

CHAPTER 21

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PART 1

DRIVEWAY AND UTILITY PERMITS

§21-101. Construction, Laying and Erection of Driveways and Certain Utilities.

In accordance with the provisions of §2322 of the Second Class Township Code, 53 P.S. §67322, no railroad or street railway shall be constructed upon any Township road, nor shall any railroad or street railway crossings, driveway connections, 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 specified by East Rockhill Township for that purpose.

(Ord. 163, 4/9/1996, §1)

§21-102. Rules and Regulations.

The Supervisors are hereby authorized and empowered to adopt such rules and regulations by resolution concerning construction of facilities, driveways and occupancy of Township road rights-of-way.¹ All such rules and regulations adopted by the Township shall be in conformity with the provisions herein, and all other applicable laws and regulations of the administrative agencies of the Commonwealth of Pennsylvania.

(Ord. 163, 4/9/1996, §2)

§21-103. Procedure for Obtaining a Permit.

Each application shall be submitted to the Township in triplicate on forms prescribed by the Township. The application shall be accompanied by a fee set by the Board of Supervisors by separate resolution, and the applicant shall establish an escrow account with the Township to guarantee satisfactory restoration of the Township roadway and to cover the costs of Township inspections required by 53 P.S. §67322.

(Ord. 163, 4/9/1996, §3)

§21-104. Issuance of Permit.

A permit shall be issued to the applicant after all the aforementioned requirements have been filed and found in conformance to applicable rules and regulations of the Township.

¹ Editor's Note: Driveway and utility regulations are found in Part 3.

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(Ord. 163, 4/9/1996, §4)

§21-105. Inspection.

Upon completion of the work authorized by the permit, the Township shall inspect the work authorized by the permit, and when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the Township. In addition to such inspection, the Township Supervisors may reinspect the work not more than two years after its completion, and if any settlement of the road surface or other defects shall appear in the work contrary to the conditions, restrictions and regulations of the Township, it may enforce compliance therewith. If the applicant shall fail to rectify any such settlement or other defect, within 60 days after written notice from the Township Supervisors to do so, the Township Supervisors may do the work and impose upon the applicant the costs thereof, together with an additional 20% of such costs, which may be recovered by an action in assumpsit in the court of common pleas of Bucks County.

(Ord. 163, 4/9/1996, §5)

§21-106. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 163, 4/9/1996, §6; as amended by Ord. 192, 4/18/2000)

PART 2

SNOW AND ICE REMOVAL

§21-201. Definitions.

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context.

BUSINESS DAY — any day not a Sunday or national holiday.

BUSINESS HOURS — hours between 9:00 a.m. and 5:00 p.m. on any business day.

CARTWAY — portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

CORPORATION — natural person, partnership, corporation, association or any other legal entity.

SIDEWALK — portion of a street between the curb lines, or the lateral lines of a cartway and the adjacent property lines, intended for use by pedestrians.

STREET or HIGHWAY — the entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Ord. 153, 9/21/1993, §1)

§21-202. Responsibility for Removal of Snow and Ice from Sidewalks.

Every person in charge or control of any building or lot of land fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise shall remove and clear away or cause to be removed or cleared away snow and/or ice from a path of at least 30 inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

- A. Except as provided in subsection (B) hereof, snow and ice shall be removed from sidewalks within 12 hours after the cessation of any fall of snow, sleet or freezing rain.
- B. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection (A) hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe and shall, as soon thereafter as weather per-

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mits, cause to be cleared a path in said sidewalk of at least 30 inches in width.

(Ord. 153, 9/21/1993, §2)

§21-203. Depositing of Snow and Ice Restricted.

No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant, mailbox or on any sidewalk, roadway or loading and unloading areas of a public transportation system, except that snow and ice may be mounded by the Township of East Rockhill on public cartways incident to the clearing thereof or mounded on curbs incident to the clearing of sidewalks in business districts.

(Ord. 153, 9/21/1993, §3)

§21-204. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 153, 9/21/1993; as amended by Ord. 192, 4/18/2000)

PART 3

DRIVEWAY AND UTILITY REGULATIONS

§21-301. Applicability.

