

# NEW HANOVER TOWNSHIP

## APPLICATION AND STREET CUT PERMIT

Application is hereby made by:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Date: \_\_\_\_\_

Names and addresses of all persons, firms, association or corporations involved in work to be done:

Location of Work: \_\_\_\_\_

The purpose for which opening or excavation is made: \_\_\_\_\_

Type of utility: sewer \_\_\_\_\_ electric \_\_\_\_\_ water \_\_\_\_\_  
gas \_\_\_\_\_ telephone \_\_\_\_\_ other \_\_\_\_\_  
new installation \_\_\_\_\_ replacement \_\_\_\_\_

An estimate of the length of time required for the work to be done under said permit:

Approximate dimension of each opening or excavation:

length: \_\_\_\_\_ width: \_\_\_\_\_ depth: \_\_\_\_\_

### TO BE COMPLETED BY TOWNSHIP

Date application fee received: \_\_\_\_\_ By: \_\_\_\_\_

Escrow amount received: \_\_\_\_\_

Date permit issued: \_\_\_\_\_ By: \_\_\_\_\_

Job site inspector: \_\_\_\_\_

Final inspection approved by: \_\_\_\_\_

Escrow amount refunded \_\_\_\_\_ Date Refunded \_\_\_\_\_

NOTE: Request for release of escrow should not be submitted prior to 90 day after backfill & escrow will not be released until final restoration is approved by Township.

## LIMITATION OF OPENING OF NEWLY PAVED STREETS

No street opening or excavation shall be permitted and no permit shall be granted for any street opening or excavation of any newly paved street for any purpose whatsoever within three years from this date of completion of the paving, except for emergency repairs, or for services to an entirely new building to be erected, and then only with prior special permission having been granted by the Board of Supervisors upon written recommendation by the Township Engineer.

## ESCROW DEPOSIT

Applicant shall deposit with the Township a security deposit, the amount of which will be determined by the Township based upon the cost of all restoration requirements. Such deposit may, in the event of failure of the applicant to complete the closure in accordance with the terms of this Part, be applied by the Township toward the cost of restoration of the street opened or excavated. Any balance remaining on said security deposit may be returned by the Township to the permit holder or the Township, in its discretion, may retain any balance as liquidated damages. In the event that said security deposit is not sufficient to cover all costs of restoration, then and in that event the permit holder shall pay to the Township the amount of such deficiency within ten days of written notification by the Township to the permit holder of the amount of the deficiency.

Any person, in lieu of depositing the security as hereinabove provided, may submit a performance bond with corporate surety in such amount as may be determined by the Township and shall include such conditions as the Township may require and approve. In the event said bond is approved by the Township and thereafter any person having submitted such bond violates the provisions of this Part, the Township, in its sole absolute discretion, may require said person to deposit a cash security deposit as hereinabove stated and may cancel and return the bond to said person.

**PART 1**  
**STREET EXCAVATION**

**§101. DEFINITIONS.**

1. The following words, as used hereafter, shall have the meanings ascribed thereto:

**ENGINEER** - the Township Engineer or other person duly authorized and appointed by the Board of Supervisors to perform the duties of Engineer.

**GOVERNING BODY** - the Board of Supervisors of the Township of New Hanover.

**PERMIT** - a document in an approved form issued by the person, designated by the Board of Supervisors, regulating the opening and closing of excavations in dedicated streets.

**PERSON** - any natural person, partnership, association, firm or corporation.

**STREET** - the right-of-way of any dedicated public street, avenue, boulevard, highway or alley in the Township of New Hanover, excepting any State or County highways.

**TOWNSHIP** - the Township of New Hanover.

2. Word Usage. The singular shall include the plural and the plural shall include the singular, and the masculine shall include the feminine and neuter.

(Ord. 88-4, 9/6/1988, §1)

**§102. PERMIT REQUIREMENTS.**

1. It shall be unlawful for any person to drill any hole or make any opening or excavation in any street in the Township without first having obtained from the Township a permit.
2. All work authorized by permit shall be done in strict conformity with said permit and in strict conformity with the provisions of this Part.
3. No permit shall be issued until the applicant therefor shall have complied with following conditions:
  - A. Payment of permit fee, per street opening, which sum shall be for the use of the Township at such rate as may be adopted by the Board of Supervisors by resolution and as may be amended from time to time by further resolution of the Board of Supervisors.

