

ORDINANCE NO. 12-1974

AN ORDINANCE OF THE TOWNSHIP OF MT. PLEASANT, COLUMBIA COUNTY, PENNSYLVANIA,
PROVIDING THAT NO PUBLIC STREETS OF THE TOWNSHIP OF MT. PLEASANT BE OPENED OR CUT BY
ANY PERSON; FIRM, CORPORATION OR UTILITY WITHOUT FIRST SECURING A PERMIT IN
ACCORDANCE WITH THE TOWNSHIP CODE, AND PROVIDING PENALTIES FOR THE VIOLATION
THEREOF.

BE IT ORDAINED by the Township of Mt. Pleasant, Columbia County, Pennsylvania, as follows:

SECTION ONE. In accordance with the provisions of Section 1156 of Article XI of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any township road, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits, or other piping, be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles, or any coal tipple or any other obstructions be erected upon or in, any portion of a township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.

SECTION TWO. The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Department of Transportation, for Highway Occupancy Permits and Restoration Charges. In addition, the applicant shall submit three (3) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

SECTION THREE. A permit shall be issued to the applicant after all the aforementioned requirements have been filed.

SECTION FOUR. Upon completion of the work, the applicant shall give written notice thereof to the Township.

SECTION FIVE. Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within sixty (60) days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional twenty percentum (20%) of such cost.

SECTION SIX. Any person, firm, corporation or utility which shall violate an of the provisions of this Ordinance shall be subject, upon conviction before a District Justice, to pay a fine or not more than \$100.00 Dollars and cost of prosecution, and in default of the payment of such fine and costs to imprisonment in the County Jail for not more than five (5) days.

SECTION SEVEN. Any ordinance or part of Ordinance inconsistent herewith is hereby repealed insofar as it is inconsistent herewith.

ENACTED INTO AN ORDINANCE THIS 6TH DAY OF MAY, 1974.

BOARD OF SUPERVISORS OF

Harvey R. Oman
Chairman

John R. Gordner
Vice Chairman

Jon E. Turner
Supervisor

Boyd C. Laycock Jr.
Secretary

SCHEDULE OF FEES FOR HIGHWAY OCCUPANCY PERMITS AND STATE HIGHWAYS RESTORATION CHARGES

PennDOT Form 945-E Rev. 11-69

SCHEDULE ITEM NUMBER FEE	DESCRIPTION	UNIT
1.	Fee for issuing each permit. No fee will be charged for a permit issued to any department of the State, municipality, school, etc., or where the facilities are relocated by order of the Department of Highways or Township Supervisors in connection with road construction or maintenance operations.	\$10.00
2.	Extension of Time for Completion of Permit Work, (except free permits mentioned under 1,) after initial period.	5.00
3.	Annual Emergency Permit Card, each	1.00
4.	Gasoline Pumps—Loading Platforms—Weigh Scales (Not permitted on legal right-of-way)	
5.	Moving Excessive Size and/or Weight Single Piece Objects. (When earth mat. Is placed upon highway or movement completely blocks the highway).	
	a. For the first hour or fraction thereof during which time the obstruction of one or more traffic lanes of the highway exists.	50.00
	b. Each additional hour or fraction thereof during which time the obstruction of one or more traffic lanes exists.	15.00
6.	Special hauling. Buildings which are placed on vehicles or towed on dollies will be handled under provisions of the Special Hauling Permit.	
7.	Driveway or Street Connections	
	a. Permit required but no fees, except issuance fee, where there is no curb.	None
	b. Permit required, initial fee and a fee per lineal foot of curb removed unless 1 ½ “ retained for drainage purposes.	2.50
8.	No permit required but position of objects will be regulated by maintenance requirements of Department.	
	a. United States Mail Boxes	
	b. Newspaper Receptacles	
	c. Bus Stop—Fare zone signs	
9.	Sidewalks and Curbs Permits will be issued to local authorities only. No fee of any kind required.	None
10.	Paving or Berm Improvement. Includes increasing width of shoulder or berm or paving them according to standards of Department of Highways. Permits required with Issuance fee only.	
11.	Storage of Building Materials. Does not apply to materials used in connection with permit operations or highway construction.	5.00
12.	The plan involving any overhead, grade or undergrade crossing must be approved by the Central Office before a permit is issued.	
	a. Overhead crossing, tipple, conveyor, etc.	
	1. Installation, length not to exceed 100 feet.	50.00
	2. Each additional 100 feet or fraction thereof.	5.00
	3. Renewal or removal.	10.00
	b. Undergrade crossing, subway, etc.	
	1. Installation, length not to exceed 100 feet.	50.00
	2. Each additional 100 feet or fraction thereof.	5.00
	3. Renewal or removal.	10.00
	c. Crossing at grade	

