

**ORDINANCE NO. 1 OF 2008**

**AN ORDINANCE REGULATING STREET OPENINGS, EXCAVATION, BACKFILLING AND PAVING IN THE TOWNSHIP OF NEWPORT, PROVIDING FOR THE ISSUANCE OF PERMITS, PAYMENT OF FEES, AND PENALTIES FOR VIOLATIONS THEREOF, AND REPEALING ORDINANCES IN CONFLICT HEREWITH**

**WHEREAS, on or about October 3, 1994, the Commissioners of the Township of Newport approved Ordinance No. 7 of 1994; and**

**WHEREAS, the Commissioners of the Township of Newport believes that it is in the best interest of the citizens of the Township that said Ordinance No. 7 of 1994 be repealed; and**

**WHEREAS, the Commissioners of the Township of Newport desires to adopt Ordinance No. 1 of 2008.**

**IT IS HEREBY ENACTED AND ORDAINED BY the Commissioners of Newport Township, as follows:**

- 1. Definitions**
- 2. Permit Required; Exceptions; Emergency Openings**
- 3. Street Openings Prior to Reconstruction or Resurfacing**
- 4. Prerequisites to Obtaining Permit**
- 5. Permit and Inspection Fees**
- 6. Revocation of Permit**
- 7. Penalties for Non-Compliance**
- 8. Penalty Schedule**
- 9. Time Extension and Fee**
- 10. Backfilling, Restoration and Paving**
- 11. Backfilling and Replacing Surface; When done by Township of Newport**
- 12. Permittee Responsibility; Extra Inspectors; Other Rules\**
- 13. Test Holes and Borings**
- 14. Limestone and Monuments**
- 15. Road Closings**
- 16. utters, Lights, Excavation Removal, and Safety Precautions**
- 17. Additional Work**
- 18. Guarantee of Work**
- 19. Time Periods**
- 20. Criminal Penalty**
- 21. Repealers.**

## 1. DEFINITIONS

The following words and phrases, when used in this ordinance shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

- (a) "Applicant" – Any person who makes application for a permit.
- (b) "Township" – The Township of Newport, Luzerne County, Commonwealth of Pennsylvania
- (c) "Permittee" – Any person or company who has been issued a permit and has agreed to fulfill all of the provisions of this ordinance.
- (d) "Person" – Any natural person, partnership, firm, association, utility or corporation.
- (e) "Street" – The entire right-of-way of a public street, public highway, public alley, public road or public easement within the Township limits, excluding the designated curb and sidewalk area.
- (f) "Emergency" – Any unforeseen circumstance which calls for immediate action to protect or safeguard life and/or property.
- (g) "Emergency Repair" – Work necessitated by the rupture or malfunction of existing underground facilities which calls for immediate action to protect or safeguard life and/or property or to restore disrupted public utility service.
- (h) "Inspection Fee" – A fee paid by the permittee to the Township of Newport to defray street openings inspection costs.
- (i) "Permit Fee" – A fee paid by the permittee to the Township of Newport to cover the costs of issuing, processing, and filing the Street Opening Permit.
- (j) "Concrete" – soil cement, plain cement concrete, or reinforced cement concrete. Material contained in the base course of some Township streets.
- (k) "Work Day" – Normal business day for the Township government, i.e., Monday through Friday, except designated holidays.
- (l) "Public Utility" – Any utility company, excluding corporate authorities of the Township, licensed by the Public Utility Commission of the Commonwealth of Pennsylvania.
- (m) "Calendar Year" – January 1 through December 31, inclusive.
- (n) "Township Corporate Authority" – Any governmental corporation initiated by the Township Commissioners under the Municipal Authorities Act of 1945.
- (o) "Sidewalk Area" – That portion of the street right-of-way reserved for sidewalks.
- (p) "Cost" – Actual expenditures incurred by the Township for labor, equipment, and materials. These expenditures include all fringe benefits and overhead.

## **2. PERMIT REQUIRED; EXCEPTIONS; EMERGENCY OPENINGS**

The opening of the surface of any Township street is prohibited unless a permit is obtained for that purpose in the manner hereinafter described. Such permit shall be granted through the Township Manager when the person applying for such permit files an application with the Township in compliance with the provisions of this article and pays to the Township the amounts hereinafter stated.

