

**TILDEN TOWNSHIP
BERKS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 259-2026

AN ORDINANCE OF TILDEN TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER XXVI ENTITLED "STREETS, SIDEWALKS, DRIVEWAYS AND CURBS," ESTABLISHING REGULATIONS REGARDING STREET EXCAVATIONS AND DRIVEWAYS, INCLUDING: PURPOSE, DEFINITIONS AND INTERPRETATIONS, REQUIREMENTS FOR APPLICATIONS FOR PERMITS, APPLICATION AND PERMIT FEES, RESTRICTING ISSUANCE OF PERMITS, PERMIT APPROVAL / DISAPPROVAL PROCEDURES, RESPONSIBILITY TO CONTACT UTILITIES, EMERGENCY OPENINGS, REQUIREMENTS REGARDING EXCAVATION & SURFACE RESTORATION, TUNNELING, DRIVEWAY CONSTRUCTION, CORRECTIONS OF DEFECTS IN WORK, FINANCIAL SECURITY, KEEPING OF A PHYSICAL PERMIT AT THE SITE, PAYMENT FOR WORK DONE BY TILDEN TOWNSHIP, PENALTIES FOR VIOLATION, AND REPEALING INCONSISTENT ORDINANCES.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Tilden Township, Berks County, Pennsylvania ("Township") and it is hereby **ENACTED AND ORDAINED** by the authority of the same as follows:

SECTION 1. Chapter XXVI entitled "Streets, Sidewalks, Driveways and Curbs", is hereby amended and restated in its entirety, as follows:

CHAPTER XXVI

STREET EXCAVATIONS AND DRIVEWAYS

Part 1

Street Excavations

Section 101. Purpose. The purpose of these requirements is to provide a method to enforce necessary repairs to Township streets from excavations.

Section 102. Definitions and Interpretation. 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 indicates otherwise:

APPLICANT - Any person who has filed an application for a permit pursuant to this Ordinance, including his heirs, successors, and assigns.

EXCAVATION - An activity within the right-of-way of any Township street which involves cutting, breaking, or opening the surface thereof, usually for the installation of utility lines and/or drainage facilities.

PERSON - Any individual, partnership, entity, firm, association, corporation, or authority.

STREET - As defined in the Tilden Township Subdivision and Land Development Ordinance.

TRAVELWAY - The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes - as defined in the Tilden Township Subdivision and Land Development Ordinance.

TUNNELING - The act of creating an underground passage beneath a Township street without affecting the street surface, usually for the installation of utility lines.

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

Section 103. Application for Permit.

A. Any Person proposing to make any Excavation within a Township Street right-of-way shall make application to Township Office Staff utilizing the "Application & Permit for Township Street Excavation" form. 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 Ordinances of Tilden Township and the laws of the Commonwealth of Pennsylvania in relation thereto, and that the Applicant shall well and truly save, defend and hold harmless Tilden Township 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 therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

B. Any Person proposing Tunneling beneath a Township Street right-of-way shall make application to the Township Office Staff utilizing the application form set forth in Section 103.A. above. Applications for Tunneling must include copies of any necessary temporary construction easements for areas outside of the Street right-of-way area.

C. Applications for a permit shall be submitted a minimum of twenty-one (21) days prior to the start of proposed activity. If deemed necessary by the Township Roadmaster and/or Township Engineer, a sketch plan shall be provided with the permit application submittal.

D. Areas of proposed Excavations and Tunneling shall be marked with white paint at the time of permit application submittal.

E. The application shall be reviewed by the Township Roadmaster and Township Engineer and, once deemed satisfactory, will be signed by the Township Roadmaster or Township Engineer and a copy returned to the Applicant. This will allow the work to proceed according to the permit.

F. Work must commence on the project within six (6) months of the permit application being approved.

G. Permits are good for a period of one (1) year. If construction has not been completed within one (1) year, a new complete permit application must be submitted.

H. The permit shall consist of the permit application, countersigned by the Township official designated to sign, and containing any and all restrictions and conditions attached to the issuance of the permit. This permit must be kept and available at the job site, and must be produced upon request to Township officials, code officials, or police agencies with jurisdiction.

