# **CHAPTER 21**

## STREETS AND SIDEWALKS

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#### PART 1

#### STREET OPENINGS OR CUTS

#### §101. Street Openings or Cuts Prohibited Without a Permit.

In accordance with the provisions of §2322 of the Second Class Township Code, no rail-road or street railway shall hereafter be constructed upon any Township road, nor shall any railroad or street railway crossing, 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 tipples 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.

(Ord. 2001-3, 7/9/2001, §I)

### §102. Application For Permit.

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 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.

(Ord. 2001-3, 7/9/2001, §I)

#### §103. Issuance of Permit.

A permit may be issued to the applicant after all the aforementioned requirements have been filed at the discretion of the Township Supervisors.

(Ord. 2001-3, 7/9/2001, §I)

### §104. Completion of Work.

The Township Supervisors shall have the right and the authority to determine who will do resurfacing of highways and the property owner and/or individual who causes the highway to need resurfaced shall be responsible to the Board of Supervisors for the actual costs of all resurfacing work to the highway. The Township shall be reimbursed upon presentation of a bill to the property owner and/or individual causing the highway to need resurfaced. The Township Supervisors may, in their discretion, specify the

method of resurfacing the highway or street in accordance with the provisions of this Part, and require the property owner and/or individual causing the highway to need to be resurfaced to do the resurfacing work or to contract for the resurfacing and such resurfacing shall be completed in the manner specified by the Township.

(Ord. 2001-3, 7/9/2001, §1)

### §105. Restoration of Streets.

All work associated with excavation, backfilling, compaction and restoration of Township roadways shall be completed by the individual, firm, corporation or public utility which applies for and receives a road occupancy permit. All work shall be completed without expense or direct supervision by the Township. All work shall be completed in accordance with the specifications and details as set forth by publication Form 408 of the Pennsylvania Department of Transportation (PennDOT) and those details and specifications which may be specific to Smithfield Township. At the time that the individual, firm, corporation or public utility makes application for the road occupancy permit, the Township will provide the applicant with appropriate specifications or details. The Township will monitor the progress of work on all Township roads, streets and alleys. If the Township determines that restoration work has not been completed in accordance with above-referenced specifications and details, the Township will immediately notify the applicant in writing and request that appropriate corrections or improvements be made. In the event that the applicant does not make corrections or improvements to defective work within 15 days, or the work remains unacceptable to the Township, the Township will complete the defective work utilizing Township forces or private contractor and invoice the applicant for the cost of the work.

(Ord. 2001-3, 7/9/2001, §I)

#### §106. Resurfacing of Streets.

At any time that an individual, firm, corporation or public utility proposes or completes the excavation or disturbance of more the five separate areas within one block or 0.1 mile of Township road, or if the applicant proposes or completes a total disturbance equivalent to 20% of total paved area within one block or 0.1 mile of Township road, resurfacing is required. The applicant will be required to resurface the disturbed paved length of the block or road segment to full width or the centerline as applicable and at the discretion of the Township. This includes any paved shoulders subject to disturbance. Additionally, driveways within the construction area are to be restored to their preconstruction condition, at a minimum. All pavement markings which are covered, destroyed or disturbed should also be replaced in their former location. All work shall be completed by the applicant without expense or direct supervision by the Township. An applicant will be responsible for resurfacing streets when separate permitted disturbances over a period of three years from the date of completion results in either of the two conditions presented above. All work shall be completed in accordance with the specifications and details as set forth by publication Form 408 of the Pennsylvania De-

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partment of Transportation (PennDOT) and those details and specifications which may be specific to Smithfield Township. At the time that the individual, firm, corporation or public utility makes application for the road occupancy permit, the Township will provide the applicant with appropriate specifications or details. The Township will monitor the progress of work on all Township roads, streets and alleys. If the Township determines that restoration work has not been completed in accordance with above-referenced specifications and details, the Township will immediately notify the applicant in writing and request that appropriate corrections or improvements be made. In the event that the applicant does not make corrections or improvements to defective work within 15 days, or the work remains unacceptable to the Township, the Township will complete the defective work utilizing Township forces or private contractor and invoice the applicant for the cost of the work.