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| 1. Installation, length not to exceed 100 feet. | 50.00 |
| 2. Each additional 100 feet or fraction thereof. | 5.00 |
| 3. Renewal or removal. | 10.00 |

d. Railroad Tracks. Does not apply to public carriers under jurisdiction of Public Utility Commission.

13. NOTE: Restoration charges listed below are applicable to improved State Highways and improved Township roads.

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| a. Restoration of high type road construction (Type 40 or higher).
Not to exceed 5 square yards. Per sq. yd. or fraction thereof. | 30.00 |
| Each additional square yard or fraction thereof over 5 sq. yds. | 20.00 |
| b. Minimum charge for high type road construction, flexible base. | 30.00 |
| c. In case of concrete pavement or concrete base, where complete reconstruction is not contemplated within one (1) year, the minimum size of patch shall be 4 feet with a Minimum charge of | 60.00 |
| d. Road construction of lower type than above—per sq. yd. or fraction thereof. | 15.00 |
| e. Minimum charge for lower type road construction. | 15.00 |

14. Pole line, original construction, replacement or relocation.

(A separate permit will be required for work on State highways in each county and one for each Township for work on Township Road).

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| a. One to ten poles, minimum fee | 15.00 |
| b. Each additional pole over ten | .75 |

Permit issuance fee only required for removal of poles.

15. Conduit or Underground Pipe Lines

Length along highway including all road crossings by main line installation shall be used in computing total length of such an operation.

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| a. Length along highway not to exceed 50 feet. | 15.00 |
| b. Each additional 100 feet or fraction thereof. | 3.00 |
| c. Crossing from one side of highway to other side, or from under paved roadway to one side if performed independently: | |
| 1. Where crossing is made by trenching or tunneling | 15.00 |
| 2. Where crossing is made by boring, driving, or drilling | 6.00 |
| d. Opening a berm in connection with main line extension. | 1.50 |
| e. Berm opening if performed independently. | 3.00 |

Note items d & e applicable only when no part of job is under improved roadway.

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| f. Service pipe connection crossing highway by boring, driving, or drilling. Installed at time of original main line installation or extension. | 3.00 |
| g. Opening for service connection, crossing traveled roadway, if performed independently: | |
| 1. Where crossing is made by trenching or tunneling. | 15.00 |
| 2. Where crossing is made by boring, driving or drilling. | 6.00 |
| h. Manhole if placed with main permit operations. | 2.50 |
| i. Manhole if placed independently. | 15.00 |
| j. Headwall removal—each | 5.00 |
| k. Install inlet or inlet grate—each | 5.00 |

NOTE: The foregoing does not apply to poles, conduits, or underground pipe lines located wholly within limits designated or established as sidewalk areas, on State highways only.

NOTE: Restoration of the improved Township Road surface shall be determined by the Township Supervisors.

