



East Buffalo Township  
589 Fairground Road  
Lewisburg, PA 17837  
www.ebtwp.org

Phone: 570.523.6320 Fax: 570.523.9151

## Right-of-Way Occupancy Permit Application

### APPLICANT INFORMATION

Applicant Name \_\_\_\_\_  
Contact Person \_\_\_\_\_  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ ☐ Landline ☐ Cellular  
Email \_\_\_\_\_  
Phone \_\_\_\_\_ ☐ Landline ☐ Cellular  
Preferred Method of Contact ☐ Phone ☐ Email

### DESCRIPTION OF WORK TO BE PERFORMED

Name of Street \_\_\_\_\_  
General Description of Work (Attach drawings) \_\_\_\_\_

Approximate Start Date \_\_\_\_\_ Approximate Completion Date \_\_\_\_\_  
Width of Township ROW \_\_\_\_\_ Width of Improved Shoulder \_\_\_\_\_  
Width of Cart Way \_\_\_\_\_

Will the storm water drainage area adjacent to the proposed work be distributed? ☐ Yes ☐ No

If yes, describe distribution \_\_\_\_\_

Describe precautions that will be used to protect the public and adjacent landowners: \_\_\_\_\_

Will the cart way surface be opened? ☐ Yes ☐ No If so, dimensions of opening \_\_\_\_\_

Describe the manner in which the open excavation will be closed: \_\_\_\_\_

Is a Copy of the Performance Bond attached? ☐ Yes ☐ No

Are there any underground utility installations in the area of the work? ☐ Yes ☐ No

If yes, describe: \_\_\_\_\_

Has contact been established with the person(s) or entities, which have underground utility installations in the work area site and location confirmation of said utilities? ☐ Yes ☐ No

**Applicant must contact PA ONE CALL at 1-800-242-1776 before starting ANY JOB.**

Name of liability insurance company and policy number as required by ordinance:

(Attach copy of proof of insurance)

BY EXECUTING THIS APPLICATION AND RECEIVING A PERMIT TO CONDUCT THE WORK DESCRIBED  
HEREIN, APPLICANT DOES HEREBY AGREE TO INDEMNIFY AND SAVE EAST BUFFALO TOWNSHIP,  
UNION COUNTY, PENNSYLVANIA, FREE FROM ANY AND ALL LIABILITY, INCLUDING ATTORNEY FEES  
AND COURT COSTS, WHICH MAY ARISE FROM THE PERFORMANCE OF SAID WORK, AS THE SAME IS  
PROVIDED FOR IN APPLICABLE TOWNSHIP ORDINANCES.

APPLICANT:

DATE:

=====

**FOR TOWNSHIP USE ONLY**

Amount of Application Fee: \$ \_\_\_\_\_

Date received: \_\_\_\_\_

Inspection Fee Deposit (if required) \$ \_\_\_\_\_

Date received: \_\_\_\_\_

Application Reviewed by: \_\_\_\_\_

Date reviewed: \_\_\_\_\_

Reason for Disapproval of Permit Application:



East Buffalo Township  
589 Fairground Rd.  
Lewisburg, Pa. 17837  
Phone:(570)523-6320 Fax:(570)523-9151

**Right-of-way Occupancy Permit # \_\_\_\_\_**

PERMISSION IS HEREBY GRANTED TO: \_\_\_\_\_,  
(Permittee), to perform certain work upon, within, or under the street or streets, or public right-of-way situated  
at \_\_\_\_\_ in East Buffalo Township (Township),  
Union County, Pennsylvania, as more fully described in an Application for Right-of Way Occupancy Permit  
submitted to East Buffalo Township by the Permittee.

**This permit is subject to the following conditions:**

1. The work shall commence on or about \_\_\_\_\_ and shall be  
completed by \_\_\_\_\_. Permittee shall notify the Township as to the exact date  
of work commencement at least 72 hours prior thereto.
2. The permit shall automatically terminate on the above date of completion.
3. Permittee shall at least 72 hours prior to the time of commencement of work provide Township with a  
written work schedule setting forth in detail the dates the various phases of the work to be performed.
4. By acceptance of this Permittee does hereby agree to indemnify and save Township harmless from any  
and all liability, including attorney's fees, and court costs, which may arise from the performance of the  
work authorized.
5. Permittee will perform all work in accordance with all State, Local, and Federal laws, ordinances,  
statutes and regulations.
6. Permittee will cooperate with Township and assist the Township in the inspection of all work  
performed. Any changes in the work schedule shall be immediately communicated to the Township to  
permit the revision of the inspection schedule.
7. Permittee will pay all costs and fees incurred by Township for the inspection of said work in accordance  
with applicable ordinances and regulations.