Section 104. Fees. At the time of submittal of the Application & Permit for Township Street Excavation form, the Applicant shall pay a permit fee in the amount \$100.00, which amount may be changed from time to time by resolution duly adopted by the Supervisors at any regular or special meeting. This fee will be used to cover costs associated with the review of the application and inspection of the proposed driveway location before and after construction. Additional fees may be necessary for the Township Engineer's time and effort for necessary site visits.

Section 105. Issuance of Permits Restricted. Permits shall be issued only to utility companies or the owner or owners of the real property adjoining the location where such opening or Excavation is to be made.

Section 106. Permit Approval/Disapproval. A permit may be issued to the Applicant after all requirements therefore have been filed. If the application is disapproved, written notice of disapproval together with reasons therefore shall be given to the Applicant.

Section 107. Responsibility to Contact Utilities. The work authorized by the permit is subject to all the provisions of the Act of December 10, 1974, P.L. 852, No. 287, *1 et seq.*, as amended or supplemented from time to time (i.e. the "One Call System"). It shall be the Applicant's responsibility to contact the utilities that have recorded their facilities in compliance with said Act. The One Call System Serial Number obtained shall be listed on the Application & Permit for Township Street Excavation form.

Section 108. Emergency Openings. In the case of any leak, explosion, or other accident in any subsurface pipe, line, construction, or apparatus, it shall be lawful for the Person owning or responsible for such pipe, line, construction, or apparatus, to commence an Excavation to remedy such condition before securing a permit, provided that application for a permit shall be made immediately and not later than the next business day thereafter, and that all other provisions of this Ordinance are fully complied with.

Section 109. Excavation & Surface Restoration Requirements.

A. All bituminous paved areas to be excavated shall be neatly saw cut the entire depth of the existing bituminous material at the limits of trench Excavation. After installation and backfill operations, additional saw cutting shall be performed a minimum of twenty-four (24) inches beyond the limits of trench Excavation and the additional existing material removed. The vertical saw cut surfaces at that time shall be painted with a tack coat prior to the placement of new bituminous paving.

B. All Excavations shall be backfilled in such a manner so as to restore the surface to the same condition as it existed prior to the Excavation, including grade, as follows.

1. Bituminous paved areas shall be restored according to the following requirements:

- Flowable Backfill, meeting Commonwealth of Pennsylvania, Department of Transportation, Publication 408 Specifications, including all changes, revisions and updates (PennDOT Pub. 408), Section 220
- Base Course, Superpave 25.0 mm, 4.5" minimum compacted depth, meeting PennDOT Pub. 408, Section 309
- Wearing Course, Superpave 9.5 mm, 2.5" minimum compacted depth, meeting PennDOT Pub. 408, Section 409

2. Gravel areas shall be restored according to the following requirements:

- No. 2A Coarse Aggregate, meeting PennDOT Pub. 408, Section 703

All backfilling of No. 2A Coarse Aggregate shall be placed in eight inch (8") loose lifts and compacted thoroughly. Compaction shall be achieved with a vibratory plate, jumping jack, or smooth drum roller.

3. Areas beyond the shoulder shall be restored according to the following requirements:

- Topsoil, 4" minimum depth, meeting PennDOT Pub. 408, Section 802
- Permanent Seed (Formula B), meeting PennDOT Pub. 408, Section 804 and straw mulch, meeting PennDOT Pub. 408, Section 805

C. The Township Roadmaster or Township Engineer may inspect/be present for all restoration activities.

D. No Excavation shall extend from the edge of Travelway into the Street past the centerline before being completely backfilled and restored. One-way traffic must always be maintained. All traffic control shall be in accordance with PennDOT Pub. 408, Section 900.

Note: In certain instances, the Township Roadmaster may allow for the entire width of the Street to be blocked off. This shall be determined at the time of Application submittal.

E. No more than fifty (50) feet longitudinally shall be opened at any time.

F. All Excavations must be completely backfilled and restored at the end of each day.

G. Temporary paving utilizing "coldpatch premix" shall not be permitted.

Note: In certain instances, the Township Roadmaster may allow for the use of "coldpatch premix" placement if a detailed sequence of construction activities is provided with the Application submittal that explains when this temporary material will be entirely removed and replaced with the required permanent restoration materials. This shall be determined at the time of Application submittal.

