

# Chapter 21

## Streets and Sidewalks

### Part 1 Street Rights-of-Way

#### A. Street Excavations

- §21-101. Definitions
- §21-102. Administration and Enforcement
- §21-103. Permit Specifications

#### B. Management of Rights-of-Way

- §21-111. Definitions
- §21-112. Requirement for Right-of-Way Permit
- §21-113. Application for a Right-of-Way Permit
- §21-114. Duration and Suspension of Right-of-Way Permit
- §21-115. Requirement for a Construction Permit
- §21-116. Fees and Expense
- §21-117. Management of the Rights-of-Way
- §21-118. Construction Standards
- §21-119. Liability and Indemnification
- §21-120. Reporting Requirements
- §21-121. Sale or Transfer of Rights of Permit Holder
- §21-122. Performance Bond
- §21-123. Termination
- §21-124. Removal
- §21-125. Penalty
- §21-126. Police Powers
- §21-127. Equal Application

#### C. Maintenance of Structures or Facilities

- §21-131. General Regulations
- §21-132. Damaged Structure or Facility to Be Repaired
- §21-133. Damage to Highway to Be Repaired to the Satisfaction of Ross Township and in Accordance with Township Requirements Is Standard

#### D. Driveway Permit

- §21-141. Driveway Permits

#### E. Trees and Other Vegetation in Right-of-Way

- §21-151. Clearance above Street and Sidewalk
- §21-152. Removal and Trimming of Trees

§21-153. Penalties

**F. Storm Drain Obstruction**

§21-161. Unlawful Acts

§21-162. Penalty for Violation

**Part 2**

**Prohibiting the Operation of Bulldozers, Tractors or Trailers Constructed with Cleats**

§21-201. Unlawful to Operate on Township Roads

§21-202. Prohibited Equipment

§21-203. Penalty for Violation

**Part 3**

**Sidewalks**

**A. Construction**

§21-301. Required Construction or Reconstruction of Sidewalk

§21-302. Required Repairs to Sidewalk

§21-303. Notice to Do Work

§21-304. Building Requirements

§21-305. Requirements to Building Prior to Adoption of this Part

§21-306. Supports under Sidewalks and Curbs

§21-307. Duties and Responsibilities of Township Engineer

§21-308. Construction and Repair Done on Owner's Initiative Without Notice

§21-309. Township May Do Work and Collect Costs

§21-310. Penalty for Failure to Repair Sidewalk

**B. Snow and Ice Removal**

§21-311. Responsibility for Removal of Snow and Ice from Sidewalks

§21-312. Definitions

§21-313. Penalty for Violation

**Part 4**

**Acceptance of Streets and Roads**

§21-401. Acceptance

**Part 5**

**Unauthorized Roadside and Utility Pole Signs**

§21-501. Intent

§21-502. Definition

§21-503. Signs Prohibited

§21-504. Removal of Prohibited Signs

§21-505. Public Nuisance

§21-506. Notice  
§21-507. Penalty



**Part 1****Street Rights-of-Way****A. Street Excavations****§21-101. Definitions.**

1. *General.* Certain words used in this Part are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word “shall” is mandatory and not permissive.

*Applicant* - any person, partnership or corporation who makes application for a permit.

*Backfill* - approved material used to fill a trench or other excavation, or the process of doing so.

*Township* - the Township of Ross, its officers, employees and officials.

*Township Commissioners* - Ross Township Commissioners, also referred to as “Commissioners.”

*Township road* - any road which has been dedicated to and accepted by the Township for use as a public road. See “cartway.”

*Cartway* - paved area of the road within which vehicles are permitted, including, curbs and shoulders.

*Certificate of insurance* - certificate provided by the applicant which verifies that said applicant carried the minimum insurance coverage(s) as stipulated in this Part.

*Degradation fee* - a fee established from time to time by resolution of the Board of Commissioners. This fee is imposed on any person, partnership or corporation which obtains a street excavation permit, and the work to be performed includes open cutting any Township road. [Ord. 2288]

*Driveway* - private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

*Emergency situation* - a situation or event, such as breakage of a utility line, which presents an imminent hazard to the public health, safety and welfare. Not included in this definition is the routine placement or replacement of service facilities which are being constructed or replaced as part of normal expansion or routine maintenance activities.

*Excavation* - removal of soil, rocks, sidewalk, driveway or cartway material for the purpose of installing, replacing, repairing or removing underground facilities.

*Exception* - any deviation from the literal terms of this Part which has been approved by Township Commissioners.

*Final completion certificate* - certificate issued by the Township certifying that all work has been completed in accordance with the provisions of this Part.

*Fire Department* - Ross Volunteer Fire Department.

*Inspection fee* - fee established by Ross Township Commissioners for the

purpose of performing inspections of a work site that has obtained a permit.

*Inspector* - the designated official appointed by the Township Commissioners whose duty it is to administer the provisions of this Part.

*Normal flow* - the direction, intensity and volume of stormwater runoff typically present during various precipitation events.

*Pavement cuts* - open cutting of a cartway, sidewalk or driveway.

*Performance guarantees* - security submitted to the Township which guarantees that all work required as part of an approved permit will be satisfactorily completed. An acceptable security can be a bond, letter of credit or certified check. Said security must be made payable to the Township of Ross.

*Permit fee* - fee established by Ross Township Commissioners for the purpose of administration costs in issuing permits.

*Permitee* - any person, partnership or corporation to whom a permit is issued.

*Public Works Department* - Ross Township Public Works Department.

*Regular business day* - Monday through Friday, 8 a.m. to 4:30 p.m., except designated holidays.

*Right-of-way* - land under the control of the Township which contains Township roads, sidewalks, driveways, driveway aprons, and other nonpaved portions of land which may or may not contain aboveground or underground utilities.

*Right-of-way occupancy permit* - a permit which, when issued, permits the permittee to perform work within a Township right-of-way. The work permitted under this permit shall not include any work authorized by a street excavation permit.

*Sidewalk* - a paved, surfaced or leveled area, paralleling and usually separated from the cartway used as a pedestrian walkway, to include curb.

*Site plan* - a plan of the area to be worked upon which shows all pertinent information including, but not limited to, right-of-way lines, street locations, sidewalk locations and any existing sub-surface and aboveground utilities which may be impacted by the work to be performed.

*Street excavation permit* - a permit which, when issued, permits the permittee to open cut any Township road, sidewalk or driveway or tunnel under any Township road, sidewalk or driveway.

*Subsurface facilities* - any public utility or private transmission lines which are located below grade.

(Ord. 2189, 6/26/2006, §101; as amended by Ord. 2288, 4/12/2010)

## **§21-102. Administration and Enforcement.**

1. *Inspector*. This Part shall be administered by the Township Engineer. The Engineer may delegate administration functions and inspection functions as he deems appropriate. In general permit issuance shall be handled by the Building Inspection Department and inspections completed by the Ross Township Department of Public Works

A. The Engineer shall designate an inspector to enforce the provisions of this

Part in accordance with its literal terms and shall not have the power to permit any construction which does not conform to this Part.

B. The Building and Planning Department will administer the permit and shall issue street excavation permits and right-of-way occupancy permits after they are approved by the Engineer.

C. The inspector shall perform all necessary inspections and recommend to the Township Engineer any enforcement proceedings which are necessary to insure compliance with the provisions of this Part.

D. Enforcement of this Part shall be undertaken by the Engineer, Public Works Department, Police Department and the Building and Planning Department.

## 2. *Street Excavation Permit.*

A. A street excavation permit shall be obtained before any person, partnership or corporation may:

- (1) Open/cut any Township road.
- (2) Open/cut, disturb or replace any sidewalk or curb.
- (3) Open/cut any driveway.
- (4) Utilize any type of device or equipment which tunnels under any Township road.
- (5) Utilize any type of device or equipment which tunnels under any sidewalk, driveway or driveway apron.

