

ROAD ENCROACHMENT
ORDINANCE NO. 38

AN ORDINANCE OF THE TOWNSHIP OF GREENE, PIKE COUNTY
PENNSYLVANIA, PROVIDING FOR ENCROACHMENT AND OPENING
OF TOWNSHIP ROADS, PERMIT FOR ENCROACHMENT TO BE
ISSUED AND REPORTED WHEN APPLYING FOR BUILDING PERMIT.

BE IT GRANTED by the Township of Greene, Pike County, Pennsylvania, that all building permits will require an encroachment permit, which is as follows:

SECTION ONE. In accordance with the provisions of Section 1156 of Article XI of the Second Class Township Code, as amended, no road or driveway shall hereafter be constructed upon any township road, nor shall any gas pipe, water pipe, electric conduits, sewage lines and Cable TV lines, or other piping, be laid upon or in or under, nor shall any telephone, telegraph, or electric light or power poles, or any other obstructions be erected upon or in or under, 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 PA Department of Transportation (PENNDOT), 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, a dimension to the nearest intersecting street, and the length of the free and unobstructed view or sight distance down and across such lands located at or near the intersection of any road or driveway with a Township road.

SECTION THREE. a. This Ordinance does not give the Permittee permission to alter the existing drainage pattern nor to alter the existing volume and flow of drainage water.

b. No additional drainage of surface water may be directed toward, onto, or into or in any way affect Township roads or their facilities.

c. Minimum diameter of drainage pipe is to be 15 inches.

d. This Ordinance does not in any way relieve the Permittee from acquiring the consent, permission or other authorization from any other affected property owner. Nor does this Ordinance authorize the Permittee to direct, divert or otherwise drain surface waters over the property of any other property owner. The Permittee is responsible for any damage caused to any other property owners as a result of work done under this permit.

e. It is understood and agreed that the Permittee shall, at all times, hold the Township harmless from any claims, suits, legal expenses and judgments which any property owner may bring against the Township or its officials and employees, and against the Permittee or any of its officers and employees, for any conditions occurring on property caused or alleged to be caused by conditions arising from the development of Permittee's tract or for work done under this Ordinance.

Permittee agrees that it will reimburse the Township for any expenses which it has been put to, including legal fees, engineering fees, expert witness fees, and any judgment rendered against the Township as a result of claims filed or suits brought against the Township, its officers or employees, by property owners alleging conditions of damage arising because of Permittee's development. This agreement to hold the Township harmless and to indemnify the Township shall not be extinguished by acceptance of the Township of the streets in Permittee's development, but shall continue in full force and effect after dedication.

SECTION FOUR. a.(1) When blasting is anticipated within one hundred (100) feet of any bridge, box or culvert, a detail plan of excavating, shoring, blasting and backfilling procedures must be submitted to the Township Engineer for review and approval. No blasting will be permitted within twenty-five (25) feet of the nearest part of a bridge, box or culvert. Controlled blasting will be permitted beyond twenty-five (25) feet to one hundred (100) feet of the nearest part of a bridge, box or culvert. Normal blasting procedures will be permitted beyond one hundred (100) feet of the nearest part of a bridge, box or culvert.

(2) No predrilling or blasting operations will be permitted within the paved portion of the highway unless authorized in writing by the Township Engineer.

b. 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.

c. 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 or repainting.

d. The Permittee shall keep the highways free of all material, which may be deposited by vehicles traveling upon or entering onto any highway during the performance of any work authorized by this Ordinance.

e. All openings required to be made in the cartway or road metal of a Township highway 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 by the Township in accordance with the requirements on backfilling and pavement replacement, as required by the Township Roadmaster.

SECTION FIVE. Trench Openings Parallel To Roadway.

a. Trench openings for utility facilities and other structures which are located parallel to a roadway shall necessitate a permit under this Ordinance. Such openings shall be made so that the near edge of the opening is at least three feet outside the edge of the roadway unless the permit authorizes a lesser clearance, with a minimum depth of three feet from the surface to the top of the facility.

b. On an unpaved highway, the near edge of the trench opening shall be at least 12 feet from the general center line of the traveled highway, or as authorized in paragraph (a) of this subsection.

c. No trench opening shall be made for a distance of more than 200 feet at any one time, unless authorized by the permit. In addition, no more than 40 feet of trench shall be left open on the shoulder of a highway at the end of any work day, unless authorized by the permit.

SECTION SIX. Location of Wires, Cables or Conductors over Right-of-Way.