GENERAL PROVISIONS AND SPECIFICATIONS

Regulating Occupancy of Township Highway Right-of-Way

GENERAL PROVISIONS

1. The work authorized by this permit shall be done at such time and in such a manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the township, designated herein as the township. If any time it shall be found by the township that the work is not being done or has not been properly performed the permittee and/or its contractor upon being notified in writing by the township, shall immediately take the necessary steps, at its own expense, toward placing the work in condition to conform to said requirements or standards.
2. In the event of willful failure or neglect by said permittee and/or its contractor or their employee to perform and comply with the conditions, restrictions, and provisions of this permit, the township may revoke and annul this permit and order and direct said permittee and/or its contractor to remove any or all structures or property belonging to said permittee and/or its contractor from the legal limits of the highway right-of-way and to restore the highway right-of-way to its former condition.
3. If work is stopped on a project for any reason, and any ditch or trench, in the opinion of the Township, remains open for an unreasonable period, the permittee and/or its contractor, if so directed, shall refill the ditch or trench and work shall not be resumed thereon until the permittee and/or its contractor is prepared to proceed with the work until completion. In the event that the permittee and/or its contractor fails to refill the ditch or trench or proceed until completion of the work upon notice from the township to do so, the township may perform the necessary and required work subject to reimbursement by the permittee and/or its contractor.
4. The permittee shall pay all costs and expenses incident to or growing out of the project including the prescribed fees for the same, the cost of making and maintaining the temporary restoration of the disturbed areas and making permanent restoration, and further shall reimburse the township for any inspection costs which the township may deem it necessary to incur, and the permittee shall reimburse the township for said costs within thirty (30) days after receipt of the statement setting forth sums expended therefore by the township.
5. If the permittee and/or its contractor, after making an opening in the highway to place or repair pipe or for any other purpose, fails to restore any portion of the highway right-of-way to conform with specifications of the township, the township reserves the right to do the work and bill the permittee for the cost of the restoration.
6. The permittee will submit to the township, certificate or certificates of insurance for public liability and property damage, in sufficient amounts to cover any loss, that may be incurred for or on account of any matter, cause or thing arising out of the construction, reconstruction, repair, relocation of installation of the permitted facilities, except in those instances where the township by prior arrangement has authorized the permittee to provide other means of protecting the township and its employee.
7. The permission herein granted does not relieve upon the permittee and/or its contractor from obtaining any consent otherwise required from the owner or owners of the abutting property and does not confer upon the permittee and/or its contractor the right to cut, remove or destroy trees or shrubbery within the legal limits of the highway except under such conditions, restrictions and regulations as the township may prescribe.
8. If at any time the structure or facility shall become a hazard from any cause whatsoever, the permittee and/or its contractor shall have the same removed or repaired within 48 hours after receipt of written notification, except at times of extraordinary happenings when extension of such time limit may be given by the township.
9. After each and every excavation made by the permittee and/or its contractor in any road or highway right-of-way covered by this permit incident to the erection, repair, resetting or removal of any poles, manholes, conduits, water, steam, oil, gas pipes, sewers or any other obstructions or construction, said permittee and/or its contractor shall, under the supervision and direction of the township, restore the road to a condition conforming to requirements and/or specifications of the township. So long as said permittee and/or its contractor operates and leaves in place such structures and appliances, in, upon or along said highway right-of-way, the permittee and/or its contractor shall maintain and keep in good order and repair the said structures and appliances. The permittee covenants and agrees to fully indemnify and save harmless the township of and from all liability for damages or injury occurring to any person or persons or property at or on said roads through or in consequence of any act or omission of any contractor, agent, servant, employee, or person engaged or employed in, about, or upon the said work, by, at the instance, or with the approval of consent of the permittee, or from the failure of the permittee and/or its contractor to comply with the provisions set forth herein.