These regulations shall apply to any individual or entity constructing, reconstructing or repairing a driveway which abuts a Township road; any individual or entity installing or replacing a driveway pipe in the right-of-way of a Township road; or any individual or entity constructing, reconstructing or repairing a utility requiring an opening in and/or along a Township road or occupancy of the Township street right-of-way.

(Res. 96-13, 4/9/1996, §1)

§21-302. Regulations for Driveways.

The following regulations shall apply to the construction and/or reconstruction of driveways:

A. General.

- (1) If a sidewalk or curb is present, the sidewalk and/or curb must be restored to the same condition as it was before construction of the driveway. Depressed curb must be installed if full depth curb is present. A concrete driveway apron must be installed if sidewalk is present.
- (2) Driveways shall be located no less than 40 feet from any street intersection (measured from the intersection of the curb). Sight distance requirements for all residential and nonresidential driveways shall be in accordance with PennDOT Chapter 441.
- (3) Driveways to corner lots shall gain access from the street of lower classification when a corner lot is bounded by streets of two different classifications as listed in §22-506(3) of the Subdivision and Land Development Chapter. [Chapter 22]
- (4) All driveways serving single-family dwellings, except shared driveways, shall be at least five feet from any side or rear lot line.
- (5) All driveways serving single-family dwellings shall be a minimum eight feet in width with a grade not to exceed 10%; except that driveway grade may be up to 15%, if a leveling area, 4% or less, a minimum of 20 feet in length is provided at the intersection with the Township road, and at the interior end of the driveway. Maximum change in grade at any location on the driveway shall not exceed 8%.

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- (6) All single-family residential driveways shall be paved from the edge of cartway to the ultimate right-of-way, or for a length of 15 feet, whichever is greater, using the following minimum standards:
 - (a) Crushed aggregate base course with a compacted depth of six inches.
 - (b) Bituminous binder course (ID-2) with a compacted depth of 1 1/2 inches.
 - (c) Bituminous wearing course (ID-2) with a compacted depth of one inch.
 - (d) In the case where sidewalks are provided, a concrete driveway apron shall be required.

B. Driveway Pipe.

- (1) Driveway pipe must be installed within the roadside drainage swale of all Township roads (where curbs do not exist) unless determined not required by the Township.
- (2) Where an existing roadside drainage swale is too shallow to permit installation of a driveway pipe, a concrete trench box with grate may be required to be installed. Grates must be recessed below edge of cartway to establish a minimum 2% slope from the cartway to the grate. Trench boxes must extend beyond edge of driveway paving a minimum of five feet.
- (3) It shall be the responsibility of the property owner to keep the driveway pipe free from debris and blockage which could impede the flow of water and thus cause flooding of the roadway. In the event that the property owner fails to keep the pipe free of debris which impedes the flow of water, the Township shall notify the property owner to clear the impediment. If the owner fails to clear the impediments after seven days' notice from the Township, the Township will reopen the pipe at the owner's expense.
- (4) Pipe Specifications.
 - (a) Driveway pipes must include flared end sections.
 - (b) End of pipes must extend a minimum of five feet beyond edge of driveway paving.
 - (c) Minimum pipe length is 20 feet.

- (d) Pipe shall be sized to convey the ten-year-storm event flow. Minimum pipe size shall be 12 inch round or 14 inches by nine inches arch.
 - (e) Pipe must be corrugated metal except when reinforced concrete pipe is required by the Township.
 - (f) A minimum of nine inches of cover must be maintained between top of pipe and finished paving elevation.
 - (g) Pipe size and installation specifications may be modified by the Township to meet field conditions.
- (5) Intersection of single-family driveways with cartways shall include a minimum paving radius of five feet on both sides.
- (6) Where curb and sidewalk are required, concrete aprons shall be poured with a minimum thickness of six inches on a minimum four-inch-thick bedding of PennDOT 2B stone. All concrete shall be PennDOT Class AA 3750 psi mix. One-half inch expansion shall be placed between apron and curb. One-fourth inch score contraction joints shall be installed at 1/3 intervals.