Any person working in the vicinity of a Township street who in any manner disturbs such street or who in any manner causes damage to a street shall be required by this ordinance to obtain a permit and correct this damage in accordance with the standards set forth herein. Street opening permits will not be required for persons excavating adjacent to the curb for the express purpose of installing or replacing curbs and/or sidewalks.

The obtaining of street opening permits by Township departments and Corporate authorities shall be waived when work to be performed is completed by their own personnel.

All Contractors performing work under contract for the Township or Township Corporate authorities shall obtain the street opening permit for street opening work.

Public Utilities shall obtain the street opening permit for street excavations performed by their own forces or by contractors.

In the event that street openings are necessitated by emergencies or emergency repairs, street opening permits shall be obtained on the first regular business day on which the office of the Township is open for business and said permit shall be retroactive to the date when the work was begun.

A person performing street openings for an emergency or emergency repair must verify the emergency nature of the circumstance in writing to the Township Manager within five (5) days after such emergency.

## **3. STREET OPENINGS PRIOR TO RECONSTRUCTION OR RESURFACING**

When the Township and/or the Pennsylvania Department of Transportation shall reconstruct or resurface any street, the Township Manager shall first serve written notice by first class and certified mail of such in improvements to all persons owning property abutting the street about to be improved, and all public utility companies operating in the Township. Within ninety (90) calendar days from receipt of such notice, all public utility companies shall complete or cause to be complete all necessary repairs and replacements of utility mains, service connections, and/or laterals existing under the street and designated curb and sidewalk areas. All public utility companies shall also complete or cause to be completed any new installations, under the street and designated curb and sidewalk areas required for use within a five (5) year period thereafter. All repairs, replacements, and new installations shall be in an acceptable condition to the

Township so that the same cannot reasonable be expected to require repairs or renewal within a period of at least five (5) years thereafter.

Upon failure of any of the notified person or persons to comply with the notice from the Township to place the same in acceptable condition to the Township as hereinbefore provided, the Township shall cause existing utility mains, service connections and/or laterals to be placed in an acceptable condition to the Township as aforesaid, or to be entirely removed, if not used or necessary for the public convenience, whereupon the Township shall be entitled to collect the cost of such renewals, repairs, caulking, removal or other work from the aforesaid responsible person or persons, either by invoicing the person or persons, or, in the case of water or sewer house connections, by filing municipal liens therefore against the abutting properties benefited by such connections.

This section shall not forbid, however, the installation of new pipes, conduits or other services or structures, or the repair, replacement or removal of those already existing, in or under the portions of such highways improved as aforesaid, by tunneling beneath paving in accordance with the Ordinances of the Township and the directions of the Township Engineer or the Pennsylvania Department of Transportation upon obtaining a permit therefore from the Township Manager, and upon payment to the Township of the same fees as prescribed by the provisions of this Ordinance for making a surface opening in the highway of the same dimensions.

#### **4. PREREQUISITES TO OBTAINING PERMIT**

Street opening permits shall only be granted upon compliance with the following express provisions:

- (a) A written application shall be filed with the Township Manager for making all street openings or excavations and the same shall be signed by the person desiring such permit. Such application shall set forth the purpose for which such excavation is to be made; the size and location of the same; the full scope of work to be included in the project; the date or dates during which such excavation is to be permitted; the date such excavation is to be refilled and resurfaced in the manner hereinafter provided; and shall provide that the applicant agrees to faithfully comply with each and every provision contained in this Ordinance. An applicant shall furnish a drawing of the proposed opening site if requested by the Township. Items required on the drawings shall be specified at the time of the request.
- (b) Prior to the issuing of such permit, every such applicant shall pay to the Township the amount hereafter required for the purpose hereinafter provided and shall exhibit to the Township Manager a receipt for the amount aforesaid. No permit shall be issued until the applicant has filed with the Township Manager evidence of insurance in compliance with Section 4 (h) of this Ordinance.

