

FRANKLIN TOWNSHIP
CHAPTER 138. STREET AND SIDEWALKS

Ordinance No. 2024-01

Franklin Township
Adams County, Pennsylvania

Adopted September 5, 2024

Chapter 138. Streets and Sidewalks

Article I. Excavations, Openings, and Occupancy

[Adopted 6-7-1990 as Ch. 21, Part 1, of the 1990 Code]

§ 138-1. Permit required.

- (A) In accordance with the provisions of 53 P.S. § 67322 of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any Township road, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, sewer pipes, electric conduits, or other piping be laid upon or in, nor shall any telephone, telegraph, communication cables or communication facilities, or electric light or power poles, or any coal tipples or any other utilities or obstructions be erected upon, excavated in, or bored under any portion of a Township road or road right-of-way except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.
- (B) No logging operations, to include the felling of trees, stacking of logs or lumber, or parking or operation of logging equipment (except transporting trucks), shall take place on a township road or within a township road right-of-way, except under such conditions, restrictions and regulations as may be prescribed in permits granted by the Township for such purpose. Access drive or driveway permits are required for logging road access points in accordance with Article II of this Chapter.
- (C) No construction equipment, dumpsters, construction materials or debris shall be placed or stored on a township road or in a township road right-of-way, except under such conditions, restrictions and regulations as may be prescribed in permits granted by the Township for such purpose.

§ 138-2. Application for permit.

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in duplicate.

(A) Fee. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by resolution as adopted from time to time by the Franklin Township Board of Supervisors.

(B) Plan. The applicant shall submit three copies of a sketch plan showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines, and the distance to the nearest intersecting street.

(C) Traffic Control Plan. A Traffic Control Plan shall be submitted for all work on or in township streets including the following:

- i. Whenever it is necessary to close any portion of a travel lane during the hours of darkness without work in active progress.
- ii. Whenever traffic must be detoured in order to perform the permitted work.

All plans shall comply with section 6123 of the Vehicle Code and the applicable provisions of 67 PA Code, Chapter 212, and Publications 212 and 213.

(D) Restoration. The applicant shall submit three copies of a detailed drawing of the proposed street restoration showing compliance with Chapter 146, Exhibit 4, Street Pavement Detail. In the event the Exhibit 4 detail is not compatible with existing street conditions, an acceptable alternative may be proposed. Proposed alternatives shall be reviewed by the Township Engineer and recommendation made to the Board of Supervisors.

(E) Financial Security. The application shall be accompanied by an estimated cost of construction sufficient to cover restoration and resurfacing the portions of the street affected thereby, Township Engineer review, Township inspections and maintenance, plus 20% of such cost. The estimate shall be reviewed by the Township Engineer and his recommendation provided to the Board of Supervisors. A performance and maintenance bond or other form of financial security acceptable to the Board of

Supervisors, in an amount approved by the Board of Supervisors, shall be posted with the Township prior to permit issuance. The financial security shall be maintained in effect for a period of no less than 24 months after completion of the work. The Board of Supervisors reserves the right to waive the financial security requirement for de minimis projects.

§ 138-3. Issuance of permit.

A permit shall be issued to the applicant after all the aforementioned requirements have been satisfactorily submitted.

§ 138-4. Written notice of completion.

Upon completion of the work, the applicant shall give written notice thereof to the Township.

§ 138-5. Inspection and compliance.

As may be required during construction, and upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs within 18 months of completion, if the applicant shall fail to rectify any such settlement or other defect which presents an immediate or imminent safety or health problem within forty-eight hours, or any other defect within 60 days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional 20% of such cost, and draw the amounts from the posted financial security.

§ 138-6. Violations and penalties.

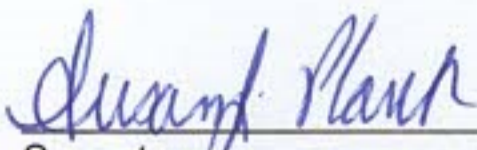
Any person, firm or corporation who shall violate any provision of this article shall, upon conviction in a summary proceeding brought before a District Justice under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In addition to costs the Township can collect any attorney's fees necessary to enforce the agreement. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this article that is violated shall also constitute a separate offense.

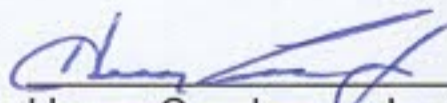
The Franklin Township Street and Sidewalks Ordinance No. 2024-01 shall become effective on Sept 5, 2024.

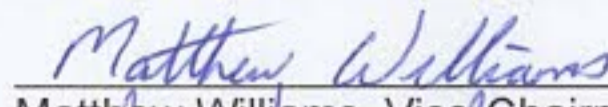
Enacted and Ordained into an Ordinance this 5th day of September, 2024.

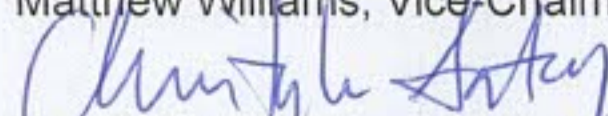
ATTEST:

Franklin Township, Adams County, Pennsylvania


Secretary


Henry Crushong, Jr., Chairman


Matthew Williams, Vice-Chairman


Christopher Santay, Supervisor