C. Shared Residential Driveways.

- (1) Minimum driveway width shall be 18 feet within the street ultimate right-of-way.
- (2) Entrance must be paved in accordance with subsection (A)(6) within the ultimate right-of-way or for a minimum length of 20 feet (whichever is greater).
- (3) Intersection of driveways with cartways shall include a minimum driveway paving radius of 10 feet on both sides.
- (4) Driveway must be centered on the property line.

D. Nonresidential Driveways.

- (1) Design requirements shall be in accordance with PennDOT Chapter 441.
- (2) Driveways shall be paved. Design of paving section shall be in accordance with expected loading and frequency of loading. Minimum paving specification shall be in accordance with subsection (A)(6), except that minimum compacted depth of the coarse aggregate base course shall be eight inches.

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(Res. 96-13, 4/9/1996, §2)

§21-303. Regulations for Utilities.

The following rules and regulations shall apply to any individual or entity constructing, reconstructing or repairing a utility requiring an opening in and/or along a Township road.²

- A. Roadway Restoration (Right-of-Way).
- (1) Restoration and materials shall conform to PennDOT Form 408 Specifications (latest edition), unless otherwise directed by the Township or this Part.
 - (2) All backfill within Township right-of-way shall consist of full depth stone backfill; unless the side of the trench nearest the road is five feet or greater from the edge of pavement or stone shoulder, if existing. Full stone backfill requirements shall also apply to driveway crossings.
 - (a) Full depth stone backfill shall consist of PennDOT 2A modified stone.
 - (b) Material shall be placed in maximum one foot loose lifts compacted by a vibratory sheeps foot trench roller. When material is compacted by use of a jumping jack, eight inch loose lifts shall be utilized.
 - (c) Where full depth stone backfill is required outside of paved or stoned areas, the trench shall be topped with a minimum of six inches of topsoil and restored as lawn.
 - (d) Permittee shall be responsible for any subsequent settlement that occurs within roadway. Settlement must be immediately corrected with addition of paving material. Any damage that occurs to motor vehicles due to improper trench maintenance shall be the responsibility of the permittee.
 - (3) Two inch depth temporary patch of BCBC or cold patch (PSP) shall be installed and maintained at the end of each workday and for no less than 30 days prior to final restoration of an existing roadway or driveway. Temporary patch shall be removed with final restoration completed no more than 90 days from the date of utility installation.

² Editor's Note: Application for Township Road Occupancy Permit is on file at the Township office.

- (4) Utility owner/contractor shall be responsible for proper implementation of safety requirements in conformance to all Federal and State Department of Labor and Occupational Safety and Hazard Administration regulations.
- (5) At any location where the existing cartway is disturbed, a minimum five inches of BCBC, and two inches of ID-2 binder shall be installed to existing grade.
- (6) Full cartway width overlay of ID-2 wearing material is required regardless of extent of encroachment onto the existing cartway, unless otherwise specified by the Township. (Refer attached Drawings S-18 and 5-19.)³
 - (a) Overlay shall extend a minimum 25 feet beyond the furthest point of disturbance running parallel to the cartway.
 - (b) Where trenches cross paved driveway entrances, driveway entrance shall be completely overlaid within limits of right-of-way.
 - (c) Where overlay terminates, a 6 to 1 paving taper shall be provided (as directed) from edge of existing paving to road centerline and a one foot wide key (saw cut or milled) shall be provided for tie-in into existing paving.
 - (d) ID-2 leveling course shall be installed as directed by the Township to correct roadway crown and all irregularities that exist prior to installation of one inch minimum ID-2 wearing course overlay. Tack coat shall be applied prior to any leveling or overlay. Placement of tack coat shall be by a distribution vehicle.
 - (e) Upon completion of overlay, all pre-existing line striping shall be replaced in kind; and all paving seams/structures shall be provided with a one foot wide seam seal.
- (7) All sidewalk and curb damaged by excavation and construction activity shall be replaced to the satisfaction of the Township.
- (8) Earthen areas within the street right-of-way shall be restored in accordance with subsection (B).

