

Ordinance 79-3

Street opening

Excavations

6/22/1979

AN ORDINANCE OF THE TOWNSHIP OF HOPEWELL, BEAVER 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 Commissioners of the Township of Hopewell, Beaver 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 indicates otherwise:

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

B. The word "person" shall mean and include any natural person, partnership, firm, association, utility, Authority or Corporation.

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 and has agreed to fulfill 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.

SECTION 2 It shall be unlawful execept in cases of emergency 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 for each separate undertaking. Any person making application for a permit, shall agree to the terms of this Ordinance, as hereinafter provided.

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

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

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 when temporary and/or final resurfacing is to be performed.

D. 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 Hopewell 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, barricade, light, backfill, and/or otherwise properly affect the same. The insurance shall not be in an amount less than Twenty-Five Thousand (\$25,000.00) Dollars for injury to persons and Ten Thousand (\$10,000.00) Dollars for injury to property. The Township shall set the amount of insurance in accordance with the size of the opening.

E. The applicant shall deliver to the Township a deposit or bond in the amount set by the Township

This amount shall be calculated according to Section 5 of this Ordinance. It shall never be less than One Hundred (\$100.00) Dollars.

F. Whenever any public utility or municipal authority maintaining underground facilities shall contemplate more than one street opening or excavation it may post a bond to cover all work. The insurance requirements of Paragraph D. shall be waived upon receipt of notice of self-insurance by any public utility or municipal authority. In any case the bond shall be approved by the Board of Commissioners.

SECTION 4 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, upon receipt of the properly completed application, shall compute the amount of money to be deposited by the applicant with the Township of Hopewell 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 deposit shall include the estimated cost of inspection and any other cost that may be directly charged to the opening or excavation of the street.

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 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 therefor 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 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. 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.

H. Temporary surfacing shall be maintained for a period of at least two weeks free of depressions. After that length of time, and as soon as conditions permit, the temporary surfacing is to be removed and replaced with surfacing similar to and harmonizing with that destroyed. It shall be accomplished under the direction of the Township Engineer or other authorized agent of the Township and in conformity with Township Specifications. When weather conditions permit, and when approved by the Township the permittee may place the permanent surface immediately following the refilling operations.

I. All restored surfaces must be at least twelve (12) inches wider on each side than the excavated trench and shall be restored in strict accordance with the applicable surface replacement details and/or specifications and directions of the Township Engineer.

J. 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 of the Township is authorized in any way to take or assume any responsibility 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 or other authorized employee of the Township who, if restoration shall be satisfactory and up to the Township Specification, shall certify that such work is accepted by the Township. Upon Certification of acceptance of the work, the permittee shall be refunded his deposit less all costs incurred by the Township.

SECTION 8 The Township Engineer or any other authorized employee of the Township shall have the right to observe and inspect 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 inspection shall be done at the sole expense of the permittee and shall be deducted from the deposit.

SECTION 9 Any person violating any of the provisions of this Ordinance, shall upon conviction thereof before the District Magistrate, pay a fine of not less than Twenty-Five (\$25.00) Dollars nor more than One Hundred (\$100.00) 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 10 - PERMIT FREE SCHEDULE Fee schedule for street opening permits shall be established by the Board of Commissioners and adopted by resolution of the Board, and payment of said fee is a requirement for issuance of permit.

SECTION 11 - STANDARD RESTORATION DETAILS The standard restoration details prepared by NIRA Consulting Engineers, February, 1979, drawing # H-101 thru H-106 are attached hereto and made a part hereof.

SECTION 12 - All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

ORDAINED AND ENACTED into law this 22ND day of
JUNE , 1979.

ATTEST:

THE TOWNSHIP OF HOPEWELL


Secretary

By: 
President
Board of Commissioners

PROOF OF PUBLICATION

The **Beaver County Times**, a daily newspaper of general circulation, published by BEAVER NEWSPAPERS, INC., a Pennsylvania corporation, 400 Fair Avenue, West Bridgewater, Beaver County, Pennsylvania, was established in 1946, and has been issued regularly, except legal holidays since said date.

The attached advertisement, which is exactly as printed and published, appeared in the regular issue on 6/05

BEAVER NEWSPAPERS, INC.