## STREETS AND SIDEWALKS

- B. Applicant shall deposit with the Township a security deposit, the amount of which will be determined by the Township based upon the cost of all restoration requirements. Such deposit may, in the event of failure of the applicant to complete the closure in accordance with the terms of this Part, be applied by the Township toward the cost of restoration of the street opened or excavated. Any balance remaining on said security deposit may be returned by the Township to the permit holder or the Township, in its discretion, may retain any balance as liquidated damages. In the event that said security deposit is not sufficient to cover all costs of restoration, then and in that event the permit holder shall pay to the Township the amount of such deficiency within ten days of written notification by the Township to the permit holder of the amount of the deficiency.
  - C. Any person, in lieu of depositing the security as hereinabove provided, may submit a performance bond with corporate surety in such amount as may be determined by the Township and shall include such conditions as the Township may require and approve. In the event said bond is approved by the Township and thereafter any person having submitted such bond violates the provisions of this Part, the Township, in its sole and absolute discretion, may require said person to deposit a cash security deposit as hereinabove stated and may cancel and return the bond to said person.
4. In the case of an emergency involving a threat of injury to person or damage to property, a person may, upon notice to the Township Police Department, open or excavate any street without first having obtained a permit pursuant to this Part. In that event, said person shall, within 24 hours of the commencement of work, apply for a permit pursuant to this Part. In the event that said work for said emergency occurs during a holiday or such other day when the Township office is closed and a permit cannot be obtained, the required permit under the terms of this Part shall be obtained on the first working day thereafter.

(Ord. 88-4, 9/6/1988, §2)

### **§103. APPLICATION FOR PERMIT.**

Each person requesting a permit under this Part shall file an application with the Township, which application shall state the following:

- A. The purpose for which such opening or excavation is to be made.
- B. The location and approximate dimensions of each opening or excavation.
- C. An estimate of the length of time required for the work to be done under said permit.
- D. Applicant's name, address and telephone number.

- E. Names and addresses of all persons, firms, associations or corporations interested in and participating in the work to be done.

(Ord. 88-4, 9/6/1988, §3)

**§104. CONDITIONS OF PERMIT.**

Any permit granted pursuant to this Part shall be granted for a designated purpose at a specific location and for a specific period of time. The permit may contain any further conditions that may be required by the Township. All work performed pursuant to a permit shall be done strictly in accordance with the terms and conditions set forth in the permit.

(Ord. 88-4, 9/6/1988, §4)

**§105. SAFETY MEASURES TO BE TAKEN BY PERMIT HOLDER; SEWER INLETS AND DRAINS KEPT OPEN; LIMITATIONS ON SIZE OF OPENING.**

During the progress of the work, the holder of the permit shall provide and maintain such fences, barriers, "street closed" and warning signs, red lights and other danger signals, and watchmen as may be necessary to prevent accidents to the public, pursuant to and in compliance with the standards established by the Pennsylvania Department of Transportation as set forth in 67 Pa. Code, Chapter 131, as may be amended or supplemented from time to time, a copy of which is available in the Township office. The traveling public, during the progress of the work, shall at all times be provided for and shall be inconvenienced as little as possible. Drainage gutters and inlets to storm sewers shall be kept clean and unobstructed. The amount of trench opened and also the amount unfilled at the conclusion of the work day, if any, shall at all times be subject to the decision of the Township Engineer.

(Ord. 88-4, 9/6/1988, §5)

**§106. NOTICE OF COMPLETION; SUPERVISION OF RESTORATION.**

Before initiation of the work, the permit holder shall notify the Township Road Superintendent to allow for the supervision and inspection of the backfill and restoration.

(Ord. 88-4, 9/6/1988, §6)

**§107. LIMITATION OF OPENING OF NEWLY PAVED STREETS.**

No street opening or excavation shall be permitted and no permit shall be granted for any street opening or excavation of any newly paved street for any purpose whatsoever within three years from this date of completion of the paving, except for emergency repairs, or for services to an entirely new building to be erected, and then only with prior special permission having been granted by the Board of Supervisors upon written recommendation by the Township Engineer. In the event that any opening or excavation shall take place for

## STREETS AND SIDEWALKS

any purpose whatsoever, including emergency, within the first year from the date of completion of paving of any street, then and in that event the person performing such work shall pay to the Township the sum of \$1,000 for the use of the Township, which amount shall be in addition to all costs of said person for the refilling and restoration of said street opening or excavation, which shall be the sole responsibility of the person making such street opening or excavation. -

(Ord. 88-4, 9/6/1988, §7)

