

Chapter 107
STREETS AND SIDEWALKS

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[**HISTORY:** Adopted by the Board of Supervisors of Bear Creek Township: Art. I, 5-7-1974 as Ord. No. 3-74; Art. II, 9-2-1986 as Ord. No. 2-86. Amendments noted where applicable.]

GENERAL REFERENCES

Abandoned vehicles — See Ch. 117.

Disabled vehicles — See Ch. 119.

ARTICLE I
Street Openings
[Adopted 5-7-1974 as Ord. No. 3-74]

§ 107-1. Permit required.

In accordance with the provisions of § 1156 of Article XI of the Second Class Township Code,¹ 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, electric conduits or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles or any coal tipples or any other obstructions be erected upon or in, any portion of a

¹ Editor's Note: See 53 P.S. § 66156.

township road 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.

§ 107-2. Application for permit.

The application for a permit shall be on a form prescribed by the township and shall be submitted to the township in triplicate. The application shall be accompanied by a fee in accordance with the schedule of fees set forth by the Department of Transportation for highway occupancy permits and restoration charges. In addition, the applicant shall submit three (3) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

§ 107-3. Issuance of permit.

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

§ 107-4. Notice of completion of work.

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

§ 107-5. Township inspection of completed work.

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, if the applicant shall fail to rectify any such settlement or other defect within sixty (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 twenty percent (20%) of such cost.

§ 107-6. Violations and penalties.²

Any person, firm, corporation or utility which shall violate any of the provisions of this Article shall be subject, upon conviction before a District Justice, to pay a fine of not more than six hundred dollars (\$600.) and costs of prosecution and, in default of the payment of such fine and costs, to imprisonment in the county jail for not more than thirty (30) days.

§ 107-7. Conflict with other provisions.³

In the event that any of the provisions of this Article are in conflict with any statutory provisions, the statutory provisions shall control.

² Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

³ Editor's Note: Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

ARTICLE II
Road Construction and Dedication
[Adopted 9-2-1986 as Ord. No. 2-86]

§ 107-8. Purpose.

This Article is enacted for the purpose of creating conditions favorable to health, safety, morals and general welfare of the inhabitants of Bear Creek Township by regulating and prohibiting the opening, construction or dedication for public use or travel of any road, street, lane or alley, or any drainage facilities in connection therewith, except in accordance with plans submitted and approved by the Township Supervisors.

§ 107-9. Scope.

The provisions of this Article shall be held to the minimum requirements for the promotion of the above purposes. Where the provisions of this Article impose greater restrictions than those of any other ordinance or regulation, the provisions of this Article shall be controlling. Where the provisions of any other ordinance or regulation impose greater restrictions than this Article, the provisions of such other ordinance or regulation shall be controlling. This Article is an update and a revision of the 1958 Bear Creek Township Road Ordinance.

§ 107-10. Short title.

This Article shall be known and may be cited as the "Bear Creek Township Road Ordinance of 1986."

§ 107-11. Word usage.

As used in this Article, words expressed in the singular include their plural meanings, and words expressed in the plural include their singular meanings. The word "persons" includes a corporation, its responsible officers, an unincorporated association and a copartnership as well as an individual. The word "street" is used generically and shall be construed as if followed by the phrase "or part thereof." The term "watercourse" includes "drainage ditch" and "stream." The word "may" is permissive; and the words "shall" and "will" are mandatory.

§ 107-12. Definitions.

The following words and phrases as used in this Article shall have the meanings indicated below, except when such meanings are clearly out of context:

DRAINAGE — The flow of water or liquid waste and the methods of directing such flow, whether natural or artificial.

EASEMENT — A right granted for the use of private land for certain public or quasi-public purposes; also the land to which such a right pertains.

STREET — A strip of land which is intended primarily as a means of vehicular and pedestrian circulation which may also be used as a space for sewers, public utilities, shade trees and sidewalks.

§ 107-13. Plans required.

No person shall construct or dedicate any road, street, lane or alley, or drainage facilities in connection therewith, for public use or travel in the Bear Creek Township, except in strict accordance with these rules and regulations and without first submitting plans therefor to the Township Supervisors for their approval, and no road, street, lane or alley, nor sewer or drainage facilities in connection therewith, shall be opened, laid or constructed except in strict accordance with the plans approved by the Township Supervisors.

§ 107-14. Required contents of plans.

