

CHAPTER 21 STREETS AND SIDEWALKS

Part 1 Street Openings

- | | |
|---|---------------------------------------|
| §101. Definitions | §207. Construction Standards |
| §102. Permit Required to Make
Opening or Excavation in Street | §208. Reserved |
| §103. Warning and Protective Devices;
Liability of Permit Holder | §209. Reserved |
| §104. Backfilling of Openings,
Restoration of Surface | §210. Reserved |
| §105. Tunneling or Undermining | §211. Reserved |
| §106. Violation if Work not Completed
Before Expiration Date | §212. Bonds |
| §107. Rectification of Improper or
Incomplete Work | §213. Violations and Penalties |
| §108. Township not in Charge of Work | §214. Remedies |
| §109. Penalty for Violation | |
| §110. Return of Bond | |

Part 3 Street Connections and Driveways

- | | |
|---|--|
| §201. General Provisions | §301. Application and Permit Required |
| §202. Definitions | §302. Definitions |
| §203. Minimum Right-of-Way | §303. General Conditions |
| §204. Submission of Plans and Profiles | §304. Drainage Control |
| §205. Submission of Drainage Plans | §305. General Driveway Requirements |
| §206. Permits and Inspection Fees | §306. Application Requirements |
| | §307. Permit Fees |
| | §308. Penalties and Enforcement |

Part 4 Street Closures and Restrictions

- §401. Definitions**
- §402. Authority to Direct Closures**
- §403. Parades; Permit Required**
- §404. Violations and Penalties**

Part 1
Street Openings

§101. Definitions.

As used in Part 1 of Chapter 21, the following words shall have the meanings hereby ascribed thereto:

- A. PERSON – Any natural person, partnership, association, firm, corporation, or municipal corporation, other than the Township of Sewickley.

- B. STREET – The cartway, berm or right-of-way of any public street, road, drive, avenue or alley of the Township of Sewickley.

§102. Permit Required to Make Opening or Excavation in Street.

It shall be unlawful for any person to make any openings or excavations in any street in the Township of Sewickley, without first having obtained a permit therefor from the Secretary of the Township for a fee in such amount as shall be set from time to time by Resolution of the Board of Supervisors, together with a bond in an amount determined by the Township sufficient to guarantee the proper repair of said street. Emergency leaks or breaks may be repaired without permit by the person responsible, provided a permit shall be secured within forty-eight hours of the time emergency work is commenced.

§103. Warning and Protective Devices; Liability of Permit Holder.

It shall be the duty of every person to whom a permit shall have been issued and of every person making emergency repairs in advance of issuance of a permit to provide and maintain adequate guards, barriers, and lights to prevent accidents, and such person shall assume all risks and liability for all damages by reason of the opening or excavation made by authority of such permit or in connection with such work, and by reason of any failure to fill the opening, hole, trench or excavation properly.

§104. Backfilling of Openings, Restoration of Surface.

All persons opening or digging any of the public streets for the Township for any purpose whatsoever shall backfill the same in the manner following:

All backfilling shall be with No. 2-B modified aggregate. Said aggregate shall comply with the requirements of Section 703 of Form 408 of the Pennsylvania Department of Transportation. All openings beyond the paved portion of any street but within three (3) feet of the edge of the existing pavement shall be backfilled with No. 2-B modified aggregate. Said No. 2-B modified aggregate shall be placed or backfilled in all openings in layers of the maximum depth of six (6) inches and thoroughly tamped. For openings in improved portions of any street, such openings shall be filled solidly to street level in accordance with the above requirements and the surface of said street shall be restored with material equal to or exceeding the surface of the original street. The street adjoining such opening shall be without ridges or depressions so that the street will be in as good a condition as it was prior to such opening. Upon completion of filling such opening, such person shall notify the Township Supervisors who shall thereupon inspect the area backfilled in order to ascertain if such work was done in a proper manner.

§105. Tunneling or Undermining.

No part of a trench or excavation shall be tunneled or undermined so as to leave the surface undisturbed but all material shall be removed to the full length, width and depth of the excavation, excepting in such cases as may be approved by the Township. The charges, however, shall be the same as if the surface had been removed. Any new openings in streets paved with reinforced concrete shall have the sides of said openings saw cut in a straight line for a minimum depth of two (2) inches. All pavements, such as concrete, brick and asphalt surfaces overlaying a crushed stone base shall be removed eight (8) inches wider on each side of the proposed trench. The concrete between said sawed lines is to be broken loose with a pavement breaker.

