

CHAPTER 21

STREETS AND SIDEWALKS

Part 1

Construction and Maintenance

§101. Purpose.....21-1-1
§102. Definitions.....21-1-1
§103. Street Construction Permit.....21-1-1
§104. Application for Permit.....21-1-2
§105. Application Fee.....21-1-2
§106. Inspection Fee.....21-1-3
§107. Performance Agreement.....21-1-3
§108. Maintenance Agreement.....21-1-4
§109. Construction Regulations.....21-1-4
§110. Insurance.....21-1-4
§111. Indemnification.....21-1-4
§112. Revocation of Permit.....21-1-5
§113. Safety.....21-1-5
§114. Penalties.....21-1-5

Part 2

Excavations

§201. Short Title.....21-2-1
§202. Definitions.....21-2-1
§203. Excavation Permit.....21-2-1
§204. Application for Permit.....21-2-1
§205. Permit Fee.....21-2-2
§206. Excavation Placard.....21-2-2
§207. Performance Bond.....21-2-2
§208. Exemption from Bond.....21-2-2
§209. Requirements.....21-2-2
§210. Emergency Action.....21-2-3
§211. Non-Completion or Abandonment.....21-2-3
§212. Insurance.....21-2-3
§213. Indemnification.....21-2-3
§214. Exemption from Insurance Provisions.....21-2-3
§215. Refusal of Permits.....21-2-3
§216. Penalties.....21-2-4

Part 3

**Work Performed Within Rights-of-Way of Public Streets
and Public Areas**

§301. Purpose.....21-3-1
§302. Manner in Which Work, Services or Activities are Performed.....21-3-1
§303. Notification.....21-3-1
§304. Violation.....21-3-1
§305. Penalties.....21-3-1

**Part 4
Snow Removal**

\$401. Removal of Snow and Ice from Sidewalks.....21-4-1
\$402. Notice to Remove Snow and Ice; Township May Do work and Collect
Cost.....21-4-1
\$403. Penalties.....21-4-1

**Part 5
Driveways**

\$501. Permit Required.....21-5-1
\$502. General Standards.....21-5-1
\$503. Work Within Right-of-Way.....21-5-1
\$504. Fees.....21-5-1
\$505. Specific Standards.....21-5-1
\$506. Exceptions.....21-5-3
\$507. Penalties.....21-5-3

**Part 6
Street Names**

\$601. Purpose.....21-6-1
\$602. Future Streets.....21-6-1
\$603. Private Streets.....21-6-2
\$604. Addresses.....21-6-2
\$605. Street Signs.....21-6-2

**Part 7
Placement and Maintenance of Utilities**

\$701. Purpose.....21-7-1
\$702. Definitions.....21-7-1
\$703. Utility Permit.....21-7-1
\$704. Application for Permit.....21-7-2
\$705. Application Fee.....21-7-3
\$706. Inspection Fee.....21-7-3
\$707. Performance Agreement.....21-7-3
\$708. Maintenance Agreement.....21-7-4
\$709. Construction Regulations.....21-7-4
\$710. Insurance.....21-7-4
\$711. Indemnification.....21-7-4
\$712. Revocation of Permit.....21-7-5
\$713. Safety.....21-7-5
\$714. Penalties.....21-7-5

**Part 8
Acceptance of Dedication of Streets and Roads**

\$801. Specifications.....21-8-1
\$802. Acceptance.....21-8-1
\$803. Inspection.....21-8-1
\$804. Dedication.....21-8-1

Part 9
Street Closure and Street Utilization for Special Events

\$901. Purpose.....	21-9-1
\$902. Definitions.....	21-9-1
\$903. Closure of Township Street.....	21-9-1
\$904. Closure of State Road Within Township.....	21-9-2
\$905. Utilization of Township Street.....	21-9-2
\$906. Utilization of State Road Within Township.....	21-9-3
\$907. Denial of Request.....	21-9-4
\$908. Penalties.....	21-9-4

CHAPTER 21

STREETS AND SIDEWALKS

Part 1

Construction and Maintenance

§101. Purpose. The purpose of this Part 1 is to regulate the design, construction and maintenance of public and private streets, roads, highways and alleys (Streets) within East Buffalo Township (Township), Union County, Pennsylvania, which are hereinafter constructed or reconstructed. This Part 1 is adopted to promote the health, safety and welfare of the residents of the Township and the general public.

§102. Definitions.

CARTWAY - The stoned, paved or hard surface of a street, road or alley customarily used by vehicles in the regular course of travel.

PERSON - Any natural person or persons, corporations, company, partnership, firm, entity or similar organization.

PRIVATE STREET - A private right-of-way intended for use as a means of vehicular and/or pedestrian circulation which provides a means of access to 3 or more or potentially 3 or more tracts of land or lot, abutting the said private right-of-way, upon which commercial, industrial, residential or public buildings are or can be erected.

PUBLIC STREET - A right-of-way dedicated to East Buffalo Township, Union County, Pennsylvania, intended for use as a means of vehicular and/or pedestrian circulation, which provides a means of access to abutting tracts of land or lots.

RIGHT-OF-WAY (EASEMENT) - A strip of land occupied or used or intended to be occupied and used exclusively or in conjunction with other uses as a street, road, highway, alley, walkway, or for utility lines, pipes and structures, storm water drainage systems and structures or similar uses.

SHOULDER (BERM) - The improved area immediately adjacent to a cartway.

STRUCTURE - Anything man made constructed, placed or erected that requires location on or below the surface of the ground or attached to something having location on or below the surface of the ground and shall include poles and towers.

UTILITY - Any enterprise that provides the following services, products or commodities to the public or a designated group of persons utilizing lines, pipes or structures: electricity, gas, water, telephone, television, oil, communications, sewage collections or similar sources, products or commodities.

§103. Street Construction Permit. From and after the effective date hereof it shall be unlawful for any Person to construct, build, install or reconstruct, or rebuild a Public or Private Street or any portion or part

thereof within the Township without first obtaining a permit for the same from the Township. Upon issuance said permit shall be valid for 6 months subject to such extensions as authorized by Township.