- (c) No permit shall be granted to any applicant unless the applicant shall have paid to the Township any and all monies, then due to the Township, for prior excavations made or for any loss, damages or expense in the manner occasioned by or arising from the excavation of streets of the Township under prior permits.
- (d) Except in emergency situations or for emergency repairs, the Township shall at its discretion be permitted to deny the opening of a street which has been resurfaced or reconstructed with a five (5) year period prior to the date of request for the street opening.
- (e) Except in emergency situations or for emergency repairs, applications for street openings shall be submitted to the Township Manager at least two (2) working days prior to the proposed date of excavation. The Township Manager shall review each application and grant or deny the applicant a permit upon completion of the review.
- (f) No street opening shall be performed, except in the case of emergencies or emergency repairs, when seasonally prohibited or, in the judgment of the Township Manager; working conditions are unreasonable for such work.
- (g) The applicant for a pave cut permit shall protect, defend, indemnify and save harmless the Township, its officers and/or agents thereof from all claims, suits, actions and proceedings of every nature and description, which may be brought against the Township, its officers or agents thereof for, or on account of any injuries or damages to person or public or private property, because of any materials, appliances, or machinery used in the work, or by or on account of improper materials or workmanship, or for on account of any accident or any other act, negligence or omissions of the applicant, or his agents, servants or employees, and the Township shall not in any way be liable therefore, during the period of the work progress and the two (2) year guarantee period following the completion of the work.
- (h) The applicant shall secure insurance which shall include protection against liability arising from personal injury, property damage, underground utility damage, completed operations and collapse of any property.

**Minimum insurance shall be:**

- (1) Two hundred fifty thousand dollars, (\$250,000.00) liability insurance per individual with five hundred thousand dollars (\$500,00.00) limit for each occurrence for bodily injury;
- (2) Two hundred fifty thousand dollars (\$250,000.00) liability insurance for property damage;

Evidence of insurance in the form of a certificate or letter executed by a duly authorized representative of the applicant's insurance carrier shall be submitted to the Township Manager. Such evidence of insurance must include the

provision that the Township shall be given proper advance notice of at least thirty (30) days of cancellation or any material alteration in the applicant's policy.

**5. PERMIT AND INSPECTION FEES**

The permit fee and inspection fee shall be paid to the Township Manager prior to permit issuing. The Township shall have the right to waive fees for contractors performing work under contract with the Township.

The permit administration fee shall be in the amount of Seventy-five (\$75.00) dollars. The minimum Inspection Fee to accompany the application is as follows in the table below. The Inspection Fee shall be increased as necessary to cover the costs incurred by the Township:

<u>Total Sq. Yards to be Excavated</u>	<u>Inspection Fee</u>	<u>Total Sq. Yards to be Excavated</u>	<u>Inspection Fee</u>
1	\$20.00	24 - 25	\$118.00
2	\$28.00	26 - 27	\$124.00
3	\$36.00	28 - 29	\$130.00
4	\$44.00	30 - 34	\$142.00
5	\$52.00	35 - 39	\$156.00
6	\$58.00	40 - 44	\$169.00
7	\$64.00	45 - 49	\$182.00
8	\$68.00	50 - 54	\$194.00
9	\$72.00	50 - 59	\$206.00
10 - 11	\$76.00	60 - 69	\$224.00
12 - 13	\$82.00	70 - 79	\$234.00
14 - 15	\$88.00	80 - 89	\$244.00
16 - 17	\$94.00	90 - 99	\$254.00
18 - 19	\$100.00	100 +	\$275.00 +
20 - 21	\$106.00		\$4.00 X S.Y
22 - 23	\$112.00		over 100

**5. REVOCATION OF PERMIT**

All street opening permits are subject to revocation at any time by the Township Manager or the Township Engineer after written notice for:

- (a) Violation of any condition of the permit;
- (b) Violation of any provision of this Ordinance or any other applicable Ordinance or law relating to the work;
- (c) The existence of any condition or the doing of any act constituting or creating a nuisance or endangering the lives or property of others.

Written notice of such violation shall be served upon the person to whom the permit was granted, or his agent or employee engaged in the work. Such notice shall also contain a brief statement of the reasons for revoking such permit.

Notice may be given either by personal delivery thereof to the person to be notified or by United States mail, addressed to such person to be notified.

The permittee may be given the opportunity to make corrections in the work as required by the Township Manager or the Township Engineer. If the corrections are not completed in the specified time or not completed as specified, the Township Manager or the Township Engineer may suspend all work whether completed or in progress in non-compliance with his Ordinance or the permit, and may take appropriate safety precautions. All work performed or contracted for by the Township to obtain compliance in this regard shall be billed to the permittee who shall be liable for all costs. In addition, a penalty for non-compliance shall be imposed as provided in Section 8.

