

ORDINANCE NO. 23-02

AN ORDINANCE OF SUSQUEHANNA TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA AMENDING AND RENUMBERING CHAPTER 21, STREETS AND SIDEWALKS, PART I, SIDEWALK MAINTENANCE BY AMENDING THE TITLE OF THE PART; AMENDING §21-102, DEFINITIONS BY ADDING A DEFINITION OF "CURB"; AMENDING §21-103, RESPONSIBILITY FOR SIDEWALK [AND CURB] MAINTENANCE; AMENDING §21-104, CLEARING OF OBSTRUCTION; TIME LIMIT; AMENDING §21-105, PROCEDURE FOR SNOW AND ICE REMOVAL; ADDING A NEW §21-106 ESTABLISHING GUIDELINES FOR MAINTENANCE AND REPAIR OF SIDEWALKS AND CURBS; ADDING §21-107, OBSTRUCTIONS WITHIN BOUNDARIES; ADDING §21-108, DISCHARGE PROHIBITED, REGULATING THE DEPOSIT OF ANY WASTEWATER OR DRAINAGE ONTO PUBLIC STREETS; ADDING §21-109, SPECIFICATIONS FOR CURBING; ADDING §21-110, SPECIFICATIONS FOR CEMENT CONCRETE SIDEWALKS; RENUMBERING §21-106, PENALTY FOR VIOLATION; AMENDING §21-107, AUTHORITY FOR TOWNSHIP TO DO WORK WHEN OWNER DEFAULTS; AMENDING AND RENUMBERING CHAPTER 21, STREETS AND SIDEWALKS, PART II, STREETS AND SIDEWALK CONSTRUCTION BY AMENDING §21-201, PERMIT REQUIRED FOR OPENING OR EXCAVATING; REPEALING AND REPLACING §21-202, APPLICATION FOR PERMIT; FEE; EMERGENCY WORK; AMENDING §21-205, MANNER OF DOING WORK; RESTORATION AND RESURFACING BY ADDING SUBSECTION 2, RESURFACING REQUIREMENTS, SUBSECTION 7, REPAVING AND RECONSTRUCTION, SUBSECTION 8, PREPARATION OF STREETS FOR PAVING, REPAIR, OR CONSTRUCTION, SUBSECTION 9, DETERMINATION OF LINES AND GRADES BY THE ENGINEER, SUBSECTION 10, UTILITY CORRIDOR, SUBSECTION 11, HORIZONTAL AND AERIAL UTILITY CORRIDORS, SUBSECTION 12, DETERMINATION OF REIMBURSEMENT, SUBSECTION 12, AND COMMENCEMENT OF UTILITY RELOCATION ACTIVITIES; ADDING §21-207, INSPECTIONS, ESTABLISHING STANDARDS FOR INSPECTING RESTORATION OF CURB AND STREET CUTS PRIOR TO RELEASING FINANCIAL SECURITY; ADDING §21-208, NOTIFICATION, ESTABLISHING NOTICE REQUIREMENTS TO THE TOWNSHIP FOR WORK IN THE PUBLIC RIGHT-OF-WAY; ADDING §21-209, ROAD CLOSINGS AND TRAFFIC MANAGEMENT; RENUMBERING §21-207, DEFECTIVE WORK; RECTIFICATION; RENUMBERING §21-208, CURB AND SIDEWALK CUTS; ADDING §21-212, RESTRICTIONS REGARDING TREES AND SHRUBBERY; ADDING §21-213, PROTECTION OF ADJOINING PROPERTY OWNERS; RENUMBERING §21-209, PENALTY AND AMENDING BY ESTABLISHING ADDITIONAL PENALTIES; ADDING §21-215, ENFORCEMENT; AND AMENDING AND RENUMBERING CHAPTER 21, STREETS AND SIDEWALKS, PART III, DEDICATION OF STREETS BY AMENDING §21-307, CRITERIA FOR STREETS DEDICATED TO THE PUBLIC BY REVISING STANDARDS FOR STREET DEDICATION AND ADDING A NEW SUBSECTION C, ACCEPTANCE OF STREETS NOT GUARANTEED.