B. Application for a street excavation permit shall be accompanied by:

- (1) A completed and signed application form.
- (2) The required permit and inspection fee.
- (3) The required degradation fee, if necessary.
- (4) The required performance guarantee as required in subsection .4.A(2).
- (5) A site plan as defined in "site plan."
- (6) A location plan which generally indicates the distance the street excavation will occur from the nearest intersecting street.
- (7) A profile indicating the elevation(s) of the subsurface facilities which are being removed, repaired, or constructed. This profile shall indicate the depth below the roadway surface at which the work is going to be performed.
- (8) Additional documentation as the Township may require.

C. The completed application shall be submitted to the Township at the Municipal Building. Upon receipt, the inspector shall:

- (1) Review all documentation for completeness and accuracy.
- (2) Review and render a decision regarding the application within 10 working days of his receipt of said application.

D. Upon approval of an application, the Township shall provide the applicant with two signed copies of the permit. The applicant must maintain one copy of the approved application at the job site.

E. The granting of any street excavation permit shall confer a right upon the

permittee, subject to the terms and conditions of the permit, to temporarily occupy and use the street surface during the course of construction work covered by the permit, and to thereafter occupy the space within which the work is to be located, subject in every case to the specific right of the Township to require temporary or permanent relocation or removal of any of the facilities entirely at the permittee's expense in the event said facilities are in conflict with the Township's interest or the public interest in the use of the street.

F. In granting any permit, the Township may attach such special conditions thereto as may be reasonably necessary to protect public and private property.

G. By accepting the permit, the applicant agrees to perform the work in accordance with the terms and conditions of the permit, and of any special conditions which may be attached thereto, and to save and hold harmless the Township, its officers, employees and agents from any costs, damages and liabilities which may accrue by reason of the work.

H. Every permit issued hereunder shall expire 30 days after it is issued. If the permittee shall be unable to complete the work within the specific time, he shall, prior to expiration of the permit, present in writing to the Township a request for an extension of time, setting forth therein the reasons for the requested extension. If, in the opinion of the Township, such an extension is necessary, the permittee may be granted additional time for the completion of the work.

I. The applicant must notify the Township and Public Works Department at least 24 hours before work is commenced and shall not backfill any open cut before the inspector has inspected the site.

J. The Township may revoke any permit issued under the provisions of this Part if it deems that the terms of the permit are being violated. Upon revocation of the permit, the Township shall provide the permittee with a written explanation of the terms of the permit which are being violated and establish a time frame under which the permittee must complete all necessary reparations to bring the job into compliance with the provisions of the permit.

K. If final paving repairs are not completed to the satisfaction of the Township, the Township reserves the right, after notice to the permittee, to complete final paving repairs, including the removal of substandard work. These repairs will be funded by the performance guarantee which the permittee must provide. Upon the satisfactory completion of all work, the Township shall issue a final completion certificate and return the required performance guarantee or portion thereof.

L. By accepting the permit, the applicant agrees to perform the work in accordance with PennDOT's Publication 213, "Work Zone Traffic Control Guidelines."

3. *Right-of-Way Occupancy Permit.* A right-of-way occupancy permit shall be obtained before any person, partnership or corporation shall perform work in any Township right-of-way which does not include activity which requires a street excavation permit.

A. Application for a right-of-way occupancy permit shall be accompanied by:

- (1) A completed and signed application form.

(2) Required permit and inspection fee.

(3) A site plan which clearly shows where the right-of-way work will occur.

(4) Additional documentation as the Township may require.

B. The completed application shall be submitted to the Township at the municipal building. Upon receipt, the inspector shall:

(1) Review all documentation for completeness and accuracy.

(2) Review and render a decision regarding the completed application within 10 working days of his receipt of said application.

C. Upon approval of an application, the Township shall provide the applicant with two signed copies of the permit. The applicant must maintain one copy of the approved application at the job site.

D. The granting of a right-of-way occupancy permit shall confer upon the permittee, subject to the terms and conditions of the permit, permission to temporarily occupy and use the road right-of-way during the course of construction work covered by the permit, and to thereafter occupy the space within which the work is to be located, subject in every case to the specific right of the Township to require temporary or permanent relocation or removal of any of the facilities entirely at the permittee's expense in the event said facilities are in conflict with the Township's interest or the public interest in the use of the right-of-way. The right-of-way occupancy permit does not authorize the permittee to perform any work which is governed by the requirements of a street excavation permit. The permittee shall be responsible for the repair of any and all facilities damaged during the excavation. The permittee shall immediately inform the Township Engineer when damage to a sewer or other utility occurs. All repairs to damaged facilities shall be made as per the requirements of the Township Engineer.

E. In granting any permit, the Township may attach such special conditions thereto as may be reasonably necessary to protect the public and private property.

F. By accepting the permit, the applicant agrees to perform the work in accordance with the terms and conditions of the permit, and of any special conditions which may be attached thereto, and to save the Township, its officers, employees and agents from any costs, damages and liabilities which may accrue by reason of the work.

G. Every permit issued hereunder shall expire 30 days after it is issued. If the permittee shall be unable to complete the work within the specified time, he shall, prior to expiration of the permit, present in writing to the Township a request for an extension of time, setting forth therein the reasons for the requested extension. If, in the opinion of the Township, such an extension is necessary, the permittee may be granted additional time for the completion of the work.

H. The applicant must notify the Township and Public Works Department at least 24 hours before work is commenced and shall not backfill any trenches before the inspector has inspected the site.

I. The Township may revoke any permit issued under the provisions of this Part if it deems that the terms of the permit are being violated. Upon revocation of the permit, the Township shall provide the permittee with a written explanation

of the terms of the permit which are being violated and shall establish a time frame under which the permittee must complete all necessary reparations to bring the job into compliance with the provisions of the permit.

J. Upon the satisfactory completion of all work, the Township shall issue a final completion certificate.

K. By accepting the permit, the applicant agrees to perform the work in accordance with PennDOT's Publication 213, "Work Zone Traffic Control Guidelines."

4. *Permit Fees, Inspection Fees, Degradation Fees and Performance Guarantees.*

A. A permit fee and an inspection fee shall be charged for each application under this Part. The fees shall be established by resolution of the Township Commissioners.

B. Performance guarantees shall be provided for street excavations in the following manner:

(1) A bond or cashiers check of \$1,000 shall be provided at the date of the first application for a street excavation permit in a calendar year. This bond will be returned when all work is performed satisfactorily.

(2) A bond or cashiers check in the amount of \$10,000 shall be provided to the Township on the date of the second street excavation permit application for that calendar year. This guarantee shall be good for the entire year in which it is issued. The guarantee will cover all additional street excavation activities during that calendar year. This guarantee will be returned when all jobs started in that calendar year are completed satisfactorily.

(3) *Degradation Fee.* A degradation fee shall be charged to party's which were duly notified of the Township's intention to reconstruct or repave a cartway and when a notified party applies for a permit to excavate a trench of over 30 feet in length in a cartway that was repaved within 5 calendar years from the date of notification. This fee shall be established by resolution of the Township Commissioners.

(4) These fees and performance guarantee requirements may be changed by resolution of the Township Commissioners.

5. *Enforcement Procedures.* The Engineer, inspector, Public Works Department, Police Department or other official designated by Commissioners may prevent or restrain any work which is proceeding without benefit of a street excavation permit or right-of-way occupancy permit. If this situation occurs, the person, partnership or corporation performing the work must immediately apply for a permit and must perform any task needed to insure a safe condition for motorists and pedestrians as the inspector, Public Works Department or other official may require. In addition, a permit must be applied for and obtained before work can continue.

A. The Township, upon discovery that work is being performed on a site for which a permit has been issued which is not in compliance with the provisions of such permit, may take corrective action as it deems necessary including, but not limited to, preventing or restraining any additional work until any necessary repairs are completed. Under no circumstances shall the job site be left in an unsafe or hazardous condition.

B. In the event that the permittee does not take the necessary corrective actions within the time frame the Township establishes, the Township may utilize the performance guarantee and take any necessary measures to correct the problem.

6. *Enforcement Penalties.* Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense. [Ord. 2288]

7. *Inspection.* The work shall be subject at all times to inspection by the inspector. Under no circumstances shall a trench be backfilled without prior inspection of the work by the inspector or his designee.