STATE OF PENNSYLVANIA, }
COUNTY OF BEAVER, }

By Edwin Metzger SS:

Before me, a Notary Public in and for such county and state, personally
EDWIN METZGER

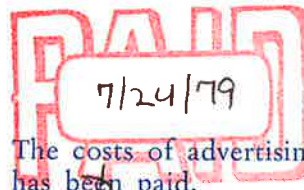
, who being duly sworn according to law says that he is

CONTROLLER of BEAVER NEWSPAPERS, INC.; that neither affiant nor said corporation is interested in the subject matter of the attached advertisement; and that all of the allegations of the foregoing statement including those as to the time, place and character of publication are true.

Sworn to and subscribed before me
this 6ST day of JUNE 1979

Muriel L. Hupp

BEAVER COUNTY TIMES



The costs of advertising and proof,
has been paid.



RESOLUTION #79-122

A RESOLUTION OF THE TOWNSHIP OF HOPEWELL,
BEAVER COUNTY, PENNSYLVANIA, APPROVING A
FEE SCHEDULE FOR THE ADMINISTRATION OF
TOWNSHIP STREET ORDINANCE No. 79-3

WHEREAS, the Board of Commissioners of the Township of Hopewell are desirous of instituting a fee schedule for the administration of Township Street Opening Ordinance No. 79-3.


NOW THEREFORE, be it resolved by the Board of Commissioners of the Township of Hopewell, a Municipal Corporation, under the First Class Township Code, situate in Beaver County, Pennsylvania, hereby resolves:

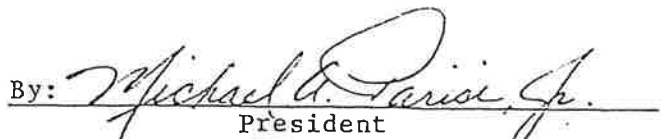
1. The permit fee for street openings shall be \$25.00 plus \$0.20 per linear foot for openings made for installation and repairs of utility lines up to and including 15" (inches).
2. For utility lines or conduits in excess of 15" (inches), the fee shall be \$25.00 plus \$0.50 for each square yard of opening.
3. The permit fee for sidewalk openings shall be \$5.00 for each ten (10) lineal feet or less plus \$0.20 for each additional lineal foot thereafter.

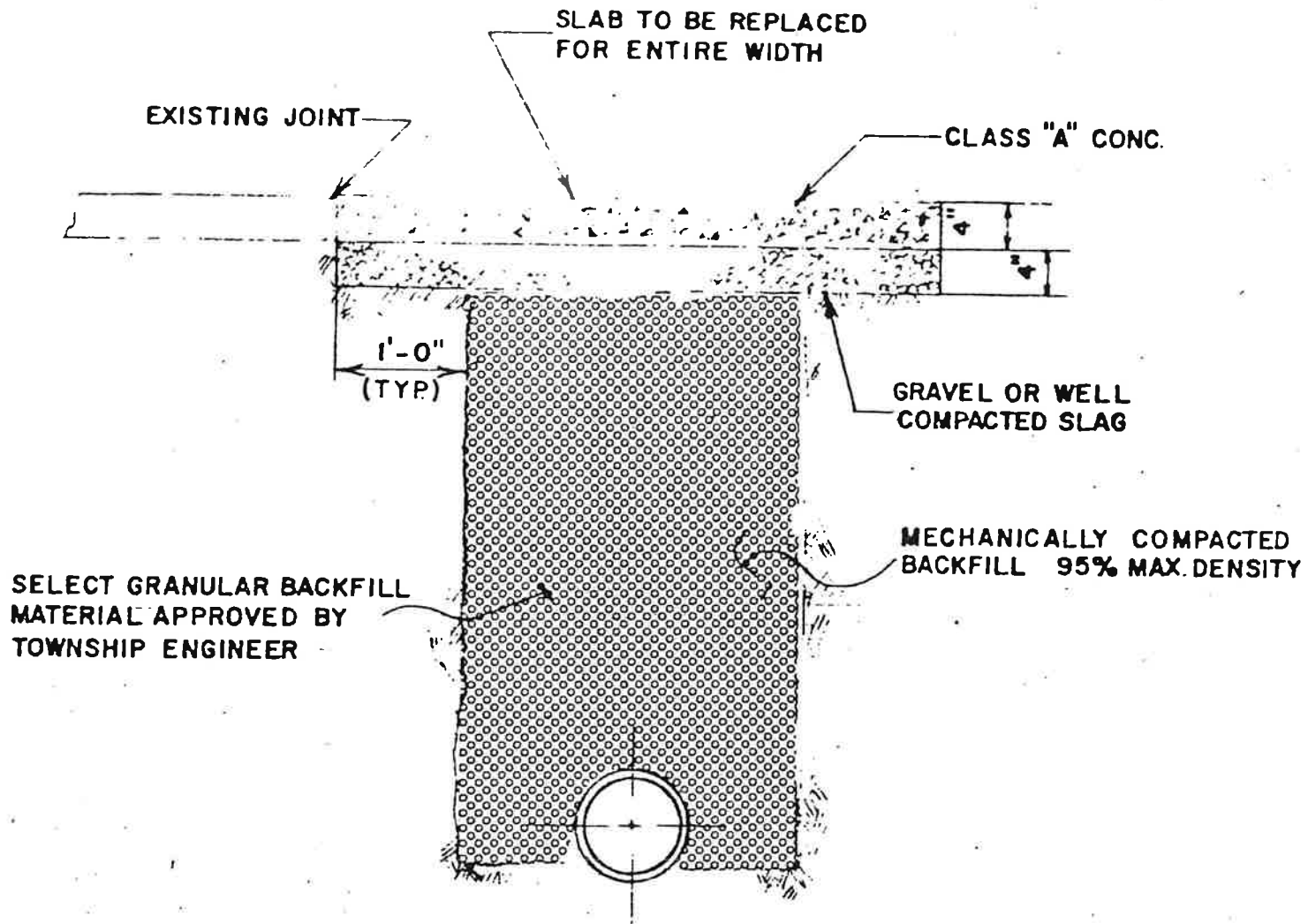
ADOPTED this 12TH day of JULY, 1979.

