

TOWNSHIP OF CENTER
ORDINANCE NO. 2-2025

AN ORDINANCE OF THE TOWNSHIP OF CENTER, COUNTY OF BEAVER, COMMONWEALTH OF PENNSYLVANIA, REPEALING ORDINANCE NO. 6-2014, AS AMENDED, AND ISSUING NEW STANDARDS AND PROCEDURES REGULATING STREET OPENINGS AND RIGHT-OF-WAY ENCROACHMENTS, EXCAVATIONS, AND PAVEMENT CUTS; REQUIRING PERMITS THEREFORE; IMPOSING FEES; REQUIRING DEPOSITS AND BONDS IN CONNECTION THEREWITH; REQUIRING THE FILING OF INFORMATION REGARDING UNDERGROUND FACILITIES LOCATED WITHIN PUBLIC STREETS AND RIGHT-OF-WAYS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Board of Supervisors of the Township of Center (hereinafter the "Board"), pursuant to the terms and provisions of the Pennsylvania Second Class Township Code, maintain certain roadways and right of ways within Center Township (hereinafter the "Township"); and

WHEREAS, pursuant to the authority granted unto it by the Pennsylvania Second Class Township Code, the Board, by way of this Ordinance Amendment, desires to repeal Ordinance No. 6-2014, as amended, in its entirety and adopt new standards and procedures regulating street openings and right of way encroachments within the Township.

NOW THEREFORE, BE IT ORDAINED AND ADOPTED by the Board of Supervisors of the Township of Center in lawful session duly assembled as follows:

Section 1: Purpose.

- A. The purpose of this Ordinance is to regulate the opening, excavation and occupancy of any Township road, street, alley, public way or right-of-way and associated infrastructure including but not limited to guiderails, barriers and drainage structures, to ensure that the aforesaid road, street, alley, public way or right-of-way is replaced or maintained in acceptable condition and to acceptable standards to protect the safety and welfare of the citizenry.

Section 2: Legislative Authority.

- A. In accordance with the provisions of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any township road, nor shall any railroad or street railway crossings, nor any 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 relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.

Section 3: Definitions and Word Usage.

- A. As used in this Ordinance, the following terms have the meaning indicated, unless otherwise expressly stated:

APPLICANT – Any person, Private Utility or Public Utility Company who makes an application for a Right-of-Way Encroachment Permit.

BOARD OF SUPERVISORS – The Board of Supervisors for the Township of Center, Beaver County, Pennsylvania.

EMERGENCY – A sudden, unforeseen occurrence requiring immediate action. If such immediate action is not undertaken, great loss, harm or danger will occur to the citizenry or the person required to open or excavate the road.

OPENING – The excavation of or under a road, street, alley, or public way of the Township of Center.

PERMIT – A Right-of-Way Encroachment Permit issued by the Township of Center.

PERMITTEE – Any person, Private Utility or Public Utility Company who has been issued a Right-of-Way Encroachment Permit and has agreed to fulfill all the terms of this Ordinance.

PERMIT FEE – A fee paid by the Permittee to the Township for the sole purpose of review and issuance of the Right-of-Way Encroachment Permit by the Township.

PERSON – Any natural person, partnership, firm, company, corporation, municipal authority or political subdivision.

RIGHT OF WAY – Land dedicated or purchased by the Township of Center for purposes such as public transportation. Included as part of the right-of-way is the cartway (i.e., paved or improved surface) of the road and adjacent parallel land.

ROAD – A public way of the Township of Center utilized to convey traffic. Also included are streets, alleys, sidewalks, public ways or rights-of-way of the Township of Center.

TOWNSHIP – The Township of Center, Beaver County, Pennsylvania.

TOWNSHIP REPRESENTATIVE – The Township Secretary, Road Department Foreman, Township Engineer, or other designated person.

- B. In this Ordinance, words used in the present tense shall include the future, words used in the singular shall include the plural, words used in the plural shall include the singular, the word "shall" is mandatory, the word "may" is permissive, and the masculine shall include the feminine.

Section 4: Permit Required.