A. After final inspection and acceptance of the work, and after payment of any refund or collection of any insufficiency due, the Township shall issue a final completion certificate. The applicant shall be strictly liable for all repairs to any property made necessary by the work within the first 18 months following issuance of the final completion certificate. All such repairs shall be made immediately upon request by the inspector or other Township official. Failure to perform repairs determined necessary by the inspector or other Township official will result in completion of repairs by the Township. The Township will recover all funds expended in performing said repairs by providing the permittee with an itemized bill listing all costs the Township incurs. The Township reserves the right to deny any new permit applications submitted by the permittee or his assigns until these costs or any other funds due to the Township are remitted to the Township.

8. *Insurance.* An applicant shall provide a certificate of insurance to the Township and have said certificate properly executed by the applicant's insurance carrier. Properly executed certificates of insurance shall be filed with the Township and verify that the applicant is insured against all claims which may arise from or out of the performance of the excavation work, whether such performance be by the applicant or anyone directly or indirectly employed by him. Such insurance shall include protection against liability arising from completed operations, underground utility damage and collapse of any property. Liability insurance for bodily injury shall be in an amount not less than \$300,000 for each person and \$300,000 for each accident and for property damages an amount not less than \$100,000. Failure of an applicant to file a certificate of insurance shall be a sufficient reason for denying a permit. The applicant shall save and hold harmless the Township from any and all damages and liability by reason of personal injury or property damage arising from work done by the applicant under the provisions of this Part. Ross Township its employees and designated agents shall be listed as additional insured on the insurance certificate provided with the permit application.

9. *Emergency Situations.* Any person, partnership or corporation performing work without a permit because of an emergency situation as defined in §21-101 shall verify the emergency nature of the circumstances in writing to the Township within the first regular business day after such emergency occurs. All work performed in an emergency situation must be done in compliance with the requirements of subsection .3 of this Part, and a permit must be applied for on the first regular business day following the date the emergency occurred. All fees and performance guarantees will be required to

be provided with the application form. Prior to commencing work in an emergency situation the person, partnership or corporation performing the work must notify the Township of the nature of the emergency.

10. *Exceptions.* Exceptions to the requirements of this Part shall not be permitted except upon written request by the applicant and approval by Township Engineer. Exceptions shall be granted only upon a showing by the applicant that the proposed work is minor in nature and poses a minimal risk to public health and safety. The Township Engineer may request and utilize the recommendation of the inspector with respect to any exception request. The Township may impose any reasonable conditions to the granting of an exception.

(Ord. 2189, 6/26/2006, §§201–211; as amended by Ord. 2288, 4/12/2010)

### **§21-103. Permit Specifications.**

#### 1. *General.*

A. Unless specifically permitted by the Township:

(1) No street opening shall extend across more than one-half of the cartway at one time.

(2) Two-way traffic shall be maintained.

(3) Access to driveways and/or buildings abutting the street shall be maintained.

(4) Not more than 250 lineal feet of any street shall be opened at any time.

(5) No excavated materials or backfill materials shall be stockpiled on the roadway surface or sidewalk.

B. The permittee shall locate in advance of excavation all surface and subsurface utility lines and structures, as required by Pennsylvania Act 172, 73 P.S. §176 *et seq.*, also known as the PA One-Call System. The permittee shall take all precautions necessary to avoid damage to other utility lines including loop detectors, and to public and private property. In the event damage does occur to the property of others, the permittee shall promptly and satisfactorily repair all damages and restore the property to a satisfactory condition.

C. Provisions shall be made to accommodate the flow of storm drainage, and no excavated material or trench shall be permitted to interfere with the normal flow of surface water. Erosion and sedimentation controls shall be installed as needed.

D. Traffic control shall be maintained in accordance with Pennsylvania Department of Transportation requirements, and the permittee shall furnish and maintain upon the work site such signs, barricades, lights and flagmen as may be necessary to insure safe travel for vehicular and pedestrian traffic.

E. No blasting may be performed without a blasting plan approved by the Township that provided that blasting activities are performed, such operations shall be performed by persons authorized by all Federal, State, County, and local authorities to undertake such activities and shall be carried out in strict accordance with Federal, State, County and municipal laws or regulations governing the same.

F. Appropriate measures must be taken to provide access for emergency vehicles and to all properties affected by the work.

2. *Pavement Cut, Excavation and Backfill.*

A. Cuts through bituminous wearing surfaces shall be scored on a neat, straight line to the full trench width, using either a pneumatic spade or a concrete saw. Cuts through Portland cement concrete shall be sawed to a sufficient depth to enable removal of concrete with a clean, straight break.

B. Excavated material shall be removed immediately or laid compactly off the roadway surface to cause as little inconvenience as possible to public travel. Pedestrian sidewalks shall be kept clean and free of obstructions, and, where necessary, temporary bridging or plank walkways shall be provided. Excavated material not suitable for backfill shall be immediately removed as excavation is in progress. Construction material shall not be stored in the public street except immediately in advance of installation. Loose earth and stone shall be promptly cleaned from the streets and sidewalks, and dust shall be regularly swept up and removed.

C. Sidewalls of a trench under 4 feet in depth shall be kept as nearly vertical as possible. When over 4 feet in depth, the trench shall comply with the requirements established by Occupational Safety and Health Administration standards.

D. *Backfilling.* An opening shall be backfilled by the permittee in accordance with the following:

(1) The opening may first be backfilled with fine aggregate materials, meeting the requirements of §703.1 of Publication 408, or granular material to protect the facility, placed to a height not to exceed 1 foot over the top of the facility, if the material is compacted in not more than 4-inch loose layers or as authorized under Publication 408. To help protect its facility from future excavations, the permittee is required to place a permanent ribbon colored under this subparagraph at least 1 foot above its facility. If the facility is nonmetallic, the permittee is also required to place a metallic ribbon at a depth from which the ribbon can be sensed by typical metal locating instruments.

(2) The opening shall then be backfilled with select granular material, unless retained suitable materials, as defined in §459.1 (relating to definitions), is authorized or other coarse aggregate material meeting the requirements of §703.2 of Publication 408 is specified in the permit. Select granular material or other aggregate material will be required for use as backfill of openings in pavements, paved shoulders and improved (for example, oil and chip) shoulders as well as unimproved (for example, stabilized or earth surface) shoulders within 3 feet of the edge of pavement. Retained suitable material will normally be authorized for use as backfill of openings outside shoulders and in unimproved shoulders more than 3 feet outside the edge of pavement and up to within 3 feet of the surface.

(3) Backfill shall be compacted as follows:

(a) *General Rule.* Except as provided in subparagraph (2), backfill material shall be placed in loose layers not to exceed 8 inches if vibratory compaction equipment is used or as authorized under Publication 408. Each layer shall be thoroughly compacted to preclude subsidence, under

§601.3(e) of Publication 408.

(b) *Compaction Outside Pavement and Shoulders.* At least 15 days prior to the start of work, the applicant may submit its written compaction plan to the Township requesting backfill in an opening outside the pavement and shoulder to be placed in layers thicker than 8 inches prior to compaction. The compaction plan shall include full details of equipment, materials and work methods as well as the permittee's acknowledgment of its obligation and commitment to regularly monitor the restored surface until 2 years after the acknowledged completion of the permitted work and to promptly correct failure or subsidence of the highway.

(c) *Existing Pavement Elevation.* Compaction shall be completed to the bottom elevation of the existing pavement.

(4) The Township may require the permittee to have material proposed for use as backfill and compacted material tested, at the expense of the permittee, for conformance to the applicable gradation and compaction requirements of Publication 408.

(5) Test holes shall be backfilled, as soon as safely possible, with existing type material or other material authorized by the Department, and sealed under subsection (o). The Township may authorize test holes in the pavement or shoulder to be restored without a 1 foot cutback of the surrounding surface.

D. All cuts, excavation and backfill shall be performed to the satisfaction of the inspector, who may in consultation with Township Engineer develop additional work standards.