10. If at any time in the future the highway is widened or the alignment or grades are changed, the permittee further agrees to change or relocate, any part of the structures covered by this permit which interferes with the improvement of the highway, at its own expense, to the extent now or hereafter required by law.
11. During the time when the highway right-of-way covered by this permit is under process of construction and/or until said road or highway is accepted by the township, no permittee and/or its contractor will be authorized to enter upon said highway right-of-way for the purpose of erecting poles, laying conduits, water, steam, oil or gas pipes or sewers, or doing any other work whatsoever which might interfere with the construction of the road or highway, unless said permittee and/or its contractor shall first file with the township a duly attested certificate, signed by the contractor or other authority constructing said road or highway, containing the full consent to such proposed work of said permittee and/or its contractor within the lines of the said highway right-of-way, together with a satisfactory waiver, release and quit-claim to the township, of all damages and all defenses whatsoever for delays by reason of such work and occupation of said roadway by said permittee and/or its contractor, or from any cause whatsoever resulting by reason of such work and occupation, provided that the provisions of this paragraph shall not apply in case of emergency; in such case the permittee and/or its contractor shall procure the written consent of the township to do such work as may be deemed necessary to correct the existing emergency condition.
12. Any work done under this permit shall be subject to the conditions, restrictions, and provisions of this permit which shall govern all excavations, openings and trenches for the purpose of making repairs to any poles, conduits, water, steam, oil, gas pipes or sewers, or other structures, or property and appurtenances thereto belonging, erected on or in the highway right-of-way.
13. This permit is issued subject to any additional rights which the township in which the work is to be done may have in such matters.
14. After a permit is granted by the township it shall not be assigned nor transferred without prior written approval from the township.
15. To protect the highway surface or pavement on said projects, all equipment used by the permittee and/or its contractor shall be approved by the township. Such equipment shall have rubber runners or wheels. In the event that other than rubber equipped machinery is used, the pavement shall be protected by the use of heavy rubber or similar matting which shall be a minimum of four (4) inches wider on each side than the tracks or wheels of the equipment used.
16. Information as to the date and character of construction or reconstruction of the township road or street may be obtained by contacting the township.
17. If, in the construction work the permittee will be required to use certain blasting operations in the excavation the permittee agrees to make, execute and deliver to the township, a bond in the sum stipulated by the township with surety in the form of a surety company, duly registered and authorized to do business in Pennsylvania, conditioned that the permittee will save harmless the township, from any damages whatsoever to its subgrade, subbase, modified subbase, drainage facilities, road metal, and any other installations or matters in, under or upon the highway right-of-way for a period of two (2) years from the date of the completion of the last work covered by this permit.
18. Maintenance and protection of traffic for work authorized by this occupancy permit must be carried out in accordance with the requirements of the township. In this connection, the permittee shall provide and maintain all necessary precautions to prevent injury or damage to persons and property from operations covered by this permit. A traffic control plan may be required as directed by the township.
 - a. Warning signs shall be placed beyond each end of the actual operation in such a manner as to be visible to the traveling public and meet the requirements of the township. These signs shall display the name of the permittee and/or its contractor on the back of the sign. Special employees shall be assigned by the permittee and/or its contractor to direct traffic when it becomes necessary to limit it to one way. Advance permission must be obtained from township, or its authorized representative before directing traffic through one lane. Substantial barricades with adequate illumination shall be provided and maintained for any open trench or hole in the highway right-of-way in a manner approved by the township.
 - b. Flagman will be provided as specified and in accordance with the requirements of PennDOT.

SUBSURFACE OPERATIONS

19. Any opening or impairment of any nature whatsoever of any improved surface within the township right-of-way as authorized by township permit of any kind shall be made in accordance with the following specified provisions:
 - a. Plates or bridging will be required on all openings made within the improved surface which have a shortest dimension in length or width of six (6) feet or less whenever work cannot be completed prior to peak traffic hours within the same day, or in the manner specified on the permit. The plate or bridging is to be extended a minimum of eighteen (18) inches on either side of the opening and tied into the existing cartway.
 - b. A marker for identification showing the name of the permittee or a symbol assigned to the permittee shall be placed at each opening or impairment made for service installations or repairs within the improved surface of township highways. It shall be placed at the nearest edge of the cut closest to the edge of the improved surface and shown on plans attached to the application.
 - c. The permittee is responsible for all costs and expenses of making and maintaining temporary or permanent restorations of disturbed areas. When permanent restoration is made the permittee shall be responsible for such areas for any subsequent failure of the highway surface during a period of two (2) years following completion of the permanent restoration work.
20. No openings for the purpose of placing pipe lines or other structures under the improved surface of the road or highway by drilling, boring, driving or tunneling shall be made closer than three (3) feet to the edge of the road metal, and trenches for conduits, water, steam, oil, gas pipes, sewers, and other obstructions placed parallel with the road or highway shall be dug so that the near edge of the trench is at least three (3) feet outside of the edge of the road metal with a minimum depth of three (3) feet below the surface of the road or highway unless the township shall authorize in writing a lesser clearance. A greater distance shall be used wherever practicable.
21. In case the road or highway is not paved, the trench shall be placed so that its near edge is at least fifteen (15) feet from the general center lines of the traveled road or highway unless authorized as provided in Paragraph 20. The center line shall be determined by the township.
22. The trench for such construction shall not be opened for a distance of more than five hundred (500) feet at any one time, unless especially authorized by township. At no time will the permittee be permitted to leave more than one hundred (100) feet of trench open at the end of a working day whenever utilizing the shoulder of a township highway for the utility.
23. In case it is necessary to cross under any improved road or highway, the opening for a pipe line shall be drilled, bored, or driven on a horizontal plane at a minimum depth of three (3) feet below the surface of the road or highway, or the structure may be placed otherwise by tunneling when approved by the township. Trenching will be authorized by the township, in writing, where tunneling would be attended with danger to life. Where necessary to cross the improved road or highway by tunneling, the crossing shall be made, except in solid rock formation, under one-half of the improved road width, and the pipe or structure placed and the hole carefully backfilled with 1:3:6 concrete of a dry consistency thoroughly tamped, and allowed to stand twenty-four (24) hours before traffic is permitted to use that half of the road. The second half of the tunneling is to be completed in the same manner, so at least one-way traffic will be maintained over one-half the improved road or highway while the second half is being tunneled. In solid rock formation the crossing may be made by trenching when approved by the engineer representing the township, but not more than one-half of the width of the pavement shall be opened, the structure placed, the trench backfilled and tamped with an approved mechanical tamper, unless other methods are approved, before disturbing the remaining one-half of the road.
24. Where a tile drain or other structure or facility is encountered, it shall be replaced or restored by the permittee and/or its contractor in accordance with the prevailing standards of the township.
25. The permittee and/or its contractor shall place the top of manholes so that it shall be even with the elevation of the highway and slope of its shoulder, unless a lower elevation shall be approved.
26. All excess excavated material shall be removed and disposed of outside the legal limits of the highway as the work progresses, unless the approval of the township is obtained for disposal of the material within the legal limits of the highway. All parts of the highway and various structures disturbed shall be restored to a condition equal to that which existed before starting the work. Guard rails shall be replaced to the present alignment and any guard posts discolored through the work of the permittee and/or its contractor shall be refinished by washing and repainting.
27. All openings required to be made in the cartway or road metal for the installation, renewal or repair of a utility including utilities under the control or owned by a municipality shall be made pursuant to permit, or written authorization issued to the municipality, by the township in accordance with the following requirements on backfilling and pavement replacement as specified by township ordinance or minimum State specifications.