All wires, cables or conductors which overhang any portion of the right-of-way shall be placed so as to provide a minimum vertical clearance of 18 feet over the roadway, except where the National Electrical Safety Code requires vertical clearances in excess of 18 feet due to voltage and/or span lengths. Guys shall be placed so as to avoid interference with vehicular or pedestrian traffic.

SECTION SEVEN. A permit shall be issued to the applicant after all aforementioned requirements have been filled. All fees for permits or renewals, extensions, or transfers thereof shall be paid by check or money order made payable to Greene Township. The terms and conditions embodied in this Ordinance require the Permittee to complete work by the date specified in the permit. Where Permittee fails to comply with the condition as to completion of the work by the time specified, the following rules will govern:

a. In the event of failure or neglect by permittee to perform and comply with the permit or these regulations, the Township may immediately revoke and annul the permit and order and direct the permittee to remove and or all structures, equipment or property belonging to the permittee and/or its contractors from the legal limits of the right-of-way and to restore the right-of-way to its former condition. In the event the Township determines that such structures, equipment or property pose a threat to the public safety and the permittee fails to remove the same after notice from the Township to do so, the Township is hereby empowered to take such steps as are necessary to remove said structures, equipment, or property which poses any threat to the public safety, and the Township shall also take the necessary action to restore the right-of-way to its former condition. In that event, Township shall be entitled to reimbursement from the permittee for all costs incurred in eliminating the threat to public safety described herein, as well as for restoration of the right-of-way.

b. If work is stopped on a project for any reason, other than at the end of any normal work day, and any ditch or trench, in the opinion of the Township remains open for an unreasonable period, the permittee, if so directed, shall refill the ditch or trench and work shall not be resumed until the permittee is prepared to proceed immediately with the work to its completion. In the event the permittee 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 and shall be reimbursed for the costs by the permittee within 30 days after receipt of the Township's invoice.

c. If the permittee, after making an opening in the surface to place or repair a facility or for any other purpose, fails to restore any portion of the right-of-way upon notice from the Township to do so, the Township reserves the right to do the work and the permittee shall reimburse the Township for the costs within 30 days after receipt of the Township's invoice.

SECTION EIGHT. Inspections by the Township.

a. Upon receipt of an Occupance Permit Application to construct a driveway or street connection onto a Township road the Township Supervisors or an appointed subordinate shall field view the proposed work site and determine whether the application complies with this Ordinance. The date of all field views should be identified on the application.

b. After the Occupancy Permit has been issued, the Township Supervisors or one of their appointed subordinates shall "spot" inspect the work site, in order to determine whether the operation is in compliance with the permit and this ordinance.

c. After the Occupancy Permit operation has been completed, the Township Supervisors or an appointed subordinate shall be required to conduct a "close-out" inspection. The Township Supervisors shall be notified of the completion of the project by written notice from applicant. The completed driveway shall be inspected to determine whether the permittee has complied with the permit and this ordinance.

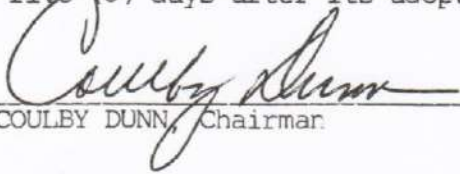
SECTION NINE. Upon completion of the "close-out" inspection the Township shall, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement 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. Otherwise, the Permit shall be issued as provided herein.

SECTION TEN. In the event of an emergency related to repairs of utility lines, the Township shall have the authority to waive so much of these requirements as may be appropriate, in order to insure that the bests interests of the public are served.

SECTION ELEVEN. Any person, firm, corporation or utility which shall violate any of the provisions of this Ordinance shall be subject, upon conviction before a District Justice, to pay a fine of not more than \$300.00 nor less 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 TWELVE. Any ordinance or part of Ordinance inconsistent herewith is hereby repealed insofar as it is inconsistent herewith.

DULY ENACTED AND ORDAINED this day of December, 1982, by the
Board of Supervisors of the Township of Greene, Pike County, Pennsylvania.
This Ordinance shall become effective five (5) days after its adoption.

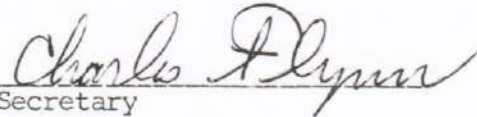


COULBY DUNN, Chairman

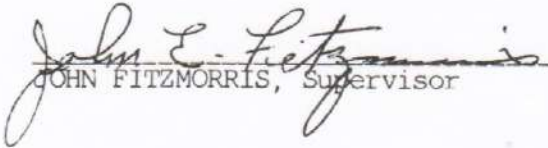


EDWARD CYKOSKY, Supervisor

ATTEST:



Secretary



JOHN FITZMORRIS, Supervisor