§106. Violation if Work not Completed Before Expiration Date.

If the work of opening or of filling any opening or excavation, and of the replacing of the surface in a street shall not be completed on or before the date of expiration of the permit, therefor, the holder of such permit shall be guilty of a violation of this Chapter.

§107. Rectification of Improper or Incomplete Work.

If any work of filling any excavation or replacing the street surface shall not be done on or before the date of expiration of the permit, or if any part of such work shall be unskillfully or improperly done, the Township may cause the work to be done in such manner as it shall deem proper, and the expense thereof, including any overhead expense, and an additional amount of ten percent (10%) shall be charged against and collected by the Township from such permit holder in the manner prescribed by law.

§108. Township not in Charge of Work.

In no case shall any opening or excavation made by any person be considered in the charge or care of the Township or any officer or employee of the Township, and no officer or employee of the Township shall be authorized in any way to take or assume any jurisdiction over any such opening or excavation. Provided, however, if any person causing any opening to be made shall deem it to his advantage to employ the same workmen as do similar work for the Township, he may do so.

§109. Penalty for Violation.

Any person, firm or corporation who shall violate any provision of this Part or Ordinance shall, upon being found liable in a summary offense proceeding, pay a fine of not more than \$1,000.00 for each violation, plus court costs and such other costs and expenses as permitted by law, or upon default in payment of such fine and costs, undergo imprisonment to the extent allowed by the law for punishment of summary offenses. In addition to the other powers set forth herein for violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of violation and, further, to collect all costs, charges and expenses incurred in the enforcement process.

§110. Return of Bond.

At the time that the street opening has been refilled, back-tamped and replaced in accordance with the provisions of this Chapter, and to the satisfaction of the Township, the bond filed with the Township of Sewickley as provided in §102 shall be returned.

Street Ordinance

§201. General Provisions.

- A. This Chapter shall be known as “SEWICKLEY TOWNSHIP STREET ORDINANCE.”
- B. The purpose of this ordinance is to regulate new road construction in order to protect safety, health, and provide for the general welfare of the Township and its inhabitants by providing procedures and specifications for street and road construction within the Township.
- C. The provisions of this ordinance are severable, and if any of its provisions shall be held to be illegal, invalid, or unconstitutional, the validity of the remaining provisions shall not be affected. It is hereby declared to be the intention of the Board of Supervisors that this ordinance would have been adopted had such illegal, invalid, or unconstitutional provisions not been included herein.
- D. All ordinances or parts thereof which are in conflict with this ordinance are hereby repealed to the extent only that they are so in conflict.
- E. This ordinance is adopted under authority of the Second Class Township Code of the Commonwealth of Pennsylvania, as amended.
- F. In this ordinance, words in the singular include the plural and words in the plural include the singular. The word “shall” is mandatory, unless otherwise indicated.

§202. Definitions.

As used in Part 2 of Chapter 21, the following words or phrases have the meaning indicated below, unless the context clearly indicates otherwise:

- A. Applicant – A landowner or developer, as hereafter defined, who has filed an application for development or approval of plot, including his heirs, successors, and assigns.
- B. Appointing Authority – Board of Supervisors of the Township.
- C. County – County of Westmoreland
- D. Developer – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
- E. Engineer – Professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as Engineer for the Township.
- F. Governing Body – Board of Supervisors of Township.
- G. Right-of-Way – Land dedicated and owned for use as a street.
- H. Street – Street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. A street may also be identified according to type or used as follows:

1. Major streets are those intended for large volumes of traffic movement.
2. Minor streets are those intended primarily to provide access to abutting residential properties. Certain minor streets may be cul-de-sacs.

§203. Minimum Right-of-Way.

The minimum right-of-way of all streets shall be fifty (50) feet, except that alleys and service drives, intended and used solely as a secondary access to the rear of properties, shall have a minimum right of way of twenty (20) feet.

§204. Submission of Plans and Profiles.