This permit issued this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

East Buffalo Township, Union County, Pennsylvania

BY: \_\_\_\_\_



East Buffalo Township  
589 Fairground Rd.  
Lewisburg, Pa. 17837  
Phone:(570)523-6320 Fax:(570)523-9151

**Right-of-way Occupancy Permit # \_\_\_\_\_**

**PERFORMANCE AGREEMENT**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Board of Supervisors of East Buffalo Township, Union County, Pennsylvania, a political subdivision with offices at 589 Fairground Road, Lewisburg, Pennsylvania (Township)

AND

\_\_\_\_\_  
(Permittee)

**BACKGROUND**

1. Permittee has filed an application with Township for a permit to excavate in a public right-of-way in East Buffalo Township, Union County, Pennsylvania.
2. Township has adopted an Ordinance and regulations controlling the issuance of permits for said purpose, the manner in which the excavation work is to be performed and requiring performance agreements.
3. Said Ordinance and regulation require Permittee to post security in an amount to be determined by the Township, but in no event less than five thousand dollars (\$5000.00) to assure the work is performed properly.

**AGREEMENT**

NOW THEREFORE FOR AND IN CONSIDERATION of the issuance of said permit to excavate within the Township right-of-way the parties hereby agree as follows:

1. Permittee shall arrange financial security to satisfy the terms of the Township's Ordinance in the amount of \$\_\_\_\_\_. Such financial security may be a cash deposit, a performance bond, and irrevocable letter of credit, or such other means as shall be acceptable to the Township.
2. Such financial security shall remain in effect for the period that work is being done and for one year after all work has been completed.
3. The purpose of the financial security is to assure that the work is done properly and free from defects. Should, in the sole opinion of the Township, the work not be done properly or a defect shall arise within one year after the work is completed Township will notify Permittee in writing sent by first class mail to Permittee's address above or such other address as Permittee shall provide to Township. Should Permittee fail to correct said work or defect within (ten) 10 days of the date of said notice, Township shall have the right, but not the obligation, to utilize the said financial security to perform such work, as it deems necessary to correct the defect or properly complete the work.
4. Any funds remaining in the financial security, not utilized as provided in paragraph 3 shall be delivered to Permittee one (1) year after all work has been completed or the defect has been corrected as the case may be.
5. In the event the financial security is not sufficient to complete the work or correct the defect Permittee shall be liable to Township for any additional costs and expenses.
6. Permittee shall be responsible for the repair of all defects in the work that shall become evident within one (1) year after the work is completed. Said period of responsibility shall be extended for one (1) year from the date of completion of any work done to correct the defect discovered after corrective work is completed.
7. This agreement shall be binding upon the parties hereto their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the parties have hereunto set their hand and seals the day and date written above.

East Buffalo Township

By: \_\_\_\_\_

Permittee

By: \_\_\_\_\_



## CHAPTER 21

### Part 2 Excavations

§201. Short Title. This Ordinance shall be known and may be cited as the "Right-of-Way Excavation Ordinance of the Township of East Buffalo".

§202. Definition. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with context, words used in the present tense include the future; words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Applicant" is any person making application to the Township for an excavation permit hereunder.
- (b) "Township" is the Township of East Buffalo, Union County, Pennsylvania.
- (c) "Excavation work" is the excavation and other work permitted under an occupancy permit and required to be performed under this ordinance.
- (d) "Permittee" is any person who has been granted and has in full force and effect an occupancy permit issued hereunder.
- (e) "Person" is any individual, firm, partnership, association or organization of any kind.
- (f) "Street" is any street, highway, sidewalk, alley, avenue or other public way or ground or public easement in the Township of East Buffalo.

§203. Excavation Permit. It shall be unlawful for any person to dig up, break, excavate, tunnel, bore, undermine, or in any manner break up any street or to make or cause to be made any excavation in or under the surface of any street, or to place, deposit, or leave upon any street any earth or unexcavated material obstructing or tending to interfere with the free use of the street or do any work within a public right-of-way unless such person shall first have obtained an occupancy permit therefore from the Township as herein provided.

§204. Application for Permit. No occupancy permit shall be issued unless an application for the issuance of an occupancy permit, on forms provided for that purpose, is submitted to the Township. The application shall state the name and address of the applicant, the nature, location and purpose of the excavation, the date of commencement and date of completion of the excavation, and other data as may be reasonably required by the Township. If, in the sole and exclusive opinion of the Township, extensive excavation and construction is planned, the application shall be accompanied by plans showing the extent of the proposed excavation work, the dimensions and elevations of the elevated surfaces, the location of the excavation work, and such other information as may be prescribed by the Township.

It shall be permissible for Public Utilities, as that term is defined by statute, to telephone the Township to submit permit information to perform maintenance work on their facilities.

§205. Permit Fee. The application for a permit shall be accompanied by a fee of \$35.00. Permittee shall be responsible for and shall pay all costs incurred by the Township in inspecting the work authorized by the permit and all costs incurred by the Township for the review of the application if such review is made by a person other than a Township employee. The determination as to the necessity of a review by a non-Township employee rests solely and exclusively with the Township. The costs to be charged for inspection of the work shall be in accordance with regulation adopted by the Township by resolution from time to time.

§206. Excavation Placard. The Township shall provide each Permittee, at the time the permit is issued, a suitable placard which shall state the Permittee's name, the permit number and the date of expiration, which shall be exhibited at the site of said work at all times. It shall be unlawful for any person to exhibit such permit at or about any excavation not covered by such permit, to misrepresent the permit number or the date of expiration.