H. All work shall be so conducted as to not interfere with any existing utility line. Should utility lines need to be impacted, either temporarily or permanently, by the proposed Excavation it shall be the Applicant's responsibility to coordinate the work with the utility company.

I. All joints where newly placed bituminous material meets existing bituminous material shall be sealed with joint sealer in accordance with PennDOT Specifications, Publication 408, Sections 469 and 705.

J. For longitudinal Excavations - if the saw cut limits extend greater than 2/3 the width of the lane of the Township Street, Then the entire lane width shall be reconstructed.

K. For multiple transverse Excavations - if the saw cut limits are within ten (10) feet of each other, then the entire existing bituminous pavement between the Excavations shall be reconstructed.

L. All utility lines beneath Township Streets shall be installed within conduits meeting the American Society for Testing and Materials (ASTM) D1784 Standard Specification for Rigid Polyvinyl Chloride (PVC) Compounds for Schedule 40 pipe, or a cast iron casing pipe, for ease of future removal and replacement.

M. Any existing roadside drainage conveyance facilities (swales or channels) which have been temporarily impacted within the limit of Excavation shall be re-established upon the completion of the project by the Applicant.

N. Any existing pavement markings within the limits of Excavation shall be replaced upon completion of the project by the Applicant.

O. Any signs, guide rail, fence, or other item temporarily removed within the limits of Excavation shall be replaced upon completion of the project by the Applicant.

P. Blasting is not permitted.

Section 110. Tunneling Requirements.

A. The top of proposed conduit or casing pipe for Tunneling shall be a minimum of three (3) feet below the existing surface.

B. If the conduit or casing pipe is thirty (30) inches or greater in diameter, any bored cylindrical space surrounding the conduit or casing pipe shall be filled with grout.

C. Jet or other non-mechanical boring methods are prohibited. The Applicant shall describe the proposed method of Tunneling on the permit application. Water may be used under low pressure only to cool the drill bit and to facilitate removal of cuttings from the bore opening, if retrievable liquid is immediately removed from the boring pit.

Section 111. Defects in Work.

A. If within two (2) years after the restoration of the surface has been completed, defects appear from the work (i.e. settlement, cracking, etc.) by the Applicant, the Township shall notify the Applicant in writing that additional repairs are necessary. The Applicant shall have thirty (30) days to repair the areas noted. The Applicant may request additional time in writing, if necessary, based on the time of year (weather constraints) and availability of materials.

1. If the Applicant fails to repair the areas noted within the designated time period, the Township shall perform the repairs and the Applicant will reimburse the Township for all costs incurred, plus twenty (20%) percent for administrative costs, which may be recovered by an action at law or by filing a municipal claim.

Section 112. Bond Required.

A. No Person shall excavate any Street without first giving to Tilden Township a financial security in the form of either cash to be placed in escrow or similar restricted account, or irrevocable letter of credit or bond with some acceptable trust or surety company as surety in the sum determined by the Township Engineer during the permit application review process, conditioned for the faithful performance of these provisions and also for any and all damages, claims, demands, suits, costs and counsel fees occasioned or arising from the digging up, opening or closing of said Streets.

B. A 10% contingency amount shall be added to the sum determined by the Township Engineer.

C. The financial security described in Section 112.A above shall not be released to the Applicant until after the Township inspection is performed two (2) years following the completion of the work.

Section 113. Payment for Work Done by Tilden Township. Payment for all work done by Tilden Township under the provisions hereof shall be made by the Person made liable therefor under the provisions hereof within thirty (30) days after a bill therefor is sent to such Person by Tilden Township. Upon failure to pay such charges within such time, the same shall be collectible by Tilden Township by an action in assumpsit or in the manner provided by law for the collection of municipal claims.

Section 114. Penalties. Any Person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00); and in default of payment, to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

Section 115. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed (existing Chapter 26, Ordinance No. 36 of 1974, Ordinance No. 42 of 1979, and Ordinance No. 113 of 1997).

