

# AN ORDINANCE No - 59 - 4

An Ordinance regulating the making of openings and excavations in the roads of the Township of Hilltown, the protection, refilling, resurfacing or repaving of the same, and providing penalties for violations.

Be it ordained and enacted by the Board of Supervisors of Hilltown Township, Bucks County, Pennsylvania and it is hereby ordained and enacted by authority of the same, viz:

SECTION 1. The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicated otherwise:

(a) The word "road" shall mean the right of way of any public street, road, highway or other public place located in the Township of Hilltown, and maintained by the Board of Supervisors of Hilltown Township, and established for the use of vehicles.

(b) The word "person" shall mean and include any natural person, partnership, firm, association or corporation.

In this ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

SECTION 2. It shall be unlawful for any person to open or to make any excavation of any kind in any road in the Township of Hilltown without first securing a permit therefore as hereinafter provided.

SECTION 3. Any person who shall desire to make any opening or excavation in any of the roads in the Township of Hilltown shall make application to the Secretary of the Board of Township Supervisors in writing for the purpose. Such application shall set forth the name of the applicant. The exact location of the proposed opening or excavation, and the approximate size or depth thereof, and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the provisions of this ordinance, and that the applicant shall well and truly save, defend and keep harmless the Township of Hilltown from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed opening or excavation, and all damages to persons or property resulting in any manner therewith, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

SECTION 4. Before any permit shall be issued to open or excavate any road in the Township of Hilltown, the applicant shall pay to the Secretary of the Board of Supervisors a permit fee in the minimum amount of Five (\$5.00) Dollars to cover the costs of inspection and other incidental services in connection therewith. When application shall be made to open or excavate any longitudinal opening or excavation in excess of ten (10) feet, before any permit shall be issued so to open or excavate, the applicant shall pay, in addition to such minimum fee, an additional fee at the rate of Twenty (\$20) Dollars for each one hundred feet or fraction thereof to be opened or excavated upon such road.

SECTION 5. Any person who shall open or excavate any road in the Township of Hilltown shall backfill all trenches as promptly as is consistent with non injury of the work performed therein, and temporarily pave the road to resume normal traffic.

(a) Temporary Paving. The trench shall be filled and properly tamped down to the level of the base of the paving. Paving materials removed from the original surfacing, cinders, stone or stone screening shall then be placed in the trench and rolled.

(b) Permanent Paving. At the expiration of the two (2) month period of temporary paving, or in a shorter period if so directed by the Board of Supervisors of Hilltown Township, the permanent paving shall be put down. This permanent paving shall be maintained for a period of twelve (12) months after completion.

(c) The base course for permanent paving shall consist of new crushed stone base, conforming to the requirements of No. 3A or No. 4 course aggregate and No. 1 fine aggregate in Section 2.6 of the current Specifications of the Pa. Dept. of Highways, thoroughly rolled to a compacted depth of six inches (6"), to a level two inches (2") below the finished road surface. A two inch (2") two (2) course pre-mixed wearing surface, conforming to the requirements of Sections 5.9 (ID-2) or Section 5.14 (HE) of the current Specifications of the Pa. Dept. of Highways. Edges of existing paving surface shall be cut sharp and straight, no feather edging will be permitted, before applying the wearing surface courses. Each course of wearing surface shall be thoroughly rolled and compacted to one inch (1") thickness, and the top course shall be rolled even with the existing paving.

SECTION 6. All work in connection with openings in any road including excavation, protection, refilling and temporary paving, shall be done by the applicant at his expense, and all such work shall be subject to the provisions of this ordinance and to the supervision and approval of the Supervisors of Hilltown Township.

SECTION 7. In the event that any work performed by or for a permit holder shall, in the opinion of the Supervisors of the Township of Hilltown, be unsatisfactory and the same shall not be corrected in accordance with their instructions within the time fixed by them, or in the event that the work for which the permit was granted is not completed within the time fixed by the provisions of this ordinance, the Township may proceed to correct such unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus 20%, to the applicant, which charge shall be made against the amount deposited under the provisions of this ordinance.

SECTION 8. The Secretary of the Board of Supervisors of Hilltown Township shall, within ninety (90) days after the approval of the work for which the permit was issued, refund the unused portion of the deposit paid by the applicant.

SECTION 9. Payment for all work done by the Township under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within thirty (30) days after the bill thereof is sent to such person by the Township.

SECTION 10. Any person, whether as principal, agent or employee, violating or assisting in the violation of any of the provisions of this ordinance, shall upon conviction thereof before any Justice of the Peace of the Township of Hilltown, pay a fine of not less than Ten (\$10.00) Dollars nor more than One Hundred (\$100.00) Dollars, and in default of the payment of such fine and costs of prosecution, shall be imprisoned for not more than thirty (30) days.

SECTION 11. The provisions of this ordinance shall be severable, and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

*Paul J. ...*  
*Albert V. ...*  
*...*