

ORDINANCE NO. 60

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON,
WESTMORELAND COUNTY, PENNSYLVANIA, REGULATING
OPENING OR EXCAVATIONS IN AND UNDER MUNICIPAL
STREETS IN THE TOWNSHIP, AND PROVIDING PENALTIES
FOR THE VIOLATION THEREOF.

BE IT ORDAINED and enacted by the Board of Supervisors of
the Township of Washington, Westmoreland County, Pennsylvania, and it
is hereby ordained and enacted by authority of the same:

SECTION 1. The following words, when used in this Ordinance,
shall have the meanings ascribed to them in this Section, except in those
instances where the context clearly indicated otherwise:

a. The word "street" shall mean any public street, avenue,
road, square, alley, highway or other public place located in the Township
of Washington and established for the use of vehicles.

b. The word "person" shall mean and include any natural person,
partnership, firm, association, utility, corporation, municipal corporation,
municipal authority, municipal agency or any political subdivision whatsoever.

c. The word "applicant" shall mean any person, as defined in
"b" above, who makes application for a permit.

d. The word "permittee" shall mean any person, as defined in
"b" above, who has been issued a permit pursuant to the terms of this
ordinance.

e. The word "emergency" shall mean any unforeseen circumstance

which calls for immediate action.

f. In this Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

g. The word "township" shall mean the Township of Washington, County of Westmoreland and Commonwealth of Pennsylvania and, where applicable shall include the Board of Supervisors and other Township Official thereof.

Section 2. It shall be unlawful for any person to make any opening or excavation of any kind in or under any street without first securing a permit from the Township Secretary for each separate undertaking. Any person making application for a permit shall agree to the terms of this Ordinance, as hereinafter provided. A permit fee of Fifty and no/100 (\$50.00) Dollars shall be charged the applicant for each opening or excavation application.

SECTION 3. It shall be the duty of the applicant to comply with the following express conditions and provisions before a permit shall be granted:

a. A written application on the official form provided for this purpose by the Township Secretary shall be filed for each and every opening and signed by the applicant.

b. The applicant shall set forth the purpose of such opening;

c. The applicant shall establish the date or dates during which such opening is to be permitted, including date and time which the opening is to be refilled and temporarily resurfaced;

d. The applicant shall furnish a handwritten sketch upon which the street, avenue, road, square, alley, highway or other public place shall be shown together with the approximate location, direction and length of the proposed opening and the estimated length, width and depth of said opening.

e. The applicant shall take out and maintain Public Liability and Property Damage Insurance in an amount sufficient to indemnify and save harmless the Township of and from all liability for damages or injury done to persons and property which may be incurred by reason of such opening or any failure to properly protect, maintain, light, backfill, and/or otherwise properly affect the same. The insurance shall not be in an amount less than Twenty-Five Thousand and no/100 (\$25,000.00) Dollars for injury to property and One Hundred Thousand and no/100 (\$100,000.00) Dollars for injury to a single person and Three Hundred Thousand and no/100 (\$300,000.00) Dollars for injury to the total number of persons involved in any accident.

f. The applicant shall deliver to the Township a deposit or bond in the amount set by the ^{agent of the} Township ~~Engineer~~. This amount shall be calculated according to Section 5 of this Ordinance. It shall never be less than Five Hundred and no/100 ^{1,000.00} (\$500.00) Dollars.

g. The applicant shall agree to be responsible for such opening for at least one (1) year after the date of the permanent resurfacing or until such time as the opening is accepted by the Township, whichever is

shorter.

SECTION 4. Whenever any public utility or municipal authority maintaining underground facilities shall contemplate more than one street opening or excavation per calendar year, it may post a bond for the calendar year or part thereof to cover any and all work. In any case the bond shall be approved by the Township Board of Supervisors. The first permit for the calendar year shall be issued only if and when the Public Utility or Municipal Authority shall present to the Township a revised and up-to-date map of its underground facilities. The applicant shall secure a permit for each and every street opening. In cases of emergency the police department shall be notified and a permit shall be secured on the first official work day thereafter.

SECTION 5. The Township ^{agent of the} Engineer, upon receipt of the properly completed application, shall compute the bond or the deposit to be made in behalf of the Township to reimburse said Township for any cost of work and materials furnished for the backfilling or refilling the opening or excavation and the restoring of the surface or replacing the pavement over any such opening or excavation together with any expenditure for labor or material subsequently necessitated in the maintenance, repairing or resurfacing of any such opening in the street for a period of one (1) year from date of completion, so as to leave any such street in as good a condition as it was before such excavation or opening. The amount calculated for the bond or the deposit shall include the estimated inspection and engineering costs and any other costs and expenses that may be directly charged to

the opening or excavation of the street. The estimated amount calculated for deposit shall be increased by twenty-five (25%) per cent to determine the deposit or bond amount.