B. Lawn Restoration.

- (1) Lawn restoration shall apply in all areas not requiring roadway restoration (i.e., outside of paved/stoned cartway and/or shoulders).

³ Editor's Note: Drawings S-18 and S-19 are on file at the Township office.

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- (2) Backfilling of trench shall conform to the following specifications:
 - (a) Maximum particle size of rock within earth backfill is eight inches.
 - (b) Suitability of earth backfill is at the discretion of the Township. Soil backfill shall be free of roots, woody vegetation, organic material, oversized rocks, trash, or other objectionable material.
 - (c) Material shall be placed in maximum one foot loose lifts compacted by a vibratory sheeps foot trench roller. When material is compacted by use of a jumping jack, eight inch loose lifts shall be utilized.
 - (d) Permittee shall be responsible for subsequent settlement that occurs through undeveloped areas or within right-of-way/easements. Trenches shall be topped with additional topsoil as necessary to fill in settlement and stabilize.
- (3) Seeding, fertilizing and mulching specifications shall conform to DER Chapter 102 and Bucks County Conservation District Rules and Regulations; PennDOT Form 408 (latest edition); or as specified by the Township.
- (4) Minimum depth of topsoil shall be six inches. If existing topsoil depth exceeds six inches, the adjacent existing depth shall be re-established and matched along the entire trench location.

(Res. 96-13, 4/9/1996, §3)

§21-304. Protection of Traffic.

Vehicular traffic control in work zone areas on and along streets open to the public shall be in strict accordance to requirements of PennDOT Publication 203, Work Zone Traffic Control ('67 PA Code, Chapter 203).

(Res. 96-13, 4/9/1996, §4)

§21-305. Utility Poles.

Placement of utility poles within Township right-of-way shall be in accordance with PennDOT standards. Issuance of a Township permit for a utility pole evidences compliance with Township administrative rules and regulations. The Township assumes no responsibility for pole location as it relates to traffic safety.

(Res. 96-13, 4/9/1996, §5)

§21-306. Escrow Funds.

When deemed necessary by the Township, an escrow must be established by the applicant in an amount determined by the Township to guarantee satisfactory restoration of the road/right-of-way.

(Res. 96-13, 4/9/1996, §6)

§21-307. Rectification of Improper Work.

If any person constructs a driveway or curb-cut, installs a driveway pipe or constructs/repairs a utility which does not conform to the requirements of this Part, the Township shall order such person, firm or corporation to remove the improper work and replace same in compliance with this Part. Notice to remove and replace the improper work shall be given by registered mail and shall state that the person, firm or corporation has 14 days from the receipt of notice to comply therewith. Upon noncompliance, the Township may do or cause to be done the work requested, and may levy the cost of its work on such owner as a property lien to be collected in any manner provided by law.

(Res. 96-13, 4/9/1996, §7)

§21-308. Penalties.

Failure to comply with the terms of this Part shall be a violation of Ordinance No. 163 [Ch. 21, Part 1], and said person or entity violating the provision of this Part shall be subject to the penalties and enforcement provisions set forth in Ordinance No. 163 [Ch. 21, Part 1]

(Res. 96-13, 4/9/1996, §8)

PART 4

RIGHTS-OF-WAY

§21-401. Definition of Terms.

For the purpose of this Part, the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number.

AFFILIATE – a person (i) with a direct or indirect ownership interest in the subject entity of 5% or more or which controls such interest, including forms of ownership such as general, limited or other partnership interests, direct ownership interests, limited liability companies and other forms of business organizations and entities but, not including corporations; (ii) with a stock interest in the subject entity where the subject entity is a corporation and such stockholder or its nominee is an officer or director of the grantee or who directly or indirectly owns or controls 5% or more of the outstanding stock, whether voting or nonvoting; or (iii) which controls grantee and/or, is controlled by, or is under common control with such person or entity.

CABLE SERVICE – the same meaning as used in the Communications Act.

COMMUNICATIONS ACT – the Communications Act of 1934, as amended as of the time of enactment of this Part.

EQUIPMENT – any tangible asset used to install, repair, or maintain a facility in the public way.