§104. Application for Permit. No permit required by this Part shall be issued except upon a written application for the same submitted to such person as the Township shall designate (Township Representative) by the owner of the land upon which the Street is to be constructed, built or installed or upon which the Street to be reconstructed or rebuilt is situate (Applicant). The application shall be submitted on the form provided by the Township for such purpose.

The application shall include but not be limited to the following information:

- (a) Name, address, telephone number and fax number of the Applicant.
- (b) Name and location of street.
- (c) Date of commencement of construction or reconstruction and date of anticipated completion with typical work hours.
- (d) Name, address, telephone number, fax number and contact person for contractor doing work, if other than applicant.
- (e) Such other information as the Township shall request.
- (f) Attached to the application shall be plans and drawings for the said construction prepared to a workable scale. The same shall include a typical cross section showing subbase, base, top, materials used, width of cartway and shoulders, storm water drainage system and all of its components, location of utilities, identification of utilities, width of right-of-way and a properly executed Performance Agreement and Maintenance Agreement. The drawing and plans shall be certified by a registered engineer currently licensed in Pennsylvania whose seal shall be affixed to the plans and drawings.

The application for a permit shall be reviewed by the Township Representative and acted upon within 45 days of submission. The action by the Township Representative shall be (1) approval and issuance of a permit, or (2) denial of the application for a permit. In the event the application is denied the Township Representative shall mail written notice of the denial to the Applicant by First Class Mail setting forth the reasons for denial. Depositing the permit or written notice of denial with the United States Postal Service, First Class Mail, postage prepaid, within the said 45 days shall be sufficient for compliance with the notice requirements of this section. Failure to deposit the permit or denial with the United States Postal Service within the said 45 days shall be deemed to be approval of the application.

§105. Application Fee. The application for a permit provided for in §104 hereof shall be accompanied by a fee to be determined by the Township from time to time by resolution. The purpose of the fee is to defray the Township's costs for processing the application, issuing the permit or the denial and inspection of the site prior to issuing a permit or denial.

In the event the Township determines that it is necessary to have the application, attachments and/or site, reviewed by someone other than a Township employee the costs of the same shall be paid by the Applicant. Upon such determination the Township shall notify the Applicant in writing of the same and the estimated costs of the said review. Applicant shall pay the estimated costs to the Township within 3 business days of the date of the notice. Any delay in the receipt of the said payment for the estimated costs by the Township beyond the said 3 business days shall cause an automatic extension of the date for Township action on the application provided for in Section 104 hereof by the number of days between the said 3 business days and the day of the receipt of the said estimated costs. Should Applicant fail to pay the same within 15 days of said notice the application shall be denied for failure to pay the fee.

§106. Inspection Fee. Contemporaneous with the issuance of a permit by the Township Applicant shall pay to Township a fee to be determined by the Township from time to time by resolution. The purpose of the fee is to defray the Township's costs of inspecting the construction or reconstruction of the Street to assure that it is constructed or reconstructed in accordance with the application and with Township regulations and ordinances. No work shall be performed pursuant to the permit until the said fee is paid.

In the event the Township determines that it is necessary to have someone other than a Township employee conduct all or some of the inspections, perform tests or other appropriate work the costs of the same shall be paid by the Applicant. Upon such determination the Township shall notify the Applicant of the same and the estimated costs of such inspections, tests or work, the same to be in writing. Applicant shall, within 3 business days of the date of the notice, pay to Township the estimated costs of said inspections, test or work. Failure to pay the estimated costs within the said 3 business days shall cause an automatic suspension of the permit and all work shall cease until such time as the costs are paid.

§107. Performance Agreement. If not already submitted to the Township pursuant to some other ordinance or regulation Applicant shall submit, with the application for a permit, a properly executed Performance Agreement, in an amount equal to 110% of the estimated costs of the construction or reconstruction. The Performance Agreement shall include adequate provision for financial security in the form of (1) cash deposited with a financial institution with restrictions on disbursement, (2) a irrevocable letter of credit with a financial institution, (3) an irrevocable line of credit with a financial institution, (4) a performance bond with an insurance company authorized to do business in Pennsylvania, or (5) the pledge of some other form of financial security.

The Performance Agreement shall provide that if Applicant shall fail to construct or reconstruct the Street in accordance with the application and Township regulations within the time provided for in the Performance Agreement or fail to maintain liability insurance the Township may, after notice to Applicant, draw on the financial security, enter upon the land and complete the construction or reconstruction, or pay the premium for said insurance. The form, amount and financial security of the Performance Agreement shall be subject to the approval of the Township Solicitor. Applicant shall be liable for all such costs not paid by said financial security

§108. Maintenance Agreement. Applicant shall submit, with the application, a properly executed Maintenance Agreement in an amount equal to 25% of the estimated costs of construction or reconstructing the Street. Applicant shall be responsible for all defects in the construction or reconstruction occurring or discovered within 2 years of the date of the completion of the Street and the Maintenance Agreement shall provide for the same. The Maintenance Agreement shall provide for financial security in the same manner as set forth in §107 for the Performance Agreement.

The Maintenance Agreement shall provide that if Applicant his/her/its heirs, successors and/or assigns, fails to correct any defect in the construction or reconstruction occurring or discovered within the said 2 years, or fails to maintain liability insurance, after notice of the same to applicant, Township may draw upon the said financial security, enter upon the lands and take action to correct the defect, or pay for the said liability insurance. The form, amount and financial security of the Maintenance Agreement shall be subject to the approval of the Township Solicitor. Applicant shall be liable for all costs not paid by said financial security.

§109. Construction Regulations. The Township, by resolution, shall, from time to time, establish regulations and standards for the design, construction and reconstruction of streets, the same to include, but not be limited to, width of right-of-way, cartways, and shoulders, depth of cartways, materials to be used, storm water drainage and location of utilities. All construction and reconstruction shall be done in accordance with said standards and regulations.