Section 116. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, legality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of Tilden Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Part 2

Driveways

Section 201. Purpose. The purpose of this Ordinance is to provide requirements for Driveway construction and reconstruction. These requirements are intended to provide for the health, safety and welfare of the residents of the Township and the protection of property located therein, by amongst other things, providing for minimum sight distances; providing for maximum Driveway grades; reducing erosion and stormwater damage to Township and private Streets; and reducing the deposit of foreign materials on Township and private Streets.

Section 202. Definitions and Interpretations. 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 indicates otherwise:

APPLICANT - Any Person who has filed an application for a permit pursuant to this Ordinance, including his heirs, successors, and assigns.

DRIVEWAY - A improved Travelway designed and constructed to provide for vehicular movement between a Street and a tract of land serving one (1) single-family dwelling unit or a farm; or a vacant lot.

PERSON - Any individual, partnership, entity, firm, association, corporation, or authority.

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

Section 203. Application for Permit.

A. Any Person proposing to construct a Driveway which intersects a Township or private Street shall make application to the Township Office Staff utilizing the "Application & Permit for Driveway" form. Driveways which intersect State Routes are exempt from this Ordinance. Such application shall set forth the name of the Applicant, the exact location, slope, materials, and width of the proposed Driveway, and shall contain an agreement on the part of the Applicant that the work shall be done in full compliance with the Ordinances of Tilden Township and the laws of the Commonwealth of Pennsylvania in relation thereto, and that the

Applicant shall well and truly save, defend and hold harmless Tilden Township from and indemnify it against any and all actions, suits, demands, payments, costs, and charges for or by reason of the proposed Driveway, and all damages to Persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

B. Applications for a permit shall be submitted a minimum of twenty-one (21) days prior to the start of the proposed activity. If deemed necessary by the Township Roadmaster and/or Township Engineer, a sketch plan shall be provided with the permit application submittal.

C. The centerline location of the proposed Driveway shall be marked with white paint or other method at the time of permit application submittal.

D. The application will be reviewed by the Township Roadmaster and/or Township Engineer and, once deemed satisfactory, will be signed by the Township Roadmaster or Township Engineer and a copy returned to the Applicant. This will allow the work to proceed according to the permit.

E. Work must commence on the project within one (1) year of the permit application being approved.

F. If construction has not been completed within one (1) year, a new complete permit application must be submitted.

Section 204. Fees. At the time of submittal of the Application & Permit for Driveway form, the Applicant shall pay a permit fee in the amount \$100.00, which amount may be changed from time to time by resolution duly adopted by the Supervisors at any regular or special meeting. This fee will be used to cover costs associated with the review of the application and inspection of the proposed Driveway location before and after construction. Additional fees may be necessary for the Township Engineer's time and effort for necessary site visits.