### 3. *Restoration of Bituminous Pavement.*

A. Temporary repairs to bituminous pavement shall consist of the trench being backfilled with select granular material and topped with at least 3½ inches of cold patch. In all cases, the permittee is responsible to maintain temporary pavement repairs in good condition, free of chuck-holes and soft spots, and to clean the street surface of any debris or earth which may be carried over the street.

B. Final pavement restoration shall be made only when weather conditions are suitable. If, because of weather conditions or time of year, temporary paving and natural stone or gravel are utilized, these temporary materials must be removed to a depth of at least 13 inches below finished street paving grade. All temporary materials shall be removed and replaced with permanent repairs as soon as weather conditions permit. All permanent repair shall be made as follows.

(1) If trench length is less than 75 feet in length (or 100 foot in a cul-de-sac) the trench shall be backfilled and repaved as per the Township Engineer's trench restoration detail(s) that are filed at the Township's Planning Department.

(2) If the trench length exceeds 75 feet in length (or 100 foot in a cul-de-sac) and does not cross the center line of the cartway, the entire disturbed lane shall be milled to a depth of 1.5 inches and repaved after the trench has been properly backfilled and binder installed as per the Township Engineer's trench restoration detail(s). In areas where the trench runs along or crosses the center line of the cartway the entire pavement width (curb-to-curb width) of the

affected street shall be milled (as needed) and repaved with wearing. All paving shall run a length of at least 1 foot in excess of trench length on each side of the disturbed area and be properly keyed in and sealed.

(3) All restoration of bituminous pavement shall be performed to the satisfaction of the inspector, who may in consultation with Township Engineer to develop additional work standards.

4. *Restoration of Other Surfaces.*

A. Requirements for permanent repairs to surfaces other than bituminous pavement will be determined by the inspector, who may in consultation with Township Commissioners develop additional work standards. In general, final restorations in any case shall be equal to the original surface.

B. Sidewalks must be replaced to meet criteria, developed by the inspector in consultation with Township Commissioners prior to pouring the concrete. The sidewalk subbase and forms must be inspected and approved.

C. Brick pavement shall be restored to good condition as per the Township Engineer's brick pavement specifications and details, attached in Appendix 21-1A-1.

5. *Standards for the Installation of Pipe and Other Utilities.* All work shall be completed as per the standards approved by the Ross Township Engineer and be in conformance with Penn DOT Publication 408, PA PUC and PA DEP Standards.

(*Ord. 2189, 6/26/2006, §§301–305; as amended by Ord. 2288, 4/12/2010*)



## Appendix 21-1A-1

### BRICK PAVEMENT RECONSTRUCTION (Patching of Small Areas)

#### 1. GENERAL

The work included is the removal of the existing paving brick by hand; cleaning the brick; stacking and storing the brick in a secure area; removing and replacing deteriorated concrete base and/or subbase; placing a minimum 1/2 inch thick bedding course; laying the brick; rolling the brick; applying the filler; and cleanup.

#### 2. PAVING BRICK

The paving brick shall be recovered from the street to be reconstructed and shall be whole brick with minimum chipped edges.

Extra paving brick if needed to complete the reconstruction shall be equal to or as close as possible in size, color and hardness to the original brick.

#### 3. BEDDING COURSE

Upon the prepared base, which shall be thoroughly cleaned, shall be spread a cement-sand bed to a depth required, minimum 3/4". Bed shall be composed of one (1) part Portland Cement and 5 parts sand.

The cement and sand shall be thoroughly machine mixed in the pro-portions specified until it is of uniform color throughout. It shall be dry when mixed and shall be kept dry until brick are placed, inspected and rolled. If necessary to use damp sand in order that the work shall not be unreasonably delayed, then only so much sand and cement shall be mixed and spread as can be covered with brick, inspected and rolled within one hour of the commencement of the operation.

The bed shall be shaped and molded to a true surface parallel to the finished pavement.

#### 4. BRICK REMOVAL

The paving bricks shall be removed from the street by and carefully cleaned of all mortar, cement, tar, dirt, etc. and stacked. The bricks shall be cleaned long before they are to be relaid. The bricks shall not be tossed in piles or onto other hard surfaces to minimize the breakage and chipping. The bricks shall be stored in a secure area until reused to prevent others from stealing them; the contractor is responsible for replacing any bricks missing or stolen.

#### 5. LAYING OF BRICKS

The bricks shall be laid in straight rows surrounding existing brick surface and on the bedding course. The longitudinal joint between the existing brick surface and the new brick surface shall be constructed with full brick, interlocking and in the same pattern as the existing pattern. A string line shall be used when laying the brick to establish line and grade.

The crown, grade and slope shall frequently be checked with a 10 foot long straightedge with no greater variation in the surface than 1/4 inch. Any low or high spots shall be corrected by removing the brick and removing or adding bituminous mastic.

Each day after the bricks have been laid and the rows straightened the chips and spalls shall be swept from the surface to prevent them from entering the joints between the brick. All defective brick shall be replaced with good brick.

6. ROLLING THE BRICK

The bricks shall be rolled with a power driven vibratory plate wacker roller. Rolling shall be done longitudinally on boards not less than 10 inches wide and 12 feet long with a uniform thickness of 3/4 inch laid longitudinally and in close contact or plywood in 4 foot by 8 foot sheets 3/4" thick.

7. CLEANUP

All excess materials, filler, brick, etc. shall be removed from the site. Contractor shall deliver any excess bricks to a location, as designated by the owner.

8. BASE REPLACEMENT

A. GENERAL: After the removal of the existing brick surface, the engineer shall inspect the concrete base. If any unstable areas are found or the existing base elevation requires adjustment, the existing material shall be removed by the contractor in its entirety to a depth of 12 inches below top of existing base and disposed of. The sub-base shall be four (4) inches of 2A aggregate (mechanically tamped). The base shall be replaced with eight (8) inches of compacted BCBC.

**B. Management of Rights-of-Way****§21-111. Definitions.**

Unless the context specifically indicates otherwise, the meaning of the terms used in this Part shall be as follows:

*Applicant* - the person who has applied for a right-of-way permit or a construction permit.

*Application* - the form prescribed by Ross Township which the applicant must complete in order to obtain a right-of-way permit.

*Construction* - the building, erection, or installation in, on or under a right-of-way. It does not include maintenance or repair of equipment in a right-of-way or a single line extension from equipment in the right-of-way.

*Construction permit* - the document that must be obtained before a person may perform construction in a right-of-way.

*Emergency* - an interruption of service or a condition that poses a clear and immediate danger to life or health, or significant loss of property.

*Equipment* - any tangible property located or proposed to be located in a right-of-way including, but not limited to, wires, lines, cables, conduits, pipes, supporting structures or other facilities.

*In* - when used in conjunction with rights-of-way means over, above, in, within, on or under a right-of-way.

*Maintenance* - work of a minor nature that will keep an existing condition from failure or decline.

*Permit holder* - the person obtaining a right-of-way permit.

*Person* - any individual, firm, partnership, association, corporation, company or other business entity.

*Right-of-way* - the surface and space in, on, above and below any real property in which the Township of Ross has an interest in law or in equity including, but not limited to, any public street, boulevard, avenue, road, highway, easement, freeway, lane, alley, court, sidewalk, parkway, river, tunnel, viaduct, bridge, park, green space or any other place.

*Restore or restoration* - the process by which a right-of-way is returned to a state that is as good or better as its condition before construction.

*Right-of-way permit or permit* - a written authorization granted by the Township of Ross to an applicant for use of the rights-of-way in the Township for wires, lines, cables, conduits, pipes, supporting structures and other facilities.

*Telecommunications services* - the services offered to customers involving the transmission of video, data and/or voice communications and/or content, both active and interactive, and associated usage.

*Telecommunications system* - a system used or to be used to provide telecommunication services.

*Underground equipment* - all equipment that is located wholly or partially underneath a right-of-way.