§207. Performance Bond. Before an occupancy permit is issued, the applicant shall deposit with the Township a performance bond, in favor of the Township, in the amount of \$5,000.00 or such greater amount as may be determined by the Township.

- (a) With good and sufficient surety satisfactory to the Township.
- (b) Satisfactory to the Township Solicitor in form and substance.
- (c) Conditioned that the applicant will faithfully comply with all the terms and conditions of this Ordinance; all rules, regulations, and requirements pursuant thereto and as required by the Township and all reasonable requirements of the Township.
- (d) Said bond shall remain in force for one (1) year after the work has been completed to provide security for any defects in said work.

An annual bond may be given under this provision which shall remain in force for one year conditioned as above, in the amount specified herein and in other respects as specified herein but applicable as to all work done pursuant to any permit issued to the person submitting the said bond during the term of one year from said date of issuance of said bond. Said bond shall be extended if necessary to comply with the provision of Section 207 (d) hereof.

§208. Exemption from Bond. The performance bond provisions of this ordinance shall not apply to any Public Utility permitted to operate within the Township limits, or any Permittee to whom a permit is issued for work under a contract with the Township.

Section 209. Requirements.

All work done pursuant to an occupancy permit issued under the provisions of this Ordinance shall be performed under the direction and to the satisfaction of the Township or its duly authorized agent.

Permittee shall comply with applicable regulations as maybe adopted from time to time by resolution of the Township.

§210. Emergency Action. In the event of any emergency in which a main, conduit, or utility facility in or under any street breaks, bursts, or otherwise is in such condition as to immediately endanger the property, life, health, or safety of any individual, the person owning or controlling such main, conduit, or utility facility, without first applying for and obtaining an occupancy permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such facility shall apply for an occupancy permit not later than the end of the next succeeding business day.

§211. Non-completion or Abandonment. Work shall progress in an expeditious manner until completion in order to avoid unnecessary inconvenience to the general public. In the event that the work shall not be performed in accordance with the applicable regulations or in accordance with the provisions of this Ordinance, or shall cease or be abandoned without due cause, the Township may, after six hours notice in writing to the holder of said permit of intent to do so, correct said work or fill the excavation and repair the street, and in any such event the entire cost to the Township of such work shall be a liability of and shall be paid by the person to whom the permit was issued and the said performance bond may be utilized for this purpose.

§212. Insurance. A Permittee, prior to the commencement of excavation work hereunder, shall furnish the Township satisfactory evidence in writing that the Permittee has in force and will maintain in force during the performance of the work authorized by the said permit, permanent public liability insurance of not less than \$300,000.00 for any one person and \$500,000.00 for any one accident and property damage insurance of not less than \$300,000.00, duly issued by a reputable insurance company authorized to do business in the Commonwealth of Pennsylvania and on which policy the Township is named as co-insured, said insurance policy shall include a duty to defend the Township. Permittee shall upon request, exhibit evidence of such insurance coverage to Township.

§213. Indemnification. The Permittee shall indemnify, keep and hold the Township free and harmless from liability on account of injury or damage to persons or property arising or growing out of the Permittee's work pursuant to the said permit. In the event that suit shall be brought against the Township either independently or jointly with the Permittee on account thereof, the Permittee, upon notice to it by the Township shall defend the Township in any suit at the cost of the Permittee, and in the event of a final judgment being obtained against the Township either independently, or jointly with the Permittee, the Permittee shall pay such judgment together with all costs and hold the Township harmless therefrom.

§214. Exemption from Insurance Provisions. The provisions of this Ordinance requiring evidence of public liability and property

damage insurance shall not be applicable to any Public Utility operating facilities within the Township.

§215. Refusal of Permits. If any person shall fail, refuse or neglect to comply with the provisions of this Ordinance, or any rules or regulations, or any reasonable orders or directions of the Township representative in reference thereto, the Township may refuse to issue further permits to such person until such conditions or orders are complied with and may enforce the provisions of the Ordinance with actions in either law or equity.

§216. Penalties. Violations of this Part shall be enforced by an action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution without the consent of the District Attorney as required by Pennsylvania Rule of Criminal Procedure No. 83 (c). The fine for a violation of this Part shall not exceed \$1,000.00 and/or imprisonment to the extent allowed by law for the punishment of summary offenses. (Ordinance 289, December 14, 2006)

## RIGHT OF WAY CUT AGREEMENT

**THIS AGREEMENT** made this \_\_\_\_\_ day of \_\_\_\_\_, by and between **EAST BUFFALO TOWNSHIP**, Union County, Pennsylvania, a political subdivision with offices at 589 Fairground Road, Lewisburg, Pennsylvania 17837 (Township)

**AND**

\_\_\_\_\_, of \_\_\_\_\_,  
(Utility).

### **BACKGROUND**

- I. Utility desires to do certain work within the right-of-way of \_\_\_\_\_, a public street in East Buffalo Township, Union County, Pennsylvania.
- II. Township, has adopted regulations requiring Utility to obtain a permit before commencing work within the said public right-of-way.
- III. Township regulations require Utility to execute an Agreement contemporaneously with the issuance of said permit. The said Agreement required by the Township provides for the restoration of the said right-of-way by Utility.
- IV. The parties hereto desire to enter into the Agreement in compliance with Township's regulations.

