

## **Chapter 21**

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**Part 1****Street Cuts and Borings****A. Introduction****§21-101. Definitions.**

*Flexible base pavement*—bituminous surfaced or tar and chip surfaced roadways which do not have an underbase of at least 6 inches of concrete.

*Highway occupation*—the erection or maintenance of any structure in, on or under the public right-of-way.

*Street opening*—any cut in the surface of the road or right-of-way, excavation in the right-of-way, or boring under a roadway.

*Road or right-of-way*—any road shown on the most recent liquid fuels map of roads for the Township of Washington as prepared by the Pennsylvania Department of Transportation, including both cartway and the legal limits of the right-of-way.

Definitions not contained herein shall be as defined by the Pennsylvania Department of Transportation in Publication 408. References to “Publication” are references to manuals and standard specifications of the Pennsylvania Department of Transportation.

(Ord. 2-2006, 7/5/2006, §1)

**§21-102. Application and Fee.**

1. All applicants/permittees for street opening permit shall make application for the same on a form prescribed by the Township. The Board shall prescribe by resolution from time to time such fee or fees for the permits required pursuant to this Part, which fees shall not exceed the approximate reasonable cost of processing and reviewing the application for the permit and making any necessary inspection to assure compliance with the terms of the permit. Each separate opening shall require a separate application and fee.

2. Upon submission of a completed application and payment of proper fee, the Roadmaster may issue a permit; provided, that he/she is satisfied that the permit will not cause or result in a risk to the traveling public. If the applicant has in the past failed to repair an opening, the Roadmaster may require a surety bond in an amount equal to the total cost of repair.

3. Street opening permits shall remain valid for a period of 90 days. Highway occupancy permits shall be valid for a period of 90 days and automatically renew thereafter on a month-to-month basis.

4. An opening must be closed and repaired within 10 days of the opening.

(Ord. 2-2006, 7/5/2006, §2)



**B. Opening in Public Right-of-Way****§21-111. Rule.**

1. No person, corporation or other entity shall cause any opening to be made in a Township road or right-of-way or any excavation or boring under a Township road or right of way without first obtaining a street opening permit prescribed herein and without complying in all respects with the rules and regulations pertaining thereto as set forth in this Part hereinafter.

2. In the case of emergency repairs to existing facilities, the opening may be made immediately, provided it is in full conformance with all other aspects of this Part and, further provided, that an application is filed with the requisite fee within 48 hours making the opening.

*(Ord. 2-2006, 7/5/2006, §3)*

**§21-112. Requirements for Openings and Repairs.**

1. The Township hereby incorporates by reference the foregoing rules concerning purpose, location, creation, temporary maintenance and repair of openings in a road as set forth by the Pennsylvania Department of Transportation in the Pennsylvania Code, Title 67, Chapter 459, §§459.2, 459.7, 459.8, 459.9 and 459.12, and further that references therein to the Department shall be read to refer to the Township, references to the District or District Engineer shall be to the Roadmaster and references to State roads or facilities shall be to Township roads.

2. Irrespective of any other provision, where the owner of an underground utility makes more than 3 crossings within 250 feet, within a 2 year period, or where the existence of prior patches prevent the placement of a patch which will have structural integrity, the permittee shall be required to repave the road from berm to berm for the entire width of the disturbed area.

3. Remedies for violation or for removal or replacement of improper work shall be as set forth therein.

*(Ord. 2-2006, 7/5/2006, §4)*

**§21-113. Existing Permits.**

Permits heretofore issued for street opening shall remain valid and no reapplication or additional fee shall be required. Such previously issued permits shall have a duration of 90 days from the date of enactment of this Part. All such previously issued permits shall be subject to the standards for safety signs and repair as set forth in §21-112. Openings which are not completed within 90 days of the enactment of this Part shall at that time become void and of no effect. At that time the applicant shall submit an application and pay a fee as prescribed in §21-102 of this Part.

*(Ord. 2-2006, 7/5/2006, §5)*



**C. Occupation of Public Right-of-Way****§21-121. Rule.**

No person or entity shall erect or maintain any structure or obstruction within the public right-of-way including, but not limited to, drainage pipes or culverts, mailboxes, meter or valve pits, buildings, poles and signs without a permit issued by the Township. Each separate obstruction or structure shall require a separate permit. Permitted occupation shall be subject to such reasonable conditions as may be determined by the Roadmaster, in his/her sole discretion in the interest of maintaining the safety and convenience of the public on or around Township roads, or meeting other valid requirements of the Township such as regulation of storm sewers.