EXEMPT – a service which is provided to residences or businesses within the service area, but which is exempt from the provisions of this Part under §21-404(2) of this Part.

FACILITY – any tangible asset in the public way used or required to provide a nonexempt service to residences or businesses within the service area. The following are not a facility: a railroad, street railway, gas pipe, water pipe, electric conduit, electric piping, telephone pole, telegraph pole, electric light pole, electric power pole, coal tipple or obstruction to the public way.

GRANTEE – a person who enjoys a nonexclusive privilege to occupy or use a public way to provide nonexempt service under this Part and who is in continuous compliance with this Part.

GROSS REVENUE – all gross revenue of grantee or any affiliate of grantee derived from the use or occupancy of public ways for the provision of nonexempt ser-

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VICES to persons having a residence or place of business in the service area. Gross revenue shall include amounts earned, regardless of: (i) whether the amounts are paid in cash, in trade or by means of some other benefit to grantee or its affiliates; (ii) whether the services with which the revenue is associated are provided at cost or the revenue amount can be matched against an equivalent expenditure; and/or (iii) how the amounts are initially recorded by grantee or its affiliates. Gross revenue shall not be a net of: (a) expense, including, but not limited to, any operating expense; capital expense; sales expense; or commission; (b) any accrual, including, without limitation, any accrual for commissions; or (c) any other expenditure, regardless of whether such expense, deduction, accrual, or expenditure reflects a cash payment. Gross revenue shall not be double counted, viz., gross revenue which has been included as gross revenue of both grantee and an affiliate, but which sum is included in gross revenue due solely to a transfer of funds between grantee and the affiliate shall not be counted for purposes of determining gross revenue.

NONEXEMPT – a service which is provided to residences or businesses within the service area, but which is not exempt from the provisions of this Part under §21-404(2) of this Part.

PERSON – (i) any natural person, sole proprietorship, partnership, association, limited liability company, corporation or other form of organization authorized to do business in the Commonwealth of Pennsylvania and (ii) provides or seeks to provide one or more nonexempt services to residences or businesses in the service area. A governmental entity or a municipal authority is not a person.

PUBLIC WAY – the surface of, and the space above and below, any public street, unopened right-of-way, highway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle or other public right-of-way held by the Township in the service area. Public way shall also mean any easement now or hereafter held by the Township within the service area for the purpose of public travel and/or for utility and/or public service use dedicated for compatible uses.

SERVICE AREA – the present municipal boundaries of the Township, and shall include any additions thereto by annexation or other legal means.

TOWNSHIP – the Township of East Rockhill, County of Bucks, Commonwealth of Pennsylvania, or the lawful successor, transferee or assignee thereof.

(Ord. 212, 7/19/2005, §1)

§21-402. Registration.

Each person, other than on a transitory basis, who occupies or uses or seeks to occupy or use a public way to provide a nonexempt service to residences or businesses within the service area, or places any equipment or facility in a public way other than on a transi-

tory basis, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the Township. Registration is accomplished by filing with the Township a completed provider certification in the form shown at Appendix "A" to this Part.⁴

(Ord. 212, 7/19/2005, §2)

§21-403. Grant of Ordinance; Exemptions.

1. Grant. It shall be unlawful for any person to construct, repair, remove, relocate or perform any work on or use any facilities or any part thereof in a public way unless in compliance with this Part. Continuous compliance with this Part grants to grantee a nonexclusive privilege to construct, repair, remove, relocate or perform any work on or use any facilities or any part thereof in the public ways within the service area and to occupy or use the public ways for the purpose of providing nonexempt service to residences or businesses within the service area.