- A. The paving width, curbing requirements, grade and type of paving shall be established by and noted on detailed plans and profiles submitted to the Board of Supervisors. The attached sketch is a road section which establishes paving width and specifications to be applied under this Ordinance, except for alleys and service drives, which shall have a minimum paving width of fifteen (15) feet. All other specifications established on the attached roads section shall apply to alleys and service drives. The Board of Supervisors of the Township or Sewickley reserves the right to permit, in certain instances, the use of new material not covered in this Article for experimentation purposes, subject, however, to whatever rules, regulations, and/or restrictions the Board of Supervisors shall see fit to set in any particular instance. The plans and profiles for the street or road must be shown on a drawing twenty-four by thirty six inches (24" x 36") and a reproducible tracing shall be furnished, together with four (4) prints.
- B. All streets dedicated to the Township or intended for public use shall, in addition, comply with the requirements of the Americans with Disabilities Act of 1990, as amended and supplemented.
- C. The applicant or developer shall pay to the Township the expenses incurred by the Township for all reasonable and necessary expenses incurred by the Township for the review and inspection of the improvements. Such schedule of fees shall be as established by the Township Board of Supervisors by Resolution.

§205. Submission of Drainage Plans.

- A. Detailed plans and hydraulic calculations of the existing and proposed drainage facilities for said street or road and contiguous territory shall be submitted to the Board of Supervisors for its approval. These plans must cover a scope large enough to show the effect of the proposed drainage facility or facilities on any land or street drainage facility above any land or street drainage facility or stream below. This scope shall be determined by the Board or its Engineer. These plans may be incorporated with the Street Construction Drawings. Four (4) prints are to be provided.
- B. The applicant or developer shall pay to the Township the expenses incurred by the Township for all reasonable and necessary expenses incurred by the Township for the review and inspection of the improvements. Such schedule of fees shall be as established by the Township Board of Supervisors by Resolution.

§206. Permits and Inspection Fees.

- A. A road construction permit shall be secured by the applicant before starting any work. The cost of such permit shall be set from time to time by Resolution of the Board of Supervisors and shall be paid to the Township. Permit applications are available at the office of the Township Secretary.

- B. Inspection shall be required for all phases of road construction work, including subgrading, base installation, binder placement and finish course application. The applicant, prior to any approval by the Board of Supervisors, must pay an inspection fee in an amount not less than the actual cost of the inspection. The inspections shall be conducted by the Board or the Township's Engineer and the fees shall be set forth in a Resolution adopted by the Board of Supervisors.

§207. Construction Standards.

All roadways and appurtenances thereto constructed within the Township of Sewickley shall conform to the standards set forth on Attachment A to Chapter 21, a copy of which is appended hereto and shall be incorporated into the Code of the Township of Sewickley. *(Amended by Ordinance No, 2013-4, adopted 5/15/13).*

§208 – 211. Reserved. *(Amended by Ordinance No, 2013-4, adopted 5/15/13).*

§212. Bonds.

- A. Before any construction can be commenced within the Township of any road, street, alley or drainage facility, the Township shall be provided with an executed copy of the agreement for such construction between the contractor and the applicant. In addition, before any plans shall be approved and any permit issued, the contractor and the applicant shall provide the Township with a performance bond or cash security guaranteeing the completion of said construction, which bond or security shall be in an amount sufficient to cover the cost of such improvements, plus 10% of the cost of completion estimated as of ninety (90) days following the dated scheduled for completion.

- B. If a stage of construction is completed according to the approved plans and specifications, and inspected and approved by the Township, the performance bond or cash security posted for said stage shall be released to the contractor and the applicant.

- C. Upon completion of the road, street or avenue and as a condition of acceptance by the Township, a 2-year maintenance bonding the amount of 50% of the cost of the base, binder, wearing surface, and drainage facilities shall be given to the Township by the contractor and/or applicant guaranteeing said base, binder, wearing courses, and drainage facilities against deficiencies in workmanship and materials.

- D. Completion of Improvements.
 - 1. When the applicant has completed all the necessary and appropriate improvements, he shall notify the Township in writing, by certified mail, of such completion and the applicant shall simultaneously notify the Township Engineer in writing of the completion of said improvements.