(Ord. 2045, 3/12/2001, §1)

**§21-112. Requirement for Right-of-Way Permit.**

1. No person shall enter upon or occupy any right-of-way for the purpose of installing, constructing, maintaining or operating a telecommunications system without first having obtained a right-of-way permit. Any person maintaining or operating a telecommunications system as of the effective date of this Part shall also obtain a right-of-way permit.

2. Before a right-of-way permit is issued, the holder of or applicant for a right-of-way permit shall have applied for any and all regulatory approvals, permits or authorizations from the appropriate Federal and State authorities, if required. Upon the request of the Township of Ross, the applicant shall submit written evidence of its applications for or receipt of all such approvals, permits or authorizations.

3. Nothing in this Part shall be construed as a waiver of any ordinance or regulation of the Township of Ross or the Township's right to require prospective or current right-of-way permit holders to secure and remit payment for any and all required permits or authorizations.

(Ord. 2045, 3/12/2001, §2)

**§21-113. Application for a Right-of-Way Permit.**

1. A right-of-way permit shall only be granted after an applicant has completed an application in the form that has been prescribed by the Township of Ross, which form may be revised from time to time. Upon request, an applicant shall be provided with a copy of the then current application for a right-of-way permit. The application shall request information regarding the applicant's proposed or actual physical use and occupation of the rights-of-way. Specifically, the application shall request: 1) a brief description of the telecommunications service or services to be offered or provided in or through the Township; 2) specific information regarding the equipment it proposes to place or currently maintains in the rights-of-way; 3) the expected physical burden that such equipment will place or does place on the rights-of-way; and 4) whether the equipment will or does have a detrimental effect on public safety as it relates to the rights-of-way. If the completed application does not fully provide such requested information the Township of Ross may request such additional information as is necessary to enable it to make a determination regarding the physical use and occupation of the rights-of-way by the applicant. The application may request less information from a permit holder applying for a renewal of a right-of-way permit.

2. Upon submission of a fully completed application to the Township of Ross and the accompanying fee, the Township shall review the application as follows. The Township shall grant or deny such applications within 45 days. If the Township fails to grant or reject such application within the time period specified above, the application shall be deemed approved. In each case, the Township shall review the application to determine whether such use would have a detrimental effect on public safety as it relates to the rights-of-way or would place an undue physical burden on the rights-of-way.

3. In considering an application, the Township of Ross may use such outside experts as it deems necessary. In the event the Township deems it necessary to employ

an outside expert to advise the Township with respect to a particular application, the reasonable costs of such expert shall be borne by the applicant.

(*Ord. 2045, 3/12/2001, §3; as amended by Ord. 2288, 4/12/2010*)

**§21-114. Duration and Suspension of Right-of-Way Permit.**

1. The right-of-way permit shall be issued for a period of 1 year. Permit holders may apply for a renewal of a right-of-way permit prior to its expiration. The Township may suspend such right-of-way permit in the event any one or more of the following has occurred:

A. The permit holder shall have caused damage to Ross Township property or the right-of-way without the prior consent of the Township (except in the case of an emergency) and without completing proper restoration.

B. The permit holder or the permit holder's equipment in the right-of-way has had a detrimental effect on public safety as it relates to the rights-of-way.

C. The permit holder failed to pay any of the fees required under this Part.

D. The permit holder failed to comply with construction standards in accordance with the provisions contained in §21-118 below.

E. The permit holder failed to indemnify, hold harmless and insure the Township in accordance with the provisions contained in §21-119 below.

2. If the Township of Ross has reason to believe that one or more of the above events has occurred, it shall notify the permit holder in writing. The permit holder shall have 30 days to cure the violation, unless the Township reasonably determines that the event is an emergency, in which the Township may impose a shorter time period to cure the violation.

3. If the permit holder fails to cure the violation within the specified time period, the Township shall be permitted to immediately suspend the right-of-way permit. A suspension shall be brought to the attention of the Township at its next meeting, at which time Ross Township shall be permitted to uphold or withdraw the suspension. The permit holder shall be provided an opportunity to be heard at such meeting.

(*Ord. 2045, 3/12/2001, §4*)

**§21-115. Requirement for a Construction Permit.**

1. Except in the case of an emergency, before commencing any construction in the rights-of-way, a person shall submit to the Township detailed plans of the proposed construction activity. Such plans shall include the type of construction activity, the equipment proposed to be installed or erected, the specific locations of the construction activity and the scheduled beginning and ending dates of all planned construction. Such plans shall also include the name(s) address(es) and experience of any and all subcontractors whom applicant intends to utilize. Such information may be submitted concurrently with an application for a right-of-way permit.

2. Upon submission of all such information required in subsection .1 above, the Township shall review such information and either grant or deny a construction permit within 45 days. If the Township fails to grant or deny the construction permit within such time period, the permit shall be deemed granted. In each such case, the Township shall review the information provided herein to determine whether such construction

would have a detrimental impact on public safety as it relates to the rights-of way. The Township may impose conditions on the construction permit regulating the times, locations and manner of construction to preserve effective traffic flow, prevent hazardous road conditions and/or minimize noise impacts.

(*Ord. 2045, 3/12/2001, §5*)

**§21-116. Fees and Expense.**

1. Each new applicant for a right-of-way permit shall include with its application an application fee in an amount as established from time to time by resolution of the Board of Commissioners. This fee is directly related to the Township's costs in reviewing the application (excluding expert costs) and managing the rights-of-way with respect to each permit holder. Such costs in managing the rights-of-way include, but are not limited to, inspection costs, administrative costs, costs of maintaining the rights-of-way and costs of degradation of streets and right-of-way property. This fee will not be refunded in the event the application is denied. If the application is granted, the application fee will apply to the full term of the right-of-way permit of 1 year. If the applicant applies for a construction permit concurrently with the application for a right-of-way permit, then the application fee contained herein shall apply to both the right-of-way permit and the construction permit. [*Ord. 2288*]

2. Each existing permit holder applying for a renewal of its right-of-way permit shall include with its application an annual fee in an amount as established from time to time by resolution of the Board of Commissioners. This fee is directly related to the Township's costs in managing the rights-of-way with respect to each permit holder. Such costs include, but are not limited to, inspection costs, administrative costs, costs of maintaining the rights-of-way and costs of degradation of streets and right-of-way property. [*Ord. 2288*]

3. Each applicant for a construction permit shall include with its application an application fee in an amount as established from time to time by resolution of the Board of Commissioners. This fee is directly related to the Township's costs in reviewing the application and determining time, place and manner restrictions on the construction activity. If the application for a construction permit is denied, this fee shall not be refunded. If the application is granted, then the applicant shall pay, within 30 days of the presentation of a statement, the Township's actual costs based on the hourly rate established by Resolution of the Township of Ross. Such actual costs include, but are not limited to, costs of disruption and rerouting of traffic, inspection costs and administrative costs. [*Ord. 2288*]

4. *Extraordinary Expenses.* In addition to the fees set forth above, a permit holder shall pay, within 30 days of the presentation of a statement, any extraordinary or unusual expenses reasonably incurred by the Township of Ross as a result of the permit holder's use of the right-of-way; provided, that the Township notifies the permit holder of the expected expenses prior to them being incurred and provides the permit holder with an opportunity to mitigate such expenses. Examples of extraordinary or unusual costs include, but are not limited to, the cost of obtaining and operating a backhoe, dump truck or other heavy equipment used to repair the right-of-way, overtime or special pay for police officers or other emergency services. The statement of such expenses presented to the permit holder shall be directly related to the Township's

actual costs.

5. In the event that payment of any of the fees identified above is not made upon submission of the application or by the date due, the applicant or permit holder shall pay a late payment penalty of simple interest at 10 percent annual percentage rate of the total amount past due. Such penalty shall be in lieu of any other monetary penalty. Acceptance of payment under this Section shall not in any way limit or waive the Township's right to suspend or terminate the permit according to the terms of this Part. (*Ord. 2045, 3/12/2001, §6; as amended by Ord. 2288, 4/12/2010*)

**§21-117. Management of the Rights-of-Way.**

1. The Township of Ross shall have the right to limit the placement of new or additional equipment in the right-of-way if there is insufficient space to reasonably accommodate all requests to occupy and use the rights-of-way. The Township shall consider requests for occupying and using the rights-of-way in the order of receipt of fully completed applications for right-of-way permits. The Township shall strive, to the extent possible, to accommodate all requests, but shall be guided by the physical condition of the right-of-way and whether such use would have a detrimental effect on public safety as it relates to the right-of-way.