### **AGREEMENT**

**NOW THEREFORE FOR AND IN CONSIDERATION** of the mutual promises contained herein the parties hereto agree as follows:

1. Utility does hereby agree to perform and to require its agents, employees and contractors to perform all work done within the said public right-of-way, pursuant to said permit, in full and complete compliance with the applicable regulations of Township.
2. Utility does hereby agree to complete all work performed by it, its agents, employees and contractors pursuant to said permit within 90 days of the date of the issuance of said permit.
3. Utility does hereby agree to provide Township with a schedule for the said work to be done pursuant to said permit. The said schedule to be in writing and delivered to Township at least 72 hours prior to the commencement of said work. Utility shall immediately advise Township, in writing, of any change in said schedule.
4. Utility shall cooperate with Township in the completion of any and all inspections of the work by Township and shall provide Township, immediately upon request, with any and all documentation requested by Township regarding the said work.
5. Utility does hereby agree to restore the area of its work within the said public street as it may be directed by Township and in full compliance with applicable Township regulations.
6. Utility does hereby agree to be responsible for its work for a period of 5 years from the date of the completion of said work the same to include but not be limited to the repair, to Township's satisfaction, of any settlement, cracking, sinking or subsidence that shall occur. Utility shall within 10 days of receipt of written notice from Township make said repairs.
7. In the event Utility shall breach any of the provision of this Agreement Township may institute appropriate legal proceedings including the filing of suit or a municipal claim against Utility. Utility shall be responsible for all Township's costs and fees related to the said appropriate legal action including but not limited to attorney fees, court costs, witness fees, employees wages and consultants.
8. Should Utility fail to properly restore the said public right-of-way or fail to properly repair the said public right-of-way Township may, but is not obligated to, perform such work as it deems necessary to restore said public right-of-way or perform the said repairs. Prior to commencing the said work Township shall give Utility 5 days written notice of its intention to

perform the restoration and/or repairs. Upon completion of said restoration and/or repairs Township shall submit an invoice to Utility for the costs incurred in said restoration and/or repairs plus an administration fee of 50% of said costs. Said invoice will be paid within 10 days. In the event Utility shall fail to pay the said invoice within the said 10 days Township may institute appropriate legal proceedings to collect the same as hereinafter provided.

IN WITNESS WHEREOF the parties hereto do hereby set their hands and seals the day and year first above written.

ATTEST:

\_\_\_\_\_

EAST BUFFALO TOWNSHIP  
BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_

BY: \_\_\_\_\_



**COPY**

**RESOLUTION NO. 03-04**

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF EAST BUFFALO,  
UNION COUNTY, PENNSYLVANIA, AS FOLLOWS:**

1. These regulations are adopted pursuant to the provision of Chapter 21, Part 2 of the Code of Ordinances of East Buffalo Township, Union County, Pennsylvania.

2. General provisions.

1. No excavating, cutting, digging or work shall be done within the public right-of-way of East Buffalo Township, Union County, Pennsylvania, without first obtaining a permit for the same from East Buffalo Township. The owners of the lines being worked on shall be responsible for obtaining the said permit.
2. Any person, partnership, corporation or firm to whom a permit has been issued shall notify all utility companies of the intent to excavate. This notification shall be given not less than 48 hours in advance of the commencement of the work and shall indicate the time, place and purpose of the street excavation.
3. Any person, partnership, corporation or firm to whom a permit has been issued shall have the duty of determining the location and depth of all existing utility installations. If a utility line is broken or damaged in any way, the Permittee, or contractor, shall immediately notify the utility owner.
4. At least 72 hours prior to the commencement of work Permittee shall provide Township with a firm schedule of the work to be done specifying the dates and times when the various stages of the work shall be performed. Failure of Permittee to so notify Township will result in additional costs for proper inspection by the Township.

PETER L. MATSON, P.C.  
ATTORNEY AT LAW  
222 MARKET STREET  
LEWISBURG, PA 17837  
GENERAL  
70/523-3285  
/524-5900-FAX



5. No opening or excavation in any street shall extend beyond the centerline of the street before being backfilled and the surface of the street temporarily restored.
6. No more than one hundred (100) feet measured longitudinally shall be opened in any street at any one time, except by special permission of the Township.
7. Pipe drains, pipe culverts, or other facilities encountered shall be protected by the Permittee.
8. Survey markers or monuments set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point or a 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 Township. Permission shall be granted only upon condition that the Permittee shall pay all expenses incident to the proper replacement of the monument. Any existing survey markers, which are removed or displaced by any construction operation, shall be reset by a surveyor licensed to practice in the Commonwealth of Pennsylvania, with such work being completed at the Permittee's expense.
9. When work performed by the Permittee interferes with the established drainage system of any street, provisions shall be made by the Permittee to provide proper drainage to the satisfaction of the Township
10. When any earth, gravel, or other excavated material is caused to roll, flow or wash upon any street, the Permitted shall cause the same to be removed from the street within four (4) hours after deposit of such materials, or upon notice from Township to remove such materials, whichever shall occur first. In the event the earth, gravel or other excavated material so deposited is not removed, the Township shall cause such removal, and the

cost incurred by the Township shall be recovered from the Financial Security the Permittee filed with the Township.

