

ORDINANCE NO. 96-5

AN ORDINANCE OF THE TOWNSHIP OF HILLTOWN, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA, PROVIDING THAT NO PUBLIC STREETS OF THE TOWNSHIP OF HILLTOWN BE OPENED OR CUT, NOR ANY DRIVEWAY OR UTILITY INSTALLED BY ANY PERSON, FIRM, CORPORATION, OR UTILITY WITHOUT FIRST SECURING A PERMIT IN ACCORDANCE WITH TOWNSHIP REGULATIONS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Hilltown Township, Bucks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same:

SECTION 1. In accordance with provisions of Section 2322, Act 60 of 1995, 53 P.S. 67322, no railroad or street railway shall be constructed upon any Township road, nor shall any railroad or street railway crossings, driveway connections, gas pipe, water pipe, electric conduits, or other piping, be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles or any coal tipples, or any other obstructions be erected upon or in, any portion of a Township road except under such conditions, restrictions and regulations specified by Hilltown Township for that purpose.

SECTION 2. RULES AND REGULATIONS: The Supervisors are hereby authorized and empowered to adopt such rules and regulations by Resolution concerning construction of facilities, driveways, and occupancy of Township road rights-of-way. All such rules and regulations adopted by the Township shall be in conformity with the provisions herein, and all other applicable laws, and regulations of the administrative agencies of the Commonwealth of Pennsylvania.

SECTION 3. PROCEDURE FOR OBTAINING A PERMIT: Each application shall be submitted to the Township in triplicate on forms prescribed by the Township. The application shall be accompanied by a fee set by the Board of Supervisors by separate resolution, and the applicant shall establish an escrow account with the Township to guarantee satisfactory restoration of the Township roadway and to cover the costs of Township inspections required by 53 P.S. 67322.

SECTION 4. A permit shall be issued to the applicant after all the aforementioned requirements have been filed and found in conformance to applicable Rules and Regulations of the Township.

SECTION 5. Upon completion of the work authorized by the permit, the Township shall inspect the work authorized by the permit, and when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the Township. In addition to such inspection, the Township Supervisors may re-inspect the work not more than two (2) years after its completion, and if any settlement of the road surface or other defects shall appear in the work contrary to the conditions, restrictions and regulations of the Township, it may enforce compliance therewith. If the applicant shall fail to rectify any such settlement or other defect, within sixty (60) days after written notice from the Township Supervisors to do so, the Township Supervisors may do the work and impose upon the applicant the costs thereof, together with an additional twenty percent (20%) of such costs, which may be recovered by an action in Assumpsit in the Court of Common Pleas of Bucks County.

SECTION 6. Any person, firm, corporation or utility who violates or permits the violation of this Ordinance shall, upon being found liable therefor in civil enforcement proceeding commenced by the Township, pay a fine of Six Hundred Dollars (\$600.00) plus all court costs, including reasonable attorneys fees incurred by the Township. No judgment shall be imposed until the date of the determination of a violation by the District Judge. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable Rules of Civil Procedure.

SECTION 7. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed. The following Ordinances or parts thereof are specifically repealed:

Ordinance No. 74-2

SECTION 8. This Ordinance shall become effective five (5) days after adoption.

ORDAINED AND ENACTED as an Ordinance of the Township of Hilltown, Bucks County, Pennsylvania, this 11th day of NOV., 1996.

Hilltown Township
Board of Supervisors

Wm. H. Bennett Jr.

Kenneth Benz

J. Carroll Foy