2. Exemptions.

This Part shall not apply to occupation or use of the public ways to provide:

- A. The transportation of passengers or property or both as a common carrier by means of elevated street railway, inclined plane railway, railroad, street railway or underground street railway, trackless-trolley omnibus or by any combination of such means.
- B. The transportation of artificial or natural gas, electricity, petroleum or petroleum products or water or any combination of such substances for the public.
- C. The production, generation, manufacture, transmission, storage, distribution or furnishing of natural or artificial gas, electricity, steam, air conditioning or refrigerating service or any combination thereof to or for the public.
- D. The diverting, developing, pumping, impounding, distributing or furnishing of water from either surface or subsurface sources to or for the public.
- E. The collection, treatment or disposal of sewage for the public.
- F. The conveyance or transmission of messages or communications by telephone or telegraph for the public, if all facilities are placed underground. No above-ground facilities are permitted unless in full compliance with the Township's Zoning Ordinance provisions with respect to telecommunications uses.

⁴ Editor's Note: Appendix A is on file at the Township office.

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- G. The diverting, pumping or impounding of water for the development or furnishing of hydroelectric power to or for the public.
 - H. The transportation of oxygen or nitrogen, or both, by pipeline or conduit for the public.
 - I. Any ancillary service reasonably necessary or appropriate for the accomplishment of services specified in subsections (A) through (H).
 - J. Cable service.
- 3. Not a Cable System. This Part does not authorize a person to provide cable service. A person seeking to provide cable service must obtain permission from the Township under separate legislation of the Township.
 - 4. Not a Pole Attachment Agreement. This Part does not authorize the grantee to attach to any pole or other structure in a public way devices for the intentional transmission or radiation of radio frequency emissions or energy through the ether by any means now known or hereafter developed.

(Ord. 212, 7/19/2005, §3; as amended by Ord. 271, 9/17/2013)

§21-404. Standards of Service.

- 1. Conditions of Street Occupancy. All facilities and equipment installed or erected by the grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any of said public ways.
- 2. Restoration of Public Ways. If during the course of grantee's construction, operation and/or maintenance of its facilities and equipment there occurs a disturbance of any public way by grantee, grantee shall, at its expense, replace and restore such public way to a condition which existed immediately prior to such disturbance. If grantee excavates the surface of any public way, grantee shall be responsible for restoration of the public way and its surface within the area affected by the excavation. The Township reserves the right, after providing notice to grantee, to remove and/or repair any work done by grantee which is inadequate. The reasonable cost thereof, including the cost of inspection and supervision, shall be paid by the grantee. All excavations made by grantee in the public way shall be properly safeguarded for the prevention of accidents.
- 3. Trees and Shrubbery. The grantee shall notify Township and all affected property owners regarding grantee's need to trim trees or other natural growth upon and overhanging public ways so as to prevent the branches of such trees from coming

in contact with its facilities or equipment. Trimming shall be limited to the area required to clear its facilities or equipment.

4. Safety Requirements. All such work in the public ways shall be performed in accordance with applicable safety codes and technical requirements.
5. Maps. Prior to beginning any construction of facilities, grantee shall provide the Township with a construction schedule for work in the public ways which schedule shall be updated as changed. Upon completion of initial construction and upon completion of construction of any modification to its facilities, grantee shall provide the Township with a map showing the location of its installed facilities in the public ways. Such maps shall be provided in both paper form, as well as in an electronic format for placement on the Township's GIS system. Annually thereafter, grantee shall provide a map to the Township showing the location of grantee's facilities in the public ways on a scale of 150 feet per inch or whatever standard scale the Township adopts for general use.
6. Excavations. Grantee may make excavations in public ways for any facility subject to obtaining excavation permits from the Township. Prior to doing such work, grantee must apply for, and obtain, appropriate permits from the Township and give appropriate notices to any other licensees and/or permittees of the Township and/or other units of government owning or maintaining facilities which may be affected by the proposed excavation.
7. Reservation of Township Public Ways. Nothing in this Part shall be construed to prevent the Township or other agency of government or municipal authority from constructing sewers, grading, paving, repairing and/or altering any street and/or laying down, repairing and/or removing water mains and/or constructing and/or establishing any other public work or improvement. If any of the grantee's facilities or equipment interferes with the construction or repair of any street or public improvement, including construction, repair or removal of a sewer or water main, the grantee's facilities or equipment shall be removed or replaced in the manner the respective Township or other agency of government or municipal authority shall direct. Any and all such removal or replacement shall be at the expense of the grantee. Should grantee fail to remove, adjust or relocate its facilities by the date established by the Township or other agency of government or municipal authority, the Township or other agency of government or municipal authority may cause and/or effect such removal, adjustment or relocation, and the expense thereof shall be paid by grantee, including all reasonable costs and expenses incurred by the Township or other agency of government or municipal authority due to grantee's delay.