§110. Insurance. Contemporaneous with the issuance of a permit Applicant shall submit to Township written evidence, satisfactory to the Township, of permanent public liability insurance in an amount of not less than \$1,000,000.00, the same shall remain in full force and effect until 2 years after the date the work for which the permit has been issued shall be completed. The insurance will be in such form and with such company as shall be satisfactory to the Township. The Township shall be named as a co-insured and the policies shall include a provision to defend the Township

In the event Applicant fails to provide written evidence of said insurance as required herein or fails to maintain the said insurance as required herein Applicant shall cease all work and Township may exercise its rights under the Performance Agreement or Maintenance Agreement either to complete the work, take such action as is necessary to make the area of work safe, or pay for the liability insurance, as the case may be. The costs of any action taken by the Township shall be paid from the financial security under either agreement as the case may be and any amount not paid from the financial security shall be the responsibility of Applicant.

§111. Indemnification. Applicant shall indemnify, keep and hold the Township free and harmless from liability on account of injury or damage to person or property arising or growing out of the Applicant's work pursuant to the said permit. In the event a suit is brought against the Township either individually or jointly with Applicant or others on account thereof Applicant, upon notice from the Township, shall pay the Township's costs in defending the said suit. In the event there is a final judgment against the Township on the same Applicant shall pay said judgment together with all costs and shall save Township harmless therefrom.

§112. Revocation of Permit. The failure of Applicant to comply with the provisions of this Part or any regulations adopted pursuant hereto or comply with any other Township ordinance or regulation or any state and federal regulation shall cause an automatic revocation of the permit issued pursuant hereto and all work pursuant to said permit shall cease.

§113. Safety. All work performed pursuant to a permit issued in accordance with this Part 1 shall be done in compliance with all Pennsylvania Department of Transportation regulations and all applicable state, federal and local laws, statutes, ordinances and regulations including those dealing with the safety and protection of the public, persons performing the said work, and all others.

§114. 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)

In addition to the prosecution of a civil enforcement action the Township may bring an Action in Equity to enforce the provisions of this Part 1. All costs of the same, including reasonable attorney fees, incurred by the Township shall be paid by the Person violating the provisions of this Part 1.

(Ordinance 47, September 10, 1979; as amended by Ordinance 63, June 13, 1983; by Ordinance 132, February 27, 1989; and by Ordinance 250, February 10, 2003)

CHAPTER 21

STREETS AND SIDEWALKS

Part 2

Excavations

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

§202. Definitions. For the purpose of this Part, 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.

APPLICANT - Any person making application to the Township for an excavation permit hereunder.

EXCAVATION WORK - The excavation and other work permitted under an occupancy permit and required to be performed under this ordinance.

PERMITTEE - Any person who has been granted and has in full force and effect an occupancy permit issued hereunder.

PERSON - Any individual, firm, partnership, association or organization of any kind.

STREET - Any street, highway, sidewalk, alley, avenue or other public way or ground or public easement in the Township of East Buffalo.

TOWNSHIP - Township of East Buffalo, Union County, Pennsylvania.

§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 §207(d) hereof.

§208. Exemption from Bond. The performance bond provisions of this Part 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.

§209. Requirements. All work done pursuant to an occupancy permit issued under the provisions of this Part 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 Part, 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 Part 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 Part, 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)

CHAPTER 21

STREETS AND SIDEWALKS

Part 3

Work Performed Within Rights-of-Way of Public Streets and Public Areas

§301. Purpose. The purpose of this Part is to control and regulate the manner in which work is to be performed within the rights-of-way of public streets, roads and alleys within East Buffalo Township, Union County, Pennsylvania, and within any areas of East Buffalo Township dedicated to the public. This Part is adopted in the furtherance of promoting the health, safety and welfare of the citizens and residents of East Buffalo Township, Union County, Pennsylvania, and the public generally. (Ordinance 86, May 12, 1986)

§302. Manner in Which Work, Services or Activities are Performed. No person, firm, corporation, partnership, entity or organization shall do or perform any work, service or activity within upon, under or above the rights-of-way of any street, road, alley, path, walk, passage, easement or area dedicated to East Buffalo Township, Union County, Pennsylvania, or to the public and situate within East Buffalo Township, Union County, Pennsylvania, except in a safe manner and in accordance with all laws and regulations of the Commonwealth of Pennsylvania, and East Buffalo Township, Union County, Pennsylvania, present and future, including but not limited to the regulations of the Pennsylvania Department of Transportation regulating the manner in which work is performed within the highways of the Commonwealth of Pennsylvania. (Ordinance 86, May 12, 1986)

§303. Notification. Any person, firm, corporation, partnership, entity or organization that shall perform the work, service or activity as described in §302 hereof in the same general location for a period of time which it reasonably anticipates will exceed eight (8) hours shall notify in writing the East Buffalo Township Police Department of the location, nature and estimated duration of such work, service or activity. At any time that it becomes evident to any person, firm, corporation, partnership, entity or organization performing such work, service or activity that work which it had originally anticipated to take less than eight (8) hours will take more than eight (8) hours, it shall give such notice to the East Buffalo Township Police Department. (Ordinance 86, May 12, 1986)

§304. Violation. Any violation of the provision of this Part shall, upon notification by an officer or official of East Buffalo Township, be immediately remedied and if the same cannot be immediately remedied all work, services and activities shall cease until such time as the same can be corrected. Upon the cessation of said work, service or activity the area of such work, service or activity shall be left in a safe condition free of all hazards created by said work, services or activity. (Ordinance 86, May 12, 1986)

§305. 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)

CHAPTER 21

STREETS AND SIDEWALKS

Part 4

Snow Removal

§401. Removal of Snow and Ice from Sidewalks. The owner, of every parcel, lot, tract or piece of land bounded by a public street, alley, road or way situate in the Township of East Buffalo, Union County, Pennsylvania, is hereby required to remove or cause to be removed from all sidewalks within the right-of-way of said public street, alley, road or way all snow or ice thereon fallen or formed within twenty-four (24) hours after the same shall cease to fall or form.