**WHEREAS**, The Board of Commissioners of Susquehanna Township, wish to provide enhanced regulations to protect curbing, sidewalks and publicly owned right-of-way, as they believe it will enhance the health, safety and welfare of the Township.

**NOW, THEREFORE**, be it enacted and ordained by the Board of Commissioners of Susquehanna Township, Dauphin County, Pennsylvania and it is hereby enacted and ordained by authority of the same as follows:

Chapter 21 of the Susquehanna Township Municipal Code is hereby amended as follows:

Section 1: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance) of the Code of Ordinances of Susquehanna Township, is hereby amended as follows:

- A. To delete the part title of "Sidewalks and Curb Maintenance"
- B. To add a new title of "Sidewalks and Curbs"

Section 2: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance), section §21-101 (Short Title) is hereby amended as follows:

- A. To delete the words "Repair", "Clearance", "Ordinance", "of" and "1967".
- B. To add the words "Curb" and "Ordinance" after the word "Sidewalks" and to have such subsection read as follows:

This Part shall be known and may be cited as the "Susquehanna Township Sidewalks and Curbs Ordinance.

Section 3: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance), section §21-102 (Definitions) is hereby amended as follows:

- A. To add a new definition alphabetically of "CURB" to read as follows:

CURB - The raised structural element which may be installed at the outside edge of a street or parking area, primarily for a gutter.

Section 4: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance), section §21-103 (Responsibility for Sidewalk and Curb Maintenance) is hereby amended as follows:

- A. To change the title of the subsection from "Responsibility for Sidewalk Maintenance" to "Responsibility for Sidewalk and Curb Maintenance".
- B. To add the following wording prior to the §21-103.1, prior to the word "Following".

The owner of land abutting any street in the Township shall be responsible for constructing, reconstructing, maintaining, and repairing the sidewalks and curbs, now existing or hereafter constructed, as may be required by the Township, on and abutting said property, in a manner satisfactory to the Township and in conformance with the requirements of

Chapter 22 of the Township Subdivision and Land Development Ordinance and the owner shall pay the costs and expenses thereof.

- C. To add the words “and” and “curb” in front of the word “in”, delete the word “his” and add the word “their” in front of the word property in subsection §21-103.1, to read as follows:

To fail to keep the sidewalk and curb in front of their property in good order and repair.

Section 5: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance), section §21-104 (Clearing of Obstruction; Time Limit) is hereby amended to add §21-104.2, which reads as follows:

All sidewalks and curbs shall be kept free from all obstructions or hazards, whether temporary or permanent, including, but not limited to, bushes, shrubs, foliage, weeds, basketball hoops or other structures extending out over the sidewalk, or which interfere with unimpeded travel on the sidewalks.

Section 6: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance), section §21-105 (Procedure for Snow and Ice Removal) is hereby amended as follows:

- A. To delete “shall not be covered”, to be replaced with “must be free and clear of snow (3) foot radius” in §21-201.4.
- B. To add §21-105.5, which reads as follows:

Snow or ice removed from the sidewalk or sidewalk area shall be prohibited from being deposited into the streets or roadways of the Township.

Section 7: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance), section §21-106 (Procedure for Snow and Ice Removal) is hereby amended in its as follows:

**§21-106. Maintenance and Repair of Sidewalks and curbs.**

1. For the purposes of this Part, so that the sidewalks and curbs remain in a condition that is not dangerous to property or persons reasonably using the sidewalks and curbs, and so that the sidewalks and curbs will be in a condition that will not interfere with the public convenience in their use, the term "maintenance and repair of the sidewalks and curbs," in any variation it may appear within this Part, shall include, but not be limited to:
  - A. Maintenance and repair of surfaces, including grinding, removal, and replacement of sidewalks and curbs, repairs and maintenance of sidewalks and curbs, removal of weeds and or debris, supervision and maintenance of signs, tree root pruning installation of root barriers, trimming of shrubs and/or ground cover and trimmed shrubs within the area between the property line of the adjacent property and the street paving line.
2. Liability for injuries to public.