ATTEST:

BOARD OF COMMISSIONERS
OF HOPEWELL TOWNSHIP


Secretary

By: 
President



NOTE:

BACKFILL SHALL BE PLACED IN 6" LAYERS
AND EACH LAYER COMPACTED BY VIBRATOR
TAMPER, MACHINE TAMPER OR OTHER SUITABLE
EQUIPMENT.

CONCRETE SIDEWALK
REPLACEMENT

NIRA CONSULTING ENGINEERS

DATE: FEB. 1979 DWG. No. H-106

BITUMINOUS
SEAL COAT

EXISTING SLAG, CINDER,
OILED OR DIRT
SURFACE

8" CRUSHED AGGREGATE
ROLLED AND CHOKED
THEN SEAL COATED

1'-0"
(TYP.)

SELECT GRANULAR BACKFILL
MATERIAL APPROVED BY
TOWNSHIP ENGINEER

MECHANICALLY COMPACTED
BACKFILL 95% MAX. DENSITY

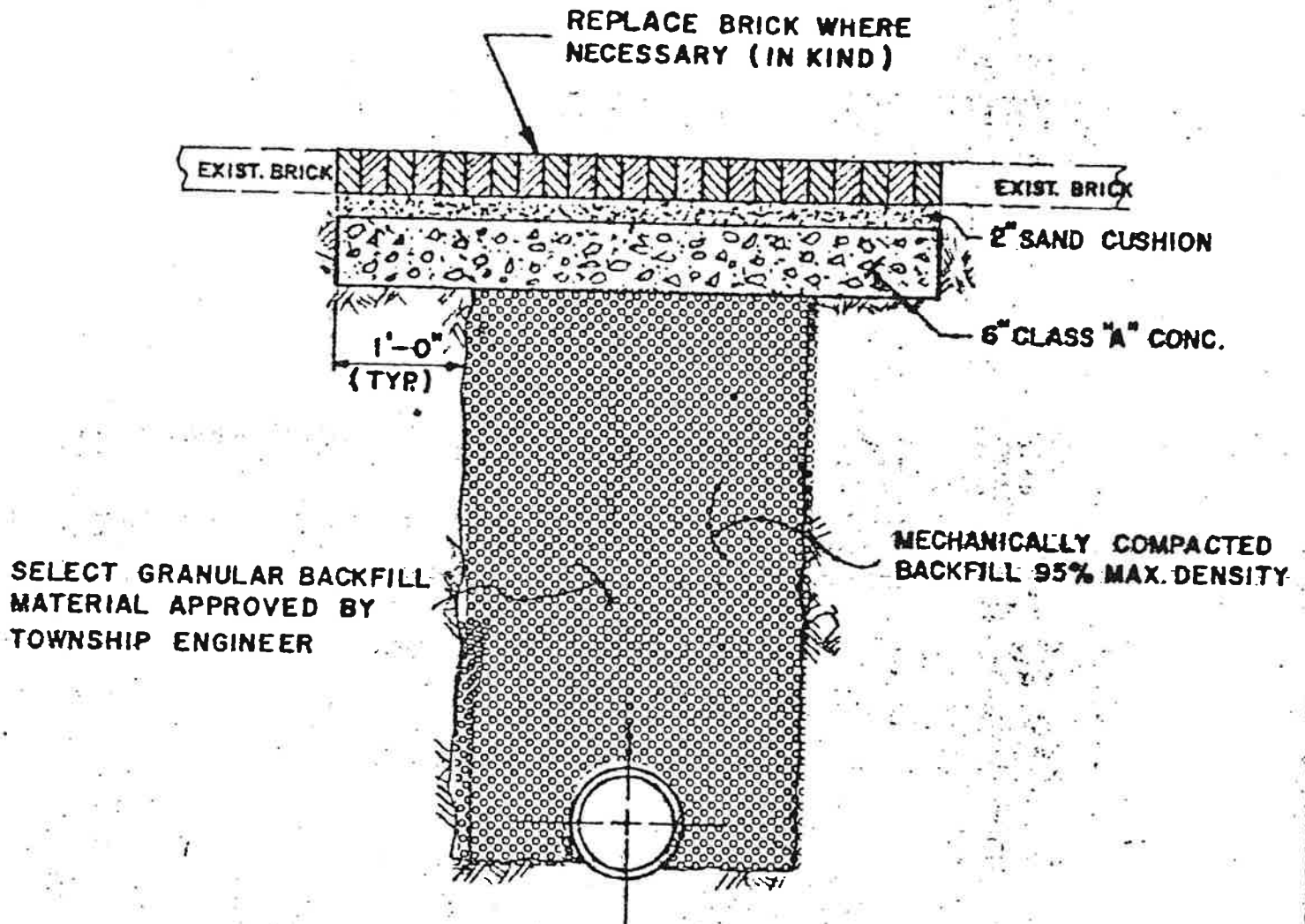
NOTE:

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TAMPER, MACHINE TAMPER OR OTHER SUITABLE
EQUIPMENT.