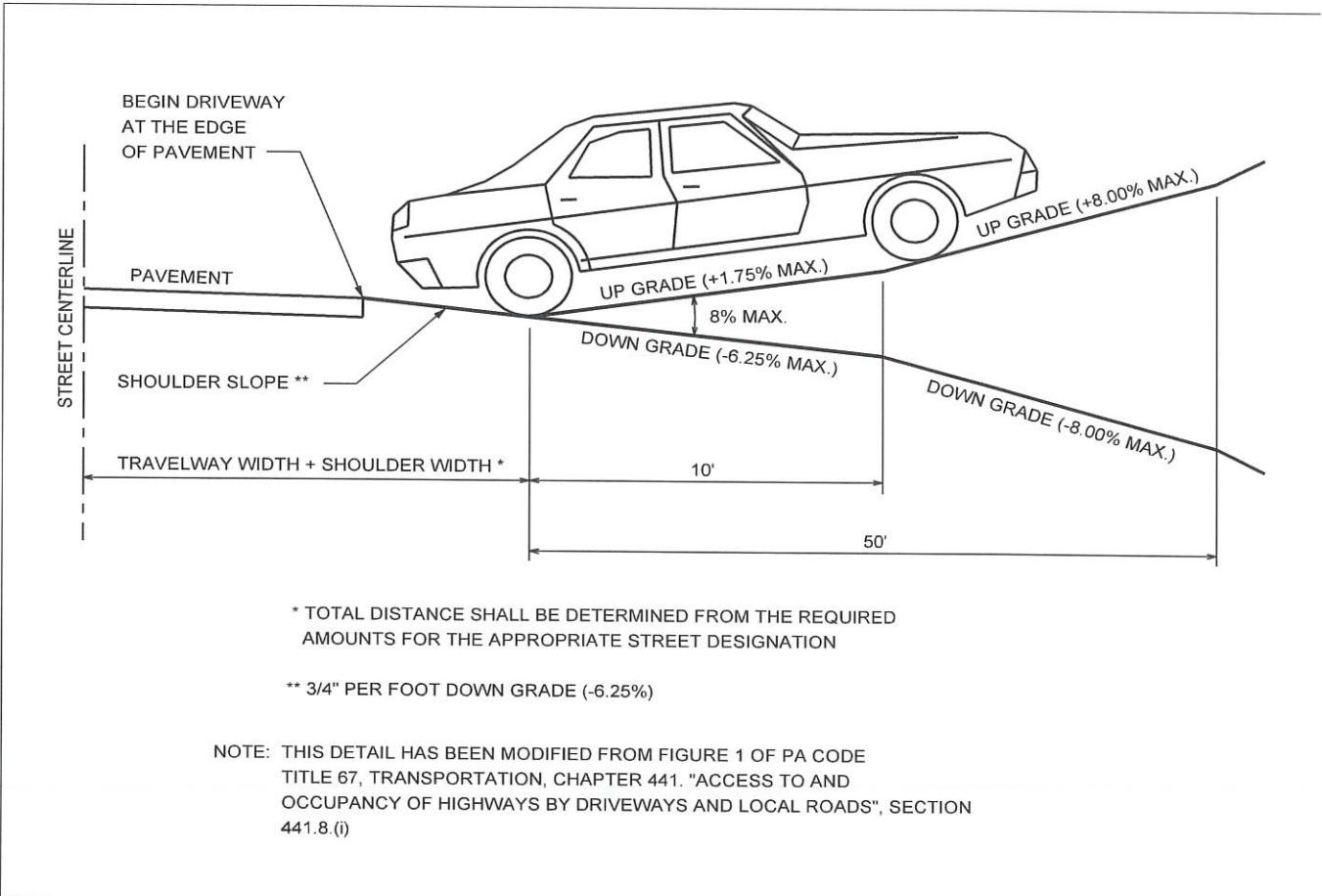
Section 205. Permit Approval/Disapproval. A permit may be issued to the Applicant after all requirements therefore have been filed. If the application is disapproved, written notice of disapproval together with reasons therefore shall be given to the Applicant.

Section 206. Responsibility to Contact Utilities. The work authorized by the permit is subject to all the provisions of the Act of December 10, 1974, P.L. 852, No. 287, *et seq.*, as amended or supplemented from time to time (i.e. the "One Call System"). It shall be the Applicant's responsibility to contact the utilities that have recorded their facilities in compliance with said Act. The One Call System Serial Number obtained shall be listed on the Application & Permit for Driveway form.

Section 207. Driveway Construction Requirements.

A. All Driveways shall be designed and constructed in accordance with the requirements of the Tilden Township Zoning Ordinance and the Tilden Township Subdivision and Land Development Ordinance, including the following:

1. Grades - Driveways shall be installed according to the following profile detail.



2. Intersection Angle - Driveways shall intersect Streets as close to ninety degrees (90°) as possible, but in no case shall the intersection angle be less than seventy degrees (70°) or greater than one-hundred ten degrees (110°).

3. Sight Distances - Sight distances shall be provided for the proposed Driveway intersection with the Street in accordance with Pennsylvania Code, Title 57 "Transportation", Chapter 441 "Access To and Occupancy of Highways by Driveways and Local Roads", latest edition. The required and provided sight distances shall be provided on the Application & Permit for Driveway form. If the required sight distances cannot be met, the Driveway shall be placed in a location where the greatest sight distance can be achieved upon consultation with the Township Roadmaster and/or Township Engineer.

