and Emergency Openings.

1. The opening of the surface of any street, curb or sidewalk or the engaging in any activity involving the use of any motor vehicle with a gross weight of 10 tons on any township street for any business or commercial activity of any kind, is prohibited unless a permit is obtained for that purpose in the manner hereinafter described and subject to the terms and conditions set forth herein. Such permit shall be granted through the Township Secretary or his/her representative when the person applying for such permit files an application with the department in compliance with the provisions of this Part and pays into the Township treasury the amounts hereafter stated.

2. Any person working in the vicinity of a Township street, curb or sidewalk who in any manner causes damage to a street, curb or sidewalk or pavement, shall be required by this ordinance to obtain a permit and bond and correct this damage in accordance with

the standards of the department as set forth herein. Street, curb or sidewalk opening permits are also required for persons excavating adjacent to the curb for the purposes of installing or replacing sidewalks and/or curbs, and a curb and sidewalk permit must be obtained prior to such work.

3. The obtaining of street, curb or sidewalk opening permits by the Township departments and corporate authorities may be waived when work to be performed is completed by their own personnel.

4. All contractors performing work under contract for the Township or Township corporate authorities shall obtain the street, curb or sidewalk opening permit for street, curb or sidewalk opening work.

5. If street curb or sidewalk openings or the use of motor vehicles with a gross weight of 10 tons are utilized as set forth herein, are necessitated by emergencies, street, curb or sidewalk opening permits shall be obtained on the first regular business day on which the office of the Township is open for business after such emergency begins and such permit may be retroactive to the date when the work was begun.

6. A person performing street, curb or sidewalk openings or utilizing such vehicles as defined herein, for an emergency shall verify the emergency nature of the circumstances, in writing, to the Township Secretary within five (5) days after such emergency on the street cut opening application, and provide all documentation reasonably required by the Township.

§103. Street, Curb and/or Sidewalk Openings Prior to Reconstruction or Resurfacing.

1. When the Township or the Pennsylvania Department of Transportation reconstructs or resurfaces any street, curb or sidewalk, the township Secretary shall first serve written notice by first class mail or by personal service of such improvements to all persons owning property abutting the street, curb or sidewalk about to be improved who are in violation of the Part relating to streets, curbs and sidewalks and to al public utility companies operating in the Township within sixty (60) calendar days from receipt of such notice, all notified persons shall complete or cause to be completed all necessary repairs and replacement of utility mains, service, connections and/or laterals existing under the street and designated curb and sidewalk areas. Notified persons shall also complete or cause to be completed any new installations under the street and designated cur or sidewalk areas required for use with a two (2) year period thereafter. Pursuant to the terms, standards and cnditions set forth herein.

2. This Section shall not forbid the installation of new pipes, conduits or other services or structures, or the repair or replacement or other services or structures, or the repair or replacement of those already existing in or under the portions of such highways improved as aforesaid by penetrating the subsurface beneath paving or highways in accordance with Township ordinances and directions of the Township Secretary or the

Department of Transportation, upon obtaining a permit therefore prescribed by the provisions of this Part, except for the degradation fee for making a surface opening in the highway of the same dimensions.

§104. Insurance Protection. The Applicant shall protect, defend, indemnify and save harmless, the Township, its officers and/or agents thereof from all claims, suites, actions and proceedings of every nature and description which may be brought against the Township, its officers or agents thereof for or on account of any injuries or damages to persons or public or private property because of any materials or appliances used in the work or by or on account of improper materials or workmanship or for or on account of any accident or any other act, negligence or omissions of said applicant or his agents, servants or employees, and the Township shall not in any way be liable therefore during the period of the work progress and the one and one-half (1 ½) year guaranty period following the completion of the work. Minimum insurance shall be:

A. Three hundred thousand dollars (\$300,000.00) liability per individual for bodily injury.

B. Fifty thousand dollars (\$50,000.00) liability for property damages.

C. Evidence of insurance in the form of a certificate or letter executed by a duly authorized representative of the applicant's insurance carrier shall be submitted to the Township Secretary's Office each January 15. Said evidence of insurance must include the provision that the Township shall be given proper advance notice of at least thirty (30) days of cancellation or any material alteration in the applicant's policy.