SECTION 6.

- a. The permittee shall take every necessary and reasonable precaution to keep the street in a safe and passable condition both day and night by guards, barriers, lights and other devices.
- b. No opening in any street shall extend beyond the center line of the street before being refilled and the surface of the street restored to a condition safe and convenient for travel.
- c. No more than two hundred fifty (250) feet measured longitudinally shall be opened in any street at any one time.
- d. No tunnelling shall be allowed without express approval of the Township and permission therefore endorsed on the permit.
- e. Excavated or other material shall be placed or stored on the side of the operation farthest from the pavement, unless otherwise designated by the Township Engineer, and in such manner that there will be no interference with the flow of water and/or traffic.
- f. Where a pipe drain, pipe culvert, or other structure or facility is encountered, it shall be replaced, restored, strengthened or protected by the permittee.
- g. No refilling of such excavation or opening shall be accomplished unless or until the Township Engineer ^{OR AGENT OF TWP} shall be present.
- h. All openings and excavations shall be backfilled promptly with suitable materials and thoroughly compacted in layers according to Township

specifications and as the Township Engineer shall direct and in accordance with Township Restoration Details for Paved Areas, Shoulder Areas and Unpaved Areas as said Township Restoration Details may be from time to time amended or changed by the Township Supervisors and copies of which Township Restoration Details are available at the Township Office.

i. Temporary surfacing shall be maintained for a period of at least two (2) weeks free of depressions. After that length of time, the temporary surfacing is to be removed and replaced with the surfacing similar to and harmonizing with the surface destroyed. It shall be accomplished under the direction of the Township Engineer and in conformity with Township specifications.

j. All restored surfaces must be installed in accordance with specifications of the Township as shown in the Township Road restoration detail and as approved and directed by the Township Engineer.

k. In no case shall any opening or excavation made by a permittee be considered in the charge or care of the Township or of any officer or person employed by the Township and no officer or employee is authorized in any way to take or assume any jurisdiction over any such opening or excavation, except in the exercise of police power, where and when it is necessary to protect life and property.

SECTION 7. After one (1) year the permanent restoration of the opened or excavated street shall be inspected by the Township Engineer, who if restoration shall be satisfactory and up to Township Specification, shall certify that such work is accepted by the Township. Upon certification by the Township Engineer of acceptance of the work, the permittee shall

be refunded his deposit less all expenses and costs incurred by the Township, including, but not limited to, inspection, engineering and solicitor costs and fees, incurred by the Township.

SECTION 8. The Township Engineer or any other authorized employee of the Township shall have the right to inspect and supervise all work done under a street opening permit and shall see that all terms and conditions of this Ordinance are enforced and shall have the power and is hereby directed to prosecute every person violating any of the provisions contained herein. Such supervision and inspection shall be done at the sole expense of the permittee.

SECTION 9. If the work in the opening of a street shall not be promptly done or shall be unskillfully, improperly or incompletely done, the Township reserves the right to:

- a. Stop work until such time as an additional bond or deposit is made to the Township in an amount set by the Township Engineer in accordance with this Ordinance; or,
- b. Demand Permittee to perform said work in a manner the Township deems proper, and all expenses and costs thereof shall be the sole expense of permittee; or
- c. Have the Township Engineer and work forces take over the work and complete the work in a skillful, proper and acceptable manner whereupon the permittee shall be charged the actual cost of completion of the work including inspection, engineering and solicitor costs and fees.

SECTION 10. Any person violating any of the provisions of this Ordinance shall upon conviction thereof before any Magistrate, pay a fine

of not less than Twenty-five and no/100 (\$25.00) Dollars nor more than Three Hundred and no/100 (\$300.00) Dollars, and in default thereof of payment of such fine and costs of prosecution, shall be imprisoned for not more than thirty (30) days. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

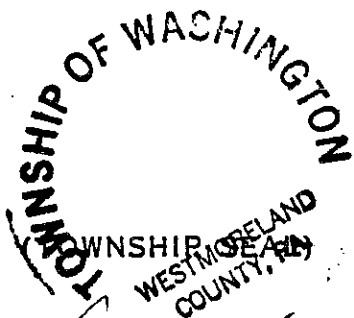
SECTION 11. All ordinances or parts of ordinances in conflict with the provisions of this Ordinances are hereby repealed.