- A. No person shall open, excavate or occupy any Township road, street, alley, or public way or right-of-way without first obtaining a permit from the Township. No permit shall be required for routine maintenance work when such work does not require the opening or excavation of Township roads and no damage or alteration to the cartway or right-of-way is proposed.
- B. A separate permit shall be required for multiple jobs or projects which may occur or be proposed by a single person simultaneously within the Township. Further, a separate permit shall be required for the opening, excavation or occupancy of more than one (1) Township road, street, alley, public way or right-of-way except as specified in Subsection C below.
- C. If any person, organization or agency is planning to conduct a major Township-wide project which will include work within numerous Township roads, streets, alleys, public ways or rights-of-way, the Township, at its option, may issue one (1) comprehensive permit which encompasses the entire project.
- D. Any person, organization or agency obtaining a permit and occupying a Township right-of-way shall be responsible for entirety of the repair of any portion of the Township right-of-way that is damaged, affected, or disturbed by negligence or failure of the utility, pipeline, conduit, etc. to the extent of damage as determined by the Township Representative. This may include, but is not limited to, damaged areas of the Township right-of-way outside of the repair area that were caused by failure of the utility, pipeline, conduit, etc.; damaged areas where the person, organization, or agency holding the permit was working, or on the shoulder of the road.
- E. Construction of a new or alteration of an existing driveway is excluded, provided that no significant disturbance or alteration of the improved cartway is proposed.

Section 5: Permit Application.

- A. Any person who desires to open, excavate or occupy any Township road, street, alley, or public way or right-of-way shall file an application with the Township. Applications shall be submitted on forms provided by the Township and submitted digitally or hardcopy format (three (3) complete full-size copies required).
- B. A fee for the application for a Right-of-Way Encroachment Permit may be prescribed by the Township Board of Supervisors. Such a fee may be revised from time to time through resolution by the Township Board of Supervisors. If a fee is prescribed, it shall be submitted by the applicant to the Township in conjunction with the application for a Right-of-Way Encroachment Permit. In addition to the application fee, the applicant shall be required to reimburse the Township for reasonable costs associated with review of the application and all necessary inspections of said work and any other expenses incurred by the Township or its professional consultants in carrying out the provisions of this Ordinance, including but not limited to Engineering Fees and Legal Fees. The applicant is

responsible for reimbursement of costs associated with the application incurred by the Township. The required bond will not be released until all associated fees have been paid and all costs incurred by the Township regarding the application for a Right-of-Way Encroachment Permit, including, but not limited to, Engineering fees, Legal fees, and any fees incurred by the Township from professional consultants, are reimbursed to the Township in full by the applicant.

C. In addition to the permit application and application fee, the applicant must provide the following for the Township to consider the application as complete:

1. A site plan showing location of the proposed work. The site plan shall include the following:

- a) Location Map;
- b) North Arrow;
- c) Scale;
- d) Roadway Name;
- e) Roadway Right-of-Way Limits and Width;
- f) Roadway cartway limits, width and identification of the existing surface;
- g) Limits of proposed excavation;
- h) Limits of proposed restoration in accordance with Section 10 described herein;
- i) Details in accordance with Township Standards described herein;
- j) Existing and proposed utility locations, noting inverts of all nearby; structures and identifying sizes and materials of all utilities;
- k) Property information of adjacent parcels, including but not limited to Parcel Number and Property Owner Names;
- l) Any existing structures adjacent to the proposed work;
- m) Existing driveways within the vicinity of the proposed work;
- n) Project schedule; and
- o) Any additional information as deemed necessary by the Township.

2. A Traffic Control Plan illustrating proposed barricades, warning lights, or warning devices as needed or as directed in order to minimize the inconvenience and danger to the public by construction operations. Barricades shall be in accordance with current PennDOT Publication 213 and "Manual on Uniform Traffic Control Devices" standards. Suitable advance warning signs shall be positioned and illuminated at night to clearly identify the work area. The type and location of signs and other traffic control devices shall be in accordance with the most current "Manual on Uniform Traffic Control Devices" as prepared by the U.S Department of Transportation, Federal Highway Administration.

D. The Township Board of Supervisors or the Township Representative thereof shall act within forty-five (45) days of receipt of a complete application for a Right-of-Way Encroachment Permit. Applications that are incomplete or that are not submitted with the required fee and supporting documents will be deemed incomplete and returned to the applicant.

- E. When the application is found to be in compliance with the provisions of this Ordinance, the Township Board of Supervisors or the Township Representative thereof shall issue a permit to the applicant.
- F. The permit shall state the following: the name of the organization or agency to which the permit has been issued; the location for where the permit has been issued; the date of issuance and the date of expiration of the permit; and a general description of the work to be completed.

Section 6: Length of Permit.