(Ord. 212, 7/19/2005, §4)

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§21-405. Rental.

1. In consideration of occupying or using the public ways under this Part, grantee shall pay to Township a rental equal to 5% of gross revenue.
2. The rental shall be assessed on a calendar quarterly basis and shall be payable to the Township no later than 45 days after the expiration of the calendar quarter for which payment is due. Grantee shall file with the Township a complete and accurate statement, under notarial seal, at the end of each calendar year quarter certified as true and correct by a representative of grantee, authorized to make such certification, explaining how the payment was calculated. In connection with the rental payment due on February 14, the grantee shall also submit to the Township, on that date or no later than six months thereafter, a detailed statement by an officer of the grantee certified by the grantee's independent certified public accountant verifying the accuracy of the gross revenue and rental payments for the previous calendar year, with a detailed breakdown and explanation of the calculation by each month.
3. Grantee shall keep accurate books of account which shall clearly support the calculation of rentals and describe in sufficient detail the amounts attributable to each specific component of gross revenue. Such books of account and all supplemental information and source documents in support thereof including, but not limited to, third party remittances and contract documents, shall be made available to the Township and its authorized representatives for examination at a location in Bucks County, Pennsylvania, at any time during regular business hours on 10 days' prior written notice and from time to time for the purpose of verifying or identifying rentals owed to the Township. Grantee shall exercise its best efforts to obtain financial records of affiliates for the Township for the purpose of verifying the accuracy of the rental payments. Township shall have the right to examine and to recompute any amounts determined to be payable under this Part; provided, however, that such examination shall take place within 48 months following the close of each year. Any additional amount due to Township as a result of the examination and recomputation shall be paid within 30 days following written notice to grantee by the Township, which notice shall include a copy of the examination report. In the event that said examination determines that funds are owed to the Township in an amount in excess of 2%, the cost of said examination shall be borne by the grantee and reimbursed to Township within 30 days following written notice to grantee.
4. In the event that any rental or other payment is not made or the requisite documentation and certification is not provided on or before the applicable dates heretofore specified, interest shall be compounded daily and set at the one-year United States Treasury Bill rate existent on the date payment was due, plus three percentage points. Any amount recomputed to reflect correct payment due shall bear interest as described from the date such payment was originally due.

(Ord. 212, 7/19/2005, §5)

§21-406. Insurance, Indemnification and Bonds or Other Surety.

1. Grantee shall save the Township, its agents, employees and elected and appointed officials, harmless from and against all claims, damages, losses and expenses, including reasonable attorney's fees, sustained on account of any suit, judgment, execution, claim or demand whatsoever arising out of the construction, leasing, operation or maintenance of the grantee's equipment, facilities, and services specified by this Part, whether or not any act or omission complained of is authorized, allowed and/or prohibited by the Ordinance and the rights granted thereunder.

2. Insurance.

A. Grantee shall obtain and maintain in full force and effect throughout the term of this Part insurance with an insurance company licensed to do business and doing business in the Commonwealth of Pennsylvania and acceptable to the Township. All companies will be required to be rated A-VH or better by A.M. Best or A or better by Standard and Poors. Grantee shall provide Township with proof of such insurance so required.