Such plans shall show:

- A. Proposed roads, showing grades, cuts and fills.⁴
- B. Course, structure and capacity of all drainage facilities, indicating the method of drainage of adjacent or contiguous territory.
- C. Cross-sections of paving, indicating depth and type of each course.
- D. Names of all roads.
- E. Road widths.
- F. Locations of all existing or proposed gas, water, electric and other mains, pipes and conduits.
- G. All other improvements or utilities to be installed or erected thereon.
- H. Curbs along the various roads and cross-sections thereof, where required by the Board of Supervisors, showing the dimensions of said curbs.
- I. Sidewalks, where required by the Board of Supervisors, and cross-sections thereof, showing the dimensions of said sidewalks and the subgrades thereof when such subgrade is required by the Board of Supervisors.
- J. Any other details that may be required by any rules or regulations adopted or to be adopted by the said Board of Supervisors.

§ 107-15. Construction standards.

All roads, curbs (when curbs shall be required) and sidewalks (when sidewalks shall be required) shall be laid, constructed, installed or improved in accordance with the specifications and construction methods as follows:

⁴ Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

- A. All roads and streets shall have a right-of-way width of not less than fifty (50) feet.
- B. The paved roadway or cartway shall be three (3) inches deep and eighteen (18) feet wide, so constructed and laid out as to be centered within the street right-of-way. The roadway surface shall be crowned conforming to a straight slope of one-fourth ($\frac{1}{4}$) inch per foot downward and outward from the established center-line grade.
- C. The paved roadway or cartway shall be bounded, when required, on the sides by plain cement concrete curb. The flow line or gutter line shall be placed thirteen (13) feet to each side of the center line of the street.
- D. Sidewalks shall be constructed, when so stipulated by the Township Supervisors, within the right-of-way of the road or street and so located that the outside edge of the sidewalks shall be one (1) foot from the property line or right-of-way line of the street. The entire sidewalk area from the face of the curb shall slope outward and upward to the right-of-way line at the rate of one-fourth ($\frac{1}{4}$) inch per foot.
- E. All roads and streets which connect with existing roads and streets so as to form continuances or extensions thereof shall be not less in width than such existing roads and streets, unless otherwise permitted by the Township Supervisors. This stipulation also governs the paved cartway widths or clear roadway widths. Clear roadways with names of proposed roads and streets shall not conflict with the names of existing roads and streets and shall agree with the names of existing roads and streets with which they connect as extensions thereof.
- F. Grading requirements for roads and streets.
- (1) Description. All grading requirements shall be in accordance with current Pennsylvania Department of Transportation (PennDot) practices.
 - (2) Construction methods. All construction methods with regard to clearing and grubbing, excavation, embankment, placing and rolling and subgrading will be in accordance and in conformity with current PennDot practices, and all construction must conform to current PennDot methods. See Section 4 under Publication No. 408.
- G. Crushed aggregate base course.
- (1) The description and materials for the aggregate base course will be in accordance with current PennDot requirements.
 - (2) The construction methods for the subgrade and placing and rolling of aggregates will comply with current PennDot rules and regulations.
- H. Bituminous surface courses. Either of the two following bituminous surface courses constructed to a depth of three (3) inches shall be specified by the Township Supervisors at the time of submittal of plans or at the time of construction.
- (1) Bituminous surface course ID-2. This three-inch surface course will comply with the latest PennDot-approved requirements. See attached table for 1986 samples.⁵

⁵ Editor's Note: Said table is on file in the office of the Township Secretary.

- (2) Bituminous surface course CP-2/FBI. This surface course shall be composed of crushed aggregate, either stone, gravel or slag, penetrated with bituminous binder (cold application), dragged and bladed as required to produce through coating of the aggregate. This surface shall be a thickness of three (3) inches after compression under the roller before application of the seal coat. The construction of this surface course shall conform to current Pennsylvania Department of Highways specifications Form 408/1983 and Sections 439-440-480 attached.⁶

I. Plain cement concrete curb and right-of-way.

- (1) Description. Curbs will meet current PennDot standards.
- (2) Plantings. Owners will be responsible for all trees and bushes planted in right-of-way areas after enactment of this Article.
- (3) Seasonal limits. Concrete should not be poured on a frozen or thawing subgrade or during unfavorable weather conditions or when the temperature is thirty-eight degrees Fahrenheit (38° F.) and falling.

J. Sidewalks: four-inch Portland cement concrete. This item shall consist of sidewalks four (4) inches in depth, constructed of one (1) course Portland cement concrete in accordance with standard construction specifications.

§ 107-16. Application for approval of plans.