PAVEMENT REPLACEMENT
FOR
UNPAVED ROADS

NIRA CONSULTING ENGINEERS

DATE: FEB. 1979 DWG NO. H-105



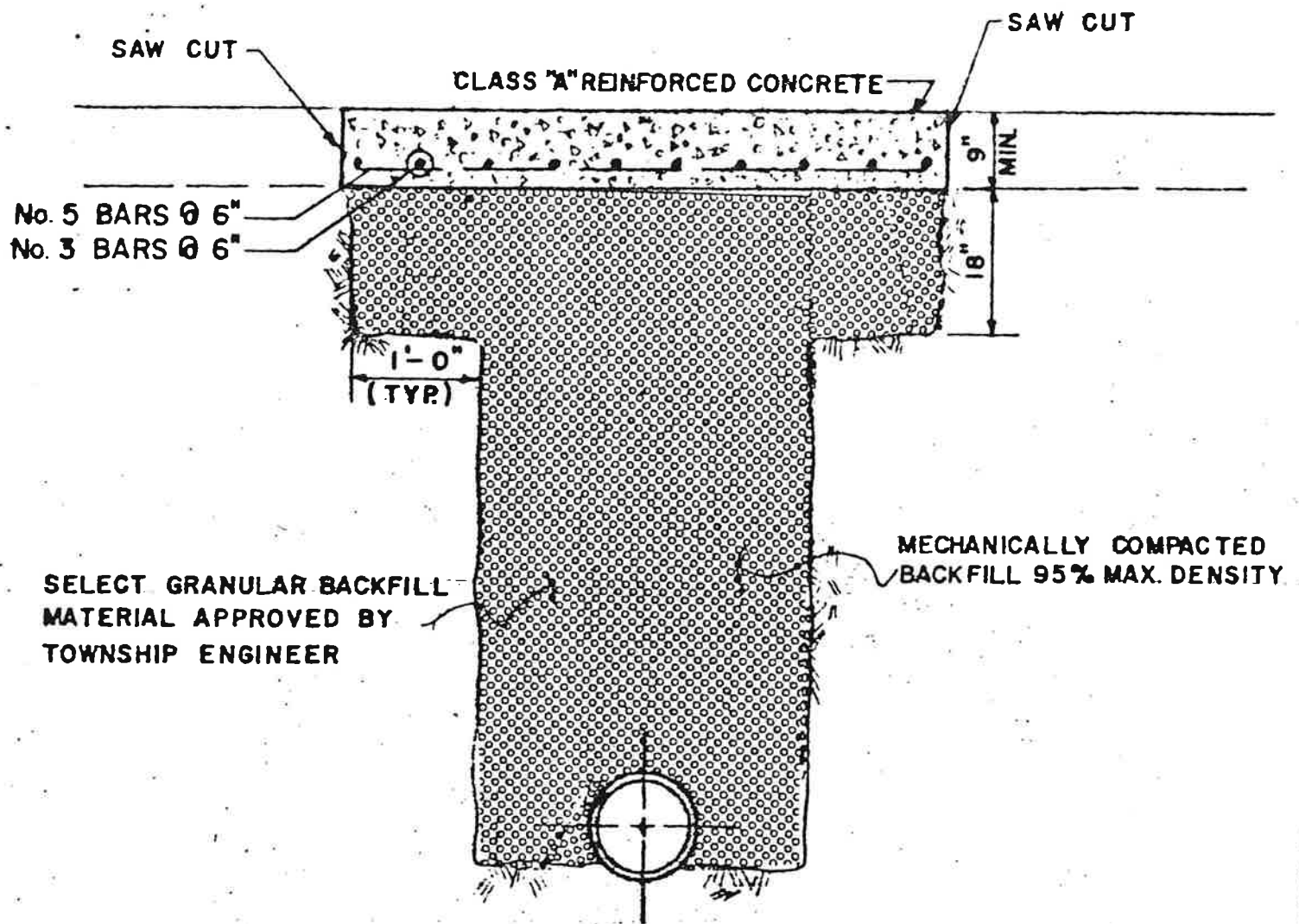
NOTE:

BACKFILL SHALL BE PLACED IN 6" LAYERS AND EACH LAYER COMPACTED BY VIBRATOR TAMPER, MACHINE TAMPER OR OTHER SUITABLE EQUIPMENT.