Any person required by §21-103 to maintain and repair sidewalks and curbs shall owe a duty



to members of the public to keep and maintain the sidewalks and curbs in a safe and non-dangerous condition. If, as a result of the failure of any person to maintain and repair the sidewalks and curbs, any person suffers injury or damages to the person or property, the owner shall be liable to such person for the resulting damages or injury. Property owners shall be liable to the Township for any amounts paid or incurred by the Township consequent from claims, judgments, or settlements and for all reasonable investigation costs and attorney's fees resulting from the responsible property owner's failure to maintain and repair the sidewalks and curbs.

3. Duty of property owners; notice and order for paving and curbing.

As and when the Commissioners, or their designee, shall deem it necessary for the safety and convenience of the public or the protection of streets and property that a sidewalk or curb be constructed, reconstructed, or repaired, a notice and order to construct, reconstruct, or repair a sidewalk or curb shall be provided in writing to the owner of the land abutting the relevant street in the Township. Such owner shall have 90 days in which to construct, reconstruct, or repair the sidewalk or curb, except that when, in the opinion of the Township Manager, the required construction, reconstruction, or repair presents an emergency, including, but not limited to, whenever a public nuisance results from the condition of a sidewalk or curb and the safety of pedestrians is imminently jeopardized, the owner shall have 48 hours in which to construct, reconstruct, or repair the sidewalk.

4. Permit required for sidewalk or curb work.

No party or person whatsoever shall lay any sidewalk or install any curbing, nor make any repairs thereto, or remove, destroy, change the grade or location of any such sidewalk or curb, or any part thereof, until he or she has procured a permit therefor from the Township for which he or she shall pay a sum, in an amount as established from time to time by resolution, which shall be paid into the Township Treasury.

Section 8: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance), is hereby amended to add §21-107 (Obstructions within Boundaries), as follows:

**§21-107. Obstructions within Boundaries**

It shall be unlawful and is hereby declared to be a nuisance for any person or persons to erect, set up, place, or maintain any obstruction within the boundaries of any public street, or to plant any trees or shrubbery within the boundaries of any public street, or to maintain or allow any branches of any tree or shrub to overhang or protrude into the area of any public street so as to obstruct the safe and convenient passage of vehicles and persons along such public street. "Public street," as used herein, shall be deemed to mean the legal right-of-way established for any street or highway, including both the cartway and the area of sidewalks, if any, and the right-of-way of any street, road, avenue or lane open to the public and used by the public as a public street or right-of-way.

Section 8: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance), is hereby amended to add §21-108 (Discharge Prohibited) as follows:

**§21-108. Discharge Prohibited.**



It shall be unlawful for any person owning or occupying property along any public highway, road, street, avenue, public land or public alley in the Township to drain, to allow to drain, or to allow the percolation, flow or discharge of any wastewater or drainage from sinks, bathtubs, lavatories, water closets, privies, cesspools or any other foul, polluted or offensive water or drainage of any kind into or upon any public highway, road, street, avenue, public lane or public alley by any means whatsoever.

Section 9: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance), is hereby amended to add §21-109 (Specifications for Curbing) as follows:

**§21-109. Specifications for Curbing.**

1. Specifications for curbing shall include, among other things, that they shall:
  - A. Be 18 inches high, with 10 Inches below street grade.
  - B. Be eight inches thick at the bottom and seven inches thick at the top. Curb to be constructed with one-inch bevel from street grade to top of curb and three-fourths- inch radius on the front side and one-fourth-inch radius on the back side as per the Pennsylvania Department of Transportation Standard Detail.
  - C. Be constructed of cement concrete with a compressive strength of 3,300 pounds per square inch and meet the Pennsylvania Department of Transportation requirements for Class A cement concrete.
  - D. Contain contraction joints spaced in uniform lengths or sections of 15 1/2 feet maximum, except where shorter sections are necessary for closures or curves, but no section shall be less than four feet. Contraction joints may be either hand-formed or sawed joints. They shall be: Y16 of an inch wide and two inches deep. Construction joints shall have tooled edges. Pre-molded expansion joint material: Y4 of an inch thick shall be cut to conform to the cross-sectional area and be placed at structures and at the end of a day's work.
  - E. Be constructed using rigid metal forms, except wood forms may be used on sharp curves and short tangent sections when approved by the Township Engineer.
2. All work and materials shall be in accordance with Pennsylvania Department of Transportation Form 408 and/or be approved by the Township Engineer.
3. Concrete curbs (straight) shall be in accordance with standards and specifications established by the Township.