SURFACE OR OVERHEAD OPERATIONS

28. On highways other than Limited Access Highways, utility poles, guys and other ground mounted utility appurtenances shall be placed at least thirty (30) feet from the edge of the traveled roadway where sufficient right-of-way is available. When sufficient right-of-way is not available the poles shall be placed as near to the right-of-way line as possible. No poles or other overhead structures shall be placed where they will obstruct the view of traffic on the highway, nor within five (5) feet of any warning or direction sign, unless specifically permitted in writing.
29. All wires, except power transmission and supply lines, appurtenances, or supports attached to poles which cross the highway shall be placed or erected so as to provide a minimum vertical clearance of eighteen (18) feet within right-of-way limits of highway. Where power transmission and supply lines cross over a highway in urban and rural areas, vertical clearance and other requirements of the National Electrical Safety Code must be complied with. All guys shall be placed so as to avoid interference with traffic of all kinds on the highway, and must present a neat appearance when installed; If for electric light or power lines they must be adequately insulated at a point not less than ten (10) feet vertical above the ground. If for telephone lines when in proximity to electric light or power lines they must be adequately insulated at a point not less than eight (8) feet vertical above the ground.

Exception, When guys are permanently grounded in conformity with accepted grounding practice, insulators may be omitted; provided, however, that permittee states in the application for permit the method whereby such guys, when installed, will be properly grounded, and will, thereafter, be maintained, through periodic inspection of all ground connections. This exception applies primarily to guys exposed to circuits carrying more than fourteen thousand (14,000) volts and to guys permanently grounded throughout in connection with any grounded supply circuits using continuous ground wires.
30. All poles installed on the right-of-way of a township highway which requires marking, shall be equipped at the time of installation, with three (3) size (A) crystal colorless reflector buttons, mounted in a vertical row, spaced six (6) inches apart, six (6) feet above the grade of the crown of the road. The row of buttons shall face approaching traffic, forming an axis with a five (5) degree angle toward the roadway, as indicated by the current standards of Penn-DOT. When present pole markings are in need of replacement or repainting, the reflector buttons shall be installed on those poles, in conformity with aforesaid standards.
31. All poles that may be erected shall be numbered and each number together with the initials of the permittee, shall be plainly designated thereon by and at the expense of said permittee.