

CHAPTER 21

STREETS AND SIDEWALKS

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Part 1

Street Openings and Excavations

§101. Purpose. In order to protect the health and safety of the traveling public, it is in the public interest to regulate-

- a. The location and construction of utility facilities and other structures within the Township's right-of-way.
- b. The location, design, construction, maintenance and drainage of access driveways and private streets within the Township's right-of-way, for the purpose of insuring the structural integrity of the street, economy of maintenance, preservation of proper drainage, and safe and convenient passage of traffic.

[Ord. 01-32486, 03/24/1986, §1]

§102. Definitions. Township- shall mean the Township of Clay, Lancaster County.
[Ord. 01-32486, 03/24/1986, §2]

§103. Permits Required.

- a. No work shall be performed within the right-of-way involving the placing or repair of utility facilities or other structures, opening of the surface for any purpose, laying out or constructing driveways or roads or any other means of ingress or egress, or altering of drainage without first obtaining a permit from the Township.
- b. Nothing in this section shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or restoration of service, but application for such permit and the fees shall be submitted as herein prescribed within five (5) days after the commencement of the work.

[Ord. 01-32486, 03/24/1986, §3]

§104. Application for Permit.

- a. The application for a permit shall be on a form prescribed by the Township and the required number of copies shall be submitted to the Township's designated representative. The application for permit shall be accompanied by the required number of copies of a plan detailing the location and pertinent dimensions of the opening, the proposed installation and related street features (width of traveled roadway, right-of-way lines, distance to the nearest intersecting street, and for driveways, distance to side property lot lines).
- b. The Board of Supervisors shall establish by resolution, the required number of copies.

[Ord. 01-32486, 03/24/1986, §4]

§105. Permit Fees. The application for permit shall be accompanied by fees in

accordance with the Schedule of Fees set forth by the Pennsylvania Department of Transportation for Highway Occupancy Permits and Restoration Charges. These fees shall cover the cost of processing the application and the first inspection of the work. Fees for additional inspections will be based on the cost of making the inspection. [Ord. 01-32486, 03/24/1986, §5]

§106. Conditions of Permit.

a. Drainage Control

- i. No increase in the flow of water onto the roadway or right-of-way or onto the property of some other person will be permitted without a drainage control plan.
- ii. If an increase of run-off as described in Section 106 A.1. will occur, appropriate releases shall be obtained from the owners of land receiving the increased run-off and submitted with the application. The drainage release shall be in a form approved by the Township solicitor, shall be notarized, shall be recorded in the office of Recorder of Deeds and shall constitute an enforceable covenant running with the land.

b. Work Standards

All work shall be done in such a manner as shall be consistent with the safety of the public. Where traffic control is necessary, it shall be accomplished according to the appropriate standards of the Pennsylvania Department of Transportation regulating work site traffic control in effect at the time the work is performed.

c. Damage To Public Facilities

The permittee shall restore all pavement and shoulders to their former condition at the expense of the permittee and shall be responsible for repairing any failure of facilities within two years of completion of the work. If the permittee fails to comply with this section, Township may complete the necessary repairs and collect the costs as per Section 107 of this Part.

d. Driveway and Private Street Location

- i. All driveways and private streets shall be located, designed, constructed, and maintained so as not to interfere with the design, maintenance, and drainage of the street being intersected and to be consistent with Township's Subdivision and Land Development Ordinance, Chapter 22.
- ii. Driveways shall be permitted only at locations with adequate sight distance and which will not create a traffic hazard. Locations of private streets shall conform to the standards of the Township's Subdivision and Land Development Ordinance.

e. Driveway Design Standards

All driveways must be constructed according to the current standards of the Pennsylvania Department of Transportation.

f. Work Schedule

All work involving cuts into the traveled portion of the road must be started within fifteen (15) days of permit issuance. All such work must be completed within one hundred and eighty (180) days of work commencement.

g. Indemnification

The permittee shall fully indemnify and save harmless and defend the Township, its agents and employees of and from all liability for damages or injury occurring to any person or persons or property 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 work, by, at the instance, or with the approval or consent of the permittee; from any failure of the permittee or any such person comply with the permit or this chapter; and, for a period of two years after completion of the permitted work, from the failure of the highway in the immediate area of the work performed under the permit where there is no similar failure of the highway beyond the area adjacent to the area of the permitted work.

[Ord. 01-32486, 03/24/1986, §6]

§107. Work Completion. Upon completion of the work authorized by permit, the Township through its designated representative may cause the work to be inspected and may enforce compliance with conditions prescribed by the permit and this Part. If the permittee shall fail to rectify any defect within thirty (30) days of written notice from the Township to do so, the Township may cause the work to be performed and impose upon the applicant the cost thereof together with an additional twenty percent (20%) of such cost to offset administrative costs.

[Ord. 01-32486, 03/24/1986, §7]

§108. Penalty. Any person, firm, corporation, or utility which shall violate any provisions of this Part shall be subject, upon conviction before a court of competent jurisdiction, to pay a fine of not more than Three Hundred Dollars (\$300.00) 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. Each day of violation shall constitute a separate offense. *[Ord. 01-32486, 03/24/1986, §8]*

§109. Repealer and Validity. Any Part or part of Part inconsistent herewith is hereby repealed insofar as it is inconsistent herewith. If any portion of this Part shall be found by any court of competent jurisdiction to be invalid, or unconstitutional, or unenforceable, that determination shall not negate the remainder of same. Ordinance No. 40 (adopted August 12, 1974; see Appendix H) is repealed effective the effective date of this Part, except that any permits issued thereunder shall continue to be in full force and effect and Ordinance No. 40 may continue to be enforced for the purposes of those permits relating to the same. *[Ord. 01-32486, 03/24/1986, §9, §10]*

Part 2

Farming Adjacent to Roadways

§201. Prohibitions. No person shall plow, till, cultivate, harrow, dig or take similar action regarding the turning of soil within the lesser (closer) of seven (7) horizontal feet from the edge of any paved cartway or within the ultimate street right-of-way of any Township or State highway located within the Township of Clay. [*Ord. 01-061388, 06/13/1988, §1*]

§202. Violation and Penalties. Any person who shall violate the provisions of this Part shall be sentenced, upon conviction, to pay a fine of not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00) for each offense. [*Ord. 01-061388, 06/13/1988, §2*]

§203. Health and Safety. It is declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township. [*Ord. 01-061388, 06/13/1988, §3*]