§ 21-108. Specifications for cement concrete sidewalks.

1. General. All work and materials shall follow Pennsylvania Department of Transportation Form 408, except as provided or approved by the Township Engineer.
2. Size.
  - A. Cement concrete sidewalks shall be five feet wide by four inches thick, except at



driveways where the sidewalk shall be reinforced, be a minimum of six inches thick, and be constructed in accordance with Chapter 22 of the Township Subdivision and Land Development Ordinance. The sidewalk shall be separated from the curb by a one-half-inch expansion joint for the entire thickness of the sidewalk.

B. Replacement cement concrete sidewalks shall be constructed to the size of the adjoining sidewalk, as directed by the Township.

3. Concrete. Concrete shall conform to Class A concrete for cement concrete sidewalks. Class A concrete shall have a minimum compressive strength of 3,300 pounds per square inch (psi) after 28 days.

4. ADA ramps. ADA ramps shall be installed at locations as directed by the Township.

Section 10: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance), is hereby amended to add §21-110 (Specifications for Cement Concrete Sidewalks) as follows:

**§ 21-110. Specifications for Cement Concrete Sidewalks.**

1. General. All work and materials shall follow Pennsylvania Department of Transportation Form 408, except as provided or approved by the Township Engineer.

2. Size.

A. Cement concrete sidewalks shall be five feet wide by four inches thick, except at driveways where the sidewalk shall be reinforced, be a minimum of six inches thick, and be constructed in accordance with Chapter 22 of the Township Subdivision and Land Development Ordinance. The sidewalk shall be separated from the curb by a one-half-inch expansion joint for the entire thickness of the sidewalk.

B. Replacement cement concrete sidewalks shall be constructed to the size of the adjoining sidewalk, as directed by the Township.

3. Concrete. Concrete shall conform to Class A concrete for cement concrete sidewalks. Class A concrete shall have a minimum compressive strength of 3,300 pounds per square inch (psi) after 28 days.

4. ADA ramps. ADA ramps shall be installed at locations as directed by the Township.

Section 10: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance), subsection 6 (§21-106, Penalty for Violation) is hereby renumbered to §21-111 and amended as follows:

**§ 21-111 Penalty for Violation.**

1. Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 1,000 and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30



days. Every day that a violation of this Part continues shall constitute a separate offense.

2. Rights and remedies cumulative. The rights and remedies of the Township as prescribed by the article or otherwise by law with respect to sidewalks and curbs, and the criminal sanctions herein provided, shall be cumulative, and the pursuit of one shall in no way preclude simultaneous or subsequent pursuit of another.

Section 11: Chapter 21 (Streets and Sidewalks), Part 1 (Sidewalks and Curb Maintenance), subsection 6 (§21-107, Authority for Township to Do Work When Owner Defaults) is hereby renumbered to §21-112 and amended as follows:

**§ 21-112 Authority for Township to Do Work When Owner Defaults.**

Upon the failure of the owner of the property to comply with a notice and order issued pursuant to § 21-106.3., Duty of property owners; notice and order for paving and curbing, and to do the work ordered therein, the Township is hereby authorized and required to satisfy the notice and order, as soon as practicable, and the owner of the property shall be responsible for the cost to the Township to satisfy the notice and order, together with an additional ten-percent penalty. Upon completion of the work, the Township shall ascertain the exact cost of the construction, reconstruction, or maintenance and repair and compute the amount for which the owner is liable and shall certify the same to the Township, and the Township shall immediately there serve written notice upon the owner setting forth the exact sum for which the owner is liable, and that the same shall be payable to the Township within 30 days from the date of the notice. In the event that that owner cannot be located, then notice shall be fixed in a conspicuous place upon the property, and the exact sum for which the owner is liable shall be payable to the Township Secretary within 30 days from the date of the posted notice. After the expiration of the 30 days, it is hereby authorized that the amount may be levied, and it shall be levied, upon the owner, and the Township shall place the sum unpaid in the hands of the Township Solicitor for collection according to law, who shall collect the same as provided by law either by a municipal lien filed therefor or by action in assumpsit.