B. Grantee shall obtain and maintain in full force and effect, at grantee's sole expense, insurance coverage in the following types and minimum amounts:

Type	Amount
Workers' compensation and statutory employers liability	\$100,000/\$500,000/ \$100,000
Commercial general (public) liability - to include coverage for the following where the exposure exists:	
Premises operations	Combined single limit for bodily injury and property damages
Independent contractors	
Products/completed operations	\$2,000,000 per occurrence or its equivalent
Personal injury	
Contractual liability	
Explosion, collapse and underground property damage	
Comprehensive vehicle insurance coverage for loading and unloading hazards, for:	
Owned/leased vehicles	Combined single limit of bodily injury and property damage \$ 1,000,000 per occurrence or its equivalent
Nonowned vehicles	
Hired vehicles	

STREETS AND SIDEWALKS

- C. The Township shall receive without expense copies of certificates of insurance evidencing coverage stated above.
 - D. Grantee agrees that with respect to the above-required insurance, all insurance certificates will contain the following required provisions:
 - (1) Name the Township and its officers, employees, board members and elected and appointed officials as additional insured parties (as the interests of each insured may appear) as to all applicable coverage (except worker's compensation);
 - (2) Provide for 60 days' written notice to the Township for cancellation, nonrenewal, or material change;
 - (3) Provide that all provisions of this Part concerning liability, duty and standard of care, including the indemnity provisions, shall be underwritten by contractual coverage sufficient to include such obligations within applicable policies, subject to policy terms and conditions.
 - E. Companies issuing the insurance policies shall have no recourse against the Township for payment of any premiums or assessments which all are set at the sole risk of the grantee. Insurance policies obtained by grantee shall provide that the issuing company waives all right of recovery by way of subrogation against the Township in connection with any damage covered by these policies.
3. Grantee shall obtain and maintain, at its sole cost and expense, and file with the Township, a corporate surety bond with a surety company authorized to do business in the Commonwealth of Pennsylvania in the amount of 15% of grantee's estimated costs to secure grantee's performance of its obligations and faithful adherence to all requirements of this Part.
- A. No action, proceeding or exercise of a right with respect to such bond shall affect the Township's rights to demand full and faithful performance under this Part or limit grantee's liability for damages.
 - B. The bond shall contain the following endorsement: "It is hereby understood and agreed that this bond may not be canceled by the surety nor any intention not to renew be exercised by the surety until 60 days after receipt by the Township of East Rockhill, by registered mail, of written notice of such intent."
4. All expenses of the above-noted insurance and bond shall be paid by the grantee.
5. The insurance policies mentioned herein shall contain an endorsement stating the following:

- A. Should any policies of insurance be canceled or coverages be reduced, before the expiration date of said policies of insurance, the issuer shall deliver 60 days advance written notice to the Township.
6. Neither the provisions of this Part nor any insurance accepted by the Township pursuant hereto, nor any damages recovered by the Township thereunder, shall be construed to excuse faithful performance by the grantee and/or limit the liability of the grantee under the Ordinance issued hereunder and/or for damages, either to the full amount of the bond or otherwise.

(Ord. 212, 7/19/2005, §6)

§21-407. Enforcement and Termination of Part.

1. General. In addition to all other rights, remedies and powers reserved and/or retained by the Township under this Part or otherwise, the Township reserves the right to bring a civil action to collect any sums due to Township by grantee and/or forfeit or revoke all privileges of grantee under this Part in the event of willful or repeated violation of this Part.
2. Penalties. Any person who commits or suffers the violation of this Part, shall, upon being found liable in a civil enforcement proceeding commenced by the Township, pay a fine of \$600 plus all court costs, including reasonable attorneys' fees incurred by the Township. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of this Part which is found to have been violated. In addition, the Township also may enforce this Part by an action brought in equity.

(Ord. 212, 7/19/2005, §7)

§21-408. Miscellaneous Provisions.

1. Compliance with Applicable Laws and Ordinances.

The grantee shall at all times be subject to the exercise of the police power of the Township. The grantee shall comply with all lawful ordinances, codes, laws, rules and regulations of the Township, County of Bucks, Commonwealth of Pennsylvania, and the United States of America which are now in effect or hereafter enacted.

2. Conflict. Whenever the requirements of this Part are in conflict with other requirements of the ordinances of the Township of East Rockhill, the most restrictive, or those imposing the highest standards shall govern. Privileges granted by this Part do not constitute a waiver or impairment of the rights of the Township at law or equity now or henceforth existing to proceed versus grantee for enforcement of the Ordinance or violation of this Part or ordinances of the Township.

(Ord. 212, 7/19/2005, §8)