Chapter 21

Streets and Sidewalks

Part 1
Street Excavation

§21-101. General
§21-102. Permit Application
§21-103. Permit Fees
§21-104. Notification
§21-105. Inspection
§21-106. Fines
§21-107. Aggrieved Parties

Part 2
Snow and Ice Emergency

§21-201. Declaration of Snow and Ice Emergency
§21-202. Parking Prohibited, Driving Motor Vehicles Restricted on Snow Emergency Routes During Emergency
§21-203. Snow Emergency Routes Designated
§21-204. Towing
§21-205. Penalty for Violation

Part 1

Street Excavation

§21-101. General.

1. In accordance with the provisions of §2322 of Article XXIII of the Commonwealth of Pennsylvania Second Class Township Code, as amended, 53 P.S. §67322, that no railroad or street railway shall be constructed upon any Township road, nor shall any railroad or street railway crossings, driveway connections, gas pipe, water pipe, electric conduit or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles or any coal tipples or any other obstruction be erected upon or in, any portion of a Township road except under conditions, restrictions and regulations specified in permits granted by the Township for that purpose.

2. Nothing in this Part shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or the restoration or continuance of public utility service or other public service, but application for the permit and the fees shall be submitted within 5 working days of the completion of work, after which time the remaining provisions of this Part shall apply.

(*Ord. 02-103*, 3/26/2002, §1)

§21-102. Permit Application.

1. The application for a permit shall be on a form prescribed by the Township. Each application shall be submitted to the Township in duplicate.

2. The permit application shall include but not limited to the applicant's name and address, description and purpose of the work, sketch plan, schedule, breakdown on fees due at the time of the application, and an estimate of the fees for additional inspection fees, and signature of the applicant or authorized representative.

3. Upon completion of the permit application the Township will review permit, visit the site, and note any additional requirements to the permit application and within 5 working days issue or deny a road occupancy permit.

(*Ord. 02-103*, 3/26/2002, §2)

§21-103. Permit Fees.

1. The Township shall collect a fee at the time of the application for the issuance of the permit. Such fee will be determined by the latest edition of the Pennsylvania Department of Transportation Schedule of Fees for Highway Occupancy Permits.

2. The Township shall collect a fee at the time of the application for the general permit inspection fees. Such fee will be determined by the latest edition of the Pennsylvania Department of Transportation Schedule of Fees for Highway Occupancy Permits.

3. The Township shall collect a fee upon completion of the permitted work when additional inspection has been incurred by the Township. An estimate of this fee will be noted on the permit application and will be collected at the time of application. Such fee shall cover the Township costs for inspector's salary, overhead, and expenses

incurred by each assigned inspector of the Township.

4. The additional inspection fee will be initially set at two times the equivalent hourly wage of the Township employee. Modifications of this fee in the future will be set by resolution of the Township. Any additional inspection fees incurred beyond the fee provided at the time of the permit application will be paid by the applicant.

5. Any additional inspection fees collected at the time of the permit application that are in excess of the actual cost incurred by the Township will be reimbursed back to the applicant within 18 months of the completion of the work. During this 18-month period the Township may reinspect the work to note any defects in the work and apply such expense to the remaining balance.

(*Ord. 02-103*, 3/26/2002, §3)

§21-104. Notification.

1. Prior to the start of any work the applicant shall provide written notice within 48 hours to the Township.

2. Written request for an extension is needed prior to the completion date specified in the permit application if the work has not started or remains to be completed. If such request for extension is not received by the completion date then the permit will be canceled and the applicant would forfeit fees and be required to complete a new permit application.

3. If the applicant decides not to carry out the work as outlined in the permit application, then written notification shall be provided to the Township prior to the completion date specified in the permit to ensure a partial refund of fees and cancellation of the permit. All fees except 20% of the issuance fee will be returned.

4. If the duration of work is to last longer than 1 week then the applicant shall provide a written schedule by each Friday for the following week. If the work is stopped for a period of more than 1 week then the applicant shall provide written notice within 48 hours of re-starting the work.

5. Upon completion of the work the applicant shall provide written notice prior to the permit application completion date to request and schedule a final inspection.

(*Ord. 02-103*, 3/26/2002, §4)

§21-105. Inspection.