Section 11: Chapter 21 (Streets and Sidewalks), Part 2 (Streets and Sidewalk Construction), subsection 1 (§21-201, Permit Required for Opening or Excavating) is hereby amended as follows:

- A. Delete the word “or” in front of the word “way.”
- B. Add “right-of-” in front of the word “way”.
- C. Add a comma behind the word “Officer” and in front of the word “or”.

“It shall be unlawful for any person, firm, partnership, corporation, authority, or other entity to make any opening or cut in any public street right-of-way or excavation in, for, or under any street, alley or thoroughfare or to develop, construct or install any utility, sewer, water or gas lines in the streets of or within the limits of said Township of Susquehanna unless and until a permit therefor be secured from the Township Secretary for each separate undertaking. Such permit and the application therefor shall be in the form prescribed by said Secretary and for the purpose enumerated therein and shall contain the further statement that the applicant agrees to the terms of this Part and that the same be accompanied by a bond or security in a form acceptable to the Township Secretary and



payable to the Township of Susquehanna as set forth hereinafter. Permits herein required include a permit to open sanitary sewers or to make an excavation in connection therewith or for any cut or opening in any public street or way. The police officers, Code Enforcement Officer, or Secretary of the Township shall promptly prohibit any work being done without proper permit or contrary to the terms hereof.

Section 12: Chapter 21 (Streets and Sidewalks), Part 2 (Streets and Sidewalk Construction), subsection 1 (§21-202, Application for Permit; Fee; Emergency Work.) is hereby amended as follows:

**§ 21-202 Application for Permit; Fee; Emergency Work.**

1. The application for the permit shall specify the location of the opening or excavation, anticipated date and time frame of work, together with the exact length, width and depth thereof. A plot plan or diagram showing the specifics of the project shall accompany every application, along with any additional information that might be requested by the Township. Permit fees shall be established by resolution by the Board of Commissioners. Proof of liability insurance shall be submitted with the permit application. Fees shall be paid in accordance with the current Township Fee Schedule.
2. Emergency repairs involving the placing of facilities or the opening up of the surface within the right-of-way may be performed prior to obtaining a permit providing the following procedures are adhered to:
  - A. An authorized representative shall promptly notify the Township office via written notice when the necessity of an emergency repair occurs during the hours from 8:30a.m. through 5:00 p.m., Monday through Friday. Emergency work occurring at other times should be reported to the Township within twenty-four (24) hours.
  - B. Prior to opening the surface of the roadway, or working within the right-of-way, an authorized representative shall provide the following information in written notice sent to the Township:
    - (1) Date emergency work is started;
    - (2) Time the emergency work is started;
    - (3) Location of the emergency work site; and
    - (4) Description of emergency work.
  - C. The permit required under Sec. 21-201 shall be applied for within 5 days to confirm and set forth and detail any emergency work performed.

Section 13: Chapter 21 (Streets and Sidewalks), Part 2 (Streets and Sidewalk Construction), subsection 1 (§21-202, Manner of Doing Work, Restoration and Resurfacing ) is hereby amended as follows:



A. To amend §21-205.2, Resurfacing Requirements as follows:

1. The following standards shall apply to the resurfacing of all streets, following any excavation or cut: In the event that more than 25% of the public street or way from curb to curb is cut or disturbed, the Township Secretary shall require that the entire street or way be resurfaced from side to side for a length or distance of up to the next manhole in each direction or up to a maximum of 400 feet of street or way beyond the disturbance or cut.
  - A. In the event that more than 25% of the public street or way from curb to curb is cut or disturbed, the Public Works Director shall require that the entire street or way be resurfaced from side to side for a length or distance of up to the next manhole in each direction or up to a maximum of 400 feet of street or way beyond the disturbance or cut.
  - B.
  - C. When a longitudinal opening longer than 100 linear feet has been made in the pavement, the permittee shall mill and overlay the lane in which the opening was made for the entire length of roadway that was opened, in a manner authorized by the Public Works Director.
  - D. When two or more transverse openings have been made in the roadway within 100 linear feet of each other, the permittee shall mill and overlay lanes in which the openings were made for the entire length of roadway between the openings, in a manner authorized by the Public Works Director.
  - E. When two or more emergency openings have been made by the same permittee within 50 linear feet of roadway, the permittee shall mill and overlay lanes in which the openings were made for the entire length of roadway between the openings, in a manner authorized by the Public Works Director.
  - F. If more than 50 linear feet of longitudinal or transverse openings, or both, are made in the roadway, the Public Works Director may require the permittee to mill and overlay lanes in which the openings were made for the entire length of roadway that was opened, if the Township determines that the rideability or structural integrity of the roadway has been impaired by the openings.
  - G. If four or more openings are made by the same permittee within 100 linear feet of roadway, the Public Works Director may require the permittee to restore the entire disturbed roadway between the openings by milling, planing or other authorized method and overlaying the entire disturbed roadway.