PAVEMENT REPLACEMENT
FOR
BRICK STREET

NIRA CONSULTING ENGINEERS

DATE: FEB. 1979 DWG. NO. H-104



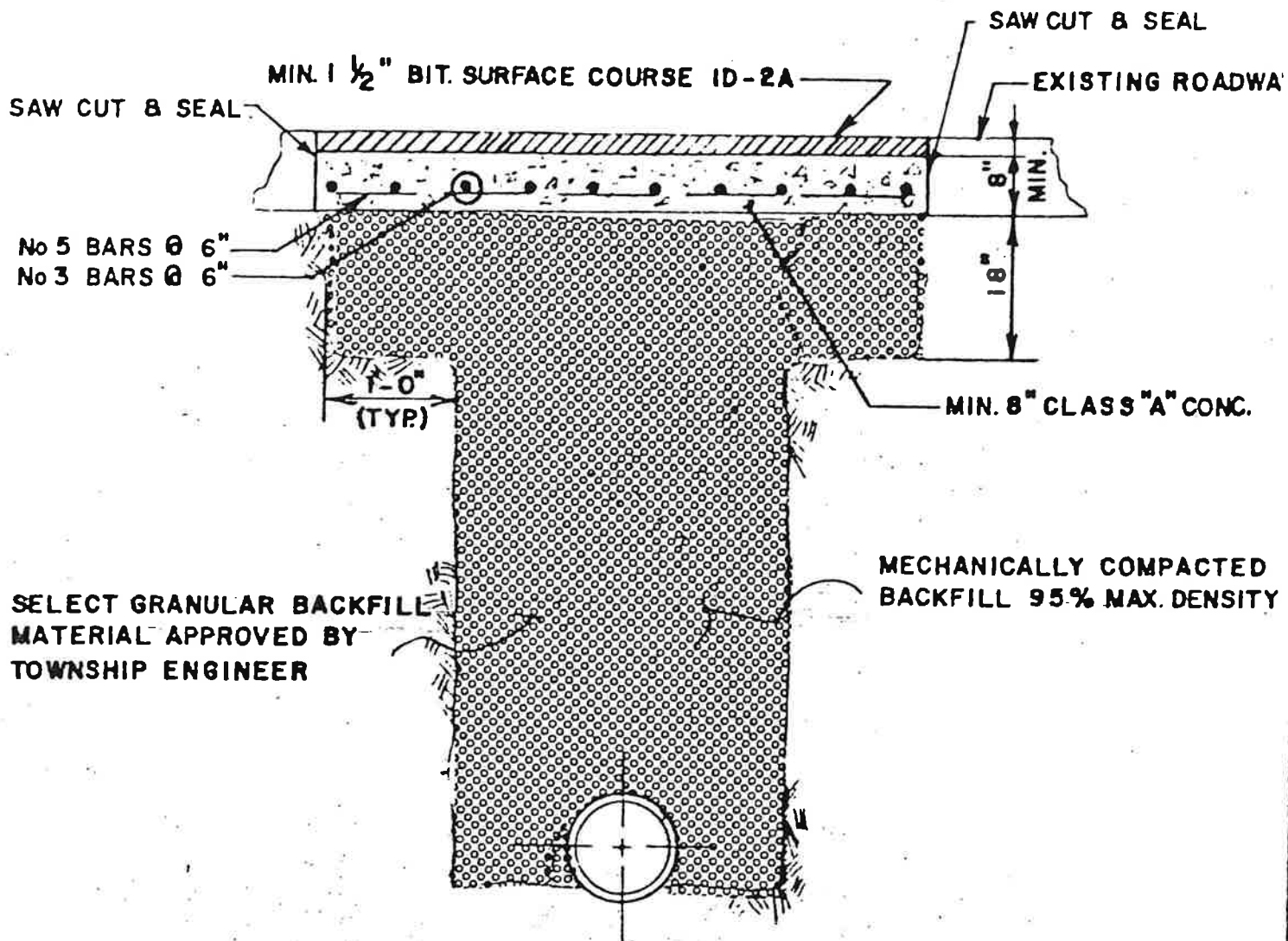
NOTE:

BACKFILL SHALL BE PLACED IN 6" LAYERS AND EACH LAYER COMPACTED BY VIBRATOR TAMPER, MACHINE TAMPER OR OTHER SUITABLE EQUIPMENT.