11. All trenching and excavation shall conform to the requirements of the Pennsylvania Department of Labor and Industry standards and other applicable governmental laws and regulations for such work including but not limited to all traffic control regulations of Pennsylvania Department of Transportation. Additional safety requirements may be prescribed by the Township.

Whenever any person fails to provide or maintain the safety devices required by the Township, such devices may be installed and maintained by the Township. The costs incurred by Township shall be paid by the Permittee.

No person shall willfully move, remove, injure, destroy, or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this resolution.

12. Access to private driveways shall be provided except during working hours when construction operations prohibit provisions of such access. Permittee must notify property owners in advance whenever a driveway is to be blocked. Free access must be provided at all times to fire hydrants.
13. The excavation, shall be in two (2) classes, that portion in the area outside the cartway and that portion within the cartway.
  - a. For excavation outside the cartway, excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel unless otherwise directed by the Township.
  - b. For excavation within the cartway, all excavating material shall be wasted and removed from the site. This shall be done at the time of excavation or after excavation backfill has been completed. If

excavation material is left at the site or until after completion of the work, all conditions stated in Paragraph 13 A above shall be adhered to unless otherwise directed by the Township.

14. Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless the Permittee obtains written consent from the Township to do the work at other hours. Such permission shall be granted only in case of an emergency or in the event the work authorized by the permit is to be performed in traffic-congested areas.
15. In granting any permit, the Township may attach such other conditions as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property, or in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to: (1) Limitations on the period of time of the year in which the work may be performed; (2) Restrictions as to the size and type of equipment; (3) Designation of routes upon which materials may be transported; (4) The place and manner of disposal of excavated materials; (5) Requirements as to the laying of dust, the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof, and (6) Regulations as to the use of streets in the course of work.

During the progress of the work, gutters and waterways must be kept open or other provisions made for the removal of storm water. Street intersections may be blocked one-half (1/2) at a time, and the Permittee shall lay and maintain temporary driveways, bridges and crossings as, in the opinion of the Township, are necessary to reasonably accommodate the traveling public.

The Township, as well as the company or corporation owning any municipal or utility company pipes, poles, or conduits, must be notified by the Permittee before any such facilities are removed or altered. They shall be repaired by the Authorities having control of same, and the expense of said repairs shall be paid by Permittee directly.

It shall be the responsibility of the Permittee to ascertain and verify actual location and elevation of existing pipelines or buried conduits in the path of the work before commencing excavation.

All excavations which are five (5) feet or more in depth or which exceed any State or Federal regulatory agency's stipulated maximum depth for unshored excavations, or where excavations are in unstable material, excavations shall be shored. All shoring shall meet or exceed OSHA or State Labor Department requirements.

Following all excavations, the excavated area shall be restored in accordance with Township ordinances and regulations. In addition, all restoration activities shall be performed and materials shall be replaced so that the replaced excavated surface does not deviate from its original height.

16. Excavation involving the removal of bituminous or concrete paving in streets, private drives, and parking area trenching situations shall be accomplished by sawing or cutting the improved surface at the edges of the proposed trench at points one (1) foot on either side of the trench opening at ground surface. Sawing or cutting shall extend to full depth of existing surface. Where existing surfaces are damaged, taken up, undercut, or unraveled by construction excavation operations which extend beyond the original saw or cut marks for removal, the Permittee, in restoring such bituminous or concrete surfaces to original condition, shall

re-saw or cut the surface to a straight and even line six (6) inches beyond the furthest point of damage from the trench centerline.

17. When temperatures fall below 33 degrees F., all grouting and concrete materials entering into the construction are to be preheated and used while warm. When any mortar or cement concrete work is carried out under freezing conditions, the heated area must be maintained for at least twenty-four (24) hours or the installation shall be protected from frost by covering with hay, straw, or similar substance to a depth of at least two (2) feet before auxiliary heat is removed. where areas cannot be appropriately protected by covering with hay or straw and where it is impractical to completely cover the work area with an enclosure and heat the work are to at least 40 degrees F., the work shall be suspended.
18. The trench shall be excavated along the lines proposed by the Permittee and approved by the Township. All trenches shall have vertical sides, no tapering of said shall be permitted unless approved in writing. The width of the trench, unless otherwise approved, shall be six (6) inches minimum and eighteen (18) inches maximum on each side of the utility pipe. The bottom of the trench shall be hollowed out so as to allow the body of the pipe to have a bearing throughout on the trench bottom. Ground adjacent to all excavations shall be graded to prevent water running in. Any accumulated water in the excavation shall be removed by pumping or other means approved by the Township prior to the placement of pipes or utilities and before backfill is begun.

### 3. Back fill.

1. All excavation in trenches shall be back filled to the original ground surface or to grades specified by the Township representative. The back fill shall begin as soon as practical after the construction has been placed and shall thereafter be carried on as rapidly as the protection of the

balance of the work will permit. Depositing of the back fill shall be done so the shock of falling material will not cause injury to persons, property or the construction. Grading over and around all parts of the work shall be done as directed by the Township representative.

