

**Chapter 120**  
**STREETS AND SIDEWALKS**

ARTICLE I  
**Excavations and Maintenance  
of Public Streets**

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[HISTORY: Adopted by the Board of Supervisors of the Township of Scott: Art. I, at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Amendments noted where applicable.]

GENERAL REFERENCES

Sewers and sewage disposal — See Ch. 112.

Subdivision and land development — See Ch. 123.

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ARTICLE I  
**Excavations and Maintenance of Public Streets**  
[Adopted at time of adoption of Code<sup>1</sup>]

**§ 120-1. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

PERMIT AREA — The area within the right-of-way lines of any township highway and any highway constructed in accordance with plans and specifications approved by the

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<sup>1</sup> Editor's Note: See Ch. 1, General Provisions, Art. I.

township and also such portion of any state or county highway as may be located between the curbs or the edge of the paving and the right-of-way lines thereof.

PERSON — Any individual, firm, corporation, association or partnership.

#### **§ 120-2. Permit required.**

It shall be unlawful for any person or persons, firm, association or corporation to open or break the surface of the ground within the boundaries of any public highway, road, street, avenue, public lane, public alley, sidewalk or footpath for the purpose of installing pipes, sewers, drains or conduits of any description, for making connections therewith or repairs thereto or for the setting or planting of telephone, electric light or other poles or for repairs thereto or renewals thereof or to break the surface of any improved sidewalk or curb for the purpose of building any driveway apron across the same or for any other purpose without first obtaining from the township a permit therefor before such work is begun and complying with the other requirements herein specified. It shall also be unlawful for any person or persons, firm, association or corporation to install or reinstall curbing or excavate without first obtaining a permit from the township.

#### **§ 120-3. Permit application.**

Before such a permit is issued and said work begun, a written application on a blank form, to be furnished for that purpose by the Township Secretary, must be filed with the Township Secretary, setting forth the purpose for which said highway, road, street, avenue, public lane, public alley, sidewalk or footpath is to be opened, excavated or occupied and the location of said proposed work, and in such application the applicant shall agree to assume all liability for all or any damages to person or property accruing to the public or to said township which may or might result from the opening, excavating or occupying of said highway, road, street, avenue, public lands, public alley, sidewalk or footpath. In case of necessity for emergency opening, a permit must be obtained within seventy-two (72) hours after start of the work.

#### **§ 120-4. Bond and insurance requirements.**

Said application must be signed and filed, together with a bond payable to the township, in the amount required by the township, but not less than one thousand dollars (\$1,000.), with surety approved by the township, conditioned to save the township from loss or damage to its property and conditioned to indemnify the township against any and all claims, demands, suits or actions for damages sustained to persons or property by reason of anything done in pursuance of the permit. Where the applicant is an individual residential lot and homeowner and said home is used for his primary residence, the bond requirements may be waived where the reasonable cost of the work to be performed does not exceed five hundred dollars (\$500.). Furthermore, the applicant shall, if required, file with the township a certificate showing that the applicant has obtained from a reputable company a policy of insurance with limits of fifty thousand/one hundred thousand dollars (\$50,000./\$100,000.) for public liability and twenty-five thousand dollars (\$25,000.) for property damage against any claim, demand or action for damages either to person or to property and against any loss by reason of any suit, action, claim, payment or

demand made by anyone by reason of anything done by the applicant in pursuance of said permit. Public service corporations, municipal corporations, political subdivisions and other public entities may be exempted from filing said bond and producing evidence of liability insurance upon the filing of a sufficient agreement and covenant with the township, indemnifying it from all losses by reason of any suit, action, claim, payment or demand and specifically from losses for failure to make adequate repairs and replacements in accordance with standards and conditions set by the Township Engineer.

**§ 120-5. Inspection fees.**

At the time of the filing of the application, the applicant shall, in addition to the permit fee hereinafter required, pay fees for the following construction and inspection activities and other operations as set from time to time by resolution or ordinance of the Board of Supervisors.<sup>2</sup>

- A. Unimproved surface. For openings and excavations in an unimproved surface, there shall be an inspection fee for each one hundred (100) square feet or fraction thereof in excess of the first one hundred (100) square feet, for which no inspection fee will be charged.
- B. Improved surface. For each opening or excavation in an improved surface, there shall be a repaving and inspection fee for each square foot, or fraction thereof. There shall be a minimum charge for any opening or excavation in an improved surface.
- C. Poles. For the erection of poles in new locations, there shall be an inspection fee for each pole. No fee will be charged, however, where a pole is installed merely as a replacement of a pole previously erected.
- D. Curbs. A construction and inspection fee shall be charged equal to the actual cost of the work done by the township for resetting curbs, making cuts in curbs for roof drains and installing new curbs. Where curbs are set or reset by the permittee, there shall be an inspection fee as set by regulation and all work must conform to standards set by the Township Engineer.
- E. Closing road to traffic. For closing a road to traffic, there shall be an inspection fee for each hour for the first twenty-four (24) hours and for each day or fraction thereof subsequent to the first twenty-four (24) hours.
- F. Occupying permit area. For occupying the permit area with building or construction materials or carrying on other operations therein, there shall be a fee for the first twenty-four (24) hours and a fee for each day thereafter.
- G. Special inspections. For special inspections, there shall be a fee for each hour or fraction thereof of the time the Township Engineer is engaged in such work.
- H. Traffic handling. There shall be a service charge for each hour or fraction thereof of the time each police officer is engaged in traffic handling requiring services of township police.