§105 Scheduling. All excavations shall be commenced and completed by the use of reasonable work force. In congested areas and the central business district, the Township may limit work to other than normal daytime working hours. Further, at the cessation of work, adequate steel plates or wooden planking may be required over the excavation while it is not being worked to ensure full traffic flow. The maximum length of the opening in the roadway shall be one hundred (100) feet, unless otherwise permitted, in writing by the Township Secretary.

§106. Removal of Excavated Material; Blocking of Hydrants Prohibited. In peak traffic areas, all excavated material shall be removed daily at the cessation of work. All gutters and drainage devices shall be kept clean of all debris and excavated material. Fire hydrants adjacent to the work shall be at all times readily accessible to fire apparatus, and no materials or obstructions shall be placed within fifteen (15) feet of any hydrant.

§107. Waste Material. Material which is unsuitable and any surplus of excavated material shall be considered waste and shall be disposed of by the utility or contractor beyond the project limits. In no case shall waste material be left at the work site.

§108. Barricades, Warning Signs and Flagpersons. During the progress of the work, the applicant shall provide and maintain such barricades, warning signs and flagpersons necessary to prevent accident to the public and/or adjoining tenants. Minimum precautions must include, but should not be limited to, advanced warning signs on all approaches to the work, safe crossing for pedestrian each three hundred (300) feet and barricades with flashers on each exposed side at fifty (50) foot intervals. All precautions shall be in accordance with the Manual of Uniform Traffic Control Devices as adopted by the United States Department of Transportation Federal Highway Administration, 1971, Part IV, Traffic Controls for Street and Highway construction and Maintenance Operations. If, in the opinion of the Township or its designated representative, there is a need for additional signs, barricades, flagpersons or other protective measures, then the applicant must supply the same as directed by the Township.

§109. Road Closing Prohibited; Lane Closing Restrictions. No street in the Township may be completely closed to traffic at any time. One lane of traffic must be able to pass unobstructed at all times. Flagpersons must be posted at the limits of work at all times to direct traffic through the work area and all established traffic patterns must be maintained at all times. If all other means of traffic control have been exhausted, the Township may permit a road to be completely closed temporarily only with the consent of the Township Secretary and Police Chief. When an emergency exists, the Police shall be notified in advance of the closing of any street.

§110. Site Cleanup. The site of the work will be cleaned of all rubbish and surplus or unsuitable materials and promptly restored to its original condition as backfilling proceeds and work progresses. Pavements adjacent to the site of the work shall be constantly swept so as to prevent scarring of the pavement by scattered stones.

§111. Responsibility for Damage. In the event that a cut is made and, upon inspection to another utility's underground facilities is discovered, it shall be the responsibility of the party making the cut to contact the Township Secretary and all concerned pertinent utilities to instruct them to have representatives inspect the condition before any backfilling is begun. The flow of all sewers, drains, house connections, utility lines and laterals and watercourses met with shall be maintained and provided for by the contractor without damage or nuisance to other parties. All connections shall be restored.

§112. Special Restrictions. The permanent restoration of special type pavements, such as materials including but not limited to concrete, brick, Belgian block, cobblestone gutters or tiles, shall consist of relaying the original wearing course in accordance with the original installation specifications in such a manner as to prevent settlement or other deterioration.

§113. Testing and Inspection. The Township Engineer or Township representative or his designate may inspect all cuts and in inspection fee by the Township Engineer shall be charged and paid by the applicant. Such inspection fees shall constitute acceptance and approval of work performed by the utility or contractor, but it is

understood that such acceptance and approval does not relieve the applicant or contractor of any responsibility under this Part through the guaranty period.

§114. Repaving and Reconstruction. Upon notification from the Township Secretary of a planned street resurfacing or reconstruction, all utilities will be required to test their lines and services and to schedule necessary capital improvements and service connections prior to resurfacing or reconstruction. Thereafter cuts will be permitted in the new pavement only in an emergency or as otherwise permitted by the Township.

§115. Parking Meters. When street work renders metered parking unavailable, then applicant shall be charged the fee of ten dollars (\$10.00) per meter for each day that a meter is made unavailable at any time during the day.

