

TOWNSHIP OF CASCADE

ORDINANCE No. 25

AN ORDINANCE OF THE TOWNSHIP OF CASCADE, LYCOMING COUNTY, PENNSYLVANIA PROVIDING THAT NO PUBLIC STREETS OF THE TOWNSHIP ARE TO BE OPENED OR CUT EXCEPT IN COMPLIANCE HEREWITH, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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

SECTION I: TITLE:

This Ordinance shall be known as the
"Cascade Township Road Right-of-Way Ordinance."

SECTION II: AUTHORITY:

This Ordinance is enacted pursuant to the Second Class Township Code §1601.

SECTION III: PURPOSE:

The purpose of this Ordinance is to protect the public interest by regulating the location and construction of utility facilities, including boring under Township roads, and other structures within Township road right-of-way for the purpose of ensuring the structural integrity of the road, economy of maintenance, preservation of proper drainage and safe and convenient passage of traffic.

SECTION IV: REGULATIONS:

A. Except as provided in subparagraph B below, no work may be performed within the Township Road

right-of-way involving the placing of utility facilities or other structures or opening of the surface, including boring under the Township road, without first obtaining a permit from Cascade Township.

B. The following work may be performed without obtaining a permit:

- (1) Emergency repairs of utility facilities may be performed by using an emergency permit card to be secured from the Township in accordance with the procedure set forth in 67 Pa. Code §459.6.
- (2) A permit application is not required for modifying parts of existing permitted facilities, such as cable within conduit, cross arms or transformers on poles, or manhole riser rings prior to roadway resurfacing, if no surface opening is required.
- (3) Permit applications are not required for stringing overhead utility lines.
- (4) Permit applications are not required for accessing an existing utility facility through a manhole.

SECTION V: PERMIT APPLICATION PROCEDURE:

A. Permits to perform work within the Township road right-of-way as required in Section IV above shall be applied for and issued in accordance with the procedure set forth in 67 Pa. Code §459.3 and by reference to all applicable Pennsylvania Department of Transportation publications including but not limited to the Commonwealth of Pennsylvania Department of Transportation Publication 408-2007 and/or its successor publications and amendments thereto. Any reference to the "Department" in the Code and Publications shall be interpreted as a reference to the Township.

B. In addition to any requests for a permit to disturb Township roads, an applicant for a permit shall be required to pay application fees in accordance with 67 Pa.Code §459.4. Additional inspection and permit fees shall be established by resolution, from time to time, at the discretion of the Township.

C. Permits shall be issued in accordance with the procedures set forth in 67 Pa.Code §459.5.

D. In addition to any requirements for a permit to disturb Township roads, the applicant shall be required to post a bond in a form acceptable to the Township in an amount determined by the Township to ensure sufficient funds are available to repair said roads and to bring them up required specifications.

SECTION VI: ENFORCEMENT:

~ A. This Ordinance shall be enforced by the Board of Supervisors of the Township or their designated agent or agents, the Township Zoning Officer, or the Pennsylvania State Police.

B. The Board of Supervisors may revoke any permit issued hereunder should they become aware of any violations of this Ordinance or the permit requirements set forth herein.

C. Enforcement of this Ordinance shall be by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pennsylvania Rules of Criminal Procedure.

SECTION VII: PENALTY:

Any violation of this Ordinance shall be punishable by the imposition of a fine not to exceed \$1,000.00 per violation and imprisonment to the extent allowed by law for the punishment of summary offenses.

SECTION VIII: REPEALER:

All Ordinances or parts of Ordinances, which are inconsistent herewith, are hereby repealed.

SECTION IX: SEVERABILITY:

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

SECTION X: EFFECTIVE DATE:

This Ordinance shall become effective five (5) days after the adoption hereof.

ENACTED and ORDAINED this 6 day of September, 2011.

ATTEST:

CASCADE TOWNSHIP SUPERVISORS

Rebecca A. Stugard
Secretary

Jeffery Williams
Supervisor

James L. Brown
Supervisor

Chandler
Supervisor