B. To add §21-205.7, Repaving and Reconstruction as follows:

Upon notification from the Director of Public Works of a planned street resurfacing or reconstruction, all utilities will be required to test their lines and services and to schedule necessary capital improvements and service connections prior to resurfacing or reconstruction. Thereafter, cuts will be permitted in the new pavement only in an emergency. Pave cuts made in new pavement shall be subject to a penalty. Open cutting of all pavements on streets is prohibited unless a utility is connecting to a line that is under the pavement or unless subsurface conditions prevent boring with casing. Essential services



for new building construction shall be permitted. Essential services should not include the additional of an alternate or secondary source of fuel, water, heat or other service. Pavement shall be considered new for a period of two (2) years from the date of placement.

C. To add §21-205.8, Preparation of Streets for Paving, Repair or Construction as follows:

This Part provides for the laying, renewing, and repairing of all electrical, gas, water, sewer, steam, telephone, cable television, or other pipes or conduits, in any street, before the paving or repaving of the same, and for making the necessary house connections with said pipes, and also for the necessary house connections and branches with and leading into main or lateral sewers; providing, that in no case, except as a sanitary measure for which the Board of Commissioners shall be the judge, shall the Commissioners require such house connections to be extended further from such sewers, gas, water or other pipes or conduits, than the inner line of the curbstone of such street. The Board of Commissioners may, after notice to all companies, corporations, persons, and owners affected, and in default of compliance therewith, cause said pipes to be laid, renewed, or repaired and said connections made, and collect the cost of paving and repairing all pipes and pipe connections, from the companies, corporations, or persons owning or operating the said gas, water, and other pipes or conduits, with interest; and the cost of the sewer connections shall be a lien against the land for whose benefit such connections are made. A separate lien may be filed therefor, or such sewer connection cost may be included in any lien filed for the cost of such street improvement, and the lien and the proceedings thereon shall be as in the case of other municipal liens.

D. To add §21-205.9, Determination of Lines and Grades by the Engineer as follows:

The Township Engineer shall have the final decision for the determination of lines and grades for street construction. This decision shall be based on good engineering practice and municipal standards.

E. To add §21-205.10, Utility Corridor; Vertical Assignments for New Street Construction as follows:

1. The following for pipes and conduits are assigned to the utilities operating under this Ordinance:

- A. Gas lines shall be a minimum of 30 inches below subgrade.
- B. Water and sewer lines shall be a minimum of 48 inches below subgrade.
- C. Electric lines and conduits shall be a minimum of 36 inches below subgrade.
- D. Telecommunication lines and cable television lines and conduits shall be a minimum of 24 inches below subgrade, for main lines and a minimum of four inches for service lines.

F. To add §21-205.11, Horizontal and Aerial Utility Corridors as follows:

Aerial installations of electric power transmissions, telecommunications, and cable television lines suspended from supporting poles having their base and/or support wires



within the public right of way and interfering with a roadway construction, reconstruction, or repair project shall be relocated upon written order from the Director of Public Works to a point specified therein. The Township may require the utility to place its aerial facilities underground where it is deemed necessary or desirable. Hereafter, aerial installations shall be placed subject to approval by the Township. The Township shall assign horizontal corridors on a case-by-case basis for all new construction. All gate boxes, shut-off valves, and other regulating devices underground for individual customers for gas, water, sewer, steam, electric and telecommunications and cable television lines shall be located outside the right of way.