§116. Replacement of Pavement Markings. The applicant or contractor must reimburse the Township all costs to replace all pavements markings damaged or removed by pave cuts and work incident thereto. The Township shall contract to have the necessary repairs made and shall bill the applicant.

§117. Right to Refuse Issuance of Permit. The Township reserves the right to bar any contractor or his employee from working within the Township limits whose work is found in noncompliance with this Part. The Township reserves the right to refuse issuance of a permit to any applicant who fails to maintain pave cuts or any other work in accordance with this Part or who fails to pay sums due to the Township within thirty (30) days from the date of billing. The Township reserves the right to refuse issuance of a permit to cut new pavement. New pavement shall be deemed to include any surface paved or otherwise completed for a period of five (5) years from its completion.

§118. Board of Appeals.

1. **Appointment.** There is hereby established a board to be called the "Board of Appeals" consisting of three (3) members, one of whom shall be, whenever possible, a registered professional engineer whose experience pertains to roadway construction, one of whom shall be a licensed contractor whose experience pertains to roadway construction and/or repair and one of whom shall be an attorney of the Washington County Bar. The members shall elect one of their members to act as Chairman.

2. **Ex Officio Members.** The Township Engineer and the Township Director of Streets/Public Works shall be ex officio members of the Board of Appeals. They shall have no right to vote on any matter submitted to the Board of Appeals. The Township Secretary shall act as secretary for the Board of Appeals.

3. **Terms of Office.** The Township Commissioners shall appoint all members of the Board of Appeals. All members shall hold office unless removed during the term for the period for which the chairman is elected and until a successor is appointed and qualified. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular

meetings of the Board shall, at the discretion of the chief appointing authority of the municipality, render any such member liable to immediate removal from office such chief appointed officer.

4. Quorum. Township members of the Board shall constitute a quorum. In varying the application of any provision of this Part or in modifying an order of the street inspector, affirmative votes of two (2) members shall be required. No member of the Board shall pass upon any question in which he, or any corporation in which he is a shareholder, is interested.

5. Meeting and Records. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All hearings before the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every questions or, if absent or failing to vote, indicating such fact, and shall also keep records of its examination and other official action. Such minutes and such records shall be public records.

§119. Appeal Procedure.

1. Any person or corporation aggrieved by a decision of the Township may take an appeal to the Board of Appeals.

2. An appeal may be taken within thirty (30) days from the date of the decision appealed by filing with the Township Secretary and the Board of Appeals a notice of appeal, specifying the grounds thereof, except in the case where a condition exists which, in the opinion of the Township, constitutes a clear and present danger to the public. In such a case, the Township may in its order limit its order to a shorter period. The Township Secretary shall forthwith transmit to the Board of Appeals all the papers and other information upon which the action appealed from taken. Each appeal shall be accompanied be a deposit in the amount set forth in Chapter 24, Fees. If on appeal the decision of the Township is changed, modified or reversed, the deposit shall be returned to the appellant. If the decision of the Township is sustained, the deposit shall be retained by the Township. The appellant shall be required to pay all expenses for any tests deemed necessary by the Board.

§120. Modifications and Variations by Board of Appeals.

1. The Board of Appeals, when so appealed to and after a public hearing, may vary the application of any provision of this Part to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this Part or public interest or when, in its opinion, the interpretation of the Township should be modified or reversed.

2. A decision of the Board of Appeals to vary the application of any provision of this Part or modify an order of the Township's agent shall specify in what manner such

variation or modification is made, the conditions upon which it is made and the reasons therefore.

§121 Decisions of Board of Appeals.

1. The Board of Appeals shall in every case reach a decision without unreasonable or unnecessary delay. Every decision of the Board of Appeals shall be in writing and shall indicate the vote upon the decision. Every decision shall be promptly filed in the office of the Township Secretary and shall be open to public inspection.

2. If a decision of the Board of Appeals reverse or modifies a refusal, order or disallowance of the Township's agent or varies the application of any provision of this Part, the Township's agent shall take action immediately in accordance with such decision.

§122. Appeals from Decision of Board of Appeals. A person aggrieved by a decision of the Board, whether previously a party to the proceeding or not, or an officer of the Board may, within fifteen (15) days after the filing of such decision in the office of the Township Secretary, apply to the appropriate court to correct errors of law in such decision.