2. Suitable material, as determined by the Township representative, free from rocks, boulders, concrete, frozen material, roots, stumps, cans, blacktop, metal, rubbish and any other foreign material, shall be deposited in the trench simultaneously on both sides of the construction for the full width of the trench to a height of 12 inches above the top of the construction, placed and hand tamped to completely fill all space under and adjacent to the construction the same to be done to the satisfaction of the Township representative. The balance of the trench to a height of 6 inches from the top shall be filled with materials approved by the Township representative in lifts as determined by the Township representative. Each lift shall be compacted as directed by the Township representative.
3. Where the excavation shall occur in the road cartway the top 6 inches of the trench shall be blacktopped in accordance with the directions of the Township representative. The edges of the cartway adjacent to the cut shall be milled for a distance of 1 foot. Where the excavation shall occur within 4 feet of the cartway (berm or shoulder) the top 6 inches of the trench shall be filled with materials approved by the Township. Where the excavation shall occur more than 4 feet outside the cartway the top 6 inches of the trench shall be filled within 2 inches (compacted) of Two A stone and 4 inches of topsoil, free of all debris, stones, rocks, concrete, stumps, wood, metal, rubbish and foreign materials, the same to be seeded.

#### 4. Compaction.

1. Compaction of the back fill shall be done in lifts of uniform layers and each lift shall be compacted over the full width of the excavated area as the Township representative shall direct.
2. Service trenches must be compacted in the same manner as the main trench. In the areas where curb and gutter exists, sufficient curbing shall be removed to allow the prescribed compaction over the entire disturbed area and the same shall be replaced prior to completion of the project.

#### 5. Special Requirements.

1. In all cases, the Permittee shall blade and compact the roadway after the trench has been back filled, so that it shall be passable to traffic at all times. The Permittee shall maintain the roadway in a condition acceptable to the Township at all times until final approval of the entire work by the Township.
2. The Permittee shall remedy, at his or its own expense, any defects that appear in the back fill for a period of one year following completion. Permanent restoration of pave cuts shall be made as directed by the Township representative.
3. When Permittee cuts a trench in a Township street the Permittee shall overlay the cut as directed by the Township representative. The overlay of the wearing surface shall extend 1 foot on all sides of the cut and all cuts shall be sealed.
4. The permit issued hereunder will be kept at the site of the cuts while the work is in progress.
5. Except for emergency repairs no portion of a street in East Buffalo Township shall be excavated within five (5) years of the street being resurfaced by the Township Providers of utility services in East Buffalo



Township, shall notify the Township of any planned repairs or replacements requiring street excavation at least three (3) years prior to said excavation. The Township shall make every effort to adjust its resurfacing of streets to accommodate said planned repairs or replacements. In the event excavation shall occur within at street within five (5) years of the street being resurfaced by the Township, other than an emergency, the person, partnership, corporation or firm doing or causing the work to be done shall pave the entire street for such length as was resurfaced by the Township within the said five (5) years.

6. Inspection and Review Fees.

1. When the Township representative determines that the application for a permit needs to be reviewed by non-Township personnel it shall be referred to such person or firm as the Township representative shall determine. Such person or firm shall review the said application and submit a report to the Township representative in a reasonable length of time. The applicant shall be responsible for and shall pay the actual costs of said review prior to the issuance of a permit. The actual costs shall be paid by the Permittee within ten (10) days of being invoiced for the same. Should Permittee fail to pay the costs as herein provided, the same may be recovered by suit or by execution on any bond supplied by the Permittee.
2. When the Township representative shall determine that the work to be performed pursuant to a permit is such that it should be inspected by a person or firm other than a Township employee, it shall so notify the Permittee and shall arrange for said inspections. The actual costs shall be paid by the Permittee within ten (10) days of being invoiced for the same. Should Permittee fail to pay the costs as herein provided, the same may be recovered by suit or by execution on any bond supplied by the Permittee.



The fee for inspection of the work by a Township employee shall be at the rate of \$20.00 per hour.

7. Rescission of Prior Resolution.

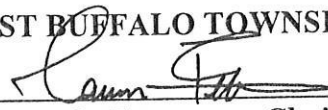
This Resolution supersedes all prior Resolutions inconsistent herewith.

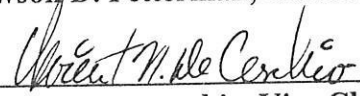
THIS RESOLUTION ADOPTED THIS 10<sup>th</sup> DAY OF FEBRUARY, 2003,  
by the Board of Supervisors of East Buffalo Township, Union County, Pennsylvania.

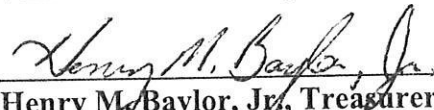
ATTEST:

  
Barry E. Troxell, Secretary

BOARD OF SUPERVISORS OF  
EAST BUFFALO TOWNSHIP

  
Lawson D. Fetterman, Chairman

  
Vincent N. Decerchio, Vice Chairman

  
Henry M. Baylor, Jr., Treasurer

PETER L. MATSON, P.C.  
ATTORNEY AT LAW  
222 MARKET STREET  
LEWISBURG, PA 17837  
GENERAL  
570/523-3285  
70/524-5900 FAX

**RESOLUTION NO. 03-04**

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF EAST BUFFALO,  
UNION COUNTY, PENNSYLVANIA, AS FOLLOWS:**

1. These regulations are adopted pursuant to the provision of Chapter 21, Part 2 of the Code of Ordinances of East Buffalo Township, Union County, Pennsylvania.

