

**LEBOEUF TOWNSHIP  
ERIE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3 - 2010

**AN ORDINANCE PURSUANT TO 53 P.S. §67322 OF THE SECOND CLASS TOWNSHIP CODE, AS AMENDED, PROVIDING FOR THE REGULATION OF ROADWAY OPENINGS AND PROVIDING FOR THE REGULATION OF UTILITY INSTALLATIONS WITHIN THE ROADWAYS OF LEBOEUF TOWNSHIP.**

AND NOW this 28<sup>th</sup> day of JULY, 2010, the Board of Supervisors of LeBoeuf Township ("Township") hereby **ENACTS** and **ORDAINS** as follows:

**Section 1. Title.** This ordinance shall be cited to as the "LeBoeuf Township Roadway Opening and Utility Installation Ordinance".

**Section 2. Permit Required.** No opening, cutting, excavating, grading, boring, crossing, installation or disturbance of any kind shall be allowed upon, in, under, or across any portion of a Township road or any Township road right of way without a permit granted by the Township.

**Section 3. Application for Permit; Fee.** The application for a permit shall be on a form provided by the Township and submitted to the Township in duplicate. The Township Roadmaster shall be responsible for review and administration of the permit. The application shall be accompanied by a fee for processing the application in accordance with the Schedule of Fees set forth by the Department of Transportation for highway occupancy permits and restoration charges, and another fee for review by the Township Roadmaster and for making the inspection. Such fees shall be set from time to time by Resolution of the Township Board of Supervisors. In addition, the applicant shall submit two (2) copies of a sketch showing the location of the intended work, width of the traveled roadway, right-of-way lines, an address, and a dimension to the nearest intersecting road or other nearby landmark, so as to ascertain the location of the work.

**Section 4. Decision on the Permit.** The permit application shall be approved or denied within 30 calendar days of submission of a complete application to the Township. If the application and required documents do not conform to the requirements of this Ordinance and applicable ordinances, rules, and regulations, the Township Roadmaster shall deny the application in writing, stating the reasons. If the Township Roadmaster is satisfied that the proposed work conforms to the aforesaid requirements, the Township Roadmaster shall issue a permit.

**Section 5. PA One-Call.** All work is to be done pursuant to limitations and obligations of the Underground Utility Line Protection Act, 73 P.S. §176 et.seq. ("PA One-Call"). No work shall begin until such date and time as authorized by PA One-Call.

**Section 6. Work Standards.** At least one lane of traffic shall be maintained at all times. The applicant shall comply with the provisions of PennDOT Publication 203, "Work Zone Traffic Control."

**Section 7.** **Road Closures.** No road shall be closed without giving the Township at least five (5) business day prior notice, to allow time to notify 911, police, fire departments, emergency services and school districts.

**Section 8.** **Notification.** The applicant shall notify the Township Roadmaster five (5) business days in advance of starting work and within twenty four (24) hours upon completion of temporary restoration and permanent restoration.

**Section 9.** **Backfill.** All backfill within the Township right-of-way shall be 2A crushed stone of optimum moisture content. There shall be a minimum two (2") inches of bedding under the pipe or utility line. Crushed stone backfill shall be mechanically compacted in maximum six (6") inch lifts.

**Section 10.** **Clean-up.** The work area shall be swept clean, cleaned of debris and otherwise policed at the end of each workday and at the end of the project

**Section 11.** **Installation.** The top of every utility facility, conduits and pipes shall be installed with a minimum of four (4) feet of cover.

**Section 12.** **Prohibited Locations.** No utilities, except for transverse laterals, shall be placed within five (5') feet of the edge of cartway or paved shoulders. No utilities shall be placed at a depth other than prescribed in Section 11.

**Section 13.** **Maintenance of Lines.** The permit holder shall ensure the maintenance of every utility facility at the depth prescribed in Section 11. The permit holder shall be held strictly liable for any and all damages caused by the utility facility not being at the prescribed depth.

**Section 14.** **Insurance.** As part of the permit application, the applicant shall provide the Township with insurance certificates for the following policies of insurance in full force and effect with an insurance company(ies) admitted by the Pennsylvania Insurance Commissioner to do business in the Commonwealth of Pennsylvania and rated not less than A in Best Insurance Key rating Guide:

1. Commercial general liability insurance, including property damage liability and personal injury liability of not less than \$1,000,000 for each occurrence and a \$2,000,000 minimum aggregate amount.

2. Automobile bodily injury liability insurance of not less than \$500,000 each person; \$500,000 each occurrence.

3. Statutory Workman's Compensation and employer's liability insurance. All policies of commercial general liability insurance required hereunder shall name Township, its supervisors, engineer and employees as additional insureds. Specifically, commercial general liability insurance policy shall name the Township, its officers, agents, supervisors, elected officials and employees as an additional insured under ISO endorsement CG 20 26 07 04 or non ISO equivalent. Any policy or policies of insurance shall be primary and non-contributory to insurance coverage maintained by the Township. Certificates of insurance shall state that coverage shall not be cancelled by either party except after thirty (30) days' prior to written

notice by U.S. certified mail, return receipt requested, has been given to the Township. In addition, the applicant shall indemnify and hold harmless the Township and shall assume the defense and all costs of lawsuits and awards.

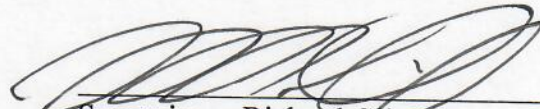
**Section 15. Violations and Penalties.** Any person or utility which shall violate or permit the violation of the provisions of this ordinance shall, upon being found liable therefore in a criminal enforcement proceeding, pay a fine of not more than \$1,000 nor less than \$25, together with court costs and reasonable attorney fees, and may be incarcerated for a period not exceeding 90 days. Such fines, costs, attorney fees and incarceration, after being reduced to a final, unappealed judgment, shall be enforced by the Township pursuant to the applicable rules of criminal procedure. Each day of violation shall constitute a separate violation.

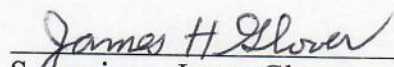
**Section 16. Severability.** If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.


**Section 17. Effective date.** This ordinance shall be effective five (5) days from the date of enactment.

ENACTED and ORDAINED this 28 day of JULY, 2010.


BOARD OF SUPERVISORS OF  
LEBOEUF TOWNSHIP

  
Supervisor - Richard Gilmore

  
Supervisor - James Glover

  
Supervisor - Jack Merry

Attest:

  
Secretary/Treasurer: Catherine Wise

TOWNSHIP SEAL