§123. Effect on Existing Proceedings, Regulations and Contracts; Repealed Acts.

1. All litigation, hearings, investigations and other proceedings whatsoever pending under any act repealed by this Part shall continue and remain in full force and effect. All orders, rules or regulations issued or filed under any ordinance repealed by this Part, and in full force and effect upon the effective date of this Part, shall remain in full force and effect for the term issued or until revoked, vacated or modified under the provisions of this Part. All existing contracts and obligations entered into or created under any ordinance repealed by this Part, and in force and effect upon the effective date of this Part, shall remain in full force and effect.

2. The repeal by this Part of any other act shall not revive any law heretofore repealed or superseded and shall not impair or affect any act done, offense committed or liability, penalty, judgment or punishment incurred prior to the time this Part take effect, but the same may be enforced, prosecuted or inflicted as fully as fully and to the same extent as if this Part had not been passed. The provisions of the Part, as far as they are the same as those of existing laws, shall be construed as a continuation of such laws, and not as new enactments.

§124. Prerequisites to Obtain Permit.

1. A written application shall be filed with the Township Secretary for making all street, curb or sidewalk openings or excavations or engaging in any activity involving the use of any motor vehicle with a gross weight of 1.5 tons on any township street for

any business or township commercial activity of any kind, and signed by the owner of the property adjacent to the subject roadway and the persons or entity to perform the improvements or work desiring such permit. Such application shall set forth the purpose for which such excavation is to be made; the size and location of the same; the full scope of work to be included in the project; the date or dates during which said excavation is to be permitted, the date such excavation is to be refilled and resurfaced in the manner hereinafter provided; and shall provide that the applicant will faithfully comply with each and every provision contained in this Part. An applicant shall furnish a drawing of the proposed site, which shall be attached to the applications. Items required on the drawing shall be provided by applicant as requested by the Township.

2. Prior to issuing such permit, every such applicant shall pay the Township Secretary the amount hereinafter required for the purposes specified and shall exhibit to the Department a receipt for the amount paid.

3. Where the street, curb or sidewalk opening permit is required for water supply purposes, the application shall be countersigned by the Township Secretary or other individual authorized by him, before the permit will be granted. Where the street, curb or sidewalk opening permit is required for sewage service purposes, the application shall be countersigned by the Township Chairman or other individual authorized by him before the permit will be granted.

4. No permit shall be granted to any applicant unless the applicant has paid to the Township any and all monies then due to the Township for prior excavations made or for any loss, damage or expense in any manner occasioned by or arising from the work done by the applicant under the provisions of this Part.

5. The owner of the property adjacent to the subject roadway and the person or entity to perform the improvement shall agree to indemnify and hold harmless and save the Township, its officers, employees and agents from any and all costs, claims, damages and liabilities which may occur or be claimed to occur by reason of such work to be done by the applicant under the provisions of this Part, or the failure to complete such work in a good, safe and appropriate manner. The acceptance of any permit under this Part shall constitute such agreement by the applicant whether the same is expressed or not.

6. An applicant shall secure a certificate of insurance and have the certificate properly executed by the applicant's insurance company. A properly executed certificate of insurance shall be filed with the Township and verify that the applicant is insured against all claims for personal injury as well as against claims for property damages which may arise from or out of the performance of, or failure to perform, the excavation work and other work called for or arising out of the application, whether such performance be by the applicant or anyone directly or indirectly employed or authorized by him. Such insurance shall include protection against liability arising from completed operations, underground utility damage and collapse of any property. Liability insurance for bodily injury shall be an amount not less than three hundred thousand dollars (\$300,000.00) for each accident, and for property damages, in an amount not less than

one hundred thousand dollars (100,000.00). Failure of a Township applicant to file a certificate of insurance, which shall name the Township and its agents and representatives as additional insureds shall be sufficient reason for denying a permit. The applicant shall save and hold harmless the Township from any and all damages and liability by reason of personal injury or property damage arising from work done by the applicant under the provisions of this Part. Liability insurance requirements for blasting may be obtained and blasting permits shall be obtained from the Township.

§125. Bond.

1. All persons and entities, including public utility companies, desiring to open a street, curb or sidewalk or engaging in any activity involving the use of any motor vehicle with a gross weight of 10 tons on any Township street for any business or commercial activity of any kind, shall furnish a properly executed corporate surety bond.