ORDAINED and ENACTED into law this 11th day of September, 1986.

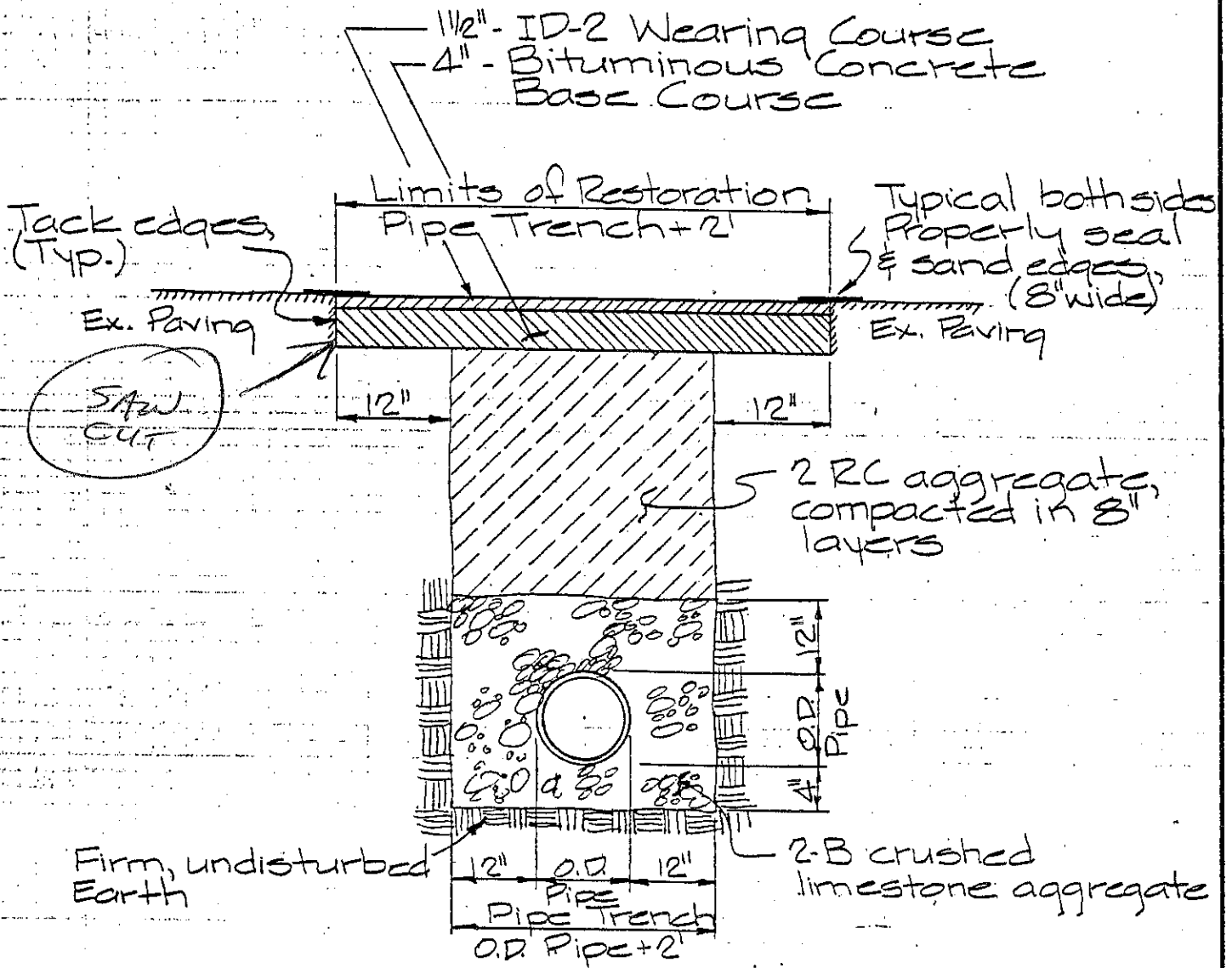
Arthur J. [Signature]
Chairman, Board of Supervisors

Richard T. [Signature]
Vice Chairman, Board of Supervisors

H. [Signature]
Member



Audrey A. [Signature]
Township Secretary



**TOWNSHIP RESTORATION
DETAIL PAVED AREA**

SENATE ENGINEERING COMPANY

ENGINEERS — PLANNERS — SURVEYORS

1406 PITTSBURGH ST. CHESWICK, PA. 15024

PHONE (412) 274-8771, (412) 361-2368

SITUATE IN: WASHINGTON TOWNSHIP
WESTMORELAND COUNTY, PENNA.