§402. Notice to Remove Snow and Ice; Township May Do Work and Collect Cost. The Board of Supervisors, or any officer or employee of the Township designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner, as the case may be, of any premises whereon snow is remaining in violation of the provisions of §401 hereof, directing and requiring such owner to remove, such snow or ice so as to conform to the requirements of this ordinance, within one (1) day after issuance of such notice. Whenever, in the judgment of the designated official it shall appear to be impracticable to give notice as above provided, either because the owner cannot readily be found or because a search for the owner would entail unreasonable delay, the Board of Supervisors, or any officer or employee of the Township designated thereby for that purpose, may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within one (1) day. In the event the owner shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Board of Supervisors or any other officer or employee of the Township designated thereby for this purpose may order the removal of such snow and ice, and the cost thereof, plus an administrative charge of Twenty-five Dollars (\$25.00) together with a penalty of ten percent (10%) of the cost thereof, shall be collected by the Township from such person, firm or corporation in the manner provided by law.

§403. 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)

CHAPTER 21

STREETS AND SIDEWALKS

Part 5

Driveways

§501. Permit Required. From and after the effective date of this Ordinance it shall be unlawful for any person, firm or entity to construct or reconstruct any driveway or alter any grade, line or width of any shoulder, berm or drainage area within the right-of-way of any public street or road within East Buffalo Township, herein after referred to as the Township, without first obtaining a permit from the Township for the same.

§502. General Standards. All work to be performed within the right-of-way of a Township road or street shall comply with the design standards set forth herein. All work to be performed within the right-of-way of a Commonwealth of Pennsylvania road or street shall comply with the standards established by the Commonwealth of Pennsylvania and if there be none then with the standards set forth herein. Copies of all Commonwealth of Pennsylvania permits relative to work within the right-of-way shall be delivered to the Township and shall be utilized in the issuance of the Township permit herein required.

§503. Work Within Right-of-Way. Prior to any work being performed within the right-of-way of any public street in the Township, the owner of the real estate or the owner's agent shall first apply for and obtain a permit pursuant to this Part.

§504. Fees. The Township shall, by Resolution, establish, from time to time, such fees as shall be necessary and appropriate for the issuance of the permits required hereby and the enforcement of this Part.

§505. Specific Standards. All work within the right-of-way of a public road or street shall be in accordance with the following standards.

(a) Driveways.

(1) No driveway, parking area or turnaround shall be constructed or installed within 5 feet of any side or rear lot line or within 15 feet of any front lot line except where said driveway crosses the setback area to connect to a public street. The area within this setback shall be maintained in grass and landscaping and may be used as part of a storm water conveyance system.

(2) The centerline of any driveway, at the point where the driveway enters the cartway of a public street, shall be at least 50 feet from the intersection of the cartway line of the said street and the cartway line of any other public street.

(3) Clear sight triangles shall be provided for each driveway entering a public street. No objects, except for approved mailboxes and newspaper receptacles, shall be installed or permitted within the clear sight triangle that are greater than 2½ feet in height.

Notwithstanding anything herein to the contrary nothing shall be permitted within the clear sight triangles that shall create an unsafe condition for entering the public street. The clear sight triangle shall be the area within a triangle whose corners are (1) the intersection of the centerline of the driveway and the centerline of the public street or road (2) a point on the centerline of the public street or road 150 feet from point (1) above and (3) a point on the centerline of the driveway 20 feet from the closest edge of the cartway of the public street. Exceptions may be granted to the size of the clear sight triangle where, in the opinion of the Township, the distance set forth herein cannot be achieved due to a condition beyond the applicant's control and the safe entrance into or exit from the public street is maintained.

(4) The driveway shall be installed and maintained in such a manner as to ensure proper drainage of storm water from and along the public street and said drainage may be provided as follows, subject to Township approval:

(a) A drainage pipe of adequate size but not less than 15 inches in diameter may be installed under the driveway and within the drainage swale or underground drainage conveyance system servicing the said public street or road.

(b) Where the drainage along the public street or road is by means of a swale the driveway may be constructed to permit the free flow of water across the driveway as a continuation of the swale.

(c) By such other means as shall be approved by the Township.

(d) Driveways shall be designed and constructed in such a manner as to prevent water runoff from being discharged onto adjacent properties except through a storm water conveyance system approved by the township.

(5) All driveways entering or exiting Commonwealth of Pennsylvania streets or roads shall comply with the standards established by the Commonwealth of Pennsylvania and if there be none then with the provisions contained herein.

(6) Driveways servicing a single use shall have a minimum width of 8 feet where it intersects the cartway of a public street or road. Driveways servicing two or more uses shall have a minimum width of 16' where it intersects the cartway of a public street. These are minimum widths and larger widths may be required where circumstances require a larger entrance. These widths shall be maintained for the depth of the right-of-way.

(7) The portion of a driveway within the right-of-way shall be installed to meet the existing edge of the public cartway and shall be sealed at said edge. The paving within the right-of-way shall be the same material as the street and shall be cut and sealed at the edge of the right-of-way.

(8) Where possible, driveways shall intersect the right-of-way and cartway of the public street or road at a 90% angle but in no event shall it intersect the right-of-way or cartway of the public street or road at less than a 60% angle. The angle of intersection is the acute angle where the centerline of the driveway intersects the edge of the right-of-way or edge of the cartway as the case may be.

(9) Each lot or parcel of land shall be limited to one driveway entrance per street frontage.

(10) All driveways shall be designed and constructed to include an area of 10 feet by 20 feet to permit vehicles to turn around thereby eliminating the necessity of backing into public streets and roads.

(11) All driveways, other than the area within the right-of-way, shall be paved with a dustless material approved by the Township.

(12) Common driveways servicing multiple lots or tracts shall be permitted, where said driveways service 2 abutting lots or tracts with road frontage on the same street or road, may be built within the setbacks established herein. At the time of application for a permit for a driveway described in this paragraph applicant shall attach a copy of a Maintenance and Use Agreement for the said driveway, which shall be executed by all parties who will use the said driveway and by all owners of the lots or tracts to be serviced by said driveway. The said Agreement will provide that it is a covenant running with the land and upon approval of the application and the issuance of a permit the Agreement shall be recorded in the Office of the Recorder of Deeds in and for Union County, Pennsylvania, within ten (10) days of the issuance of the permit.

(b) Drainage Areas.