2. All other persons, including contractors performing work for Township corporate authorities, desiring to open a street, curb or sidewalk or engage in any activity involving the use of any motor vehicle with a gross weight of 1.5 tons on any Township street for any business or commercial activity of any kind, or which may damage any street shall furnish a properly executed surety bond. Such bond shall be executed by a reputable surety company licensed to do business in the Commonwealth of Pennsylvania. All bonds obtained by contractors performing work under contract with Township corporate authorities shall be countersigned by the director or chairman of the authority or Township.

3. The bond shall cover street, curb or sidewalk opening work performed during two (2) calendar years. The bond shall be in effect for a thirty-six (36) month period in accordance with this Part. The amount of the surety bond shall be twenty-five thousand dollars (\$25,000.00) unless any street excavation and restoration work for a single project exceeds such amount. In this case, a person shall secure the twenty-five thousand dollars (\$25,000.00) and the dollar amount computed in accordance with the following schedule:

<u>Pavement Structure</u>	<u>Amount of Bond Per Square Yard</u>
Concrete or blacktop foundation ten (10) inches or less in depth with any asphalt surface	\$25.00
Concrete or blacktop foundation ten (10) inches or greater in depth with any asphalt surface	\$30.00
Cement concrete surfaces	\$25.00
Any other bituminous concrete surface with bituminous or stone base	\$25.00

Macadam, vitrified block or granite
block on stone foundation \$10.00

§126. Fees.

1. A permit fee, inspection fee and degradation fee for Township streets, curbs or sidewalks shall be paid to the Township Secretary prior to permit issuance. The Township shall have the right to waive fees for contractors performing work under contract with the Township.

2. The permit fee shall be in the amount of seventy-five dollars (\$75.00).

§127. Cancellation of Permit. In all cases where a permit has been issued and the work set forth in such permit has not been completed, the amount not completed shall be canceled and any degradation fee, along with the inspection fee paid for the incomplete work shall be refunded without interest by the Township, upon warrant properly drawn. The permit fee shall not be refunded upon permit cancellation.

§128. Revocation of Permits.

1. All street opening permits are subject to revocation, at any time, by the Township Secretary after written notice for:

- A. Violation of any condition of the permit.
- B. Violation of any provision of this Part or any other applicable ordinance or law relating to the work.
- C. The existence of any condition or the doing of any act or failure to perform any act constituting or creating a nuisance or endangering the lives or property of others.

2. Written notice of such violation shall be served upon the person to whom the permit was granted or his agent or employee engaged in the work. Such notice shall also contain a brief statement of the reasons for revoking such permit. Notice may be given either by personal delivery thereof to the person to be notified or by United States mail, addressed to such person to be notified.

3. Upon revocation of the permits, the degradation and inspection fees will be refunded to the permittee for that portion of the project not completed.

§129. Time Extension and Fee. If any permittee is unable to complete the street, curb or sidewalk opening work on or before the date specified in the permit, the permittee shall file a written application for an extension of time with the Township. The written application shall be in letter form or on a form designated by the Township and shall thoroughly explain the reasons for the extension of time plus the additional length of time

required. A fee of twenty-five dollars (\$25.00) shall accompany the application. The fee shall defray the costs of processing the filing of the application.

§130. Backfilling and Paying.

1. The permittee shall be responsible for backfilling and paying and/or finishing the opening and restoring the street, curb and/or a sidewalk to its original condition prior to the opening or damage thereto.

2. The Township Secretary or his/her designated representative, shall have the authority to establish standards for paving, finishing and backfilling and associated procedures. Details specifying finishing, paving and backfill procedures and materials shall be obtained from the Township prior to any street opening work.

§131. Backfilling and Replacing Surface by Township. In case the work has not been completed before the date of expiration as shown on the permits, which time shall be fixed when the permit and/or time extension is granted, the Department may take steps to finish/backfill the trench and replace the street, curb or sidewalk surface over the opening for which the permit has been issued upon notification from the Department to the applicant. The Township shall invoice the permittee for all costs incurred by the Township in the performance of this work. Payment not made within thirty (30) days will be chargeable against the posted bond, including all fees and costs involved in the collection of this payment. This provision shall not be construed to limit the ability of the Township to otherwise collect said costs as otherwise permitted by law.