- A. Permits issued by virtue of this Ordinance shall be valid for the duration specified on the permit application.
- B. Permits are not transferable to any other person, agency or organization and are only valid for the person, agency or organization which was issued the permit. Further, the permit is not transferable to any other job or site location within the Township of Center.
- C. Permits which expire shall be renewed by the applicant. The Township may renew the permit for a supplemental fee set by the Township, and amended from time to time, if the work being conducted is proceeding expeditiously.

Section 7: Inspection by Township.

- A. The Township Representative shall review and observe the conditions of the proposed job location before work begins, periodically during the work as necessary, and after work is completed.
- B. It shall be the responsibility of the Permittee to keep a copy of the permit on the job site for the duration of the job. Further, the Permittee shall present the permit to any Township official, representative or police officer who requests to see the permit.
- C. It shall be the responsibility of the Permittee to notify the Township when work is complete in order for the Township Representative to review and observe the job site. The Permittee shall notify the Township at least forty-eight (48) hours before final restoration of any cartway which has been opened or excavated is performed.
- D. The Township Representative will review and observe the site to confirm the final restoration work completed of the cartway and adjacent right-of-way.
- E. The permittee shall reimburse the Township for inspection costs, which the Township deems necessary to incur within thirty (30) days after receipt of the Township's invoice.

Section 8: Emergency Work.

- A. 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 pip, line, construction or apparatus to commence an excavation to remedy such condition before securing a permit, provided that notice to the Township shall be made immediately and not later than the next business day thereafter, and that all provisions of this ordinance are complied with.
- B. If an emergency condition is not immediately attended to by the owner or person responsible for the creation of the emergency, the Township shall proceed to do the work necessary by such emergency. In this instance, the permit holder shall be responsible for the fees incurred by the Township, any costs incurred for inspection, review or other attendant services, and an additional charge of 10% of the cost of repair.
- C. If emergency work is being conducted, the person, agency or organization shall notify the Township immediately and not later than the next business day thereafter.
- D. Persons, agencies or organizations which perform emergency work shall still be required to apply for and obtain a permit for the work completed and pay all fees and costs associated therewith. The application for a permit shall be made by the applicant within five (5) business days. Further, the cartway and/or adjacent right-of-way shall be replaced or reconstructed as prescribed in Section 10 of this Resolution.

Section 9: Street Opening Regulations.

- A. No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored. The intent is to provide at a minimum one lane of traffic at all times wherever possible. If an encroachment results in the closure of one lane of traffic, the Township Police must be notified prior to the work starting that will cause the closure of one lane of traffic. At no time may there be a road completely closed to traffic. In the case of emergency situations threatening the health or safety of any person or property, the permittee must notify the Township immediately and not later than the next business day thereafter.
- B. No more than one hundred (100) feet measured longitudinally shall be opened in any street at any one time. All pipe shall be bedded and backfilled in accordance with Township Standards, incorporated herein by reference.
- C. All utility facilities shall be exposed or definite location determined ahead of trench excavation work to avoid damage to these facilities and to provide for their relocation, if necessary.
- D. Any person, utility, or municipal entity whose facilities are damaged, or caused to be relocated by the Permittee shall notify the Permittee and the Township of same and thereafter may make the necessary repairs or relocation and may file a claim against the Permittee for the cost of such repairs or relocation. Public utility companies concerned

shall be notified by the Permittee in sufficient time to determine the validity of the damage or relocation claims. Any occurrence of damaged facilities shall be documented in accordance with the current Pennsylvania One Call Law.