DRAWN BY: ERK	CHECKED BY: WSM	DATE OCT '85	SCALE NTS	SHEET
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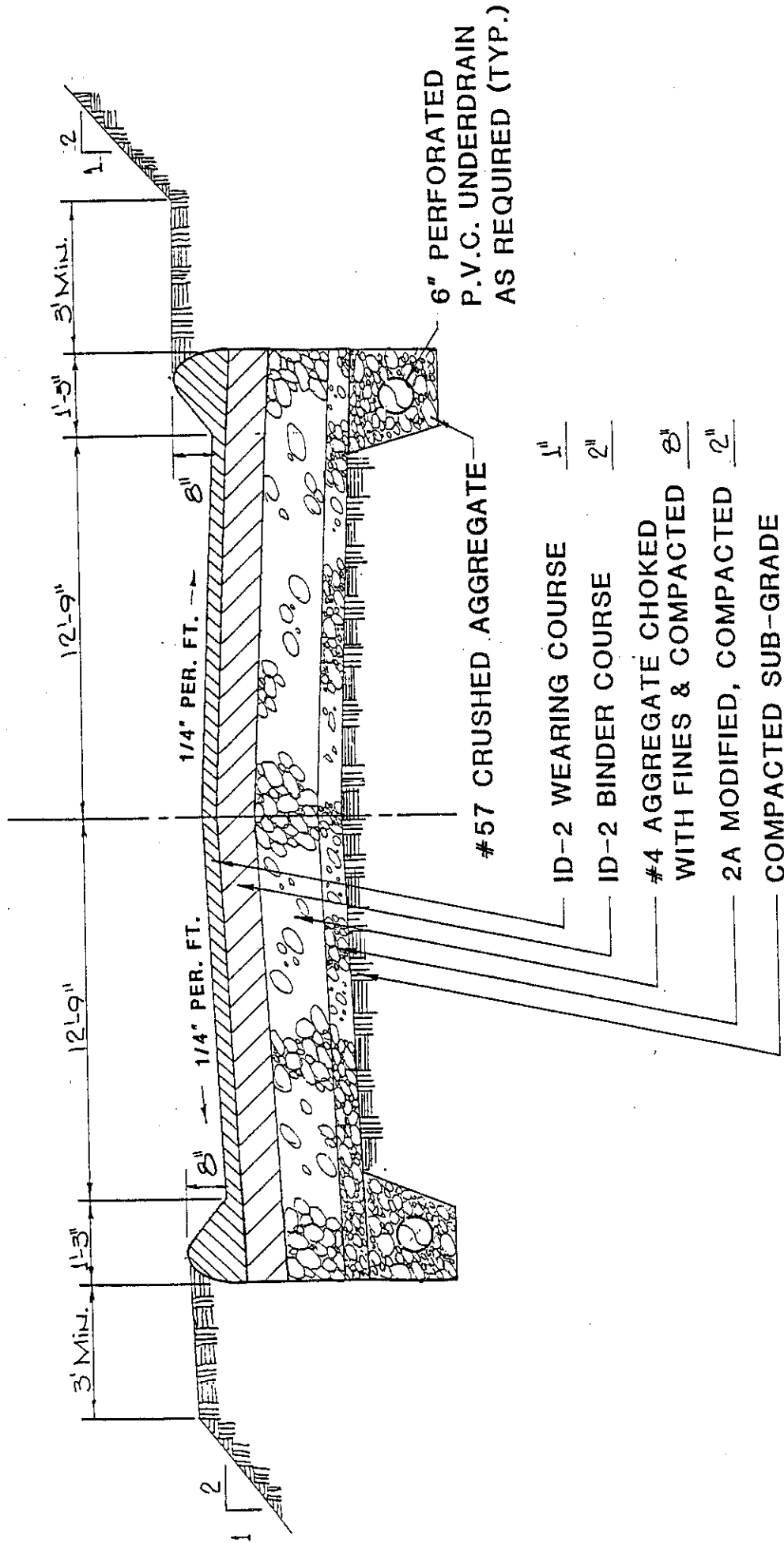
PREPARED FOR:
WASHINGTON TOWNSHIP

JOB NO. —

DRAWING NO.

OF

CONSTRUCTION DETAIL



RESIDENTIAL SERVICE STREET

(N.T.S.)

OCT., 1985