

**TOWNSHIP OF WEST BRADFORD**  
**CHESTER COUNTY, PENNSYLVANIA**  
**ORDINANCE 98-11**

AN ORDINANCE OF THE TOWNSHIP OF WEST BRADFORD DEFINING AND REGULATING STREET EXCAVATIONS AND OPENINGS; SETTING FORTH REQUIREMENTS FOR PERMIT APPLICATIONS, FORMS AND FEES AND THE APPROVAL AND ISSUANCE OR DENIAL THEREOF; REQUIRING NOTIFICATION OF UTILITIES; FIXING RESPONSIBILITY FOR RESTORATION OF OPENINGS AND SURFACES AND DEFECTS THEREFROM; ESTABLISHING REQUIREMENTS AND SPECIFICATIONS FOR WORK UNDER PERMIT; AUTHORIZING EMERGENCY WORK; PROHIBITING REMOVAL OR DESTRUCTION OF TREES AND SHRUBBERY; ESTABLISHING LIMITATIONS FOR LAYING AND EXTENDING UTILITY LINES; AUTHORIZING THE TOWNSHIP OF WEST BRADFORD TO DO WORK AND COLLECT COSTS; REQUIRING POSTING OF BONDS; AND PRESCRIBING PENALTIES FOR VIOLATIONS.

**NOW**, therefore, be it enacted and ordained by the Board of Supervisors of West Bradford Township, Chester County, Pennsylvania and it is hereby enacted and ordained , as follows:

**SECTION 1    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:

**EXCAVATION:** any activity within the right-of-way of any street, alley, or cartway which involves cutting, breaking, or disturbing the surface thereof. In this ordinance, the term **OPENING** shall have essentially the same meaning as excavation.

**STREET:** any public street, avenue, road, square, alley, highway, or other public place located in the Township of West Bradford and established for the use of vehicles, but shall not include State highways.

**PERSON:** any natural person, partnership, firm, association, corporation, public utility or municipal authority.

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

**SECTION 8 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. It shall be the permittee's responsibility to contact the utilities that have recorded their facilities in compliance with said Act. A partial list of utilities providing services in the Township of West Bradford and their office addresses may be obtained from the County Recorder of Deeds.

**SECTION 9 REFILLING OF OPENING OR EXCAVATION; RESTORATION OF SURFACE; RESPONSIBILITY FOR DEFECTS OCCURRING WITHIN TWO YEARS**

Any person who shall open or excavate any street in the Township of West Bradford shall thoroughly and completely refill the opening or excavation in such a manner as to prevent any settling thereafter, and shall restore the surface to the same condition as it was before the opening or excavation, and such restoration shall be in accordance with the specifications of the township. As restored, the surface shall conform to the proper grade and be of the same surface covering as the part of the thoroughfare immediately adjoining the opening and the junction of the new paving with the existing paving sealed with a PennDOT approved bituminous joint sealer. If within two (2) years after the restoration of the surface as herein provided, defects shall appear therein the applicant shall upon notice from the township, repair said defects within the time specified by the township or if failing to do so shall reimburse the Township of West Bradford for the cost of all necessary repairs to the permanent paving.

**SECTION 10 RESPONSIBILITY OF PERMIT HOLDER FOR CERTAIN WORK; RIGHT OF THE TOWNSHIP OF WEST BRADFORD TO DO CERTAIN WORK; CHARGES THEREFORE**

All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving, shall be done by or for the person to whom or which the permit has been issued at his or its expense, and all such work shall be subject to the provisions of this ordinance and to the supervision and approval of the designated official, provided that the Road Master may if he deems it necessary to the proper performance of the work, require that cutting of the surface of streets and the backfilling of all excavations therein shall be done by the Township of West Bradford, in which event the applicant shall pay the actual cost of the work performed by the Township of West Bradford.

**SECTION 11 REQUIREMENTS FOR WORK; CORRECTION OF UNSATISFACTORY WORK COMPLETION OF INCOMPLETE WORK**

- A. No opening or excavation in any street shall extend from the curb line into the highway a distance greater than one foot (1) beyond the center line of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.

unsatisfactory work or complete any such work not completed, and charge the cost thereof, plus twenty percent (20%) to the applicant.

## **SECTION 12 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 a telephone notice is made to the township and 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. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction, or apparatus, the Road Master after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency, and charge the same on the basis of cost plus twenty percent (20%) to such owner or person.

## **SECTION 13 RESTRICTIONS REGARDING TREES AND SHRUBBERY**

The permission herein granted does not confer upon the permittee or its contractors the right to cut, remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations and conditions as the Township of West Bradford may prescribe.

## **SECTION 14 WORK NECESSITATING OPENING OR EXCAVATION TO BE DONE PRIOR TO STREET IMPROVEMENT AND NOT UNTIL FIVE YEARS THEREAFTER; EXCEPTION**

The Road Master shall give timely notice to all persons owning property abutting on any street within the Township of West Bradford about to be paved or improved, and to all public utility companies operating in the Township of West Bradford, and all such persons and utility companies shall make all water, gas or sewer connections, as well as any repairs thereto which would necessitate excavation of the said street within thirty (30) days from the giving of such notice. Paving shall not be opened or excavated for a period of five (5) years after the completion thereof, except in case of emergency, the existence of which emergency and the necessity for the opening or excavating of such paving to be determined by the Township Manager. If it is sought to excavate upon or open a sewer within five (5) years after the completion of the paving applicant shall make written application to the Township of West Bradford, and a permit for such opening shall be issued only after express approval of the Township Manager.

## **SECTION 15 PERMITTEE RESPONSIBILITIES FOR FUTURE RELOCATION OF WORK**

If at any time in the future the roadway is widened, reconstructed or the alignment or grades are changed, the permittee further agrees to change or relocate all or any part of the structures covered by this permit which interfere with the improvement of the roadway at its own cost and expense.

days. Every day that a violation of this ordinance continues shall constitute a separate offense.

**SECTION 20 APPLICABILITY**

The provisions of this ordinance shall not apply to laying sidewalks or curbs.

**SECTION 21 REPEALER**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed. The following ordinance or parts thereof are specifically repealed: Ordinance 74-04.

**SECTION 22 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 as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**ORDAINED AND ENACTED THIS** 4<sup>th</sup> **DAY OF** January, 1999.

**TOWNSHIP OF WEST BRADFORD**

**BOARD OF SUPERVISORS**

**ATTEST**

Jack M. Hines, Jr.  
**Jack M. Hines, Jr.**  
**Secretary**

Mark Blair  
**Mark Blair, Chairman**

John Haiko  
**John Haiko, Vice Chairman**

Kenneth Klunk  
**Kenneth Klunk, Member**

**(Seal)**