#### **7. PENALTIES FOR NON-COMPLIANCE**

If the permittee fails to make adequate corrections to work found in non-compliance with this Ordinance or the permit in the time specified by the Township Manager or his agent, a penalty shall be imposed as provided in Section 8 until the corrections are completed to specifications. In addition, the permittee shall be liable for the cost of doing the work performed by the Township, or contracted for by the Township, to attain compliance with this Ordinance or the permit. The permittee agrees to reimburse the Township for all fees and costs incurred by the Township in the collection of the cost of doing the aforesaid work if the permittee fails to pay the invoiced amount within thirty (30) days.

#### **8. PENALTY SCHEDULE**

The following fees are prescribed for this article:

Penalty for cutting new pavement	\$600.00
Penalty for failure to obtain a permit, each	\$600.00
Penalty for Non-compliance, per day per offense	\$600.00
Penalty for removal, alteration, burial of limestone or monument and failure to report same, per offense	\$600.00
Penalty for failure to restore test borings, each	\$600.00

#### **9. TIME EXTENSION AND FEE**

If any permittee is unable to complete the street opening work on or before the date specified in the permit, the permittee shall file a written application for an extension of time with the Township Manager. The written application shall be in letter form and shall thoroughly explain the reasons for the extension of time plus the additional length of time required. A fee of twenty-five (\$25.00) dollars shall accompany the application. This fee shall defray the costs of processing and filing the application.

## **10. BACKFILLING, RESTORATION AND PAVING**

**A.** The permittee shall be responsible for backfilling and paving the opening and restoring the street surface to its original condition.

**B. BACKFILLING:** The Township Manager or his agent must be notified in advance of all backfilling of pave cuts. Backfilling will be done in such manner as to obtain compaction throughout the entire length of backfill not less than that which exists adjacent to the excavation. Type 2B modified sub-base material shall be used in all excavations involving ruptured or leaking water or steam lines or services where the excavated material is saturated, contains lumps, rocks or stones more than three (3) inches in diameter is frozen or is otherwise unsuitable. The method of backfill shall be consistent with good engineering practice, i.e., the material shall be placed in layers not to exceed six (6) inches properly tamped using a mechanical tamper or a mechanical vibrator up to the bottom elevation of the pavement structure.

**C. RESTORATION – GENERALLY:** Prior to the placement of the base course, the existing base and surface must be exposed six (6) inches on each side of any failures that may have developed. The rigid base course shall be replaced with high early strength concrete when temperatures are below forty (40) degrees Fahrenheit; for temperatures above forty (40) degrees Fahrenheit, three thousand (3,000) p.s.i., concrete shall be used for the full depth of the adjacent base or a minimum of eight (8) inches to the bottom elevation of the existing asphalt wear course. After placement, the concrete shall be cured in accordance with Section 704.1, PENNDOT Form 408. Following the concrete of flexible base pavements shall consist of BCBC for the full depth of the adjacent permanent base or four (4) inches deep, whichever is greater. The wearing course shall be placed at a minimum depth of two (2) inches and rolled to conform with the existing road, and the edges sealed. Surface treatments such as sand or chip seals are prohibited. On long cuts, surface finishing must be rolled with not less than a six (6) ton roller. Small cuts may be finished with a mechanical tamper or vibrator. All openings regardless of size must be permanently restored.

**D. RESTORATION – TEMPORARY:** All restorations of pave cuts made with cold patch shall be considered temporary. The permittee is responsible for all cost and expenses of making and maintaining temporary and permanent restorations of disturbed areas. Temporary restoration consists of a minimum of three (3) inches of bituminous material and is maintained in place until permanent restoration can be made.

**E. RESTORATION – PERMANENT:** The restored pavements shall be guaranteed from failure from the date of completion through two (2) winters. Permanent restoration must be completed within thirty (30) days of the initial cut, except in the closed season. Any cuts made in the months of November through March shall be permanently restored within thirty (30) days after hot asphalt becomes available. Any failure of restoration will be reported to the permittee and repairs by the permittee will begin within twenty-four (24) hours after notification. Upon failure of the permittee to repair the cut in a satisfactory manner, the



Township shall have the option to do the work or to contract to complete the work and bill the permittee. In addition, penalties for non-compliance shall be levied against the permittee as provided in Section 8.