(1) The area between the edge of the right-of-way and the edge of the cartway shall be utilized to drain water from and along the public road or street. It shall be graded and maintained in accordance with elevations established and standards established from time to time by the Township.

(2) Other than mailboxes and newspaper receptacles, approved by the Township, no obstructions shall be erected, installed or permitted within the said area designated by the Township for drainage except upon the written consent of the Township.

§506. Exceptions. The Township Board of Supervisors may grant exceptions to the within provisions should the strict application of the same create a hardship as that term is defined in zoning variance matters. Said exceptions shall be granted only after a hearing with 20 days written notice to the applicant.

§507. 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)

CHAPTER 21

STREETS AND SIDEWALKS

Part 6

Street Names

§601. Purpose. Pursuant to an Ordinance adopted by Union County, Pennsylvania, Union County has caused a survey to be made of all public streets and roads in Union County and has instituted a uniform addressing system in furtherance of the health, safety and welfare of the residents of Union County. The said survey has revealed that there are certain public streets and roads in East Buffalo Township, having names similar to names of other public streets and roads. In an effort to eliminate the confusion arising from the said similar names, especially for emergency services, the names of the following streets are changed, and from and after the effective date of this Chapter the names of said streets shall be as set forth herein:

<u>OLD NAME</u>	<u>NEW NAME</u>
Armory Blvd. From South Armory Drive to its termination	South Armory Drive
Brown Circle	McRae Lane
Brown Lane	Raymond Lane
Fairview Lane	Helene Lane
Fairview Road	Finch Street
Hillcrest Boulevard	Hillcrest Lane
Hilltop Drive	Colonial Lane
James Court	Andrews Court
Linden Lane	London Lane
Maplewood Drive (Gilead Estates)	Cottonwood Lane
North Armory Drive	Armory Blvd.
Oak Lane	Stadium Boulevard
South 13th Street	Heim Avenue
Stadium Road	Christy Mathewson Drive
Wedgewood Place	Waterford Place
Verna Road from 19 th Street extended to Jean Boulevard	19 th Street
Hillcrest Avenue	Skyline Avenue
10-3	Sunset Avenue
10-4	Oxford Avenue
	Abbey Lane
	Oxford Drive

(Adopted by Ordinance 229, August 13, 2001) (As amended by Ordinance 232, February 4, 2002; by Ordinance 245, September 9, 2002; by Ordinance 379, April 11, 2016)

§602. Future Streets. From and after the effective date hereof no street, road, alley or public way shall be offered for dedication nor accepted for dedication by East Buffalo Township as a public street, road, alley or public way without first having the proposed name of the same approved by the appropriate governmental agency of Union County and written confirmation of said approval signed by said agency delivered to East Buffalo Township.

(Adopted by Ordinance 229, August 13, 2001)

§603. Private Streets. Private streets, roads, lanes, alley and driveways servicing 3 or more dwellings, residences, commercial or industrial structures, shall be named as herein provided.

§603.1 Upon a determination by East Buffalo Township (Township) that a private street, road, lane, ally or driveway is subject to the provisions of this section it shall notify all owners of real estate abutting the same advising the said owners of the need to name the said street, road, alley, lane or driveway. The said owners shall, collectively, submit a proposed name for the said street, etc., to the Township, which shall have been approved in writing by the appropriate Union County governmental agencies responsible for the approval of such names. Said name shall be submitted, in writing, along with said approval to the Township within 30 days of the date of the notice sent to the landowners.

§603.2 Should the said landowners fail to submit a name agreed to by all such landowners within the time specified herein the Township shall determine a name for said street, road, lane, alley, driveway subject to the approval of the said Union County agency.

§603.3 Upon a determination by the Township, pursuant to either Section §603.1 or §603.2 above, the Board of Supervisors of the Township shall adopt a resolution approving and establishing the name for said street, road, lane, alley or driveway.

(As Adopted by Ordinance 241, May 6, 2002)

§604. Addresses. From and after the effective date hereof all buildings and structures within East Buffalo Township, Union County, Pennsylvania, shall have a street address. The said address shall be established by East Buffalo Township in accordance with the standards set forth in Union County Ordinance No. 2-2000.

§604.1 It shall be the responsibility of the owner of every structure and building within the Township that is required to have a street address to obtain the same from the Union County governmental agency responsible for the maintenance of the street address records.

§604.2 The owners of all buildings or structures within the Township for which a street address is required shall display, at all times, the said address on the said building or structure in accordance with the standards established by Union County Ordinance No. 2-2000. All conflicting address shall be removed from said building or structure as well as any other location on or about the real estate upon which the building or structure is erected. Said displayed address shall not be obstructed from view from the adjacent public or private street, road, lane, alley or driveway.

(As Adopted by Ordinance 241, May 6, 2002)

§605. Street Signs. All public streets and when appropriate private streets within the Township shall be identified by street signs placed at such intervals as may be necessary and/or in compliance with Pennsylvania Department of Transportation regulations. The size, design and construction of said signs and posts, shall be in compliance with the Pennsylvania Department of Transportation regulations. The said signs shall be installed by the Township within in 30 days of the adoption of an ordinance or

resolution approving the name of said street and shall thereafter be maintained by the Township.

(As adopted by Ordinance 241, May 6, 2002)

CHAPTER 21

STREETS AND SIDEWALKS

PART 7

Placement and Maintenance of Utilities

§701. Purpose. The purpose of this Part 7 is to regulate the placement and maintenance of utilities, both public and private, within areas designated as public or private rights-of-way or easements within East Buffalo Township (the Township). This Part 7 is adopted to promote the health, safety and welfare of the residents of the Township and the general public.

§702. Definitions.

CARTWAY - The stoned, paved or hard surface of a street, road or alley customarily used by vehicles in the regular course of travel.

PERSON - Any natural person or persons, corporations, company, partnership, firm, entity or similar organization.

PRIVATE STREET - A private right-of-way intended for use as a means of vehicular and/or pedestrian circulation which provides a means of access to 3 or more or potentially 3 or more tracts of land or lot, abutting the said private right-of-way, upon which commercial, industrial, residential or public buildings are or can be erected.