G. To add §21-205.12, Determination of Reimbursement as follows:

The Township may participate in the actual costs less betterments of utility relocation when the utility owns an existing utility right of way and interferes with a municipal construction project.

H. To add §21-205.13, Commencement of Utility Relocation Activities as follows:

Upon receipt of a letter from the Township authorizing the start of physical work, the utility shall commence work within 30 days unless otherwise stated by the Township with reasonable cause shown in order to clear the construction area. The utility shall perform the relocation work in accordance with the construction plan approved by the Township. The utility shall accomplish utility relocation to ensure its completion prior to the commencement of roadway construction. Areas of utility relocation of work that cannot be accomplished prior to the start of construction but can be accomplished simultaneously without restricting the roadway project contractor may be done concurrently with the contractor's operations when approved by the Township. It is acknowledged that field conditions occasionally necessitate revision of the utility relocation plan. It shall be the responsibility of the utility to report and justify such revisions to correct any data on file with the Township. Minor modifications of the relocation plan may be brought to the attention of the project engineer and shall be noted in the daily inspection report.

Section 14: Chapter 21 (Streets and Sidewalks), Part 2 (Streets and Sidewalk Construction), is hereby amended to add §21-107 (Inspections) as follows:

**§ 21-207 Inspections.**

1. The Director of Public Works or their designee, shall be responsible for inspection of the work. The following inspections shall be required during the construction process:
  - A. Stone base inspection.
  - B. 25-millimeter base inspection.
  - C. Preliminary inspection at the time of work completion.
  - D. Bond release inspection.
2. The Township and/or its duly authorized representatives shall have access to the work at all times, and the permittee shall provide proper facilities for such access.
3. A seventy-two (72) hour notice shall be given to the Township when an inspection is



requested by the permittee. No inspections shall be scheduled to occur after 2:30 p.m.

4. The presence of Township employees or agents shall in no way relieve the permittee of the responsibilities included under the permit or this article or be of any warrant for the furnishing of bad materials or workmanship.
5. Fees for inspections shall be established by resolution by the Board of Commissioners.”

Section 15: Chapter 21 (Streets and Sidewalks), Part 2 (Streets and Sidewalk Construction), is hereby amended to add §21-208 (Notification) as follows:

**§ 21-208 Notification.**

1. The applicant shall notify the Township 24 hours in advance of starting work, upon completion of temporary restoration, and upon completion of permanent restoration. For any type of pipeline replacement/installation, the applicant shall notify the Township 48 hours in advance of the start of construction or of the resumption of construction if discontinued for more than five working days.
2. Prior to the start of work and continuously throughout construction and right-of-way and workspace restoration, the applicant shall designate a field representative responsible for overseeing compliance with the conditions of this permit. This person shall be accessible by telephone during normal business hours. This person's phone number and emergency phone number shall be provided to the Township. When determined appropriate by the Director of Public Works, the applicant shall provide written notice to all landowners within 200 feet of the work area of the work to be done, including the project's time frame, limits of work, the name, telephone number, and e-mail address of the field representative, and any other issues that may impact those landowners. This notice shall be provided to those landowners at least seven days before work is to begin. The Township shall receive a copy of the notice sent to the landowners.
3. Notice to Police/Fire Departments. If, in the opinion of the Public Works Director, the work to be undertaken is such that it will prohibit or restrict the flow of traffic on any roadway within the Township, the permittee shall give the same written notice listed in § 21-210.3 to the Police and Fire Departments of the Township. The permittee shall provide proof of such notification to the Township prior to the start of such work.

Section 16: Chapter 21 (Streets and Sidewalks), Part 2 (Streets and Sidewalk Construction), is hereby amended to add §21-209 (Road Closings and Traffic Management) as follows:

**§ 21-209 Road Closings and Traffic Management.**

1. Traffic flow shall be maintained at all times.
2. Road closings shall be considered only under extremely difficult conditions and on a case-by-case basis, as determined by the Public Works Director.
3. Flaggers shall be used when traffic is reduced to one lane, with a one-minute maximum delay in any one direction.
4. In all cases, the proper work zone signing in accordance with PennDOT Publication 213 shall be installed and maintained by the applicant or his agent(s).