*(Ord. 2-2006, 7/5/2006, §6)*

**§21-122. Existing Obstructions.**

Subject to the provisions of §21-132, set forth below, a highway occupancy existing on the date of this Part may remain, provided it is maintained in a proper and safe manner and does not create a risk of danger or harm to the public. Where the Roadmaster determines that a risk to the public exists or otherwise as set forth in §21-132, he/she may order the owner of a facility occupying a portion of the public right-of-way to remove the same or to apply for a permit under this Part and establish conditions for the future maintenance of the obstruction.

*(Ord. 2-2006, 7/5/2006, §7)*

**§21-123. General Relationship.**

The foregoing Sections relate to both street openings and highway occupancy.

*(Ord. 2-2006, 7/5/2006, Part III)*



**D. Generally Applicable Conditions****§21-131. Indemnity and Insurance.**

1. As a condition of the issuance of any permit under this Part, the permittee shall agree and sign an indemnity clause on the application for permit which shall provide for the Township to be indemnified and held harmless from any injury or property damage to any person, corporation or entity arising or occurring, in whole or in part from the applicant's activities in opening the street or road.

2. Applicant for a street opening permit shall provide a certificate of insurance showing at least \$100,000 of coverage, if applicant is a person, or \$500,000 if applicant is a corporation (municipality, private or not-for-profit) for public liability insurance and which names thereon, the Township as an additional insured.

3. Applicant shall deliver to the Township the certificate of insurance naming the Township as additional insured prior to commencement of work.

*(Ord. 2-2006, 7/5/2006, §8)*

**§21-132. Conditional Nature of Permit.**

If, in the future, the highway is altered or additional facilities are located in the highway by the Township for public convenience or necessity, the permittee shall, at its sole and entire cost and expense, change or relocate all or a part of the structures or facilities or pipelines authorized by the permit(s) which in the sole discretion of the Board of Supervisors interfere with the highway alteration or other public facility or which is inconsistent with the purpose of the changes initiated by the Township.

*(Ord. 2-2006, 7/5/2006, §9)*

**§21-133. Appeal to Township Supervisors.**

The Roadmaster shall enforce the provisions of this Part. The Roadmaster shall have the power to make all determinations for the Township as provided for herein. Any person aggrieved of a determination of the Roadmaster may, within 30 days of the determination, file a written request for appeal or reconsideration with the Board.

*(Ord. 2-2006, 7/5/2006, §10)*

**§21-134. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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. 2-2006, 7/5/2006, §11; as amended by Ord. 2010-2, 11/3/2010)*



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**Part 2****Driveway Installation****§21-201. Short Title.**

This Part shall be known as the “Driveway Installation Ordinance of Washington Township.”

(*Ord. 4-2005, 9/27/2005, §1*)

**§21-202. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

*Board*—the Board of Township Supervisors of Washington Township, Cambria County, Pennsylvania.

*Contractor*—the party, person, firm, partnership and/or corporation who or which installs a driveway, including all agents, officers or employees of said party, person, firm, partnership and/or corporation.

*Driveway*—any area of land designated or to be used as a means of ingress and/or egress for either vehicles and/or pedestrian traffic from a public road to a piece, parcel or tract of land.

*Owner*—the owner of the land upon which a driveway or other improvement is located.

*Permit*—a permit issued by the Township to signify approval of the work to be done or improvement to be constructed under the specific regulations of this Part.

*Person*—any individual, partnership, company, association, society, corporation or other group or entity.

*Public road*—any road, street, alley or public thoroughfare whether actually maintained by Washington Township as part of its road system, or whether shown on a subdivision or land development plan and intended to be offered or dedicated to Washington Township in the future as part of its road system, to the extent of the width of the legal or dedicated right-of-way of said road, street, alley or public thoroughfare.

*Township*—Township of Washington.

*Township Roadmaster*—the Township Roadmaster as appointed by the Board.

(*Ord. 4-2005, 9/27/2005, §2*)

**§21-203. Driveway Regulations.**

1. No person, owner and/or contractor shall hereafter install, initiate any work or allow the installation or initiation of any work toward the installation of a driveway onto or from a public road without first obtaining a permit therefore from the Township, except where the requirements of driveways have been previously included as part of the approval of a land subdivision plan or land development plan.