(Ord. 2001-3, 7/9/2001, §1)

### §107. Inspection.

Upon completion of the work authorized by the permit in accordance with the Township's specifications, the Township shall inspect the work and, when necessary, shall bring the work into compliance with the Township's permit and specifications. In the event the Township is required to bring the work into compliance with the Township's permit and specifications, the property owner and/or individual causing the road to be resurfaced and the work to be completed shall be charged the actual cost of bringing the work into compliance.

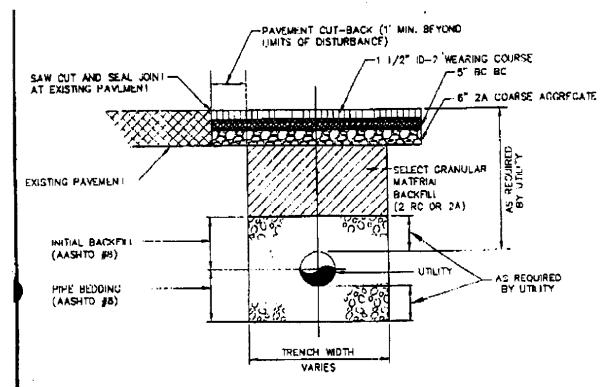
(Ord. 2001-3, 7/9/2001, §1)

#### §108. Penalties.

Any person, firm or corporation or utility who shall violate any provision of this Part, or shall fail to comply with the permit or specifications of the Township regarding resurfacing of highways and installation of encroachments, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 2001-3, 7/9/2001, §1)

### UTILITY TRENCH RESTORATION DETAIL

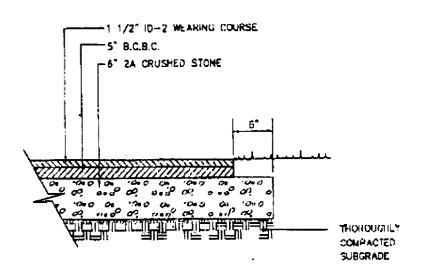


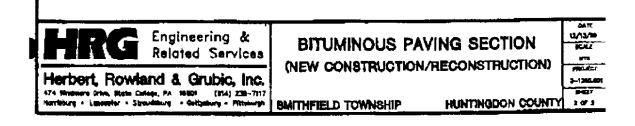
NOTE: UTILITY RESPONSIBLE FOR INSTALLATION OF MARKING OR METALLIC TAPE AS REQUIRED.



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### BITUMINOUS PAVING SECTION





#### PART 2

#### **DRIVEWAY PERMIT**

#### §201. Title.

This Part shall be known as the "Smithfield Township Driveway Permit Ordinance."

(Ord. 1997-1, 2/10/1997, §1)

### §202. Permit Required.

From and after the effective date of this Part, it shall be unlawful for any person or firm in Smithfield Township to connect a driveway or road to an existing Township road or State highway within the Township of Smithfield without having first applied for and obtained a permit to connect the road or driveway to the Township Road or State highway within the Township.

(Ord. 1997-1, 2/10/1997, §2)

### §203. Application for Permit.

Any person desiring to connect a driveway or private road to a Township road or State highway within Smithfield Township shall apply to the Supervisors of Smithfield Township for a permit to make said connection. The application shall be on a form adopted by resolution of the Smithfield Township Supervisors and provided by the Smithfield Township Supervisors to the applicant. The application shall also be accompanied by such other information and/or attachments as are required on the application form.

(Ord. 1997-1, 2/10/1997, §3)

#### §204. Application Fee.

The application shall be accompanied by a non-refundable fee in an amount as established, from time to time, by resolution of the Board of Supervisors.

(Ord. 1997-1, 2/10/1997, §4; as amended by Ord. 1999-1, 6/14/1999)

### §205. Review of Application.

Smithfield Township Supervisors shall review the application for the connection and shall determine whether the proposed connection will be safe for the use of the applicant

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and whether the connection will result in any unsafe condition for persons using the Township road or highway.