PAVEMENT REPLACEMENT
FOR
CONCRETE STREET

NIRA CONSULTING ENGINEERS

DATE: FEB 1979 DWG. NO. H-103



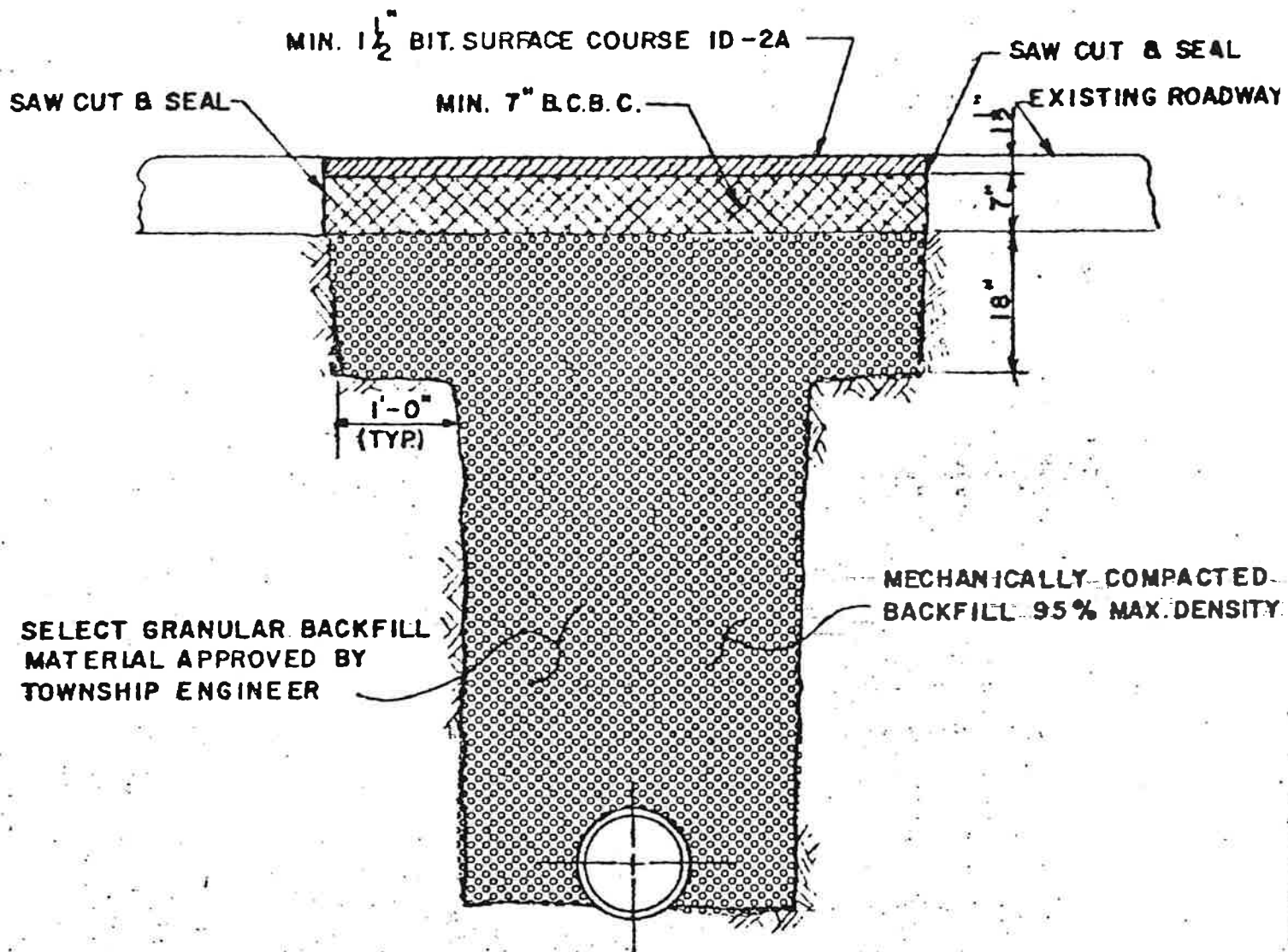
NOTE:

BACKFILL SHALL BE PLACED IN 6" LAYERS AND EACH LAYER COMPACTED BY VIBRATOR TAMPER, MACHINE TAMPER OR OTHER SUITABLE EQUIPMENT

PAVEMENT REPLACEMENT
FOR BITUMINOUS SURFACED
CONCRETE STREET

NIRA CONSULTING ENGINEERS

DATE: FEB. 1979 DWG. No. H-102



NOTE:

BACKFILL SHALL BE PLACED IN 6" LAYERS
AND EACH LAYER COMPACTED BY VIBRATOR
TAMPER, MACHINE TAMPER OR OTHER SUITABLE
EQUIPMENT.

PAVEMENT REPLACEMENT
FOR BITUMINOUS CONCRETE
AND MACADAM STREETS

NIRA CONSULTING ENGINEERS

DATE FEB 1979 DWG No. H-101

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

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

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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.

SECTION 2 It shall be unlawful except in cases of emergency 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 for each separate undertaking. Any person making application for a permit, shall agree to the terms of this Ordinance, as hereinafter provided.

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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 when temporary and/or final resurfacing is to be performed.

D. 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 Hopewell 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, barricade, light, backfill, and/or otherwise properly affect the same. The insurance shall not be in an amount less than Twenty-Five Thousand (\$25,000.00) Dollars for injury to persons and Ten Thousand (\$10,000.00) Dollars for injury to property. The Township shall set the amount of insurance in accordance with the size of the opening.

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ORDAINED AND ENACTED into law this 22ND day of
JUNE , 1979.

ATTEST:

THE TOWNSHIP OF HOPEWELL


Secretary

By: 
President
Board of Commissioners