2. General provisions.

1. No excavating, cutting, digging or work shall be done within the public right-of-way of East Buffalo Township, Union County, Pennsylvania, without first obtaining a permit for the same from East Buffalo Township. The owners of the lines being worked on shall be responsible for obtaining the said permit.
2. Any person, partnership, corporation or firm to whom a permit has been issued shall notify all utility companies of the intent to excavate. This notification shall be given not less than 48 hours in advance of the commencement of the work and shall indicate the time, place and purpose of the street excavation.
3. Any person, partnership, corporation or firm to whom a permit has been issued shall have the duty of determining the location and depth of all existing utility installations. If a utility line is broken or damaged in any way, the Permittee, or contractor, shall immediately notify the utility owner.
4. At least 72 hours prior to the commencement of work Permittee shall provide Township with a firm schedule of the work to be done specifying the dates and times when the various stages of the work shall be performed. Failure of Permittee to so notify Township will result in additional costs for proper inspection by the Township.

5. No opening or excavation in any street shall extend beyond the centerline of the street before being backfilled and the surface of the street temporarily restored.
6. No more than one hundred (100) feet measured longitudinally shall be opened in any street at any one time, except by special permission of the Township.
7. Pipe drains, pipe culverts, or other facilities encountered shall be protected by the Permittee.
8. Survey markers or monuments set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point or a 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 Township. Permission shall be granted only upon condition that the Permittee shall pay all expenses incident to the proper replacement of the monument. Any existing survey markers, which are removed or displaced by any construction operation, shall be reset by a surveyor licensed to practice in the Commonwealth of Pennsylvania, with such work being completed at the Permittee's expense.
9. When work performed by the Permittee interferes with the established drainage system of any street, provisions shall be made by the Permittee to provide proper drainage to the satisfaction of the Township
10. When any earth, gravel, or other excavated material is caused to roll, flow or wash upon any street, the Permitted shall cause the same to be removed from the street within four (4) hours after deposit of such materials, or upon notice from Township to remove such materials, whichever shall occur first. In the event the earth, gravel or other excavated material so deposited is not removed, the Township shall cause such removal, and the

cost incurred by the Township shall be recovered from the Financial Security the Permittee filed with the Township.

11. All trenching and excavation shall conform to the requirements of the Pennsylvania Department of Labor and Industry standards and other applicable governmental laws and regulations for such work including but not limited to all traffic control regulations of Pennsylvania Department of Transportation. Additional safety requirements may be prescribed by the Township.

Whenever any person fails to provide or maintain the safety devices required by the Township, such devices may be installed and maintained by the Township. The costs incurred by Township shall be paid by the Permittee.

No person shall willfully move, remove, injure, destroy, or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this resolution.

12. Access to private driveways shall be provided except during working hours when construction operations prohibit provisions of such access. Permittee must notify property owners in advance whenever a driveway is to be blocked. Free access must be provided at all times to fire hydrants.
13. The excavation, shall be in two (2) classes, that portion in the area outside the cartway and that portion within the cartway.
  - a. For excavation outside the cartway, excavated materials shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel unless otherwise directed by the Township.
  - b. For excavation within the cartway, all excavating material shall be wasted and removed from the site. This shall be done at the time of excavation or after excavation backfill has been completed. If



excavation material is left at the site or until after completion of the work, all conditions stated in Paragraph 13 A above shall be adhered to unless otherwise directed by the Township.

14. Work authorized by a permit shall be performed between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless the Permittee obtains written consent from the Township to do the work at other hours. Such permission shall be granted only in case of an emergency or in the event the work authorized by the permit is to be performed in traffic-congested areas.
15. In granting any permit, the Township may attach such other conditions as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property, or in a manner likely to create a nuisance. Such conditions may include, but shall not be limited to: (1) Limitations on the period of time of the year in which the work may be performed; (2) Restrictions as to the size and type of equipment; (3) Designation of routes upon which materials may be transported; (4) The place and manner of disposal of excavated materials; (5) Requirements as to the laying of dust, the cleaning of streets, the prevention of noise, and other results offensive or injurious to the neighborhood, the general public, or any portion thereof, and (6) Regulations as to the use of streets in the course of work.

During the progress of the work, gutters and waterways must be kept open or other provisions made for the removal of storm water. Street intersections may be blocked one-half (1/2) at a time, and the Permittee shall lay and maintain temporary driveways, bridges and crossings as, in the opinion of the Township, are necessary to reasonably accommodate the traveling public.

The Township, as well as the company or corporation owning any municipal or utility company pipes, poles, or conduits, must be notified by the Permittee before any such facilities are removed or altered. They shall be repaired by the Authorities having control of same, and the expense of said repairs shall be paid by Permittee directly.