PUBLIC STREET - A right-of-way dedicated to East Buffalo Township, Union County, Pennsylvania, intended for use as a means of vehicular and/or pedestrian circulation, which provides a means of access to abutting tracts of land or lots.

RIGHT-OF-WAY (EASEMENT) - A strip of land occupied or used or intended to be occupied and used exclusively or in conjunction with other uses as a street, road, highway, alley, walkway, or for utility lines, pipes and structures, storm water drainage systems and structures or similar uses.

SHOULDER (BERM) - The improved area immediately adjacent to a cartway.

STRUCTURE - Anything man made constructed, placed or erected that requires location on or below the surface of the ground or attached to something having location on or below the surface of the ground and shall include poles and towers.

UTILITY - Any enterprise that provides the following services, products or commodities to the public or a designated group of persons utilizing lines, pipes or structures: electricity, gas, water, telephone, television, oil, communications, sewage collections or similar sources, products or commodities.

§703. Utility Permit. From and after the effective date hereof it shall be unlawful for any Person to install, repair or replace a public or private utility or any component thereof within the right-of-way of any public or private street within the Township without first obtaining a permit

for the same. The permit shall be valid for 6 months from date of issuance and may be extended by the Township upon request.

§704. Application For Permit. Permits required by this Part shall be issued upon a written application for the same submitted to such person as the Township shall designate (Township Representative) by the Person desiring to install, repair or replace the said utility (Applicant). The application shall be submitted on the form provided by the Township for such purpose.

The application shall include, but not be limited to the following information:

(a) Name, address, telephone number, fax number, and a contact person of the Applicant.

(b) Name and location of the street and designation of public or a private street.

(c) Date of commencement of work and estimated date of completion of work with typical work hours.

(d) Name, address, telephone number, fax number and contact person for Contractor performing the work if other than the Applicant.

(e) Description of the utility.

(f) Attached to the application shall be the following:

(1) Drawings and plans, satisfactory to the Township and of a workable scale setting forth location of existing and proposed utilities, and all components thereof, name of street, width of right-of-way, cartways, and shoulders, location of storm water drainage facilities and all components thereof. The drawings and plans shall be certified by a registered engineer currently licensed in Pennsylvania whose seal shall be affixed to the plans and drawings and properly executed Performance Agreement and Maintenance Agreement.

(2) A narrative description of all work to be done including a description of all materials to be used.

(3) Copies of all permits required by other regulatory agencies.

(g) At the time the application is submitted to the Township all utilities, existing or proposed, within the area of work, shall be clearly marked on the land and upon request of the Township Representative the Applicant shall review the same with the Township Representative at the site.

The application for a permit shall be reviewed by the Township Representative and acted upon within 45 days of submission. The action by the Township Representative shall be (1) approval and issuance of the permit or (2) denial of the permit. Written notice of said action shall be sent to Applicant by First Class Mail, postage prepaid, within the said 45 days. Depositing the said notice with the United States Postal Service within the said 45 days shall be compliance with this notice provision. In the event of a denial of the application the said notice shall set forth the reasons for the denial.

Failure to comply with the notice requirements herein shall be deemed to be an approval of the application.

§705. Application Fee. The application for a permit provided for in §704 hereof shall be accompanied by a fee to be determined by the Township from time to time by resolution. The purpose of the fee is to defray the Township's costs for processing the application, issuing or denying the permit and inspecting the site prior to taking action on the application.

In the event the Township determines that it is necessary to have the application, attachments, and/or site reviewed by someone other than a Township employee the costs of the same shall be paid by the Applicant. Upon such determination the Township shall notify the Applicant of the same and of the estimated costs of said review. Applicant shall pay the estimated costs to the Township within 3 business days of the date of the notice. Any delay in the receipt by the Township of the payment of said estimated costs beyond the said 3 business days shall cause an automatic extension of the date for Township action on the application by the number of days between the said 3 business days and the date of receipt of the said estimated costs. Should Applicant fail to pay the same within 15 days of the date of the said notice the application shall be denied for failure to pay the fee.

§706. Inspection Fee. Contemporaneous with the issuance of a permit by the Township Applicant shall pay to Township a fee to be determined by the Township from time to time by resolution. The purpose of the fee is to defray the Township's costs in inspecting the work to assure that it is in accordance with the application and with Township regulations and ordinances.

In the event the Township determines that it is necessary to have someone other than a Township employee conduct all or some of the inspections, perform tests or other appropriate work the costs of the same shall be paid by the Applicant. Upon such determination the Township shall notify the Applicant of the same and the estimated costs of such inspections, tests or work, the same to be in writing. Applicant shall, within 3 business days of the date of the notice, pay to Township the estimated costs of said inspections, test or work. Failure to pay the estimated costs within the said 3 business days shall cause an automatic suspension of the permit and all work shall cease until such time as the costs are paid.

§707. Performance Agreement. If not already submitted to the Township pursuant to some other ordinance or regulation Applicant shall submit, with the application for a permit, a properly executed Performance Agreement, in an amount equal to 110% of the estimated costs of the construction or reconstruction. The Performance Agreement shall include adequate provision for financial security in the form of (1) cash deposited with a financial institution with restrictions on disbursement, (2) a irrevocable letter of credit with a financial institution, (3) an irrevocable line of credit with a financial institution, (4) a performance bond with an insurance company authorized to do business in Pennsylvania, or (5) the pledge of some other form of financial security.

The Performance Agreement shall provide, inter alia, that if Applicant shall fail to perform the work in accordance with the application and Township regulations and all other governmental law and regulations within the time provided for in the Performance Agreement, or fails to maintain liability insurance the Township may draw on the financial security, enter upon the land and complete the work and or pay for the liability insurance as

the case may be. The form, amount, and financial security of the Performance Agreement shall be subject to the approval of the Township Solicitor.

§708. Maintenance Agreement. Applicant shall submit with the application a properly execute Maintenance Agreement in an amount equal to 25% of the estimated costs of the work. Applicant shall be responsible for all defects in the work occurring or discovered within 2 years of the date of the completion of the work and the Maintenance Agreement shall provide for the same. The Maintenance Agreement shall provide for financial security in the same manner as set forth in §707 of this Part 7 for the Performance Agreement.