2. The Township shall, within ten (10) days after receipt of such notice, direct and authorize the Engineer to inspect all of the aforesaid improvements.
3. The Engineer shall, thereupon, file a report in writing with the Township, and shall promptly mail a copy of the same to the applicant by certified mail.
4. Said report shall be mailed by the Engineer within thirty (30) days after receipt of authorization from the Township.
5. Said report shall be detailed and shall indicate approval or rejection of said improvements, in whole or in part, and if said improvements or any portion thereof shall not be approved, or shall be rejected by the Engineer, said report shall contain a statement of reasons for such non-approval or rejection.
6. The Township shall notify the applicant within 15 days of receipt of the Engineer's report, in writing by certified mail of the action of the Township with relation thereto.
7. If all or any portion of the improvements shall not be approved or shall be rejected by the Township, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification as outlined above shall be followed.

§213. Violations and Penalties.

Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract, or parcel of land, shall lay out, construct, open or dedicate any street or real or drainage facility for public use, travel or other purposes or for the common use of occupants of building abutting thereon, in Sewickley Township, without first having complied with the provisions of this Chapter shall, upon being found liable in a summary offense proceeding, pay a fine of not more than \$1,000.00 for each violation, plus court costs and such other costs and expenses as permitted by law, or upon default in payment of such fine and costs, undergo imprisonment to the extent allowed by the law for punishment of summary offenses. In addition to the other powers set forth herein for violation, the Township of Sewickley may institute proceedings in courts of equity to compel the cessation of violation and, further, to collect all costs, charges and expenses incurred in the enforcement process.

§214. Remedies.

- A. Preventive Remedies. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. Enforcement Remedies. Any person, partnership or corporation who or which has violated the provisions of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than

\$500.00 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

Part 3
Street Connections and Driveways

§301. Application and Permit Required.

- A. No driveway, road, street, drainage facility, or structure shall be located, constructed, altered, maintained, or connected within and/or to a Township road, drainage facility or within a Township right-of-way without first obtaining a permit from the Township of Sewickley.
- B. All permit applications shall be submitted in the name of, and be executed by, the owner of the property upon which the proposed driveway, road, street, drainage facility or structure is located.
- C. All Township applications shall be submitted to the Secretary of the Township of Sewickley. All such applications shall be reviewed for approval by the Township Engineer and the Township Planning Commission. After such reviews and approvals, a permit shall be issued by the Township Ordinance Officer.
- D. All permit applications shall be submitted prior to the undertaking of any activity on the property which the proposed driveway, road, street, drainage facility or structure shall serve.
- E. All permit applications shall be executed by the owner/applicant, shall include two (2) sets of plans drawn to scale, detailing the location and pertinent dimensions of the proposed activity and related Township road and drainage features; and shall be accompanied by the permit fee made payable to the Township of Sewickley in the amount as hereafter set forth in the schedule of permit fees.

§302. Definitions.

The following words and terms, when used in Part 3 of Chapter 21, shall have the following meanings, unless the context clearly indicates otherwise:

- A. Access – A driveway, road, street, or other means of passage of vehicles between the road and abutting property, including acceleration and deceleration lanes and such drainage facilities as may be necessary for the proper construction and maintenance thereof.
- B. Curbing – A line formed by the face of the existing curb or, in its absence, the outer edge of the shoulder, along which curbing is, or may be located.
- C. Deceleration Lane – The portion of the roadway adjoining the traveled way constructed for the purpose of enabling a vehicle that is exiting a roadway to slow to a safe speed after it has left the mainstream of traffic.