1. Upon completion of the permit application and the issuance of the Township road occupancy permit the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations specified by the Township.

2. Upon completion of the work the Township will conduct a "final inspection." At such time the Township will note any visible defects in the work contrary to the conditions, restrictions, and regulations of the Township and provide notification to the applicant of the noted items within 10 working days of the "final inspection."

3. If the applicant fails to rectify a defect which presents an immediate safety or health problem within 48 hours or any other defect within 60 days after written notice from the Township to correct, the Township may correct such defects or other work noted and impose upon the applicant the cost thereof, together with an additional 20%

of the cost (total of 120%).

4. Any additional costs incurred by the Township for the correction of the defects listed in subsection .3 above will be above and beyond costs collected under §21-103, "Permit Fees."

(*Ord. 02-103*, 3/26/2002, §5)

§21-106. Fines.

1. Any person, firm, corporation or utility which shall violate the provisions of this Part shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay the fine set by the Township plus all court costs, including reasonable attorney fees, incurred by the Township as outlined in §1601 of the Second Class Township Code, 53 P.S. §66601.

2. Violations of this Part shall be fined $500 for the initial penalty imposed, plus additional daily penalties of $100 per day for continuing violation, plus court costs and attorney fees incurred by the Township.

3. If the defendant neither pays nor timely appeals the judgement, the Township may enforce the judgement pursuant to the applicable rules of civil procedure.

(*Ord. 02-103*, 3/26/2002, §6)

§21-107. Aggrieved Parties.

Any person, firm, corporation, or utility aggrieved by the adoption of this Part may make complaint as to the legality of this Part to the Court of Common Pleas.

(*Ord. 02-103*, 3/26/2002, §7)

Part 2

Snow and Ice Emergency

§21-201. Declaration of Snow and Ice Emergency.

In order to facilitate the movement of traffic and to combat the hazards of snow and ice on the snow emergency routes named in §21-203 of this Part, the Chairman of the Board of Supervisors or his designee may declare a snow and ice emergency (designated in the Part as a "snow emergency"). Information on the existence of a snow emergency shall be given by the Township through radio, newspaper or other available media, and information on the termination of the emergency may be given by use of the same media.

(*Ord. 2/14/2006*)

§21-202. Parking Prohibited, Driving Motor Vehicles Restricted on Snow Emergency Routes During Emergency.

After any snow emergency is declared, it shall be unlawful, at any time during the continuance of the emergency, for any person:

A. To park a motor vehicle or to allow that vehicle to remain parked on any Township road or any Township right-of-way in such a manner as to impede or obstruct the snow and ice removal efforts of the Township of Cumberland or to create a hazardous condition.

B. To drive any motor vehicle on the snow emergency route as designated in §21-203 of the Part, unless the vehicle is equipped with snow tires or chains.

(*Ord. 2/14/2006*)

§21-203. Snow Emergency Routes Designated.

The following are designated as snow emergency routes:

All township roads are designated as snow emergency routes as they appear on the Township of Cumberland Official Street Map, as amended from time to time.

(*Ord. 2/14/2006*)

§21-204. Towing.

Any vehicle parked in violation of this Part shall be subject to towing at the owner's expense. The Chief of Police or those operating under his direction shall attempt to contact the owner of the vehicle to notify the owner of the impending towing. If within 1 hour of attempted notification the vehicle shall be deemed as a hazardous condition to the snow and ice removal efforts of the Township of Cumberland and be subject to towing.

(*Ord. 2/14/2006*)

§21-205. Penalty for Violation.

1. If, at any time during a period of snow emergency declared under §21-201 of this Part, a person shall park a motor vehicle or allow a motor vehicle to remain parked

anywhere on the roads or in the right-of-way in such a manner as to impede or obstruct the snow and ice removal operations of the Township of Cumberland or create a hazardous condition, that person shall be guilty of a violation of the Part, and upon conviction, shall be sentenced to pay a fine of $50 and costs.

2. If, any time during a period of snow emergency declared under §21-201 of this Part, a person shall drive a motor vehicle upon a snow emergency route without having that vehicle equipped with snow tires or chains that person shall be guilty of a violation of this Part, and, upon conviction, shall be sentenced to pay a fine of $50 and costs.

(*Ord. 2/14/2006*)