### §108. MANNER OF OPERATION.

1. All openings or excavations of streets, excepting drill holes, shall, before completion, be cut with a power saw and not with an air jackhammer or similar device.
2. Any person opening or excavating any street shall, upon completion of the project and after notification of the Township, immediately and completely backfill such openings or excavations, mechanically tamping the same so as to prevent any settling thereof, and shall restore the surface to the same condition as it was prior to the making of such opening or excavation and, prior to the expiration of the permit, shall remove from the site of work all debris, tools and equipment.
3. All backfilling and restoration shall be done in strict conformance with the detailed sketches for backfilling and restoration which are hereinafter set forth as "Exhibits A and B" respectively and which are incorporated herein by reference and made a part of this Part.
4. Where test holes have been drilled, they shall be filled and sealed with hot tar.
5. Permanent restoration, backfilling of any opening and/or excavation shall be as follows:
  - A. A bed of screening 2 inches under the utility conduit.
  - B. From bottom of conduit to a level 8 inches below the surface of the trench shall be backfilled with 2A modified stone aggregate, mechanically tamped in 6 inch intervals.
  - C. Before completing backfill of trench, a saw cut shall extend a minimum of 12 inches beyond the trench opening on all sides of the excavation.
  - D. The new 6 inches shall be backfilled with concrete or bituminous concrete base course (BCBC) and shall extend a minimum of 12 inches on each side of the trench. If the contractor opts for BCBC, he shall be held responsible for any settlement within one year of the final restoration.
  - E. The next 2 inches shall be an application of bituminous wearing course properly graded to the surface of the street and sealed at the saw cut with an approved asphalt sealing material.

- F. All lateral street cuts shall be backfilled with 2A modified stone aggregate.
  - G. Parallel street cuts, the material excavated from the trench may be used for backfilling with written permission from the Board of Supervisors or their agent. Under no circumstances shall the trench be backfilled higher than 2 feet from the road surface with the excavated material.
6. Temporary Restoration. During winter construction periods, the trench shall be backfilled as in the first three items of the specifications for permanent restoration in subsection (5) above. The final step shall be temporary application of bituminous stockpile mix to bring the trench to street grade. Periodically, inspection shall be made to maintain the trench in condition satisfactory to the Township. On or before May 31 following the date the street cut was first made, the permittee shall permanently restore the cut as in subsections (5)(D) and (5)(E).
7. Where major street openings or excavations are done on a newly constructed street or a street repaved within three years prior to the date of issuance of said permit, the entire street covered by the permit issued at the location where the work is to be done, in the discretion of the Board of Supervisors, shall be retopped with paving materials prescribed by the Township. The work of resurfacing shall be examined and inspected by the Township. Upon satisfactory completion of said resurfacing, the Township shall return to the permit holder any deposit and/or bond as provided for in this Part, excluding the \$1,000 deposit provided for the Township's benefit when opening a street repaved within one year of said opening. In the event said person shall fail to restore or resurface said street in a satisfactory manner, the Township may perform said work and apply any amount of the security and/or bond against the costs incurred by the Township for said restoration. In addition, in the event that the costs of said work exceeds the amount of the deposit and/or bond, the permit holder shall pay to the Township the deficiency within ten days of the date of written notification by the Township to the permit holder. No further permit shall be issued to any person unless and until all deficiencies so billed by the Township to said person shall have been paid in full.

(Ord. 88-4, 9/6/1988, §8)

**§109. LIABILITY AND RESPONSIBILITY OF PERMIT HOLDER; RESPONSIBILITY OF TOWNSHIP.**

The party or parties to whom or for whom a permit may be issued shall assume all responsibility for the excavations made, shall indemnify and save harmless the Township from all loss, costs and damages by such applicant in the performance of the work, and shall pay the Township costs of every kind incurred in the contesting of suits on said account, and upon notice from the Township, will assume the defense of any such suits.

(Ord. 88-4, 9/6/1988, §9)

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### §110. 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 less than \$25 nor more than \$1,000 plus costs or such other penalty as may be authorized and imposed by law. 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. Notwithstanding the same, the Township may seek enforcement by means of request for injunctive relief or other equitable remedies as may be provided by law in a court of competent jurisdiction.