- D. Driveway – Every entrance or exit used by vehicular traffic to or from properties abutting a road. The term includes proposed streets, lanes, alleys, courts, drives and ways.
- E. Driveway Width – The narrowest width of a driveway measured perpendicular to the centerline of the driveway.
- F. Egress – The exit of vehicular traffic from abutting properties to a road.
- G. Equipment – All machinery and equipment, together with the necessary supplies for upkeep and maintenance, and also tools and apparatus necessary for the proper construction and completion of the work.
- H. Form 408 – The latest revision of highway construction specifications issued by the Pennsylvania Department of Transportation.
- I. Frontage Width – The distance along the right-of-way line in front of an abutting property.
- J. High-Volume Driveway – A driveway used, or expected to be used, by more than 1,500 vehicles per day.
- K. Improved Area – The area within the right-of-way which has been constructed for road purposes, including roadbed, pavement, shoulders, slope, sidewalks, drainage facilities, and any other appurtenances.
- L. Ingress – The entrance of vehicular traffic to abutting properties from a road.
- M. Joint-Use Driveway – A driveway shared by and constructed to provide access to two or more properties.
- N. Low-Volume Driveway – A driveway used, or expected to be used, by more than 25 but less than 750 vehicles per day.
- O. Medium-Volume Driveway – A driveway used, or expected to be used, by more than 750 but less than 1,500 vehicles per day.
- P. Minimum-Use Driveway – A residential or other driveway which is used, or expected to be used, by not more than 25 vehicles per day.
- Q. Own – To hold title to land or a building or be a tenant in a lease that will not terminate within 15 years of the permit issuance date.
- R. Pavement Edge – The edge of the main traveled portion of any road, exclusive of shoulder.
- S. Permanent Curbing – Plain or reinforced cement concrete curb which meets Pennsylvania Department of Transportation standards.
- T. Permit – A road occupancy permit issued by the Township pursuant to this Ordinance.

- U. Person – Any natural person, firm co-partnership, association, corporation, or political subdivision.
- V. Plans – Drawings which show the location, character, and dimensions of the proposed occupancy and related highway features, including layouts, profiles, cross sections, drainage, and other details.
- W. Property Line Clearance – The distance measured along the pavement edge or curb between the property frontage boundary line and the near edge of the driveway.
- X. Right-of-Way – The area which has been acquired by the Township for road, street, or highway purposes.
- Y. Road – Every public road of the Township of Sewickley, including streets, lanes, alleys, courts, and ways, either or proposed, and the right-of-way for the same.
- Z. Roadway – That portion of a road improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.
- AA. Secretary – The Secretary of the Board of Supervisors of the Township of Sewickley.
- BB. Setback – The lateral distance between the right-of-way line and the roadside building, liquid fuel pump island, display stand or other object, which will result in space for vehicles to stop or park between such objects and the right-of-way line.
- CC. Shoulder – The portion of the roadway, contiguous to the traffic lanes, for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses and pavements.
- DD. Shoulder Line – The intersection of the shoulder slope with the side slope or ditch slope.
- EE. Sidewalk – A paved walkway, continuous for a reasonable distance and an integral part of the road, constructed solely for use by pedestrians.
- FF. Stopping Sight Distance – The distance required by a driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver.
- GG. Traveled Way – The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.
- HH. Traffic Control Device – Any sign, signal, marking, or device placed or erected for the purpose of regulating, warning, or guiding vehicular traffic or pedestrians, or both.
- II. Turning Radius – The radius of an arc which approximates the turning path of the exterior corner of a vehicle.

- JJ. Vehicle – Every device in, or by which any person or property is, or may be, transported or drawn upon a road. The term includes special mobile equipment, as defined in the Vehicle Code of the Commonwealth of Pennsylvania.

§303. General Conditions.

The following conditions shall apply to all permits issued under the provisions of this ordinance:

- A. The permit issued shall be binding upon the permittee, his agents, contractors, successors, and assigns.
- B. The permittee shall be responsible for compliance with all of the terms and conditions of the permit.
- C. The permit shall be located at the work site and available for inspection by a representative of the Township during the time period that work is performed.
- D. The permit shall be maintained by the permittee as a permanent record and remain in effect and subject to permit conditions as long as the driveway, road, street, or drainage facility and structure authorized by the permit exists.
- E. Responsibility for compliance with the terms of the permit shall not be assigned or transferred by the permittee without first obtaining prior written approval from the Township. The permit shall be valid only as long as the traffic volumes and/or runoff of the driveway, road, street, or drainage facilities and structures do not exceed the information supplies at the time of application for the permit.
- F. The Township, in granting the permit, does not waive any of its rights to require future changes in the operation, removal, relocation, or proper maintenance of any driveway, road, street, drainage facility or structure authorized by a permit.
- G. The permittee shall maintain the driveway, road, street, drainage facility or structure authorized by a permit.
- H. All work and activity to be performed within the Township's right-of-way shall be performed at such time and in such manner as to conform to all the requirements and standards found in the current volume of Form 408 of the Pennsylvania Department of Transportation.
- I. In the event of the failure and neglect or refusal by the permittee to perform and comply with the permit or the provisions of this ordinance, the Township may immediately revoke and annul the permit and order and direct the permittee to remove any or all structures, equipment, or property belonging to the permittee or its agents, employees, or contractors from the legal limits of the right-of-way and to restore the right-of-way to its former condition. In the event that the Township determines that such structures, equipment, or property pose a threat to the public safety and the permittee fails, neglects, or refuses to remove the same after notice from the Township to do so, then the Township shall be authorized to appear for the permittee or have any attorney of any court of record appear for the permittee and to enter an amicable action of ejection and confess judgment against the