2. The Township of Ross shall have the right to monitor the telecommunications system and the equipment related thereto located in the rights-of-way in order to prevent interference between and among such systems and equipment.

3. A permit holder shall allow the Township of Ross to make inspections of any part of the permit holder's telecommunications system located in the rights-of-way at any time upon 3 days notice, or, in case of an emergency, upon demand.

(*Ord. 2045, 3/12/2001, §7*)

**§21-118. Construction Standards.**

1. Whenever a permit holder or any of its subcontractors shall disturb any pavement, sidewalk or other public property in order to perform any underground activities, the permit holder will fully comply by registering with Pennsylvania's "One Call" system pursuant to 73 P.S. § 176 *et seq.* Such permit holder shall provide Ross Township with GPS information showing planned locations and reference points for equipment to be installed. Each permit holder shall perform construction activity in a manner consistent and in compliance with the detailed plans it submitted to the Township and all applicable federal, state and local laws and regulations.

2. Whenever a permit holder or any of its subcontractors shall cause damage to the right-of-way or to Ross Township property in the right-of-way, the permit holder shall restore such right-of-way or property within 30 days, weather permitting.

3. The telecommunications system shall not endanger or interfere with the safety of persons or property within the Township of Ross. All operating, maintenance, construction and repair personnel shall be thoroughly trained in the safe use of all equipment and in the safe operation of vehicles. Such personnel shall follow all safety procedures required by applicable Federal, State and local laws and regulations. The permit holder shall routinely inspect and maintain all areas of the telecommunications system so that conditions that could develop into safety hazards shall be corrected

before they become a hazard.

4. Except in the case of an emergency, at least 3 days prior to the commencement of any construction activity, permit holder shall notify nearby residents of such construction activity in a manner which is satisfactory to the Township of Ross. The name of the permit holder shall be clearly disclosed to such residents.

5. All construction activity shall be performed in an orderly and workmanlike manner, and in close coordination with public utilities serving the Township of Ross following accepted industry construction procedures and practices.

6. All wires, cables and other equipment shall be installed, where possible, parallel with electric and telephone lines, and multiple cable configurations shall be arranged in parallel and bundles with due respect for engineering considerations.

7. All wires, cables and other equipment shall be installed underground where required by municipal ordinance or regulation consistent with the same requirement being imposed on all other similarly situated companies, including public utilities.

*(Ord. 2045, 3/12/2001, §8)*

#### **§21-119. Liability and Indemnification.**

1. A permit holder shall, at its sole cost and expense, indemnify and hold harmless the Township of Ross, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising out of the permit holder's use or occupancy of the rights-of-way. A permit holder shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the permit holder's use or occupancy of the rights-of-way. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification. A permit holder shall not be required to indemnify and hold the Township harmless for claims caused by the Township's negligence, gross negligence or willful misconduct.

2. A permit holder shall at all times during the life of a permit carry and require its subcontractors to carry liability, property damage, worker's disability, and vehicle insurance in such form and amount as shall be determined by the Township as set forth in the permit. A permit holder shall name the Township of Ross as an additional insured on its liability insurance policies. All required insurance coverage shall provide for 30 days notice to the Township in the event of material alteration or cancellation of such coverage prior to the effective date of such material alteration or cancellation.

*(Ord. 2045, 3/12/2001, §9)*

#### **§21-120. Reporting Requirements.**

1. A permit holder shall annually provide the Township of Ross, upon application for renewal of the permit, or upon request, the current maps of the horizontal and vertical locations of its existing installations and a summary of all additions and deletions of equipment in the rights-of-way, unless no changes have occurred in the previous year. If no changes have occurred in the previous year, permit holder shall so inform the Township of Ross.

2. A permit holder shall submit to the Township of Ross such reasonable information directly related to the permit holder's use and occupation of the rights-of-way as the Township of Ross may request. All information provided to the Township shall be maintained by the Township as proprietary and confidential if such information is designated in good faith as such prior to the time it is provided to the Township. (Ord. 2045, 3/12/2001, §10)

**§21-121. Sale or Transfer of Rights of Permit Holder.**

A right-of-way permit may be transferred or assigned, upon 30 days written notice to the Township of Ross, provided that the transferee/assignee agrees, in writing, to comply with all of the obligations and requirements contained in this Part.

(Ord. 2045, 3/12/2001, §11)

**§21-122. Performance Bond.**

A permit holder may be required, prior to construction, to obtain a performance bond in a reasonable amount set by the Township of Ross based upon the construction costs of the equipment to be installed in the rights-of-way and the extent of the disturbance of such rights-of-way. The performance bond shall ensure the permit holder's faithful performance of its construction obligations. The Township may reduce or cancel the bond requirement when construction is completed.

(Ord. 2045, 3/12/2001, §12)

**§21-123. Termination.**

1. In addition to all other rights and powers reserved by the Township of Ross, the Township reserves the right to terminate a permit and all rights and privileges of a permit holder for any of the following reasons:

A. A permit holder fails, after 30 days prior written notice, to comply with any of the material provisions of the permit or this Part.

B. A permit holder becomes insolvent, unable or unwilling to pay its debts, or is adjudged bankrupt.

C. All or part of a permit holder's facilities are sold under an instrument to secure a debt and are not redeemed by the permit holder within 90 days from such sale.

D. A permit holder attempts to or does practice any fraud or deceit in its conduct or relations with the Township under the permit.

E. The Township condemns all property of a permit holder within the Township by the lawful exercise of eminent domain.

F. The permit holder abandons the telecommunication system.

2. No termination shall be effective unless and until the Township of Ross shall have adopted a resolution setting forth the cause and reason for the termination and the effective date, which resolution setting forth the cause and reason for the termination and the effective date, which resolution shall not be adopted without 30 days prior notice to permit holder and an opportunity for the permit holder to be heard before the Township on the proposed resolution.

(*Ord. 2045, 3/12/2001, §13*)

**§21-124. Removal.**

1. Upon expiration or termination of the permit, if the permit is not renewed, the permit holder shall, upon 60 days prior written notice to the permit holder, remove its equipment from the rights-of-way and shall restore said area. If such removal is not completed within 6 months of such notice, the Township may deem any property not removed as abandoned and the Township may remove it at the former permit holder's expense. In the event that the permit holder installed and/or operated any underground conduit or pipe which is 6 inches or more in diameter. Permit holder shall fill said conduit pipe with material in a manner satisfactory to Ross Township.

2. During the term of the permit, if the permit holder decides to abandon or no longer use all or part of its telecommunications system, it shall provide the Township with written notice of its decision at least 30 days prior to such decision, which notice shall describe the equipment and its location. Ross Township shall have the right to require the permit holder to remove the equipment upon 60 days prior written notice to the permit holder. If such removal is not completed within 6 months of such notice, Ross Township may remove it at the permit holder's expenses.

(*Ord. 2045, 3/12/2001, §14*)

**§21-125. Penalty.**

If the Township of Ross has reason to believe that the permit holder violated any of the terms of this Part, it shall notify the permit holder in writing of the nature of the violation and the Section of this Part which it believes has been violated. The permit holder shall have 20 business days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time period, the Township may, in its reasonable judgment, extend the time period to cure. If the violation has not been cured within the time period allowed, it shall be subsequently punishable by a fine of up to \$100 per day until the violation is cured.

(*Ord. 2045, 3/12/2001, §15*)

**§21-126. Police Powers.**

The Township of Ross, by granting any permit under this Part, does not waive, lessen, impair or surrender the lawful police powers vested in the Township under applicable Federal, State and local laws pertaining to the regulation or use of the rights-of-way.