- E. Monuments of concrete, iron, or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision; or a precise survey reference point or permanent survey benchmark within the Township shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained in writing from the Owner. Permission shall be granted only upon condition that the Permittee shall pay all expenses incident to the proper certified replacement of the monument by a Professional Land Surveyor licensed in the Commonwealth of Pennsylvania.
- F. Work authorized by a permit shall be performed between 7:00 AM and 7:00 PM, Monday through Friday, unless the Permittee obtains written consent from the Township Representative to perform the work at an earlier or later hour. Such permission shall be granted only in the case of an emergency or in the event whereby the work authorized by the Permit is to be performed during periods of low traffic volumes.
- G. Access to private driveways shall be provided at all times; provision of temporary bridges shall be installed where applicable. When construction operations at or near the driveway prohibit provision of such access for a period of not more than two (2) hours; the Permittee shall provide twenty-four (24) hour notice to the affected property owner with provisions for assisted access.
- H. Unimpeded access must be provided at all times to fire hydrants, gate valves, manholes and other utilities.
- I. No street shall be closed to the public unless permission is granted by the Township and the Center Township Police Department.
- J. No overnight open excavations will be permitted. All construction activities shall be backfilled to grade at the close of each workday or properly covered with a steel plate.
- K. Excavated materials shall be placed neatly and compactly along the side of the trench and kept as to cause as little inconvenience as possible to public travel. In order to expedite the flow of traffic or to abate a dirt or dust nuisance, the Township Representative may require the Permittee to provide toe boards or bins. If the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the Permittee as directed by the Township Representative.
- L. When any earth, gravel, or other excavated material is caused to flow, roll, or wash upon any street, the Permittee shall cause removal of same from the street within four (4) hours after deposition or the end of the work day, whichever is earlier, to provide for safe public travel and traffic flow. In the event the earth, gravel, or other excavated material so deposited is not removed as specified, the Township Representative shall cause such removal and the cost incurred shall be paid by the Permittee.

- M. Any person, firm, company, corporation, or entity including a utility company working under said Permit shall provide, erect and maintain suitable lighted barricades, warning lights, or warning devices as needed or as directed in order to prevent damage or injury to persons, vehicles and property and to minimize the inconvenience and danger to the public by construction operations. Barricades shall be of substantial construction and shall be white having reflective tape or panels to increase visibility. Suitable warning signs shall be positioned and illuminated at night to identify in advance the work area. The type and location of signs and other traffic control devices shall be in accordance with the most current "Manual on Uniform Traffic Control Devices" as prepared by the U.S. Department of Transportation, Federal Highway Administration.
- N. No Permit shall be issued by the Township which would allow an excavation or opening in a street that has been constructed, reconstructed, resurfaced or otherwise improved within five (5) years of the date of the Application; unless the Applicant to the satisfaction of the Township that either the public health or safety requires that the proposed work be performed, or an emergency condition exists that requires that the work be performed.
- O. If, by special action of the Township Engineer, a Permit is issued to open any paved and improved street surface that is less than five (5) years old, a penalty charge shall be assessed for the opening, except that the penalty shall be waived in the event that the work is of an emergency nature. The penalty charge shall be on a sliding scale and shall be equal to 2% of the cost of restoring the opening, as determined by the Township, for each unelapsed month or fraction thereof of the five-year restricted period. Said penalty may be waived by action of the Township.
- P. If a dispute arises between the permittee and the Township, the Township has the authority to suspend work until the question at issue may be referred to and decided by the appropriate Township Representative.
- Q. If any equipment used by the permit holder or their agents damages the pavement or shoulders of the road, the permittee shall restore the damaged pavement or shoulder, or both, to its former condition in a manner authorized by the Township.
- R. The permittee shall pay all costs and expenses incident to or arising from the project, including, but not limited to, the prescribed fees for the project, the cost of making and maintaining temporary restoration of the disturbed areas, making permanent restorations, and any and all costs associated with the inspection by the Township's professional consultants.

Section 10: Road Replacement or Reconstruction.

- A. Any opening or excavation conducted by the Permittee of any Township cartway shall be replaced or reconstructed in accordance with the specifications of this section. If the Permittee proposes to utilize any materials which differ from the specifications of this section, the Permittee shall notify the Township and the Township Representative shall review such materials. The decision of the Township Representative is final.

Any opening or excavation conducted by the Permittee in any Township right-of-way, excluding the cartway, shall be replaced or refilled to the grade which existed before the opening or excavation occurred. If the Permittee proposes to utilize any materials which differ from the existing composition of right-of-way, or proposes to alter the grade of the right-of-way, the Permittee shall notify the Township and the Township Representative shall review the use of such materials or the proposed grade. The decision of the Township Representative is final.

