

ORDINANCE NO. 186

AN ORDINANCE OF THE TOWNSHIP OF OHIO, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, AMENDING ORDINANCE NO. 92, WHICH WAS ENACTED JUNE 10, 1974, AND CODIFIED AS ARTICLE I OF CHAPTER 109, SECTIONS 109.1 THROUGH 109.6 OF THE CODIFIED ORDINANCES OF OHIO TOWNSHIP, BY SUBSTITUTING A NEW ARTICLE I, THIS ORDINANCE ELIMINATING THE AFOREMENTIONED ORDINANCE NO. 92 IN REFERENCE TO STREET OPENINGS AND EXCAVATIONS.

BE IT ORDAINED AND ENACTED BY the Board of Supervisors of the Township of Ohio, Allegheny County, Pennsylvania, and it is hereby ordained and enacted by and with the authority of the same:

SECTION I: That Article I, Chapter 109 of the Code of Ohio Township be and the same is hereby amended to read as follows:

ARTICLE I - STREET OPENINGS AND EXCAVATIONS

Section 1:

It is in the public interest to regulate the location and construction of utility facilities and other structures within Township street rights-of-way for the purpose of ensuring the structural integrity of such streets, economy of maintenance, preservation of proper drainage, and safe and convenient passage of traffic.

Therefore, no work shall be performed within the rights-of-way of a Township street involving the placement of utility facilities or other structures for opening of the surface of said street without first applying to the Township of Ohio for a street occupancy permit and obtaining from the Township of Ohio an appropriate permit for the same.

Section 2:

Permit applications to the Township of Ohio shall comply with the following:

1. Shall be submitted in person or by mail on a form approved by the Township of Ohio;
2. Shall be signed by the applicant;
3. Shall include two sets of plans detailing the location and pertinent dimensions of the opening, the proposed installation and related highway features;
4. Shall be accompanied by a check or money order payable to the Township of Ohio in the amount

of \$150.00 minimum, or in lieu of any utility which is regulated by the PUC may post a \$10,000.00 annual bond with the Township;

5. That such application shall be submitted to the Township at least thirty (30) days prior to the anticipated start of the work; PROVIDED, NEVERTHELESS, that in cases of emergency, such application shall be submitted as soon as shall be practicable, but in no event later than five (5) days from the occurrence of the emergency;
6. The Township shall require an applicant to submit a traffic control plan for Township approval in those circumstances which the Township determines will create significant interference to vehicular or pedestrian traffic or potential hazards which may result from the performance of the work; such traffic plan to comply in all respects with the applicable provisions of the appropriate regulations of the Pennsylvania Department of Transportation and/or the applicable and appropriate provisions of the regulations of the County of Allegheny as the case may be;
7. The appropriate Township official shall examine and determine the genuineness, regularity and legality of every application, and may reject any application if he or she is not satisfied as to its genuineness, regularity or legality, or the truth of any statement contained in the application. The Township may also make such investigations and require such additional information as it deems necessary.

Section 3:

Issuance fees in amounts necessary to defray the costs by the Township in reviewing and processing the applications and plans, including the preliminary review of the site location identified in the application, and issuing and processing the permit shall be: Two Dollars and Fifty Cents (\$2.50) per square foot of street opening, with a minimum of Twenty-five Dollars (\$25.00) and a maximum of Five Hundred Dollars (\$500.00), plus the actual costs sustained by the Township for professional advice in excess of such fees, said fee to be applicable only in those cases

involving the application to the Township of Ohio for a highway occupancy permit involving Township streets.

Section 4:

The applicant shall be required to execute and deliver unto the Township an agreement, or its bond with approved surety, or both, as a prerequisite to the issuance of any such permit, in an amount to be determined by the appropriate issuing Township official, the amount of which shall equal the estimated cost of the work, for the purposes of indemnifying the Township for any costs, damages or expenses incurred or estimated as the result of the restoration of said Township street and right-of-way, which is the subject of said application.

Section 5:

Any such applicant or permittee shall be required to restore a Township road to the same condition as it was prior to entry thereon by the permittee in accordance with regulations to be promulgated by the Township of Ohio. The estimate of said restoration shall be set forth in detail on the permit issued by the Township of Ohio, and it shall be in the Township's sole discretion as to the manner in which the street opening is to be conducted to minimize the damage to said Township road or street and to effect the appropriate restoration thereof.

