

PART 1

STREET EXCAVATIONS AND OPENINGS

§21-101. Definitions.

1. The following words, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

**APPLICANT** - any person who makes application for a permit.

**EMERGENCY** - any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

**ENGINEER** - the person in charge of the department of highways or the highway operations in the Township or his authorized deputy, representative or inspector.

**MUNICIPAL AUTHORITY** - any body corporate and politic created pursuant to the laws of the Commonwealth of Pennsylvania.

**PERMITTEE** - any person who has been issued a permit and has agreed to fulfill at the terms of this Part.

**PERSON** - any natural person, partnership, firm, association, utility, corporation or authority created pursuant to an act of the Pennsylvania General Assembly. Whenever used in any section prescribing and imposing a penalty, the term "person," as applied to associations, means the partners or members thereof, and as applied to corporations, the officers thereof.

**PUBLIC UTILITY COMPANY** - any company subject to the jurisdiction of and control by the Pennsylvania Public Utility Commission.

**STREET** - a public street, public easement, public right-of-way, public highway, public alley, public way or public road accepted or maintained by the Township.

**TOWNSHIP** - the Township of Pulaski, County of Beaver, Commonwealth of Pennsylvania.

2. In this Part, the singular includes the plural, and the masculine includes the feminine and the neuter.

(Ord. A115, 9/13/1993, §1)

§21-102. Street Openings and Pavements.

## STREETS AND SIDEWALKS

1. **Permit Required.** No person shall make any tunnel, opening or excavation of any kind in or under the surface of any street without first securing a permit from the Township for each separate undertaking; provided, however, any person maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately; provided, that the permit could not reasonably and practically have been obtained beforehand. The person shall thereafter apply for a permit on the first regular business day on which the office of the Township is open for business and such permit shall be retroactive to the date when the work was begun. In all cases where emergency openings are necessary, the Township Police Department shall be notified prior to such opening.
2. **Street Openings Limited.** No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount greater than that specified in the permit, except that upon approval by the Engineer additional work may be done under the provisions of the permit in such an amount as the Engineer shall deem appropriate and necessary to complete the work. Any deposit or bond posted in connection with the permit shall be deemed to cover any such additional work as may be approved pursuant to this subsection within the limit mentioned herein.
3. **Commencement of Work.** Work for which a permit has been issued shall commence within 10 days after the issuance of the permit therefor. If not so commenced, the permit shall be automatically terminated unless the permittee applies to the Engineer for an extension of time within which to commence work. If such an extension is granted, the original permit shall remain in force for the period of time specified in the extension of time granted by the Engineer may be renewed only upon the payment of an additional permit fee as originally required.
4. **Permits Nontransferable.** Permits are not transferable from one person to another and the work shall be made in any place other than the location specifically designated in the permit.
5. **Expiration of Permits.** Every permit shall expire at the time stated in the permit. If the permittee should not complete the work within the specified time, he shall, prior to expiration of the permit, present in writing to the Engineer a request for an extension of time, setting forth therein the reasons for the requested extension. If in the opinion of the Engineer, such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work.
6. **Municipal Utility Cuts.** All street openings required by utilities owned and/or operated by the Township shall be made and restored under the direction and supervision of the Engineer. The fee, deposit, insurance and bond requirements of this Part shall not be applicable to any openings made by such municipally and/or operated utilities.

7. **State and County Highways.** The provisions of this Part shall not be applicable in those instances where the highway is maintained by the Commonwealth of Pennsylvania or by the County.
8. **Rights of Township.** Every permit shall be granted subject to the right of the Township or of any person to lawfully use the street for any purpose not inconsistent with the permit.
9. **Revocation of Permits.** Any permit may be revoked by the Engineer, after notice to the permittee, for:
  - A. Violation of any condition of the permit or of any provision of this Part.
  - B. Violation of any provision of any other applicable ordinance or law relating to the work.
  - C. Existence of any condition or the doing of any act constituting or creating a nuisance or endangering life or property.
  - D. A permittee shall be granted a period of 3 days from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before such permit is revoked.
  - E. Written notice of any such violation or condition shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the reasons for revoking the permit. Notice may be given either by personal delivery thereof to the person to be notified or by certified or registered United States mail addressed to the person to be notified.
  - F. When any permit has been revoked and the work authorized by the permit has not been completed, the Engineer shall do such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses thereby incurred by the Township shall be recovered from the deposit or bond the permittee has made or filed with the Township.

(Ord. A115, 9/13/1993, §2)

**§21-103. Applications and Permits.**

1. **Duties and Responsibilities of Applicants.** An applicant shall:
  - A. Make written application for such permit with the Township Engineer or other person authorized by the Township Supervisors on such form as he shall prescribe. No work shall commence until the Township Engineer or other person authorized as above has approved the application and plan and until