§132. Responsibility; Extra Inspectors and Other Rules.

1. The permittee shall assume all responsibility for the excavation made by such party for refilling the same and for all damages caused by the action of the permittee that may arise by reason of the digging of such trenches or excavations or other remedial work or repairs. Whenever it is determined by the Township Secretary that in the best interest of the Township it is necessary to assign additional inspectors to supervise excavations, backfill or pavement restoration operations, or other such remedial work of repairs, such inspectors shall be paid by the permittee at a rate per day to be fixed by the Department.

2. The Township Commissions are authorized to make such other rules and regulations for the excavation and opening of streets, curbs or sidewalks which they deem necessary for the proper maintenance of the street surface due to excavations, which rules and regulations shall be printed upon the permit granted or forwarded from the Department in writing, from time to time.

§133. Test Holes. A street, curb or sidewalk opening permit shall be obtained for any test hole work. No test holes shall be made in or upon a greater surface of the highway or roadway than as specified in such permit, and no excavation or test holes shall interfere with any water pipes, sewers or drains of the Township or any other

underground utility service. Test holes shall be repaired and backfilled in accordance with the provisions set by the Department or the Township Secretary.

§134. Gutters, Lights and Identification.

1. All gutters shall be left open so as not to obstruct the free passage of water and the sidewalks and footways must be kept in safe and passable condition. All excavations or material from them shall have placed upon them sufficient lights and barricades to identify them from all directions during the day and after dark.

2. If, for safety purposes, the Township Secretary deems it necessary to install additional warning devices such as lights, barricades or signs, the permittee shall be notified of that decision and shall receive instructions on the installation. In case of emergencies the Township may install additional warning devices deemed necessary by the Department. The Township shall invoice the permittee for rental, installation and other costs incurred from the date of installation until the permittee installs warning devices.

3. If the permittee fails to install such devices, the Township shall invoice the permittee for rental and installation costs incurred from the date of installation until the date of removal. Payment not made by the permittee within thirty (30) days of the invoice date will be chargeable against the post bond, including all fees and costs involved in the collection of this payment.

§135. Additional Work. In no case shall a permittee open or remove a greater area of street, curb or sidewalk surface than specified in the original application. The permittee shall not open any street, curb or sidewalk area at any location not specified in the original street, curb or sidewalk opening permit. If the permittee determines during construction that an additional area of the street, curb or sidewalk will have to be opened, he shall notify and secure permission from the township Secretary for the additional opening. Upon receipt of permission, the permittee shall file a supplementary application for the work no later than the next work day. Fee amounts specified in this Part shall be followed for any subsequent fees associated with supplementary applications.

§136. Guarantee of Work. The permittee shall guarantee and maintain his work or repairs for thirty-six (36) months from the completion of the restoration and replacement work. Within the thirty-six (36) month period, upon notification from the Township of necessary correction work required, the permittee shall correct or cause to be corrected all restoration work required within five (5) working days of the mailing date of the notification. The Township Secretary shall determine the extent of restoration required and method of correction. Any and all work not completed within this five (5) day period may be completed by the Township at the discretion of the City Administrator. The Township shall invoice the permittee for all costs incurred by the Township in performance of this work. Payment not made within thirty (30) days of the invoice date will be chargeable against the posted bond, including all fees and costs involved in the collection of this payment.

§137. Penalty.

1. Any person violating any provision of this Part shall, upon conviction thereof or upon a determination of civil liability; be fined not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) for each and every offense, together with costs and, in default of payment thereof, shall be imprisoned not more than thirty (30) days. Each failure to obtain a permit or to comply with any requirements of this Part, and each and every day during which such violation continues shall constitute a separate offense.

2. The Township Secretary reserves the right to deny the issuance of future street opening permits to any person who violates the provisions of this Part. This provision in no way shall prohibit or limit the right of the Township to bring legal action against the permittee.

This Ordinance shall become effective immediately upon advertising as required by law.

ATTEST:

Christine Evans
Secretary

[Signature]
Chairman

Nov. 1, 2005
Date

Nov. 3, 2005
Date