2. Any person, owner and/or contractor shall, prior to obtaining a driveway permit, file an application or an application form supplied by Township, reflecting and

showing the location of the driveway relative to the premises and designating the course, grade, structure, materials and drainage facilities, if any, involved in the construction of the driveway. The application shall be reviewed by the Township Roadmaster. The Roadmaster shall determine if the proposed method of constructing or making said connection, as reflected on the application, is such that it will (A) minimize the adverse effect of stormwater run-off resulting from said connection, (B) not cause damage to the public road to which the driveway is to be connected, and (C) be consistent with prevailing safety requirements as established by Pennsylvania Department of Transportation. If found satisfactory by the Roadmaster, he/she shall issue, or cause to be issued, the permit. If the plan is found deficient, or if in the opinion of the Township Roadmaster the plan could be improved so as to (A) minimize the adverse effect of stormwater runoff, (B) lessen drainage to the public road to which the driveway is to be connected, or (C) lessen hazardous driving conditions on the public road to which the driveway is to be connected, the Township Roadmaster shall, by written communication to the owner, notify him of the changes to be made. The applicant shall immediately make such changes and return the revised plan to the Roadmaster. When such plan is in acceptable form, in the opinion of the Roadmaster, the Township shall approve and issue the permit.

3. Each driveway, whether serving the same premises or not, shall require an individual permit.

*(Ord. 4-2005, 9/27/2005, §3)*

#### **§21-204. Specifications.**

The Board shall make by resolution from time to time such specifications as may be necessary and proper for the implementation of the foregoing regulations, which specifications shall be made available to the applicant for any permit required pursuant to this Part.

*(Ord. 4-2005, 9/27/2005, §4)*

#### **§21-205. Compliance with Permit and Specifications.**

All work to be performed and all materials to be used as approved by any permit issued pursuant to this Part shall be performed and/or supplied in strict conformance and compliance with the terms and plans of such permit and the applicable specifications of this Township.

*(Ord. 4-2005, 9/27/2005, §5)*

#### **§21-206. Permit Fees.**

The Board shall prescribe by resolution from time to time such fee or fees for the permits required pursuant to this Part, which fees shall not exceed the approximate reasonable cost of processing and reviewing the application for the permit and making any necessary inspection to assure compliance with the terms of the permit.

*(Ord. 4-2005, 9/27/2005, §6)*

#### **§21-207. Appeal from Roadmaster's Denial of Permit.**

An applicant shall have the right of appeal to the Board upon the Township Roadmaster's denial of a permit required hereunder. Said appeal shall be perfected

within 10 calendar days from the date of denial by filing a written appeal and request for hearing with the Township Secretary. The Board shall hold a hearing within 60 days after the perfection of such appeal and render its decision within 30 days after said hearing.

*(Ord. 4-2005, 9/27/2005, §7)*

**§21-208. Maintenance and Enforcement.**

1. The owner of any driveway, including any drainage facilities appurtenant thereto, shall be responsible for its maintenance so as to:

A. Prevent damage to the public road to which such driveway is to be connected or to be adjacent or affecting.

B. Prevent the creation or increase of any safety hazard resulting from the use of said driveway.

2. If the Township Roadmaster shall determine that the driveway (and its appurtenances) is not maintained as required herein above, he shall give written notice by certified mail to the owner indicating the deficiencies and requiring corrective action within 10 calendar days from the date of mailing. Any such deficiency shall be considered to be a public nuisance.

3. If the owner of such driveway shall fail to take the corrective action required under subsection .2 immediately above, the Township Roadmaster is hereby authorized and empowered to abate such nuisance and to cause such corrective action to be taken by the Township at the owner's sole cost and expense. Township shall obtain reimbursement from the owner by any lawful means, including an action at law or by municipal claim and/or lien.

*(Ord. 4-2005, 9/27/2005, §8)*

**§21-209. Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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. 4-2005, 9/27/2005, §9; as amended by Ord. 2010-2, 11/3/2010)*



**Part 3****Township Roadmaster****§21-301. Definitions.**

*Automobile*—includes any motor vehicle which uses or is capable of using the road to carry persons or equipment. Vehicles used exclusively for farm purposes shall not be subject to any provision of this Part.

*Road or highway*—any passage, right-of-way, trail, street or drive over which the Township does, or can exercise any right of control or stewardship, whether by dedication, condemnation, grant, opening, contract or prescription.

*Roadmaster*—a member of the Township Board of Supervisors elected to the office at the organizational meeting in January.

(*Ord. 1-1983B, 11/8/1983*)

**§21-302. Limitations.**

1. Said Roadmaster may, by placing clearly visible signs along roadways in Washington Township:

A. Set weight limits, provided that no public way may be completely closed to vehicular traffic, except in an emergency, as deemed to exist in the sole discretion of the Roadmaster, or upon proper action by all Supervisors to vacate a road in question; provided, that local deliveries shall not be effected.

B. Set speed limits along Township roads between 25 and 55 miles per hour, provided that a lower limit may be set where special safety circumstances, as determined in the sole discretion of the Roadmaster dictates.

C. Establish temporary detours or other special directions to motorists where situations of a special nature, temporary or permanent, require same.