The Maintenance Agreement shall provide that if Applicant, or its successors and/or assigns, fails to correct any defect in the work occurring or discovered within the said 2 years, or fails to maintain liability insurance after notice of the same to Applicant, Township may draw upon the said financial security, enter upon the lands and take action to correct the defect.

The form, amount and financial security of the Maintenance Agreement shall be subject to the approval of the Township Solicitor.

§709. Construction Regulations. The Township, by resolution, shall, from time to time, establish regulations and standards for the installation, repair, replacement and maintenance of utilities within public and private rights-of-way, the same to include but not be limited to location of utilities lines or structures, size of utility lines or structures, depth of underground utility lines, placement of poles for overhead utility lines, distances between utility lines, methods of installation of utility lines and structure. All installation, repair and replacement of utility lines and structures shall be in accordance with said standards and regulations.

§710. Insurance. Contemporaneous with the issuance of a permit Applicant shall submit to Township written evidence, satisfactory to the Township, of permanent public liability insurance in an amount of not less than \$1,000,000.00. The same shall remain in full force and effect until 2 years after the date of the completion of the work for which the permit has been issued. The insurance will be in such form and with such company as shall be satisfactory to the Township. The Township shall be named as a co-insured and the policy shall include a provision to defend the Township.

In the event Applicant fails to provide written evidence of said insurance as required herein or fails to maintain the said insurance as required herein Applicant shall cease all work and Township may exercise its rights under the Performance Agreement or Maintenance Agreement to complete the work or take such action as is necessary to make the area of work safe or pay for liability insurance. The costs of any action taken by the Township shall be paid from the financial security under either agreement as the case may be. Applicant shall be responsible for all costs incurred but not paid from the financial security.

§711. Indemnification. Applicant shall indemnify, keep and hold the Township free and harmless from liability on account of injury or damage to person or property arising or growing out of the Applicant's work pursuant to the said permit. In the event a suit is brought against the Township either individually or jointly with Applicant or others on account thereof Applicant, upon notice from the Township, shall pay the Township's costs in

defending the said suit. In the event there is a final judgment against the Township on the same, Applicant shall pay said judgment together with all costs and shall save Township harmless therefrom.

§712. Revocation of Permit. The failure of any Applicant to comply with the provisions of this Part or any regulations adopted pursuant hereto or compliance with any other Township ordinance and regulation or any state and federal regulation shall cause an automatic revocation of the permit issued pursuant hereto and all work pursuant to said permit shall cease.

§713. Safety. All work performed pursuant to a permit issued in accordance with this Part 7 shall be done in compliance with all Pennsylvania Department of Transportation regulations and all applicable state, federal and local laws, statutes, ordinances and regulations including those dealing with the safety and protection of the public, persons performing the said work and all others.

§714. 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)

In addition to the prosecution of a civil enforcement action the Township may bring an Action in Equity to enforce the provisions of this Part 7. All costs of the same, including reasonable attorney fees, incurred by the Township shall be paid by the Person violating the provisions of this Part 7.

(Ordinance 249, February 10, 2003)

CHAPTER 21

STREETS AND SIDEWALKS

Part 8

Acceptance of the Dedication of Streets and Roads

§801. Specifications. No street or road offered for dedication to the Township shall be accepted as a public street or road unless and until the same has been constructed in accordance with the specifications established, from time to time, by the Board of Supervisors.

§802. Acceptance. Streets proposed to be dedicated to the Township shall not be accepted by the Township as a public street until (1) dwellings have been erected on 80% of the lots abutting the street in the case of single family detached dwellings, in the case of multi-family and attached single family dwelling, (2) 80% of all multi-family or attached single family dwellings to be serviced by the street have been erected, (3) in the case of commercial or industrial uses to be serviced by the street 80% of the anticipated gross floor space has been constructed and (4) in all other cases where the Township is satisfied that future construction will be of such limited extent that unusual damage and/or wear will not occur. (as amended by Ordinance 356, May 19, 2012)

§803. Inspection. Prior to the acceptance of any street or road offered for dedication Township shall inspect the said street or road to determine if the same has been constructed in accordance with applicable Township ordinances and regulations and that all utilities and the storm water drainage system have been constructed and installed in accordance with applicable Township Ordinances, regulations and approved plans. The procedures for inspection shall be in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code.

§804. Dedication. At the time of the offer of dedication the person or entity offering said street or road for dedication shall provide Township with a properly executed and recordable deed for the same together with a plan or drawing of the street or road offered for dedication along with such sum of money as the Township shall from time to time, by resolution, establish as the reasonable cost to defray the Township's expense for the costs to prepare resolutions and certifications and the costs of filing the same and recording the deed of dedication and a maintenance bond as provided for in the Pennsylvania Municipalities Planning Code if the Board of Supervisors shall determine the same to be necessary.

(As adopted by Ordinance 299, May 21, 2007)

CHAPTER 21

STREETS AND SIDEWALKS

Part 9

Street Closure and Street Utilization for Special Events

§901. Purpose. The purpose of this Part is to provide the procedure and requirements for any request to close or utilize any road or street situate within East Buffalo Township, Union County, Pennsylvania, for the purposes of conducting a Special Event. For purposes of this part, the terms "street" and "road" shall be used interchangeably.

§902. Definitions. For purposes of this Part 9, the following words and phrases shall have the following meanings:

APPLICANT - An individual or entity that has requested permission to close, partially close or utilize Township roads or State roads within the Township for the purposes of conducting a Special Event.

SPECIAL EVENT - A procession, assemblage or other similar activity that necessitates the closure, partial closure or utilization of Township roads or State roads within the Township for the conduct of said procession, assemblage or other similar activity. Examples of a Special Event include, but are not limited to, a block party, bicycle race and charity walk.

TOWNSHIP - East Buffalo Township, Union County, Pennsylvania.

§903. Closure of Township Street. Any applicant requesting a closure of a Township street for a Special Event, including but not limited to a block party, shall satisfy the following requirements:

(a) **Request for Street Closure.** The applicant shall submit their request on a form provided by the Township.