(*Ord. 2045, 3/12/2001, §16*)

**§21-127. Equal Application.**

The provisions of this Part shall be imposed upon and enforced against all persons requiring a permit from the Township of Ross.

(*Ord. 2045, 3/12/2001, §18*)

**C. Maintenance of Structures of Facilities****§21-131. General Regulations.**

As long as any person, corporation, partnership, authority, utility, public or private and/or any combination thereof, shall operate and leave in place structures or facilities in, upon or along the right of way of any Ross Township street the owner thereof shall maintain and keep said structure or facility in good order and repair.

(*Ord. 1771, 7/27/1992, §1101*)

**§21-132. Damaged Structure or Facility to Be Repaired.**

If a structure or facility becomes damaged the owner thereof shall promptly have it removed, repaired or otherwise made safe. The owner is responsible for repair or restoration of any portion of the highway damaged by a structure or facility. The owner's obligation to repair or restore the highway necessitated by a damaged structure or facility under this Section is absolute and the Township of Ross need not prove negligence on the part of the owner in order to impose the duty to repair contained in this Part.

(*Ord. 1771, 7/27/1992, §1102*)

**§21-133. Damage to Highway to Be Repaired to the Satisfaction of Ross Township and in Accordance with Township Requirements in Standard.**

All repairs shall be the responsibility of the owner who shall obtain a permit as set forth in *Ord. 2189, 6/26/2006* [Part 1A]. The owner shall comply with all provisions of this Chapter where applicable.

(*Ord. 1771, 7/27/1992, §1103; as amended by Ord. 2288, 4/12/2010*)



**D. Driveway Permit****§21-141. Driveway Permits.**

A permit shall be required for all alterations and new connections of any driveway with any Township street. The application for such permit shall be obtained from the Building Code Official and shall indicate the width of the opening, the grade of the driveway and any change in grading of the street right-of-way. The application shall also contain a notice that the applicant shall notify the Building Code Official at least 24 hours in advance of any grading in connection with the construction of the driveway for pre-inspection by the Building Code Official.

(*Ord. 1399*, 7/13/1981, §I; as amended by *Ord. 2288*, 4/12/2010)



**E. Trees and Other Vegetation in Right-of-Way****§21-151. Clearance above Street and Sidewalk.**

The owners of real estate situate within the Township of Ross shall keep trees that overhang onto the public right-of-way of streets and highways in the Township of Ross trimmed so that a minimum clearance of 15 feet be maintained over all the public streets and highways of said Township.

(*Ord. 758, 7/21/1958, §I*)

**§21-152. Removal and Trimming of Trees.**

1. The owners of real estate situate within the Township of Ross shall keep bushes and other vegetation trimmed so as not to hang over onto the public right-of-way of streets and highways in the Township of Ross.

2. The owner of real estate situate within the Township of Ross shall keep bushes and other vegetation within 15 feet of the intersections of streets and highways trimmed to a height of not more than 3 feet.

(*Ord. 758, 7/21/1958, §§II-III*)

**§21-153. Penalties.**

The Township of Ross shall give 10 days notice to the owners of real estate abutting upon public streets and highways to trim overhanging trees, bushes and other vegetation and upon the failure, neglect or refusal of such owners to perform the duties so required of him the Township Commissioners shall do whatever is necessary to remove or trim such obstruction, trees, bushes or other vegetation and the cost of the same, together with a penalty of 10 percent shall be paid by the delinquency property owner and may be collected by an action of assumpsit, or the Township Commissioners may file a municipal claim against the said property. The notice provided for in this Section may be served upon the property owner by leaving the same at his place of residence or if he has no residence in the Township, then by posting the same on the premises and mailing a copy therefor to the owner at his last known address.

(*Ord. 758, 7/21/1958, §IV*)



**F. Storm Drain Obstruction****§21-161. Unlawful Acts.**

The following acts are hereby declared to be unlawful and are prohibited; to, throw, drop or place or caused to be thrown, dropped or placed into any of the public surface water drains and gutters within the Township, debris, leaves, grass, ashes, wood, bricks, earth, stones, papers, cardboard or any other substances of any kind which tend to foul, contaminate and obstruct the free flow of the public surface water drains and gutters within the Township.

(*Ord. 442, 9/12/1949, §1*)

**§21-162. Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 442, 9/12/1949, §2; as amended by Ord. 1726, 10/14/1991, §21-702; and by Ord. 2288, 4/12/2010*)



---

**Part 2****Prohibiting the Operation of Bulldozers, Tractors or Trailers Constructed with Cleats****§21-201. Unlawful to Operate on Township Roads.**

It shall be unlawful for any person to operate or move, or for the owner to cause or knowingly permit to be moved on any Township street, lane, road or highway with an improved surface, any bulldozer, tractor or trailer constructed or equipped with any projection, block, stud, flange or any other protuberance of any material other than rubber which projects beyond the outside surface of periphery of the wheels of said bulldozer, tractor or trailer.

(*Ord. 495, 8/27/1951, §1*)

**§21-202. Prohibited Equipment.**

No bulldozer, tractor or trailer equipped with bolt heads, lugs, nuts, ice picks, or spuds, shall be operated and moved upon any Township road, street, lane or highway with an improved surface unless and until a permit so to do shall be obtained from the Supervisor of Roads of the Township of Ross and a cash or surety bond sufficient in amount and conditioned upon the repair of said road, street, lane and highway, shall be filed with the Board of Township Commissioners.

(*Ord. 495, 8/27/1951, §2*)

**§21-203. Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 495, 8/27/1951, §3; as amended by Ord. 1726, 10/14/1991, §21-603; and by Ord. 2288, 4/12/2010*)



**Part 3****Sidewalks****A. Construction****§21-301. Required Construction or Reconstruction of Sidewalk.**

Every owner of property abutting upon any street, including State highways and County roads, in the Township of Ross, shall, on 30 days notice from the Board of Commissioners of the Township of Ross, construct or reconstruct a sidewalk in front of or along side of such property, which construction or reconstruction shall conform to all applicable requirements of this Part.

*(Ord. 760, 7/21/1958, §I)*

**§21-302. Required Repairs to Sidewalk.**

Every owner of property abutting upon any street, including State highways and County roads, in the Township of Ross, shall, upon 30 days notice from the Board of Commissioners of the Township of Ross, repair the sidewalk in front of or along side of such property in the manner stipulated in such notice, which repair work shall conform to all applicable requirements of this Part.

*(Ord. 760, 7/21/1958, §II)*

**§21-303. Notice to Do Work.**

The notices provided for in §§21-301 and 21-302 of this Part shall be in writing and shall be served on the property owner by leaving the same at his place of residence, or if he has no residence in the Township, then by posting the same on the premises and mailing a copy thereof to the owner at his last known address.

*(Ord. 760, 7/21/1958, §III)*

**§21-304. Building Requirements.**

All sidewalks shall be constructed, reconstructed and repaired of concrete only, according to specifications determined from time to time by the Township Engineer. Provided, that a bituminous surface, meeting specifications determined by the Township Engineer, may be applied as a protective coating only, where an entire block of concrete does not have to be replaced; but where a block of concrete has to be replaced, such replacement shall be with concrete only; and, provided further, that where an existing sidewalk is of brick and at least two-thirds of such sidewalk is in good repair, such sidewalk may be repaired with brick.

*(Ord. 760, 7/21/1958, §IV)*

**§21-305. Requirements to Building Prior to Adoption of this Part.**

All sidewalks constructed subsequent to the adoption of this Part and pursuant to the provisions hereof shall be at least 42 inches in width and shall be constructed, reconstructed and repaired and the grading therefor done upon the line of grade

obtained by the owner from the Township Engineer and not otherwise.

(*Ord. 760, 7/21/1958, §V*)

**§21-306. Supports under Sidewalks and Curbs.**

In all cases where sidewalks are constructed reconstructed or repaired over coal cellars or other excavations under such sidewalks, such sidewalks shall be supported by iron or steel beams or girders, or stone or concrete arches. In no case shall any support of wood or other perishable material be used.

