

BOARD OF SUPERVISORS
EAST MARLBOROUGH TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 05-02

**AN ORDINANCE OF EAST MARLBOROUGH TOWNSHIP,
CHESTER COUNTY, PENNSYLVANIA, TO REGULATE
OPEN CUTTING AND DIGGING OF ROADS
WITHIN EAST MARLBOROUGH TOWNSHIP.**

WHEREAS, the Board of Supervisors of East Marlborough Township, Chester County, Pennsylvania, pursuant to the authority granted in Section 2304 of the Second Class Township Code, 53 P.S. 67304 et al., governing Roads, Streets, Bridges and Highways hereby ordains, as follows:

Section 1.

Pursuant to the above-cited authority, any contractor, utility company, or subcontractors of the utility company, digging or trenching across any Township road or trenching within the road pavement will:

- A. Secure all permits from East Marlborough Township.
- B. Follow all work zone Traffic Procedures as in PennDOT Publication 203 and 203A.
- C. All Utilities and/or contractors will post an escrow with the Township. The amount to be determined by the township engineer.
- D. The township engineer and inspector will inspect all the jobs at the intervals set by the engineer.
- E. The utility or contractor will pay all fees associated with review and inspections.
- F. Any open trenches within the paved areas shall be backfilled, repaired, and restored in accordance with the procedures outlined in Section IV of the Rules and Regulations Governing Work in the Right-of Way, East Marlborough Township, in addition to the final overlay requirements listed below.

Section 2.

Within two weeks of the completion of the job, the entire width of the road surface shall be repaved with two (2) inches of compacted ID2 blacktop for the length of the following:

- A. One single cut across the road surface will be paved a minimum of fifty (50) feet on each side of the crossing.
- B. Where two (2) or more cuts across the road are within 150 feet of each other, the road will be repaved the entire width and length of the cut, to a minimum of fifty (50) before the first cut and a minimum of fifty (50) feet past the last cut.
- C. Where a cut or trench is running with the road, the entire road will be repaved a minimum of fifty (50) feet past both the beginning and the end of the trench.
- D. Any shoulder work that requires cutting a portion of the blacktop on the edge of the road will be treated as a patch as long as the cut portion is no wider than twelve (12) inches. Anything cut over twelve (12) inches will require the entire road to be repaved, as in A, B, or C.

Section 3.

Within two (2) years of the completion of the job, if the roadway exhibits any localized deflection over a bored or drilled utility, the permittee shall remove the affected pavement and patch in accordance with the provisions in Sections 6 and 7 above.

Section 4.

This Ordinance shall be effective five (5) days after its enactment.

ENACTED AND ORDAINED by the East Marlborough Township, Chester County, Board of Supervisors, this 3rd day of March, 2005.

Attest:

RULES AND REGULATIONS GOVERNING
WORK IN THE RIGHT OF WAY
EAST MARLBOROUGH TOWNSHIP

It is understood by the permit holder that no road opening will take place until it is proven to the Township that no other means of installation is possible. A road opening permit will be issued only after the Township has reviewed and determined that the installation cannot be bored or drilled. The following provisions shall apply to all work being done in the right of way.

