

TOWNSHIP OF OHIO
ORDINANCE NO. 294

AN ORDINANCE OF THE TOWNSHIP OF OHIO, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING CHAPTER 98 OF THE CODE OF THE TOWNSHIP OF OHIO.

NOW, THEREFORE, be it Ordained and Enacted by the Board of Supervisors of the Township of Ohio that Chapter 98 of the Code of the Township of Ohio is hereby amended as follows:

Section 98-1. Definitions.

PERSON - Any individual, firm, partnership, association, corporation, company, municipal entity, public utility, or other business entity.

EQUIPMENT/UNDERGROUND EQUIPMENT/EQUIPMENT - Any tangible property located or proposed to be located in a right-of-way, including but not limited to all wires, lines, cables, conduit, pipe, supporting structures, other facilities and/or other equipment, and all wires, lines, cables, conduit, pipe, supporting structures, other facilities and/or other equipment located wholly or partially underneath a right-of-way.

Section 98.2. Requirements for right-of-way permit.

- A. No person shall enter upon or occupy any right-of-way for the purpose of installing, constructing, maintaining, or operating underground equipment/equipment without first having obtained a right-of-way permit. Any person maintaining or operating underground equipment/equipment as of the effective date of this Chapter shall also obtain a right-of-way permit.

- D. If underground equipment/equipment becomes damaged, the person(s)/permittee shall promptly have it removed, repaired or otherwise made safe as outlined herein. Said person is responsible for repair or restoration of any portion of a highway, roadway, sidewalk, or property damaged by said underground equipment/equipment. A persons obligation to repair or restore said highway, sidewalk, and surrounding property necessitated by damaged underground equipment/equipment under this Section, includes the following:
 - I. There is a failure of the roadway, sidewalk, slope or appurtenances thereto, in the area of the permitted work within two years after the acknowledged completion of the permitted work, and there is no similar failure of the highway or roadway beyond the area of the permitted work, the person has an absolute responsibility to make temporary and permanent restoration of

the area unless the persons delivers clear and convincing evidence to the Township demonstrating that the highway or roadway failure was caused by another person.

2. In situations where the person has the responsibility to restore the highway or roadway, including slope or other appurtenances thereto, the person has the duty to restore the improved area in accordance with the directions of the Township. If the person fails to restore the improved area properly, the Township shall have the authority to do the work at the expense of said person. The person shall reimburse the Township for the cost within 30 days after receipt of the Township's invoice.

Section 98-3. Application for right-of-way permit.

- A(1)(a). A brief description of the underground equipment/equipment or services to be offered or provided in or through the Township of Ohio.

Section 98-7. Management of rights-of-way.

- B. The Township of Ohio shall have the right to monitor the underground equipment/equipment located within the rights-of-way in order to prevent interference between and among such equipment.
- C. A permit holder shall allow the Township of Ohio to make inspections of any part of the permit holder's underground equipment/equipment located in the rights-of-way at any time upon three days' notice or, in case of an emergency, upon demand.

Section 98-8. Construction Standards.

- C. The underground equipment/equipment shall not endanger or interfere with the safety of the persons or property within the Township of Ohio. 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 underground equipment/equipment so that the conditions that could develop into safety hazards shall be corrected before they become a hazard.

Section 98-13. Termination of permit.

- A(6). The permit holder abandons the underground equipment/equipment.

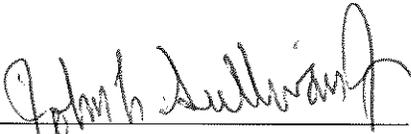
Section 98-14. Removal of equipment/underground equipment; restoration of right-of-way.

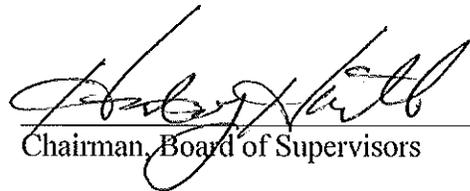
B. During the term of the permit, if the permit holder decides to abandon or no longer use all or part of its underground equipment/equipment, it shall provide the Township of Ohio with written notice of its decision at least 30 days prior to such decision, which notice shall describe the equipment and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

ORDAINED AND ENACTED this 5th day of April, 2010.

ATTEST:

TOWNSHIP OF OHIO


Secretary


Chairman, Board of Supervisors