(b) **Insurance.** The applicant shall obtain a liability insurance policy with a company licensed to do business in the Commonwealth of Pennsylvania and which is acceptable to the Township. The policy shall be in the amount of \$1,000,000.00 per occurrence and an aggregate amount of \$2,000,000.00, including defense costs, and shall name the Township as an additional insured. Said application and proof of said insurance policy shall be provided to the Township at least fourteen (14) days prior to the date of the requested street closure.

(c) **Application and Fee.** The applicant will pay to the Township an application fee of Fifty (\$50.00) Dollars with the submission of the application to defray Township expenses. This fee may be changed by the Township, by Resolution, in the future.

(d) **Indemnification Agreement.** The applicant shall execute an Indemnification Agreement with the Township. Said Agreement shall provide that the applicant agrees to indemnify, save harmless and, if

requested, defend the Township from and against any claims, suits or actions for injury, death or property damage arising from or occurring during the Special Event.

(e) Notice. The applicant shall notify owners of all properties abutting the street that is to be closed as soon as is practicable after receiving approval of the street closure request. The applicant shall also notify emergency services of the street closure.

(f) Barriers and Signage. The Township shall provide barriers and signage to the applicant which shall be placed at the beginning and end of the street closure. The Township shall be responsible for placing the barriers and signage in the street at the appropriate locations at the beginning of the Special Event and the applicant shall be responsible for removing the barriers and signage at the conclusion of the Special Event. The applicant shall place the barriers and signage within the right-of-way off the paved roadway.

(g) Conclusion of Event. The applicant is responsible for cleaning up the area of the street closure at the conclusion of the Special Event. The Special Event must conclude no later than 10:00 p.m.

§904. Closure of State Road Within Township. The Township does not have the authority to close State roads within the Township for Special Events. Therefore, any applicant requesting the closure of a State road within the Township for a Special Event, including but not limited to a block party, shall be required to obtain a Special Event Permit issued by the Pennsylvania Department of Transportation (PennDOT) and shall satisfy PennDOT requirements for the same. The applicant shall also comply with the provisions of §903 herein.

(a) Township Permission Letter. As a part of the Special Event Permit process through PennDOT, PennDOT requires a letter from the municipality in which the Special Event is to take place granting permission to close the State road situate within the municipality. Said permission letter from the Township shall be provided to the applicant for provision to PennDOT upon satisfaction of the requirements provided herein.

(b) Township Designee to Contact PennDOT. Upon the granting of the PennDOT Special Event Permit, the applicant will be provided with a cover letter from PennDOT that notifies the applicant that the municipality or its designee must contact the PennDOT Traffic Management Center ("TMC") on the day of the Special Event. The Township shall designate, by Resolution, the applicant as the Township's designee to contact the TMC on the day of the Special Event, as provided in said PennDOT cover letter.

§905. Utilization of Township Street. Any applicant requesting the utilization, rather than the closure, of a Township street for a Special Event, including but not limited to a bicycle or pedestrian race or walk, shall satisfy the following requirements:

(a) Request for Street Utilization. The applicant shall submit their request on a form provided by the Township.

(b) Insurance. The applicant shall obtain a liability insurance policy with a company licensed to do business in the Commonwealth of Pennsylvania and which is acceptable to the Township. The policy shall be in the amount of \$1,000,000.00 per occurrence and an aggregate amount of \$2,000,000.00, including defense costs, and shall name the Township as an additional insured. Said application and proof of said insurance policy shall be provided to the Township at least thirty (30) days prior to the date of the requested street utilization.

(c) Application and Fee. The applicant will pay to the Township an application fee of Fifty (\$50.00) Dollars with the submission of the application to defray Township expenses. This fee may be changed by the Township, by Resolution, in the future. The application shall include a depiction or map of the street or streets to be utilized for the Special Event.

(d) Indemnification Agreement. The applicant shall execute an Indemnification Agreement with the Township. Said Agreement shall provide that the applicant agrees to indemnify, save harmless and, if requested, defend the Township from and against any claims, suits or actions for injury, death or property damage arising from or occurring during the Special Event.

(e) Signage. The applicant shall provide signage at appropriate locations along the street or streets to be utilized for the Special Event in order provide safe utilization of the street or streets for those participating in the Special Event and for the general public. Any signage used in conjunction with the Special Event shall be approved by the Township and removed by the applicant as soon as is practicable at the conclusion of the Special Event.

§906. Utilization of State Road Within Township. The Township does not have the authority to grant permission for the utilization of State roads within the Township for Special Events. Therefore, any applicant requesting the utilization of a State road within the Township for a Special Event shall be required to obtain a Special Event Permit issued by the Pennsylvania Department of Transportation (PennDOT) and shall satisfy PennDOT requirements for the same. The applicant shall also comply with the provisions of §905 herein.

(a) Township Permission Letter. As a part of the Special Event Permit process through PennDOT, PennDOT requires a letter from the municipality in which the Special Event is to take place granting permission to utilize a State road situate within the municipality. Said permission letter from the Township shall be provided to the applicant for provision to PennDOT upon satisfaction of the requirements provided herein.

(b) Township Designee to Contact PennDOT. Upon the granting of the PennDOT Special Event Permit, the applicant will be provided with a cover letter from PennDOT that notifies the applicant that the municipality or its designee must contact the PennDOT Traffic Management Center ("TMC") on the day of the Special Event. The Township shall designate, by Resolution, the applicant as the Township's designee to contact the TMC on the day of the Special Event, as provided in said PennDOT cover letter.

§907. Denial of Request. Notwithstanding compliance with the provisions and requirements contained in this Part, the Township, in its sole discretion, may deny any request for street closure or street utilization for a Special Event in the best interests of the Township. Said denial shall be provided, in writing, to the applicant.

§908. Penalties. Violations of this Part shall be enforced by an action brought before a District Justice 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.

Nothing herein shall prohibit Township from instituting a legal action seeking an injunction to enforce the provisions of this Part or to prevent future violation of this Part.

(Ordinance 412, adopted July 10, 2023)