5. A Township road shall not be closed by any group, except the Township or any municipal Authority created thereof, without first obtaining the required Township permit.
6. A Township road shall not be closed without first submitting a detour plan in accordance with PennDOT Publication 213 and obtaining approval from the Township Engineer.
7. All work zone traffic control devices per PennDOT Publication 213 must be in place prior to the closure of a Township road.
8. All detour signs shall be maintained in proper condition at all times.
9. Advance notice of a minimum of 48 hours must be provided to the Township prior to the road closure.
10. A traffic control plan shall be submitted to the Township.
11. In the case of emergencies, the above requirements may be deferred by the Director of Public Works. However, all requirements shall be met on the following day.
12. Notice shall be given to the Dauphin County non-emergency dispatch.

Section 17: Chapter 21 (Streets and Sidewalks), Part 2 (Streets and Sidewalk Construction), is hereby amended to renumber §21-207 (Defective Work; Rectification) to §21-210 (Defective Work; Rectification).

Section 18: Chapter 21 (Streets and Sidewalks), Part 2 (Streets and Sidewalk Construction), is hereby amended to renumber §21-208 (Curb and Sidewalk Cuts) to §21-211 (Curb and Sidewalk Cuts).

Section 19: Chapter 21 (Streets and Sidewalks), Part 2 (Streets and Sidewalk Construction), is hereby amended to add §21-212 (Restrictions Regarding Trees and Shrubbery) as follows:

**§ 21-212 Restrictions Regarding Trees and Shrubbery.**

The permission herein granted does not confer upon the permittee or its contractors the right to cut, remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations and conditions as the Township may prescribe.

Section 20: Chapter 21 (Streets and Sidewalks), Part 2 (Streets and Sidewalk Construction), is hereby amended to add §21-213 (Protection of Adjoining Property) as follows:

**§ 21-213 Protection of Adjoining Property.**

The permittee shall at all times and at his or its own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where, in the protection of such property, it is necessary to enter upon private property for the purpose of taking appropriate protecting measures, the permittee shall obtain a license from the owner of such private property for such purpose, and if he cannot obtain a license from such owner, the administrative authority may authorize him to enter the private premises solely for the purpose of making the property safe. The permittee shall, at his own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from his failure to protect and carry out said work. Whenever it may be necessary for the



permittee to trench through any lawn area, the sod shall be carefully cut and rolled and replaced after ditches have been backfilled, as required in this article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began.

Section 21: Chapter 21 (Streets and Sidewalks), Part 2 (Streets and Sidewalk Construction), is hereby amended to renumber §21-209 (Penalty) to §21-214 (Penalty) and amended as follows:

**§ 21-214 Penalty.**

1. Whoever shall violate any of the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and, in default of the payment of the said fine, to undergo imprisonment not to exceed 30 days.
2. Each day that a violation of this Part continues shall constitute a separate offense.
3. The Township reserves the right to bar any contractor or his employee whose work if found in noncompliance with this Part, from working within the Township limits. The Township reserves the right to refuse issuance of a permit to any applicant who fails to maintain work within the right of way in accordance with this Part, or who fails to pay sums due the Township within 30 days from the date of billing. The Township reserves the right to refuse issuance of a permit to cut new Pavement.

Section 22: Chapter 21 (Streets and Sidewalks), Part 2 (Streets and Sidewalk Construction), is hereby amended to add §21-215 (Enforcement) as follows:

**§21-215 Enforcement.**

1. It shall be the responsibility of the Public Works Director or their designee for the enforcement of this Part.

Section 23: Chapter 21 (Streets and Sidewalks), Part 3 (Dedication of Streets), is hereby amended to add §21-307.C as follows:

Acceptance of street not guaranteed. Acceptance of a street offered for dedication is at the sole discretion of the Board of Commissioners. Compliance with the requirements of this article does not guarantee acceptance of an offer of dedication.

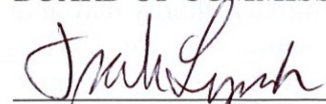
**ENACTED AND ORDAINED** as an Ordinance this 12<sup>th</sup> day of October 2023.

[SEAL]

**ATTEST:**

  
\_\_\_\_\_  
David Pribulka, Township Secretary

**SUSQUEHANNA TOWNSHIP  
BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Frank Lynch, President