SECTION I – GENERAL PROVISIONS

- A. The work authorized by a permit shall be done at such a time and in such a manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of East Marlborough Township. If at any time it shall be found by the Township that the work is not being done or has not been properly performed, the permit holder, upon being notified by the Township, shall immediately take the necessary steps at its own expense toward placing the work in condition to conform to said requirements and standards.
- B. In the event of willful failure or neglect by the permit holder to perform and comply with the conditions, restrictions, and provisions of these regulations, the Township may revoke and annul the road opening permit so issued and direct the permit holder and/or its contractor to remove any or all structures or property belonging to said permit holder from the legal limits of the highway right-of-way.
- C. The issuing of a road opening permit does not relieve the permit holder from obtaining any consent otherwise required from the owner or owners of the abutting property, and does not confer upon the permit holder the right to cut, remove, or destroy trees or shrubbery within the legal limits of the highway, except under such conditions, restrictions and regulations as the township prescribes. It shall also be the responsibility of the permit holder to contact local utility companies in regards to the location of utility lines within the proposed excavation area.
- D. The permit holder shall at all times be responsible for any and all sub-contractors and employees working on a project, and shall see that such contractors abide by all regulations contained herein.
- E. The right-of-way permit shall be on the job site at all times.
- F. Any work done under the right-of-way permit shall be subject to the conditions, restrictions, and provisions of these regulations which govern all excavations, openings and trenches for the purpose of making repairs to, or placing any poles, conduits, water, steam, gas pipes, sewers or other structures or cables erected in or on a highway right-of-way in East Marlborough Township.

SECTION II – TRAFFIC CONTROL & WARNING DEVICES

- A. Traffic control for work authorized under a road opening permit must be carried out in accordance with the requirements of the Township. In this connection, the permit holder shall use due diligence in the execution of the work authorized in order not to obstruct unnecessarily or endanger travel along said highways. All safety provisions for the free movement of traffic shall be provided by the permit holder.
- B. Warning signs and reflectorized barricades with flashing lights shall be placed so as to alert pedestrians and motor vehicles of any open trench or hole in the highway right of way, and shall be maintained by the permit holder during the course of the permit work. All warning devices, and the placement of such devices, shall conform to Federal, State, and Township standards. Refer to PennDOT Publication 203, Work Zone Traffic Control for proper procedures.
- C. The permit holder shall make every effort to provide a throughway on the road where the work is being done and not impede the flow of traffic. If a road must be blocked off entirely during the permit work, such work shall be completed that same day or else plates or bridging will required to cover the opening until work is resumed the next working day. The plate or bridging shall be extended a minimum of eighteen (18) inches on each side of the opening and secured to the adjacent roadway. Any restrictions which might impede the passage of emergency vehicles shall be reported to the Township before such restriction is in effect and again when it is removed.
- D. The contractor is required to leave a list of names of persons to be contacted in case of an emergency with the Township, prior to commencing work.

SECTION III – COMPLETION TIME

- A. Upon issuance of a right of way permit, work must be started within twenty-four (24) hours of the start date listed on the permit, and restoration must be completed within twenty-four (24) hours of the end date listed on the permit, unless prior notice is given to the township of good and valid reason for delay.
- B. If work is stopped on a project for any reason other than by order of the Township, or the trench remains open for an unreasonable length of time, the Township may direct the permit holder to refill the trench and cease work until such time as the work can proceed until completion. If the permit holder fails to comply with such a request, the township may perform the necessary work subject to reimbursement from the permit holder and revocation of permit.
- C. The permit shall be valid for 180 days after the date of issue, unless an extension is granted by the township.
- D. An escrow in the amount of \$2,000.00 shall be posted with the township for each open cut crossing. The escrow will be released after completion of job.

SECTION IV – EXCAVATION & RESTORATION

- A. All excavations in the road shall be cut with straight edges and no larger than necessary.
- B. The excavation equipment shall have rubber tires, tracks or runners to protect the roadway surface. All other equipment must be approved by the township and shall require some type of protection to the roadway surface.
- C. The permit holder shall be responsible for making and maintaining the temporary or permanent restoration of all disturbed areas at the end of each work day.
- D. Temporary road restoration shall consist of suitable backfill, compaction, and topping off with a maximum of 4 inches thickness of a suitable cold patch material, or BCBC. Any settlement greater than 1 inch in depth shall be filled and compacted back to finish grade within 24 hours of notice from the Township.
- E. The permanent pavement restoration must comply with the current Township Standard Specifications & Details, as adopted at the time of application. The permanent restoration must be completed within 10 business days after completion of the utility installation or repair.
- F. All disturbed areas within the Right of Way shall be restored to a condition equal to or greater than the conditions that existed prior to work commencing.
- G. The permit holder shall be responsible for any subsequent failure of the restoration for a two year period following completion of the permanent restoration.
- H. The Township reserves the right to make any necessary repairs or restorations that are not completed by the permit holder within the time required above, at the sole expense of the permit holder.
- I. The permit holder covenants and agrees to fully indemnify and save harmless the East Marlborough Township of and from all liability for damages and/or injury occurring to any persons or property at, or on highway right of ways, through, or in consequence of any act or omission of any contractor or persons engaged or employed in, about, or upon said work, by, at the instance, or with the approval or consent of the permit holder, or from the failure of the permit holder and/or its contractor to comply with the provisions for maintenance set forth in these regulations.