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<sup>2</sup> Editor's Note: The current Fee Schedule is on file in the Administrative Offices of the township.

**§ 120-6. Issuance of permit; agreement by applicant to make changes; payment of annual fees.**

- A. Upon the filing of the application and the certificate of insurance where required and the payment of the fee or fees hereinabove required and, in addition, the payment of a permit fee, as set from time to time by resolution or ordinance of the Board of Supervisors,<sup>3</sup> the Township Secretary shall issue a permit, which, unless stated to be for a shorter period, shall be good for thirty (30) days and may be renewed for a like period upon payment of a renewal fee. The permit shall at all times be kept in the possession of a competent person actually engaged on the work and upon demand shall be exhibited to any police officer or duly authorized employee of the township, county or state.
- B. The filing of an application for the installation or repairing of pipes, sewers, drains, conduits, sidewalks, curbs, driveways and driveway aprons within the right-of-way area and similar structures or for erecting or replacing poles shall constitute an agreement that the applicant will, upon notice from and without expense to the township, make such changes in the location thereof as may be required by the Township Engineer.
- C. No permit fee paid under this Article shall be considered to be in lieu of any annual license fee required to be paid or which may at any time be required to be paid by ordinance of the Township of Scott.

**§ 120-7. Commencement of work; performance standards.**

All work performed hereunder shall be subject to the inspection and approval of the Township Engineer. Whenever the Township Engineer shall consider it necessary or advisable, he shall appoint a special township inspector to inspect the work as it progresses. All such work shall conform to the following requirements:

- A. Commencement of work. All work shall be undertaken within the time specified in the permit or within twenty-four (24) hours after receipt of the permit where no time for commencement is specified and shall be performed diligently and continuously until completed.
- B. Closing permit area to traffic. In no case shall a permit area or any part thereof be closed to traffic without the written consent of the Township Engineer.
- C. Tunneling under an improved surface. Whenever, in connection with any work covered by this Article, a tunnel is to be made under an improved surface, this fact shall be disclosed in the application. Before a tunnel is excavated, specific approval must be obtained from the township and endorsed upon the permit. The backfilling of the excavation shall not be done except in the presence of a special township inspector. It shall be made with a 2RC modified stone, thoroughly tamped in four-inch layers or according to a similar method approved by the Township Engineer.
- D. Backfilling excavations. All openings or excavations shall be backfilled promptly with 2RC modified stone (excavated materials shall not be used for backfill unless approved, in writing, by the Township Engineer); thoroughly compacted in layers, each of which shall

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<sup>3</sup> Editor's Note: The current Fee Schedule is on file in the Administrative Offices of the township.

not exceed four (4) inches in depth; and shall be tamped to within ten (10) inches of the surface or backfilled according to a similar method approved by the Township Engineer. Puddling or jetting shall not be used unless approved, in writing, by the Township Engineer.

- E. Sidewalks and gutters. Sidewalks, gutters, paving and other improvements shall be restored by the applicant to a condition equal to or better than that existing before the opening or excavation was made and in accordance with the township plans and specifications for these items.
- F. Temporary paving. A temporary paving of modified stone materials, thoroughly bound and compacted and covered with compacted asphaltic concrete (cold patch), shall be installed flush with the surface of the adjoining paving. The applicant shall keep and maintain such paving in proper condition until such time as the permanent paving is installed. If the applicant fails to install such temporary paving within a reasonable time after completion of the improvement or fails to properly maintain such paving, the township shall perform the work and charge the cost thereof to the applicant.
- G. Permanent paving. Permanent paving shall be installed within a reasonable period of time after installation of the temporary paving but not sooner than ninety (90) days after completion of the backfilling operation. If, within one (1) year after the installation of the permanent paving, defects appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the township for the cost of all necessary repairs to the permanent paving. (A one-year maintenance bond secured by sufficient surety to be used to make any necessary repairs to the area of newly installed permanent paving may be required at the determination of the Township Engineer.)
- H. The surface of an improved curb may be broken or cut down to within two (2) inches of the gutter, but no sidewalk shall be depressed or sloped at driveways for driveway purposes.