All plans, together with an application for the approval thereof, shall be filed in duplicate with the Township Secretary at least ten (10) days prior to the regular meeting of the Board of Supervisors at which it is desired that such plans be considered.

§ 107-17. Township action on plans.

The Township Supervisors reserve the right to specify such alterations, changes or modifications of plans as they deem necessary and may make approval of such plans subject to such alterations, changes or modifications. The applicant may submit preliminary plans to the Board of Supervisors for their study, criticism and suggestions. Prior to taking action on any plans, the Board of Supervisors may hold a public hearing thereon, after giving such notice as they deem desirable in each case. No approval of plans by the Board of Supervisors shall obligate or require the township to construct, reconstruct, maintain, repair or grade roads indicated thereon.

§ 107-18. Filing of approved plan.

All plans, when approved, shall be signed in duplicate on behalf of the township by the Board of Supervisors, and an approved duplicate copy shall be filed with the Township Secretary, who shall make the same available for public inspection.

⁶ Editor's Note: Said standards are on file in the office of the Township Secretary.

§ 107-19. Performance contract.

Before final approval of any plans, the applicant shall enter into a contract with the Bear Creek Township in which the applicant shall agree to perform the work described in the plans in strict accordance with the plans as finally approved by the Board of Supervisors and in strict accordance with the rules and regulations of the Board of Supervisors governing the opening and construction of roads, streets, sidewalks, curbs and drainage facilities and to pay all reasonable engineering, inspection and attorneys' fees and costs incurred by the township by reason of the approval of any such plans and the opening, constructing and dedicating of the roads shown on such plans and by reason of any other matters which might grow out of such approval, opening, construction and dedication.

§ 107-20. Performance bond.

Prior to commencing work on any road, street, curb, sidewalk or drainage facilities shown on any plans, the applicant shall post with the Bear Creek Township a performance bond in an amount and with corporate surety satisfactory to the Board of Supervisors, said bond to be conditioned upon the construction of the roads, streets, curbs, sidewalks and drainage facilities in strict accordance with the provisions of the contract between the applicant and the Bear Creek Township. The applicant shall also post a bond with the Bear Creek Township in such amount and with such corporate surety as shall be satisfactory to the Board of Supervisors, said bond to be conditioned upon the repair and reconstruction, by the applicant, of the roads, streets, sidewalks, curbs and drainage facilities, or any parts thereof, for and during a period of one (1) year after dedication of the same has been accepted by the township, whenever such repair or reconstruction has been specified of the aforesaid bonds. The applicant may deposit cash to guarantee performance of its aforesaid obligations upon an escrow agreement and with an escrow agent approved by the Board of Supervisors.

§ 107-21. Disclaimer.

If any road or any drainage facilities in connection therewith shall be opened, constructed or dedicated for public use or travel except in strict accordance with plans approved and recorded in accordance with the provisions of this Article, neither the Township Supervisors nor any public authorities shall place, construct or operate any sewer, drain, water pipe or other facilities or do any work of any kind in or upon such road, and neither the Township Supervisors nor any other public authorities shall have any responsibility of any kind with respect to any such road or drainage facilities, notwithstanding any use of the same by the public; provided, however, that nothing herein contained shall prevent the laying of trunk sewers, drains or water or gas mains if required by engineering necessity for the accommodations of other territory.

§ 107-22. Street dedication.

When the roads, streets, curbs, sidewalks and drainage facilities have been constructed in accordance with the provisions of this Article, the township will accept dedication of the same in such manner as may be lawful and proper under the provisions of the Second Class

Township Code; provided, however, that no drainage facilities will be accepted by the township unless they are accompanied by deeds or easements to the township sufficient to enable the township to inspect, repair and reconstruct any such drainage facilities. All roads accepted after December 31, 1985, will have the owner responsible for maintenance one (1) year after acceptance.

§ 107-23. State functions not limited.

Nothing contained in this Article shall be held to restrict or limit the State Department of Highways of Luzerne County in the exercise of their duties, powers and functions.

§ 107-24. Violations and penalties.

Any person, copartnership or corporation who or which shall construct, open or dedicate any road, or any drainage facilities in connection therewith, for public use or travel in the township without having first complied with the provisions of § 1140 of the Second Class Township Code⁷ and the provisions of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, such person or the members of such copartnership or the officers of such corporation responsible for such violation shall be sentenced to suffer imprisonment for not exceeding two (2) years or pay a fine not exceeding one thousand (\$1,000.) dollars, or both, in the discretion of the court.

⁷ Editor's Note: See now 53 P.S. § 66140.1