SECTION V – INSPECTION

All work authorized under an issued permit and all restoration work is subject to inspection and approval by the Township.

SECTION VI – PERMIT FEES

A. GENERAL PERMIT

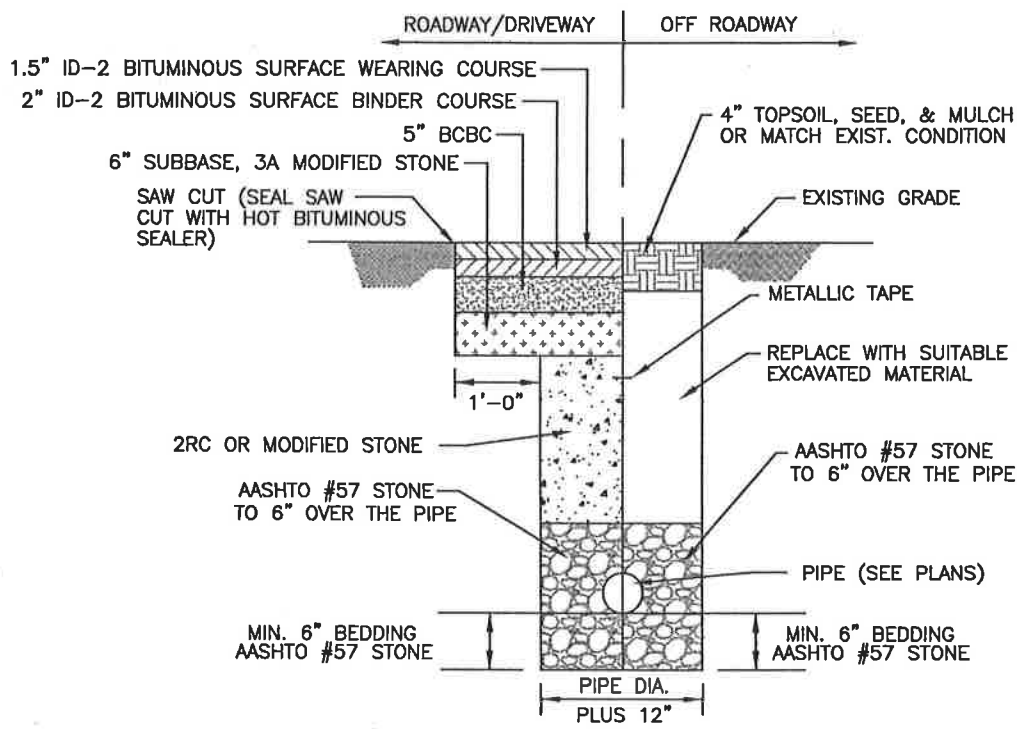
Any work performed in/under the paved area of a road: \$125.00
Any work performed in the right of way, not in the pavement: \$100.00
Any work performed in the pavement and right of way: \$125.00

B. EXCAVATION

Open cutting/ digging a road: \$2.00 per sq. ft. of excavation + General fee
Boring/drilling: \$2.00 per foot + General fee
Digging in the right of way: \$5.00 per 100 sq. ft. of excavation + General fee

C. ESCROW

Open cut/digging across the pavement: \$2,000.00



NOT TO SCALE