**F. RESTORATION – FULL WIDTH RESURFACING:** When street pavement is less than five (5) years old the permittee shall restore the pavement by installing a one and one-half (1-1/2") inch ID-2 Wearing Course for the full width of the existing pavement curb to curb and shoulder to shoulder. The full width Wearing Course shall be installed immediately after placement of the required Base Course over the trench. Full Width Resurfacing shall be performed when the length of the trench is greater than 25 linear feet or two cuts are made within one hundred (100') feet.

**G. RESTORATION – SPECIAL:** The permanent restoration of special type pavements, such as concrete, brick, Belgian block, cobblestone gutters or tiles, shall consider of relaying the original wearing course in accordance with the original installation specification in such a manner as to prevent settlement or other deterioration.

**H. TESTING AND INSPECTION:** The Township Manager or the Township Engineer may inspect all pave cuts. Fees shall be charged and the cost of such inspection shall be charged to and payable by the permittee. Such inspection fee shall not constitute acceptance and approval of work performed by the permittee, but it is understood that such acceptance and approval does not relieve the permittee of any responsibility under this article throughout the guarantee period. Inspection of small cuts have an area of five (5) square yards or less shall not require visible observation when the work is in progress, but may be approved or rejected through subsequent examination or testing.

The Township Manager or Township Engineer shall have the full authority to establish standards for paving and backfilling materials and associated procedures. Details specifying paving and backfilling procedures and materials shall be obtain from the Township Manager, in writing, prior to any street opening work. Any modification of the aforesaid standards for backfilling, restoration and paving may be made by the Township Manager, in writing, on any given project when, in the opinion of the Township Engineer, such modification will be in the public interest.

**11. BACKFILLING AND REPLACING SURFACE: WHEN DONE BY TOWNSHIP**

In case the work has not been completed before the date of the expiration, as shown on the permit, which time shall be fixed when the permit and/or time extension is granted, the Township may take steps to backfill the trench and replace the street surface over the opening for which the permit has been issued. The Township shall invoice the permittee for all costs incurred by the Township in the performance of this work, and the permittee agrees to make payment within thirty (30) days to the Township. The permittee further agrees to reimburse the Township

for all fees and costs incurred by the Township in collecting this amount from the permittee if the permittee fails to pay the invoiced amount within thirty (30) days.

## **12. PERMITTEE RESPONSIBILITY; EXTRA INSPECTOR; OTHER RULES**

The permittee shall assume all responsibility for the excavation made by such party, for refilling the same and for all damages that may arise by reason of the digging of such trenches or excavation. Whenever it is determined by the Township Manager that the best interests of the Township it is necessary to assign additional street opening inspectors to supervise excavation, backfill or pavement restoration operations, such inspectors shall be paid by the permittee at a rate per day to be fixed by the Township.

The Township is authorized to make such other rules and regulations for the excavation of streets which it may deem necessary for the proper maintenance of the street surface due to excavation, which rules and regulations shall be printed upon the permit granted or forwarded from the Township in writing from time to time.

## **13. TEST HOLES AND BORINGS**

A street opening permit shall be obtained for any test hole or test boring work. No test holes or borings shall be made in or upon a greater surface of the highway than as specified in such permit, and no excavation or test holes shall interfere with any of the water pipes, sewers, drains of the Township, or any other underground utility service. Test holes having an area of four (4) square inches or less shall be filled by the applicant with a grout composed of one part cement and two parts sand and a sufficient quantity of water, filled to the surface of the highway, and the surrounding surface of the highway shall be placed in the same condition as before. Test holes greater than four (4) square inches in area shall be backfilled in accordance with the provision of this Ordinance, unless otherwise directed, in writing, by the Township Manager.

## **14. LINSTONE OR MONUMENTS**

No linstone or monument in the Township may be removed, altered or buried at any time. When pave cuts or road construction require the temporary removal of a linstone or monument, it must be preserved at the site and reset at the direction of the Township Manager. All costs incident thereto, including surveys, shall be charged to the permittee. A penalty shall be imposed for failure to report the removal or alteration of a linstone or monument. Burial or paving over a linstone or monument shall carry a penalty for each stone or monument covered. In addition, all costs incidental to exposing or resetting a linstone or monument shall be charged to the permittee.