**§ 120-8. Lines and grades; curbs; driveways; drains and pipes.**

- A. Lines and grades. The Township Engineer shall furnish information as to lines and grades for the new construction of sidewalks, curbs, drains and driveway aprons within a permit area. Repair and replacement shall be in accordance with requirements of the township based on standards set by the Township Engineer. No work shall be performed therein which does not conform to such lines and grades.
- B. Curbs. The construction and resetting of concrete curbs and the making of cuts therein shall be performed in accordance with township standards and specifications.
- C. Driveways. Driveways shall be constructed across the permit area at the grade of the sidewalk and meet the grade of the curb. Curbs may be depressed no less than one (1) inch and no more than two (2) inches above the surface of the road. Sidewalks shall be continued across driveways. Driveway aprons shall meet sidewalks level as near as possible but shall not vary vertically by more than plus or minus one-fourth ( $\pm \frac{1}{4}$ ) inch.
- D. Drains. No storm, roof, swimming pool, sump, air-conditioning, driveway, parking lot, gasoline or service station, used car lot, car wash or other drain shall be constructed or

maintained which discharges water over or upon any sidewalk. Where required by the township in accordance with standards of the Township Engineer, such drains shall extend to a storm drainage facility. The township, at the direction of the Township Engineer, may require drainage facilities to be installed by the property owner to accommodate any of the above water sources which discharge over or upon the permit area. Such drains shall be constructed under the sidewalk. Where the outlet of a drain is adjacent to a storm sewer, connection shall be made thereto. Waste from sinks or cesspools and foul or offensive drainage shall not be discharged upon any highway or into storm drains.

- E. Pipes. Property owners shall keep free of obstructions all existing gutter pipes under driveways which receive or carry water within a permit area. No permits will be issued for replacement or new installations of gutter pipes under driveways.
- F. Specifications and regulations. All work performed within a permit area shall conform to the township specifications and regulations on file in the Administrative Offices of the township.

**§ 120-9. Measurements to be made by township.**

All measurements required to be made in applying the above fees shall be made by the township and shall include any enlargement of openings which may be required to be made as an incident of the repair of such paving.

**§ 120-10. Guarding excavations and obstructions.**

It shall be the duty of the applicant to furnish to the traveling public suitable protection surrounding the location of all openings, excavations, stored materials and buildings or other structures within the permit area by means of suitable flags and barricades, supplemented, where necessary, by yellow flashing lights, which shall be kept operative from sunset to sunrise or to provide such other means of protection, including one (1) or more flagmen to direct traffic, as may be required by the Township Engineer.

**§ 120-11. Agreement by public service corporation to change location of equipment.**

The filing of an application by a public service corporation and the issuance of a permit for installing water or gas pipe or conduit for electric wires or for the erection of an electric light, telephone or any other pole shall constitute an agreement on the part of the applicant that it will at any time thereafter, upon notice from the township, at its own expense, make such change in location or construction of such pipe, conduit or pole as may be required.

**§ 120-12. Identification and record of utility poles.**

All telephone, electric light and similar poles erected within the boundaries of any public highway, road, street, avenue, public lane or public alley in the Township of Scott shall be lettered or stenciled with the initials of the owners or with some other designation of

ownership, together with a number for the same. A complete record, showing the location and number of each pole in the Township of Scott, shall be filed with the Township Secretary.

**§ 120-13. Littering prohibited.**

No paper, trash, rubbish, ashes, junk, waste or discarded materials of any kind shall be thrown, deposited or dumped in any ditch or gutter or any public highway, road, street, avenue, lane, alley, sidewalk or footpath nor on any public place, in the Township of Scott.

**§ 120-14. Obstruction of public rights-of-way by construction materials prohibited.**

No building or construction materials or facilities for building construction shall be permitted to occupy any area within an improved road surface or obstruct any sidewalk so that free passage of not less than four (4) feet in width shall be maintained at all times nor shall such materials be permitted to be placed within twenty-five (25) feet of any fire hydrant or be mixed upon an improved surface or left within the permit area after the expiration of the permit.

**§ 120-15. Removal of obstructions from permit area.**

No gasoline pumps, oil tanks, walls, fences, posts, stones, planting, shrubbery or similar obstructions shall be placed within the permit area. Any such obstructions shall be removed promptly by the property owner whenever written notice to remove the same is give by the Township Engineer. If the owner fails to comply with such notice, the township shall remove the obstruction and charge the cost thereof to the owner.

**§ 120-16. Township Engineer to approve certain construction standards and specifications.**

The standards and specifications for constructing sidewalk, curb and gutter paving; penetration macadam, bituminous concrete and cement concrete street paving; sanitary sewers and storm water sewers in the Township of Scott shall be those approved by the Township Engineer.

**§ 120-17. Violations and penalties.**

Any person who shall violate any provision of this Article shall, upon conviction thereof, be subject to a fine not to exceed one thousand dollars (\$1,000.), plus costs of prosecution, and, in default thereof, shall be imprisoned for a term not to exceed thirty (30) days.