(Ord. 88-4, 9/6/1988, §10; as amended by Ord. 97-7, 10/13/1997)

### §111. INSTALLATION OF UNDERGROUND FACILITIES BY PUBLIC UTILITY COMPANIES.

From and after the enactment of this Part, it shall be lawful for any public service company, any firm, person or any corporation, to install and lay underground conduits for carrying electric light, electric power, telephone and/or telegraph wires under any street within the Township of New Hanover, such installation and work to be done under and subject to the supervision and approval of the Township Road Superintendent and provided that such public service company or party making the installation shall and will obtain a permit and assume and pay any and all costs, expenses, damages and liability of every kind and nature incident to and arising out of such installation, and shall assume all liability as hereinbefore set forth in this Part, and shall conduct the work in the manner therein set forth, and shall and will, at its or their own proper cost and expense, restore such excavation in accordance with the specifications set forth herein.

(Ord. 88-4, 9/6/1988, §11)



EXHIBIT A  
PERMANENT RESTORATION

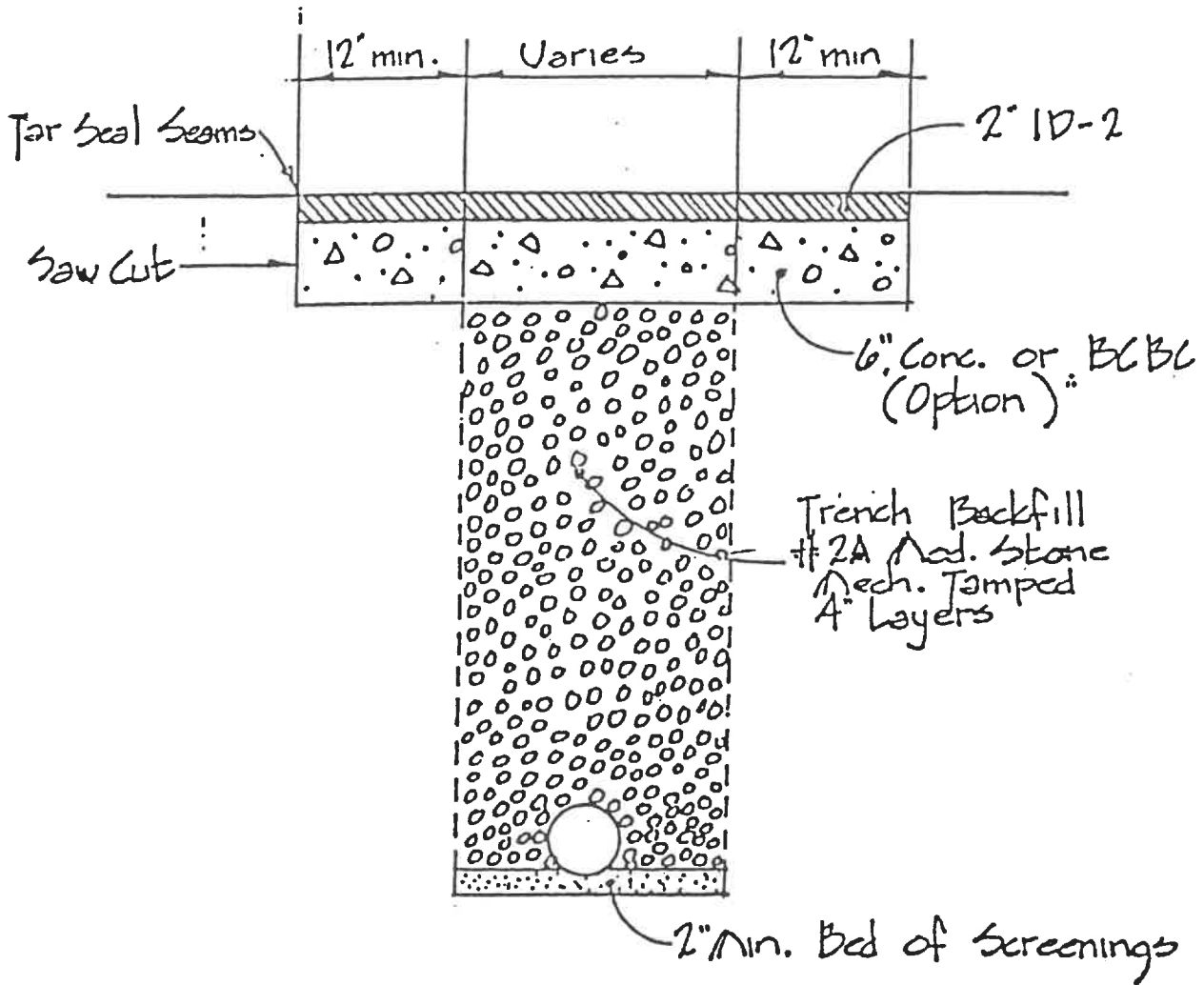


EXHIBIT B  
TEMPORARY RESTORATION