## **15. ROAD CLOSING**

No street in the Township may be completely closed to traffic at any time during a pave cut. One lane of traffic must be able to pass unobstructed at all times. Flag persons must be posted at the limits of work at all times to direct traffic

through the work area, and all established traffic patterns must be maintained at all times. If all other means of traffic control have been exhausted, the Township may permit a road to be completely closed temporarily only with the consent of the Fire Chief, Police Chief and the Township Manager. When an emergency exists, the Police Chief, Fire Chief and Township Manager shall be notified. An application form for a permit to close a street will be available from the Township Manager. The completed application bearing the signatures of the before-mentioned officers shall be returned to the applicant and shall constitute a permit. A penalty shall be imposed for failure to notify the Fire and Police Chiefs as provided in Section 8.

#### **16. GUTTERS, LIGHTS, EXCAVATIONS REMOVAL AND SAFETY PRECAUTIONS**

All gutters and drainage devices must be left open so as not to obstruct the free passage of water, and the sidewalks and foot ways must be kept in a safe and passable condition. All excavations or material from them shall have placed upon them sufficient lights and barricades to identify them from all directions during the day and after dark. All excavated material and waste material shall be removed daily from the street or sidewalk area.

The permittee shall provide and maintain such barricades, warning signs and flag persons as may be deemed necessary by the Township Manager or Chief of Police to prevent accidents to the public. Minimum precautions must include, but should not be limited to, advance warning signs on all approaches to the work, safe crossing for pedestrians, and barricades with flashers on each exposed side of an excavated area of fifty (50) feet intervals.

If, for safety purposes, the Township deems it necessary to install additional warning devices, i.e., lights, barricades, or signs, or to removal excavation or waster material, the permittee shall be notified of the decision and shall receive instructions pertaining thereto. In case of emergencies, the Township may install all additional warning devices deemed necessary. The Township shall invoice the permittee for rental and installation costs incurred from the date of installation until the permittee installs warning devices.

If, after notice, the permittee fails to install such devices, or fails to remove excavated waste or other material, the Township shall invoice the permittee for rental and installation costs incurred from the date of installation until the date of removal or for excavation, waste or other removal costs. The permittee agrees within thirty (30) days of the invoice date to make payment to the Township. The permittee further agrees to reimburse the Township for all fees and costs incurred by the Township in the collection of this amount from the permittee if the permittee fails to pay the invoiced amount within thirty (30) days.

All openings shall have a sign at least twelve (12) inches by eighteen (18) inches clearly displayed with the contractor's name and phone number.

## **17. ADDITIONAL WORK**

In no case shall a permittee open or remove a greater area of street surface than specified in the original application. The permittee shall not open any street area at any location not specified in the original street opening permit. If the permittee determines during construction that an additional area of the street will have to be opened, he shall notify and secure permission from the Township for the additional opening. Upon receipt of permission, the permittee shall file a supplementary application for the work no later than the next work day. Fee amounts specified in this article shall be followed for any subsequent fees associated with supplementary applications.

## **18. GUARANTEE OF WORK**

The permittee shall guarantee and maintain his work for twenty-four (24) months from the completion of the restoration and replacement work. Within this twenty-four (24) month period, upon notification from the Township of necessary correction work required, the permittee shall correct or cause to be corrected all restoration work required with five (5) calendar days of receipt of the notification. The Township Manager shall determine the extent of the restoration required and the method of correction. Any and all work not completed within this five (5) day period may be completed by the Township. The Township shall invoice the permittee for all costs incurred by the Township in the performance of this work. Payment not made within thirty (30) days of the invoice date will be chargeable against the permittee including all fees and costs involved in the collection of this payment. The permittee agrees within thirty (30) days to make payment to the Township. The permittee further agrees to reimburse the Township for all fees and costs incurred by the Township in the collection of this amount from the permittee if the permittee fails to pay the invoiced amount within thirty (30) days.

## **19. TIME PERIODS**

For small area pave cuts, i.e., those less than twenty-five (25) linear feet, the permittee shall be required to complete the temporary restoration within forty – eight (48) hours of the initial cut during the normal working week, excluding holidays and weekends. Extension time may be allowed, upon written application to the Township Manager, provided, the permittee substantiates sufficient reasons for the extension requested. Work on big cuts, i.e., those twenty-five (25) feet or more in length, shall proceed in a continuous manner and be completed in a reasonable time in accordance with the time limits imposed by this Ordinance and the permit, and any written extension granted by the Township Manager as being in the public interest.