Section 6:

That the permittee shall be required to repair one lane in width for a distance of ten feet beyond the respective extremities of the street opening in either direction, and the bond referred to herein shall include the cost of such restoration; PROVIDED, NEVERTHELESS, that the foregoing shall include restoration of Township maintained streets. All work shall be done at such time and in such manner as shall be consistent with the safety of the public, and shall conform to requirements and standards of the Township of Ohio. If, at any time, it shall be determined by the appropriate official of the Township that the work is not being done or has not been properly performed, the permittee, upon being notified in writing by said official, shall immediately take necessary steps, at his own expense, to replace the work and

condition to conform to such requirements or standards. In case any dispute arises between the permittee and the aforementioned appropriate Township official, the said Township official shall have the authority to suspend work until the question at issue is resolved.

Section 7:

That in order to obviate the situation where the Township constructs a street, or reconstructs an existing Township street, and soon thereafter, the public utility applies for a permit to open said newly constructed or reconstructed street for a routine or planned replacement, alteration or expansion of its facilities, or an owner of property abutting said designated street or streets applies to said utility for a line extension or service extensions, the Township shall and will be required, at least thirty (30) days prior to the start of construction of a Township street or the reconstruction of the same, to notify all the public utilities serving the area, and also to notify the owners of all property abutting upon said designated street or streets, of its intention to construct or reconstruct said street or streets, and it shall be the responsibility of said utilities and the said property owners to respond to said notice within ten (10) days after receipt of the same, advising the Township of their respective intentions, in the case of utilities, to replace, alter or expand such utilities in said street or streets within one (1) year from the date of said notice; and in the case of said property owners, to request line extensions or service extensions within one year from the date of said notice. Absent an emergency, as herein defined, any routine or planned replacement, alteration or expansion undertaken by any such utility, or line extensions or service extensions requested by property owners abutting upon said street or streets, contrary to advice submitted to the Township in response to the aforementioned notices within the said period of one (1) year shall result in the requirement that said utility or property owner, as the case may be, at their own respective cost and expense, restore the entire cartway of said Township street which was disturbed by said work, as it was constructed or reconstructed by the Township, to the next intersection in both directions.

For the purpose of this Ordinance, an emergency shall be any set of circumstances unforeseen or unanticipated by the utility, so as to require immediate remedial action; PROVIDED, NEVERTHELESS, that an emergency shall not include expansion of service so as to accommodate new customers or construction.

Section 8:

That any restoration required under the provisions of this Ordinance shall be begun within five (5) days of receipt of notice by the utility from the proper official of the Township, and shall be completed by said utility within fifteen (15) working days following the initiation of said work, as determined by the Ohio Township engineer, in consultation with the engineer for the utility involved; PROVIDED, NEVERTHELESS, that in case of disagreement or dispute as to the number of working days required to complete such restoration, the decision of the Ohio Township engineer shall be final.

Section 9:

That any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof before a district justice, shall be sentenced to pay a fine of Six Hundred Dollars (\$600.00) and/or imprisonment in the county jail for not more than thirty (30) days, plus the cost of prosecution.

In addition, the proper authorities of the Township of Ohio may institute any appropriate action or proceeding to prevent violations of the provisions of this Ordinance, or of any permit issued by the Township. Upon receipt of oral or written notice of any violations from the proper Township official, the permittee shall cease to perform any further work in the permitted area, except to restore the area to a safe condition. No further work shall commence in the permitted area until the violations have been remedied. Where the permittee has received oral notice of the violation, written notice shall be sent to the permittee within ten (10) days of the receipt of oral notice.

In addition, the proper official of the Township of Ohio may revoke the applicant's permit,

PROVIDED, NEVERTHELESS, that the applicant shall have the right to appeal such revocation within five (5) days of receipt of notice of such revocation to the Board of Township Supervisors.

Section 10:

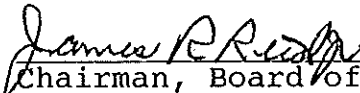
That any ordinance or part of ordinance conflicting with the provisions of this Ordinance be and the same is hereby repealed to the extent of such conflict, and specifically Ordinance No. 92, which was enacted June 10, 1974, be and the same are hereby specifically repealed.

ORDAINED AND ENACTED into law by the Board of Supervisors of the Township of Ohio, County of Allegheny, Commonwealth of Pennsylvania, at a regular meeting held on the 13th day of December, 1993.

ATTEST:

TOWNSHIP OF OHIO:


Secretary


Chairman, Board of Supervisors