- B. The Permittee shall complete restoration in accordance with Township Standards, incorporated herein by reference. The Permittee shall complete trench restoration and pavement restoration in accordance with the Township Roadway Restoration Detail, incorporated herein by reference. The Permittee shall be required to reconstruct / restore / resurface / overlay the entire cartway width for the entire length of the opening plus twenty (20) feet on each side of the opening in accordance with Township Standards. With respect to this Ordinance, the cartway shall be defined as the entire width of the roadway, from back of curb to back of curb on roadways that have bituminous wedge curbs; or from edge of road to edge of road for roadways without bituminous wedge curbs.
- C. Permanent restoration shall be placed by a contractor selected by the Permittee and approved by the Township, and paid for by the Permittee. Permanent restoration must be completed promptly and must comply with the Township design standards. For purposes of this Ordinance, "promptly" means within two (2) weeks of the completion of the work necessitating the opening or excavation. In the event that permanent restoration is not completed promptly, the Permittee shall notify the Township Representative and provide good cause for not completing the permanent restoration; said time may be extended by the Township for good cause shown, which may include adverse weather conditions.
- D. The work of final restoration, including but not limited to milling and paving, shall be performed by the Permittee under the supervision of the Township Representative. In the case of large utility installation projects as determined by the Township Engineer, the Township Engineer may require inclusion of milling, paving and final restoration in the regular Township paving program. If the Township performs the final milling, paving and final restoration on behalf of the Permittee, the Permittee shall reimburse the Township for the cost of this work in accordance with the rates included in the regular Township paving program.
- E. If the Permittee proposes more than one transverse opening of the roadway within 150 feet of each other, measured from the centerline of each opening, the Permittee shall be required to mill and overlay the entire cartway between all proposed openings. If 50% of the length of the roadway; measured from the edge of adjoining intersections / roadway termination; is to be resurfaced in accordance with the provisions of this paragraph; the entire cartway measured from the edge of adjoining intersections / termination shall be milled and overlaid. With respect to this Ordinance, the cartway shall be defined as the entire width of the roadway, from back of curb to back of curb on roadways that have bituminous wedge curbs; or from edge of road to edge of road for roadways without bituminous wedge curbs.

- F. The Permittee shall notify the appropriate Township Representative forty-eight (48) hours prior to completing permanent restoration work. Failure to request observation may result in rejection of the work performed.

Section 11: Bond Requirements.

- A. Upon receipt of a permit and prior to initiation of the work, the Permittee shall provide the Township with an acceptable corporate surety bond to guarantee faithful performance and maintenance of the work authorized by a permit granted pursuant to this Ordinance. The amount of the bond shall be one hundred and ten percent (110%) of the estimated cost of restoring the street opening, as determined by the Township Representative. The term of the bond shall begin upon the date of posting thereof and shall terminate eighteen (18) months after receipt by the Permittee of a certificate final completion from the Township Representative. If the Permittee anticipates requesting more than one (1) permit per year as required by this Ordinance, they may furnish one (1) continuing corporate surety bond, in the amount of \$200,000 or in such amount the Township Representative deems necessary to guarantee faithful performance. The amount of such bond shall be in relation to the cost of restoring pavement disturbances to be made by the Permittee throughout the year. In the case of a public utility company, its corporate bond in a form satisfactory to the Solicitor may be accepted in lieu of the corporate surety bond required by this section.
- B. Upon completion of all work accomplished under the provision of a permit, the Permittee shall notify the Township Representative in writing. A certificate of completion shall be issued by the Township Representative to the Permittee after permanent restoration of the excavation has been made, the Township Representative has conducted a final inspection, and providing the work authorized by the permit has been performed satisfactorily according to Township specifications.
- C. The Bond will not be released until all associated fees have been paid and costs incurred by the Township for the associated Application, including but not limited to Engineering Fees and Legal Fees of the Township's professional consultants, are reimbursed to the Township in full by the Applicant as noted in Section 5.B.
- D. If any settlement in a restored area occurs within a period of 18 months from date of completion of permanent restoration, and Permittee fails to make such correction after notification, any expense incurred by the Township in correcting such settlement shall be paid by the Permittee or recovered from their bond, unless the Permittee submits proof satisfactory to the Township Representative that the settlement was not due to defective backfilling.
- E. Any deficiencies arising from permanent restoration activities during the 18 month maintenance period that are deemed unsafe by the Township shall be rendered safe for public use within eight (8) hours of notification. If corrective actions are not completed to make the permanent restoration safe within eight (8) hours; the Township may take whatever action is necessary and reasonable to make the permanent restoration safe; the Permittee shall be responsible for costs incurred by the Township. The corrective action work shall be reviewed by the Township Representative; the Permittee is responsible to

request a review by the Township Representative. The Township Representative shall provide the Permittee with a second report identifying the deficiencies requiring correction and a revised maintenance period expiration date. The 18 month maintenance period shall be extended for an additional period of ninety (90) calendar days for each repair.

