

## **CHAPTER XXVI**

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## Part 1

### Street Openings

Section 101. Construction of Streets. In accordance with the provisions of Section 1156 of Article XI of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any Township road, nor shall any railroad or street railway crossings, nor any 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 relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose. (Ordinance No. 36, June 4, 1979, Section 1)

Section 102. Permit Required. The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Department of Transportation, for Highway Occupancy Permits and Restoration Charges. In addition, the applicant shall submit three (3) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street. (Ordinance No. 36, June 4, 1979, Section 2)

Section 103. Issuance of Permit. A permit shall be issued to the applicant after all the aforementioned requirements have been filed. (Ordinance No. 36, June 4, 1979, Section 3)

Section 104. Notice of Completion of Work. Upon completion of the work, the applicant shall give written notice thereof to the Township. (Ordinance No. 36, June 4, 1979, Section 4)

Section 105. Inspection by Township. Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within sixty (60) days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional twenty percentum (20%) of such cost. (Ordinance No. 36, June 4, 1979, Section 5)

Section 106. Penalties. Any Person, partnership, corporation, utility or other entity who or which has violated or permitted the violation of the provisions of this Part

shall be subject to a penalty of at least One Hundred and 00/100 Dollars (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof, and in the event the penalty imposed for the violation of this Part is not voluntarily paid to the Township, the Township shall initiate a civil enforcement proceeding before a District Judge. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Pennsylvania Rules of Civil Procedure. (Ordinance No. 36, June 4, 1979, Section 6; as amended by Ordinance No. 113, March 4, 1997, Section 15)

## Part 2

### Driveways, Sidewalks and Gutters

Section 201. Construction of Driveways, Sidewalks and Gutters. It shall be unlawful for any person, partnership or corporation to construct, erect, reconstruct, improve, pave or blacktop, any drain, culvert, footwalk, drive or other means of ingress or egress to property in said Township, the entrance or exit of which connects with any Township road for public use or travel in said Township of Tilden, or drainage area thereof, unless application has first been made to said Township Supervisors for a permit for such construction, erection, reconstruction, improvement, pavement or blacktopping and said Township Supervisors have evidenced their approval of such construction, erection, reconstruction, improvement, pavement or blacktopping by granting a permit therefor. (Ordinance No. 42, May 1, 1979, Section 1)

Section 202. Permit Required. The application for such permit shall be made by the owner or occupier, or by his constructor or agent, in writing on forms provided by the said Township Supervisors in accordance with such rules and regulations as may be prescribed by the Township Supervisors. There shall be appended to each application a plan showing the outlines of the property affected, with existing buildings thereon, existing drains, culverts, footwalks and driveways, with the proposed drain, culvert, driveway or footwalk to be constructed, erected, reconstructed, improved, paved, or blacktopped, and its relationship to any Township road for public use or travel in said Township of Tilden, and particularly the construction, reconstruction, improvement, pavement, or blacktopping of said drain, culvert, footwalk or drive and its relationship to the drainage of said road. (Ordinance No. 42, May 1, 1979, Section 2)

Section 203. Cost of Permit. The cost of filing such application or the cost of any permit issued thereon or the cost of any inspection deemed necessary by the Township Supervisors shall be determined according to the general fee schedule to be adopted by a resolution of the Township Supervisors and all such fees and costs shall be paid into the Township treasury. (Ordinance No. 42, May 1, 1979, Section 3)

Section 204. Approved by Township. The Township Supervisors may alter such plans and specify such changes or modifications of any kind which they may deem necessary to make their approval of the granting of any such permit, subject to any such alterations, changes or modifications. (Ordinance No. 42, May 1, 1979, Section 4)

Section 205. Violations; Penalties. Upon the construction, erection, reconstruction, improvement, pavement or blacktopping of any such drain, culvert, drive or footwalk which does not comply with any conditions imposed by the Township Supervisors as aforesaid, or any erection, construction, reconstruction, improvement, pavement or

blacktopping of any such drain, culvert, drive or footwalk made without the prior approval of the Township Supervisors, and which does not meet with the approval of the Township Supervisors after construction, erection, reconstruction, improvement, pavement or blacktopping, then in either case, the Township Supervisors may, with or without notice, make the necessary correction and recover the cost of such correction in a summary proceeding to be brought before a District Justice in the Township.

Any Person, partnership, corporation or other entity who or which has erected, constructed, reconstructed, improved, paved or blacktopped a drain, culvert, driveway or footwalk, without first having made application and received a permit therefor as aforesaid, or has violated or permitted the violation of the provisions of this Part shall, upon conviction thereof in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of at least One Hundred and 00/100 Dollard (\$100.00) and not more than One Thousand and 00/100 Dollars (\$1,000.00) and costs of prosecution and/or to undergo imprisonment to the extent permitted by law for the punishment of summary offenses. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.C.P. No. 83(c) (relating to trial in summary cases). Each day that a violation continues shall constitute a separate offense. (Ordinance No. 42, May 1, 1979, Section 5; as amended by Ordinance No. 113, March 4, 1979, Section 2)

Section 206. Subdivision Plans. The provisions of this Part and the necessity of compliance therewith shall not apply to any case wherein the subject of this Part has been incorporated in a sub-division plan which has received the approval of the Board of Supervisors. (Ordinance No. 42, May 1, 1979, Section 6)

Section 207. Severability. The provisions of this Part are severable; and if any portion thereof is held to be invalid, the decision of the Court shall not affect or impair any of the remaining portions of this Part. It is hereby declared to be the intent of the Supervisors that this Part would have been adopted if such invalid portion had not been included herein. (Ordinance No. 42, May 1, 1979, Section 7)