B. Existing Driveways - The Township may require any existing Driveway found to not be constructed or maintained in accordance with this Ordinance and found to be causing adverse conditions to occur within the Street right-of-way area (the deposit of materials, erosion, drainage-related issues, etc...) to be reconstructed to alleviate such conditions and to meet the requirements of this Ordinance. The Township shall notify the Property Owner of such conditions in writing. An Application & Permit for Driveway form will be required to be submitted by the Property Owner.

C. It may be determined by the Township Roadmaster and/or Township Engineer at the time of submittal of the Application & Permit for Driveway form, that, in certain instances, the entire first fifty feet (50') from the edge of shoulder of the intersecting Street need not be paved with bituminous paving.

D. All joints where newly placed bituminous material meets existing bituminous material shall be sealed with joint sealer in accordance with PennDOT Specifications, Publication 408, Sections 469 and 705.

E. Any existing roadside drainage conveyance facilities (swales or channels) shall be re-established upon the completion of the project by the Applicant.

1. A drainage pipe may be necessary to be installed by the Applicant to convey runoff beneath the Driveway. This will be determined by the Township Roadmaster and/or Township Engineer at the time of submittal of the Application & Permit for Driveway form. In certain circumstances, the Township Roadmaster and/or Township Engineer may require design calculations be provided by the Applicant for the proposed drainage pipe.

2. On steep Driveways with grades sloping toward the Street, the Township Roadmaster and/or Township Engineer may require the installation of a trench drain to capture runoff prior to discharge into the Street right-of-way area.

3. The Property Owner shall be responsible for perpetual maintenance for any required Driveway cross drainage pipe and/or trench drain facilities.

F. Any signs, guide rail, fence or other item temporarily removed as necessary for Driveway construction shall be replaced upon completion of the project by the Applicant as directed by the Township Roadmaster and/or Township Engineer.

G. All costs incurred or associated with applying for, planning, and installing a Driveway, including pipes and other materials, shall be the responsibility of, and paid by, the Applicant.

Section 208. Defects in Work.

A. If, after the construction of the Driveway has been completed, defects appear from the work (i.e. settlement, cracking, etc. at the Street intersection area) by the Applicant, the Township shall notify the Applicant in writing that additional repairs are necessary. The Applicant shall have thirty (30) days to repair the areas noted. The Applicant may request

additional time in writing, if necessary, based on the time of year (weather constraints) and availability of materials.

1. If the Applicant fails to repair the areas noted within the designated time period, the Township shall perform the repairs and the Applicant will reimburse the Township for all costs incurred, plus twenty percent (20%) for administrative costs, which may be recovered by an action at law or by filing a municipal claim.

Section 209. Penalties. Any Person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00); and in default of payment, to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

Section 210. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed (existing Chapter 26, Ordinance No. 36 of 1974, Ordinance No. 42 of 1979, and Ordinance No. 113 of 1997).

Section 211. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, legality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Tilden Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 2. The Ordinances of Tilden Township, Berks County, Pennsylvania, shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of the Ordinances of Tilden Township, Berks County, Pennsylvania, upon adoption.

SECTION 3. All Ordinances or parts of Ordinances of the Township which are inconsistent herewith are hereby repealed.

SECTION 4. This Ordinance shall become effective on the earliest date permitted by law.

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DULY ENACTED AND ORDAINED this 5th day of January, 2026.

TILDEN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA

By: Gene S. Schappell
Gene Schappell, Chairman

By: Frederick Herman, Vice Chairman
Christopher Forte

By: Richard DeLong
Richard DeLong, Supervisor

Attest:

Monica Flower, Township Manager / Secretary

MUNICIPAL CERTIFICATION

I, Monica Flower, Township Manager / Secretary of the **TILDEN, BERKS COUNTY, PENNSYLVANIA**, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 259-2026 adopted at a regular meeting of the Board of Supervisors of Tilden Township, Berks County, Pennsylvania held on the 5th day of January, 2026.

[SEAL]



Monica Flower, Township Manager / Secretary
Tilden Township
Berks County, Pennsylvania