- F. Whenever the Township Representative determines that a default has occurred in the performance of any term or condition of the Permit, written notice thereof shall be given to the Permittee and to the Surety on the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Township Representative to be reasonably necessary for completion of such work.
- G. After receipt of such notice the surety must, within the time therein specified, either cause the required work to be performed, or, failing therein, indemnify the Township for the cost of doing the work as set forth in the notice.

Section 12: Liability Insurance.

- A. Each Applicant, upon the receipt of a Permit, shall provide the Township with an acceptable certificate of insurance naming the Township and its employees as additional insured and indicating that the Permittee and Township are insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor or anyone directly or indirectly employed by him and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the Township Representative in accordance with the nature of the risk involved; provided, however, it shall provide for a minimum of comprehensive bodily injury liability insurance including coverage on a personal injury basis and comprehensive property damage liability insurance not less than \$2,000,000 combined single limit. Public utility companies and authorities may be relieved of the obligation of submitting such a certificate if they submit satisfactory evidence that they are insured in accordance with the requirements of this Ordinance or have adequate provision for self-insurance.
- B. Public utility companies may file an annual certificate of insurance in lieu of individual certificates for each permit.

Section 13: Guaranties.

- A. Any person who opens a Township road as described in this Ordinance shall be responsible for the condition of the road for eighteen (18) months from the date the job was completed. If, from this date, the road sinks or the pavement which was replaced in the road opening fails, the person shall be responsible for replacing the road to conditions which are acceptable to the Township.

Section 14: Work Completed Notification.

- A. When permitted work has been completed, the permittee shall provide, in writing, a work completed notification to the Township.

- B. The Township shall inspect the work completed to make sure it conforms to the requirements and standards that apply to the work completed, and the Township shall notify the permittee in writing within ten (10) days of the inspection.
- C. Said road, shall be restored to meet the minimum requirements of the Township construction standards, and in case said road is not restored to the minimum requirements within a reasonable time, the Township shall cause said road to be restored to meet the minimum requirements. The costs of such work and materials, plus a surcharge of 10% of the cost of such work and materials, shall be collected from the permittee in the manner provided by law.

Section 15: Enforcement.

- A. The rules and regulations of this Ordinance shall be enforced by the Township Board of Supervisors and/or the Township Representative.

Section 16: Violations and Penalties.

- A. Any person, firm, corporation, or utility company who shall fail, violate, neglect, or refuse to comply with any of the terms or provisions set forth in this Ordinance, upon conviction thereof in an action brought before a magisterial district judge 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 ninety (90) days. Each day that a violation of this Ordinance continues, or each section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

Section 17: Additional Remedies.

- A. If any cartway and/or right-of-way is not replaced or reconstructed by the Permittee to the standards prescribed in Section 10 of this Ordinance, the Township Board of Supervisors may cause the same to be done and may take action against the Permittee to recover the costs associated with such replacement or reconstruction plus a surcharge of 10% of the cost to the Township of such work and materials.
- B. If the work in opening or filling or maintaining or permanent paving and completely restoring the surface shall not be promptly completed, or shall be unskillfully or improperly or incompletely performed, the Township Representative, or any other person designated by the Board of Supervisors, may cause the same to be performed in such manner as the Township Representative may deem proper, and the expense thereof, including any overhead expense, shall be charged to the person, firm or corporation by whom the opening or excavation as aforesaid was made, together with an additional charge of 10% as a penalty. No new openings under an existing permit shall be made and no new permit shall be issued to any person, firm or corporation where either or both of the following are present: the person, corporation or firm is in default under this section, until the costs and penalty herein provided for are paid; or the person, firm or corporation has openings or

excavations already caused by them which have not been properly filled, and the surface maintained and restored as aforesaid, in a safe condition at the proper grade, all of which the Township Representative or other person so designated by Board of Supervisors shall be sole judge and whose opinion thereon shall be final.

Section 18: Severability.

- A. If any provision of this Ordinance is determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of the Ordinance and the remaining portions of the Ordinance shall remain in full force and effect.

Section 19: Repealer.

- A. Any previous Ordinances or Resolution, or any part thereof, which conflict with the provisions of this Ordinance are hereby repelled to the extent of such conflict.

Section 20: Effective Date.

- A. This Ordinance shall be effective immediately.


ORDAINED AND ENACTED into law by the Board of Supervisors of the Township of Center.

ATTEST:

TOWNSHIP OF CENTER



Township Secretary



Chairman, Board of Supervisors