(*Ord. 760, 7/21/1958, §VI*)

**§21-307. Duties and Responsibilities of Township Engineer.**

It shall be the duty and responsibility of the Township Engineer to determine, in the case of any individual property owner, whether or not the sidewalk shall be reconstructed or repaired, and, if so, the specific part or parts thereof to be reconstructed or repaired. The Township Engineer may at any time during the course of work of constructing, reconstructing, or repairing any sidewalk, visit the site of such work to ascertain whether such work is being done according to requirements; and he or one of his assistants shall visit any such site for such purpose whenever requested by the property owner. Within 2 days after the completion of the work, construction, reconstruction or repair of any sidewalk, it shall be the duty of the owner of the property where such work was done to notify the Township Engineer of that fact, so that he may inspect such sidewalk to determine whether the grade thereof has been observed and followed.

(*Ord. 760, 7/21/1958, §VII*)

**§21-308. Construction and Repair Done on Owner's Initiative Without Notice.**

Any property owner, upon his own initiative, and without notice from any Township authority may construct, reconstruct, or repair a sidewalk in front or along his property, provided that such owner shall first make application to the Township Engineer and shall conform to the requirements of this Part as to line and grade and as to material used, and that he shall also notify the Township Engineer as required by §21-307 of this Part within 2 days after completion of the work.

(*Ord. 760, 7/21/1958, §VIII*)

**§21-309. Township May Do Work and Collect Costs.**

Whenever owners of property abutting upon any street in the Township of Ross shall fail to comply with the requirements of a notice to construct, reconstruct any such sidewalk on their said property, as herein above set forth, the Township shall have the power to cause the construction, reconstruction or repair of said sidewalk to be done by the said Township and the cost of the construction, grading, paving, reconstruction or repaving shall be levied and collected from the owners of such property abutting such sidewalk; and shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the Township Engineer and shall be filed with the Township Secretary. Any such lien may be collected by an action in assumpsit or by a lien filed in the manner provided by law for the filing and collection of municipal

claims.

*(Ord. 760, 7/21/1958, §IX)*

**§21-310. Penalty for Failure to Repair Sidewalk.**

Whenever owners of property abutting upon any street in the Township of Ross shall fail to comply with the requirements of a notice to repair any such sidewalk on their said properties, as herein above set forth, the Township may make the necessary repairs and the cost of the same together with a penalty of 10 percent shall be paid by the delinquent property owner, and may be collected by an action in assumpsit, or the Township Commissioners may file a municipal lien against the property.

*(Ord. 760, 7/21/1958, §X)*



**B. Snow and Ice Removal****§21-311. Responsibility for Removal of Snow and Ice from Sidewalks.**

1. The owners of all real property within the limits of the Township of Ross shall remove all snow, ice, mud and debris from the permanent sidewalks in front and along their respective properties within 24 hours after said snow shall have fallen or said ice shall have formed or mud or debris shall have washed thereon.

2. Said sidewalks shall be kept clear of snow, ice, mud and debris at all times for their entire width.

(*Ord. 77, 11/29/1926, §§1-2*)

**§21-312. Definitions.**

*Owner* - includes the record owners of property and such person or persons who may be in possession thereof.

*Sidewalk* - such portions of the public streets and alleys in the Township of Ross as are used exclusively for foot passage and which have been paved with brick, stone, cement, or other hard substance.

(*Ord. 77, 11/29/1926, §3*)

**§21-313. Penalty for Violation.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, 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 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 77, 11/29/1926, §4; as amended by Ord. 1726, 10/14/1991, §21-803; and by Ord. 2288, 4/12/2010*)



---

**Part 4****Acceptance of Streets and Roads****§21-401. Acceptance.**

Upon the application by any person or persons, firm or corporation, or other entity, to the Board of Commissioners of the Township of Ross to accept and adopt any street or road as a Township street or road, said application shall be referred to the Street Committee of the Board of Commissioners for investigation, and a determination of whether the subject street or road has been constructed in accordance with Township specifications. Such investigation may include, *inter alia*, the making of test borings in said street or road in such locations and numbers as shall be determined by the street committee, or the official responsible for such determination, as determined by the Street Committee, all at the sole cost and expense of the applicant. The purpose of said test borings shall be to aid in the determination of whether said street or road was installed in accordance with Township specifications, and the results of said test borings shall be made available by the applicant to the street committee.

(*Ord. 1349, 5/12/1980, §I*)



**Part 5****Unauthorized Roadside and Utility Pole Signs****§21-501. Intent.**

The Ross Township Board of Commissioners makes the following findings:

A. Unauthorized signs along Township roads and on utility poles are a danger because they are intended to distract motor vehicle operators and because they often obstruct views of other vehicles.

B. Unauthorized signs along Township roads spoil the natural beauty that is an invaluable asset treasured by residents, commuters and visitors.

C. Residents, commuters and visitors have frequently asked the Ross Township Board of Commissioners what could be done to eliminate roadside signs soliciting for a variety of business interests.

D. There are a number of alternatives available to advertisers that do not have the negative impacts that signs on roadsides and utility poles have.

(Ord. 2236, 5/29/2007, §1201)

**§21-502. Definition.**

For the purpose of this Part, the following definition shall apply unless the context clearly indicates or requires a different meaning.

*Sign* - any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure including billboard or poster panel designed to carry the above visual information.

(Ord. 2236, 5/29/2007, §1202)

**§21-503. Signs Prohibited.**

Unless a permit has been issued and is valid in accordance with the provisions elsewhere in this Code, all signs are prohibited from:

A. The area within the right-of-way lines of all public streets, sidewalks, boulevards, highways, avenues, alleys, roads, or other public ways (the area within the right-of-way lines includes unpaved areas).

B. Any utility poles or structures within the right-of-way lines.

(Ord. 2236, 5/29/2007, §1203)

**§21-504. Removal of Prohibited Signs.**

1. *Removal Procedure.* Any sign found to violate this Part may be removed forthwith by the Department of Public Works employees or by any other Township employee duly authorized by the Manager.

2. *Notice, Storage, Return.* Upon removal of any sign in violation of this Part, a designated employee of the Department of Public Works or Building Inspection Department shall keep a record of the location from which the sign was removed.

Further, a reasonable attempt shall be made to contact the owner by telephone. If such attempt is successful, the owner shall be notified of the removal and of the location where the sign may be retrieved. If telephone contact is not achieved, written notice of the violation and the retrieval location may, but is not required to be provided. In either case, the Department of Public Works shall store any removed sign for at least 10 days. After expiration of the 10-day period, the Township shall be permitted to destroy or discard any sign.

3. *Persons Deemed Responsible.* The person(s), organization(s), or business(es) named or promoted on the sign posted in violation of this Part shall be deemed the owner responsible for the violation, absent prior notification to the Director of the Department of Public Works of another responsible party. Nothing in this Part shall be interpreted to make any person, organization, or business liable for any signs posted by persons over whom he/she/it has no control.

(Ord. 2236, 5/29/2007, §1204)

#### **§21-505. Public Nuisance.**

Any sign posted in violation of this Part is hereby declared to be a nuisance. In addition to any other remedy provided by this Part, the Township may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation.

(Ord. 2236, 5/29/2007, §1205)

#### **§21-506. Notice.**

The Code Enforcement Officer or Building Code Official is authorized to send written notices to individuals or organizations they believe have violated this Part. The notice may include a copy of this Part and intentions of the Township to enforce it.

(Ord. 2236, 5/29/2007, §1206; as amended by Ord. 2288, 4/12/2010)

#### **§21-507. Penalty.**

A violation of this Part shall be a summary offense. Each sign in violation of this Part shall constitute a separate offense. The owner of the sign and/or any person who caused the violation of this Part shall be subject to prosecution and fine. The fine shall be no more than \$1,000 per sign and no less per sign than the total cost to the Township to remove the sign (including proportionate wages and benefits for employees while removing the sign, attempting to locate the offender and storing the sign; proportionate vehicle cost, maintenance and fuel for transportation of the sign; storage costs and disposition costs).

(Ord. 2236, 5/29/2007, §1207; as amended by Ord. 2288, 4/12/2010)