It shall be the responsibility of the Permittee to ascertain and verify actual location and elevation of existing pipelines or buried conduits in the path of the work before commencing excavation.

All excavations which are five (5) feet or more in depth or which exceed any State or Federal regulatory agency's stipulated maximum depth for unshored excavations, or where excavations are in unstable material, excavations shall be shored. All shoring shall meet or exceed OSHA or State Labor Department requirements.

Following all excavations, the excavated area shall be restored in accordance with Township ordinances and regulations. In addition, all restoration activities shall be performed and materials shall be replaced so that the replaced excavated surface does not deviate from its original height.

16. Excavation involving the removal of bituminous or concrete paving in streets, private drives, and parking area trenching situations shall be accomplished by sawing or cutting the improved surface at the edges of the proposed trench at points one (1) foot on either side of the trench opening at ground surface. Sawing or cutting shall extend to full depth of existing surface. Where existing surfaces are damaged, taken up, undercut, or unraveled by construction excavation operations which extend beyond the original saw or cut marks for removal, the Permittee, in restoring such bituminous or concrete surfaces to original condition, shall

re-saw or cut the surface to a straight and even line six (6) inches beyond the furthest point of damage from the trench centerline.

17. When temperatures fall below 33 degrees F., all grouting and concrete materials entering into the construction are to be preheated and used while warm. When any mortar or cement concrete work is carried out under freezing conditions, the heated area must be maintained for at least twenty-four (24) hours or the installation shall be protected from frost by covering with hay, straw, or similar substance to a depth of at least two (2) feet before auxiliary heat is removed. where areas cannot be appropriately protected by covering with hay or stray and where it is impractical to completely cover the work area with an enclosure and heat the work are to at least 40 degrees F., the work shall be suspended.
18. The trench shall be excavated along the lines proposed by the Permittee and approved by the Township. All trenches shall have vertical sides, no tapering of said shall be permitted unless approved in writing. The width of the trench, unless otherwise approved, shall be six (6) inches minimum and eighteen (18) inches maximum on each side of the utility pipe. The bottom of the trench shall be hollowed out so as to allow the body of the pipe to have a bearing throughout on the trench bottom. Ground adjacent to all excavations shall be graded to prevent water running in. Any accumulated water in the excavation shall be removed by pumping or other means approved by the Township prior to the placement of pipes or utilities and before backfill is begun.

### 3. Back fill.

1. All excavation in trenches shall be back filled to the original ground surface or to grades specified by the Township representative. The back fill shall begin as soon as practical after the construction has been placed and shall thereafter be carried on as rapidly as the protection of the



balance of the work will permit. Depositing of the back fill shall be done so the shock of falling material will not cause injury to persons, property or the construction. Grading over and around all parts of the work shall be done as directed by the Township representative.

2. Suitable material, as determined by the Township representative, free from rocks, boulders, concrete, frozen material, roots, stumps, cans, blacktop, metal, rubbish and any other foreign material, shall be deposited in the trench simultaneously on both sides of the construction for the full width of the trench to a height of 12 inches above the top of the construction, placed and hand tamped to completely fill all space under and adjacent to the construction the same to be done to the satisfaction of the Township representative. The balance of the trench to a height of 6 inches from the top shall be filled with materials approved by the Township representative in lifts as determined by the Township representative. Each lift shall be compacted as directed by the Township representative.
3. Where the excavation shall occur in the road cartway the top 6 inches of the trench shall be blacktopped in accordance with the directions of the Township representative. The edges of the cartway adjacent to the cut shall be milled for a distance of 1 foot. Where the excavation shall occur within 4 feet of the cartway (berm or shoulder) the top 6 inches of the trench shall be filled with materials approved by the Township. Where the excavation shall occur more than 4 feet outside the cartway the top 6 inches of the trench shall be filled within 2 inches (compacted) of Two A stone and 4 inches of topsoil, free of all debris, stones, rocks, concrete, stumps, wood, metal, rubbish and foreign materials, the same to be seeded.



#### 4. Compaction.

1. Compaction of the back fill shall be done in lifts of uniform layers and each lift shall be compacted over the full width of the excavated area as the Township representative shall direct.
2. Service trenches must be compacted in the same manner as the main trench. In the areas where curb and gutter exists, sufficient curbing shall be removed to allow the prescribed compaction over the entire disturbed area and the same shall be replaced prior to completion of the project.

#### 5. Special Requirements.

1. In all cases, the Permittee shall blade and compact the roadway after the trench has been back filled, so that it shall be passable to traffic at all times. The Permittee shall maintain the roadway in a condition acceptable to the Township at all times until final approval of the entire work by the Township.
2. The Permittee shall remedy, at his or its own expense, any defects that appear in the back fill for a period of one year following completion. Permanent restoration of pave cuts shall be made as directed by the Township representative.
3. When Permittee cuts a trench in a Township street the Permittee shall overlay the cut as directed by the Township representative. The overlay of the wearing surface shall extend 1 foot on all sides of the cut and all cuts shall be sealed.
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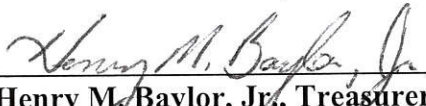
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