(Ord. 1997-1, 2/10/1997, §5)

### §206. Violations.

In addition to all other considerations regarding the application, the applicant must comply with the following requirements:

- A. Driveway or roadway widths must be at least 10 feet for automobiles.
- B. Driveway radiuses must be at least five feet for automobiles.
- C. The area to be clear of view obstructions and the roadway sight distance must allow for a safe distance for someone leaving the driveway and entering the connecting roadway to view oncoming traffic in both directions.

(Ord. 1997-1, 2/10/1997, §6)

### §207. Penalties.

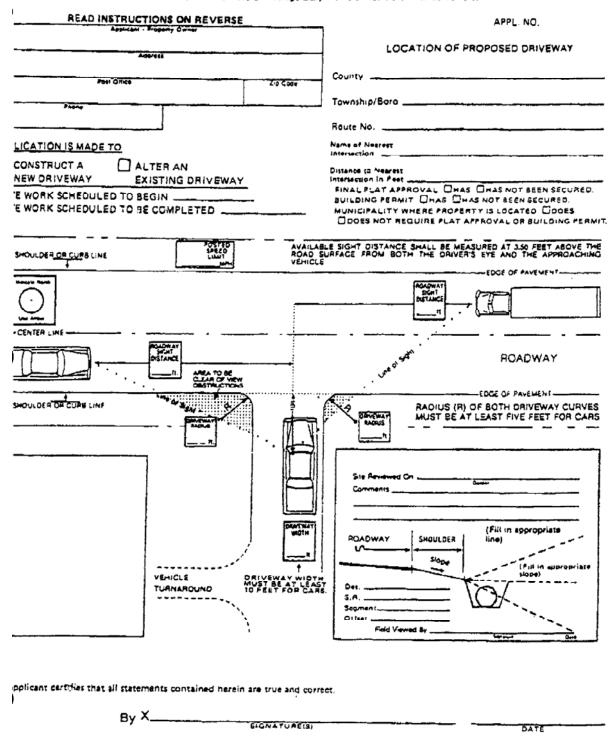
Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1997-1, 2/10/1997; as added by Ord. 1999-1, 6/14/1999)

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## APPLICATION FOR MINIMUM USE DRIVEWAY

A Minimum Use Driveway is a Residential or Other Driveway Which is Expected to Have an Average Daily Traffic of Not More Than 25 Vehicles



#### PART 3

#### STREET CUTS FOR SANITARY SEWERS

#### §301. Excavation of Streets.

- 1. Permit. No person shall dig in or upon any street, lane, alley or other highway within the limits of said Township without first having procured from the Secretary of the Board of Supervisors a permit in writing, signed by the Board and attested to by the Secretary, which permit shall designate the place where such digging shall be done, the time within which it shall be completed, the purpose thereof and have printed thereon, subsections (1) and (2) of this Section regulating the manner in which the work thereunder shall be done, for which permit shall be charged a fee in an amount as established from time to time by resolution of the Board of Supervisors. [Ord. 1999-1]
- 2. Excavation. All ditches, drains, sewers and excavations of every kind whatsoever, made under authority hereof, shall be under the exclusive jurisdiction of the Board of Supervisors. The macadamized or concrete part of such highway shall be kept separate from the other and be replaced last. All filling shall be thoroughly tamped every six inches to prevent settling and the highway shall be left in as good condition as it was before the work was commenced. All openings, ditches, drains and excavations shall be securely guarded and at night signal lights shall be promptly thereat during the progress of the work. All work shall be done without expense to the Township. The Township Supervisors shall have the right and the authority to determine who will do resurfacing of highways and the property owner and/or individual who causes the highway to need resurfaced shall be responsible to the Board of Supervisors for the actual cost of all resurfacing work to the highway. The Township shall be reimbursed upon presentation of a bill to the property owner and/or individual causing the highway to need resurfaced. The Township Supervisors may, in their discretion, specify the method of resurfacing the highway and require the property owner and/or individual causing the highway to need to be resurfaced to do the resurfacing or to contract for the resurfacing, and such resurfacing shall be completed in the manner specified by the Township. The Board of Supervisors shall be the final judge of whether the fill placed in such excavation is adequate or not. [Ord. 1987-6]
- 3. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$50 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 1999-1]

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(Ord. 1985-4, 6/12/1985; as amended by Ord. 1987-6, 8/12/1987; and by Ord. 1999-1, 6/14/1999)

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