

ORDINANCE NO. 13 - 1974

AN ORDINANCE OF THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, PROVIDING THAT NO PUBLIC STREETS OF THE TOWNSHIP OF UPPER BERN BE OPENED OR CUT BY ANY PERSON; FIRM, CORPORATION OR UTILITY WITHOUT FIRST SECURING A PERMIT IN ACCORDANCE WITH THE TOWNSHIP CODE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Upper Bern, Berks County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the same, as follows:

SECTION 1 - In accordance with the provisions of Section 1156 of Article XI 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, 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 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.

SECTION 2 - The application for a permit shall be on a form prescribed by the Township and 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 of the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

SECTION 3 - A permit shall be issued to the applicant after all the aforementioned requirements have been filed.

SECTION 4 - Upon completion of the work, the applicant shall give written notice thereof to the Township.

SECTION 5 - 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 percentum (20%) of such cost.

SECTION 6 - Any person, firm, corporation or utility which shall violate any of the provisions of this Ordinance shall be subject, upon conviction before a District Justice, to pay a fine of not more than Three Hundred (\$300.00) Dollars and cost of prosecution, and in default of the payment of such fine and costs to imprisonment in the County jail for not more than five (5) days.

SECTION 7 - Any ordinance or part of ordinance inconsistent with the provisions of this Ordinance is hereby repealed insofar as it is inconsistent herewith.

ADOPTED this _____ day of _____, 1974.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF UPPER BERN