## **20. CIVIL PENALTY**

Any person violating the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine not less than one hundred dollars (\$100.00) nor more than six hundred (\$600.00) for each offense, together with costs, and in default of payment thereof, to imprisonment no exceeding thirty (30) days.

Each failure to obtain a permit, or, having obtained a permit, to comply with any of the requirements of this article, and each and every day which such violation shall continue shall constitute a separate offense.

The Township reserves the right to deny the issuance of future street opening permits to any person who violates the provisions of this ordinance.

21. REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

ORDAINED AND ENACTED this 7<sup>th</sup> day of April, 2008.

NEWPORT TOWNSHIP COMMISSIONERS



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Paul Czapracki, President

ATTEST:



Richard V. Zika, Secretary

**NEWPORT TOWNSHIP  
APPLICATION FOR PAVE CUT PERMIT  
ORDINANCE NO. 1 OF 2008**

PERMIT NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_

APPLICANT: \_\_\_\_\_

CONTACT: \_\_\_\_\_ PHONE NO.: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

DESCRIPTION OF PROPOSED WORK: \_\_\_\_\_

PURPOSE OF EXCAVATION: \_\_\_\_\_

TYPE OF PAVEMENT: \_\_\_\_\_

DIMENSIONS IN SQUARE FEET \_\_\_\_\_

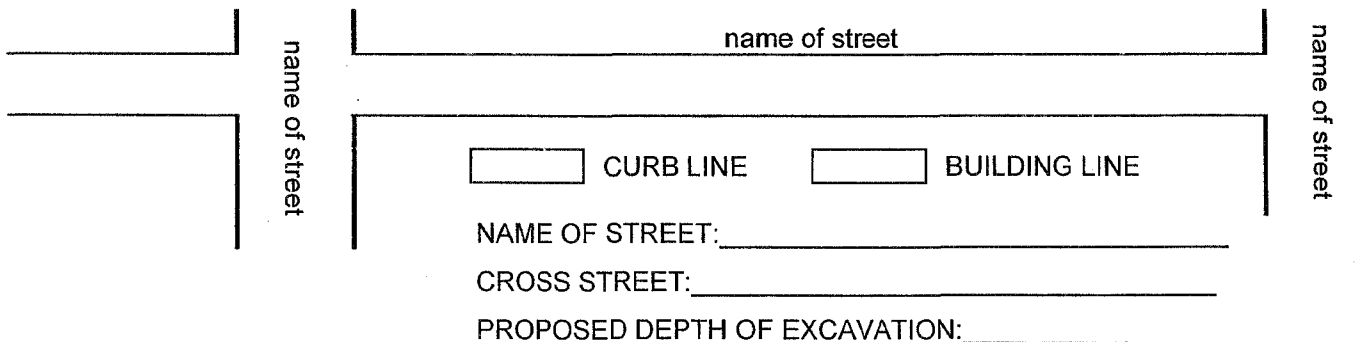
SQUARE YARDS OF PAVEMENT TO BE REMOVED \_\_\_\_\_

DATE EXCAVATION TO BEGIN: \_\_\_\_\_ DATE EXCAVATION TO BE COMPLETED \_\_\_\_\_

DATE EXCAVATION TO BE REFILLED AND RESURFACED \_\_\_\_\_

DATE FOR INSPECTION OF EXCAVATION SITE \_\_\_\_\_

SHOW EXACT LOCATION AND SIZE OF PROPOSED CUT IN DIAGRAM OF STREET BELOW



**TOTAL COST OF PERMIT:** \_\_\_\_\_

THIS APPLICATION TO BE SUBMITTED AT LEAST TWO (2) WORKING DAYS PRIOR TO THE PROPOSED DATE OF EXCAVATION. TWO (2) COPIES TO BE FURNISHED TO THE TOWNSHIP MANAGER. BY SUBMITTING THIS APPLICATION FOR A PAVE CUT PERMIT, THE APPLICANT HEREBY AGREES TO FAITHFULLY COMPLY WITH EACH AND EVERY PROVISION CONTAINED IN THE TOWNSHIP'S PAVE CUT ORDINANCE. BY SIGNATURE BELOW, THE APPLICANT HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THE TOWNSHIP'S PAVE CUT ORDINANCE.

\_\_\_\_\_  
TOWNSHIP MANAGER

\_\_\_\_\_  
APPLICANT