2. Any such action taken by the Roadmaster must be reported to the Supervisors at the next regularly scheduled meeting, at which times the Supervisors shall either validate such actions or order the sign in question be removed. An order of removal shall be complied with during the next working day. An order of removal shall not invalidate the authority to have placed the signs for any time prior to the date of the order of removal.

(*Ord. 1-1983B, 11/8/1983, §I*)

**§21-303. Hiring of Road Employees.**

Roadmaster shall have exclusive authority over the hiring of persons to work on Township roads; provided, however, that any Supervisor shall work from time to time as he pleases on said roads.

(*Ord. 1-1983B, 11/8/1983, §II*)

**§21-304. Road Construction Plan.**

It shall be the responsibility of the Roadmaster to present to the Supervisors for their approval a plan of construction and repair of roads within the Township. Said plan

shall be submitted to the Supervisors at the first regularly scheduled meeting in March for their approval. Construction and repair will be carried according to the plan unless emergency or unexpected situations arise.

(*Ord. 1-1983B*, 11/8/1983, §III)

#### **§21-305. Expenses.**

The Roadmaster shall be authorized to expend up to \$500 in the furtherance of his duties without specific authorization of the remaining Supervisors. The limit of \$500 shall begin the first of each month. This authority may be increased or reduced by resolution of the Supervisors.

(*Ord. 1-1983B*, 11/8/1983, §IV)

#### **§21-306. Parking on Township Rights-of-Way.**

1. *General Rule.* It shall be lawful for any person to park in the direction of traffic along the right-of-way on any Township road; provided, however, that after parking a car there shall remain open space along the road so as to allow traffic flow in each direction without interference of any sort.

2. *Restrictions on Parking for Safety.* The Township Roadmaster is hereby authorized to erect no parking signs along portions of roadway wherein his discretion he believes a hazard would be created by the parking of automobiles. The Roadmaster shall report such placement as provided for in §21-302.2.

3. *Snow Removal Parking Restrictions.* The Township Roadmaster shall have authority to place signs indicating parking restrictions during periods of snowfall; provided, that whenever 1 inch or more of snow accumulates on any Township road no person may park an automobile on any part of the Township right of way so designated. The Roadmaster shall report such placement of signs as provided for in §21-302.2.

4. *Penalties.* Any person parking or automobile in violation of the foregoing provisions shall be subject to immediate towing of the automobile by any means available at the time. Redemption of the automobile may be made by paying the reasonable towing costs of \$35, as well as a \$10 administrative fee payable to the Township. Any garage towing vehicles pursuant to this provision may charge a storage cost of \$5 per day for storage. This penalty shall be cumulative to provisions set forth in §21-308.

(*Ord. 1-1983B*, 11/8/1983, §V)

#### **§21-307. Drainage Ditches.**

1. *Duty of Roadmaster.* The Township Roadmaster shall keep drainage ditches free and clear to the best of his ability along all Township roads so as to prevent standing water or mud, and prevent erosion or obstruction to the roadway.

2. No person shall interfere so as to obstruct the free passage of water through drainage ditches along the road, right-of-way. Any person obstructing a drainage ditch shall be subject to penalties as set forth in §21-308.

3. *Permits for Driveway Crossovers.* Any person desiring to extend a driveway onto a Township highway shall apply to Township officials for a permit. As a condition of such permit, the applicant shall:

A. Pay a permit fee in an amount as established from time to time by resolution of the Board of Supervisors. [*Ord. 2010-2*]

B. Provide a sketch showing the location of the driveway with measurements from the nearest property line.

C. Install a corrugated steel pipe of at least 12 inches, inside diameter, at any place at which the driveway passes over a drainage ditch.

4. *Exception.* No person currently having a driveway connection and a passage for water flow shall be required to obtain a permit or to comply with subsection .3.C above unless such person seeks to repair the driveway connection, or unless such passage actually obstructs flow of water. In the event of actual obstruction, the Roadmaster shall give written notice requiring the person to obtain a permit and to construct the crossing in conformance with subsection .3.C above within 30 days of such notice.

(*Ord. 1-1983B*, 11/8/1983, §VI; as amended by *Ord. 2010-2*, 11/3/2010)

#### **§21-308. Penalties.**

Violation or disregard of any of the provisions of this Part or directions issued by the Roadmaster pursuant to this Part, above shall be written as violation of this Part by any authorized police officer or the Roadmaster. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge 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. An offender under §21-302.1.A above shall be required to present a weight manifest, which manifest will be considered prima facie evidence of weight.

(*Ord. 1-1983B*, 11/8/1983, §VII; as amended by *Ord. 2010-2*, 11/3/2010)