permittee; and the Township, or said attorney, shall be authorized to issue forthwith a writ of possession without leave of court, all at the cost of the permittee.

- J. In undertaking activity under a permit, the permittee shall, with due diligence in a continuous and regular fashion, perform all work and install all material and facilities provided for in said permit and shall undertake during such work to provide safety measures satisfactory to the Township to protect the public and those lawfully using the Township road from injury, damage, or harm.
- K. If the permittee, after undertaking work, fails to continue, pursue, complete, or restore the same and it is determined in the sole judgment of the Township that the interests of the public safety, health, and general welfare require the continuation and completion of the work to standards as determined by the Township; then, and in that event, the Township may undertake said work and, upon completion, lien the costs of the same, together with a penalty of ten (10) percent and reasonable attorneys' fees, against the permittee and his property.

§304. Drainage Control.

- A. Unless specifically authorized by the permit, the permittee shall not alter the existing drainage pattern or the existing flow of drainage water, or direct additional drainage of surface or runoff water onto or into the roadway, roadway drainage facilities, or onto the road right-of-way, which would have a detrimental effect on said road drainage facilities or right-of-way.
- B. Drainage control for minimum-use driveways shall be as follows: If the driveway from any land to a Township Road necessitates the crossing of any drainage facility or drainage channel within the right-of-way, then said driveway shall be so constructed as to provide a pipe or conduit of a material designated by the Township of a dimension sufficient to carry the volume of water within said drainage facility or channel, but, in no event shall said pipe or conduit be of a size of less than 12 inches in diameter, unless approved by the Township Engineer.
- C. Drainage control plan for other than minimum use driveways shall be as provided in Title 67 of the Pennsylvania Code of Regulations, Section 441.3(g) and (h).

§305. General Driveway Requirements.

All driveways, roads, and streets shall be located, designed, constructed, and maintained in such a manner as to not interfere or be inconsistent with the design, maintenance, and drainage of the Township road or street to which the same is to be connected. All driveways, roads, and streets which are subject to this ordinance shall be so located, designed, constructed, and maintained as to comply with the requirements set forth in Title 67 of the Pennsylvania Code of Regulations, Section 441.7, Section 44.18, and Section 441.9.

§306. Application Requirements.

The permit application for all driveways other than those classified as minimum use driveways shall include a plan which illustrates, as a minimum, the following, including dimensions, where applicable:

- A. Existing roadway, pavement, ditches, right-of-way, relevant property lines, road appurtenances, utilities, medians, and drainage facilities.
- B. Existing and proposed buildings or structures, including a description of present and proposed use of buildings and structures.
- C. Details of internal traffic circulation and parking.
- D. Design features of existing and proposed driveways, curbs, tapers, acceleration and deceleration lanes, including driveway width, driveway radii, and other points of curvature, driveway grades, driveway angle in relation to the Township road, dimensions of traffic islands, driveway surface material, and location of all traffic control devices.
- E. Distance from existing and proposed driveways to the following:
 - 1. Nearest intersecting street, road, or highway.
 - 2. Nearest driveway on adjacent properties.
 - 3. Any street, road, highway or driveway opposite the property.
 - 4. Relevant property lines shown extended into the Township road.
 - 5. Site distance in each direction for the proposed driveway.
 - 6. The number of vehicles per day which are expected to utilize each proposed driveway.

§307. Permit Fees.

Permit fees for all types of driveways shall be paid to the Township at the time of application and shall be in such amount as determined from time to time by Resolution of the Board of Supervisors.

§308. Penalties and Enforcement.

- A. If a person is in violation of any of the conditions, restrictions, or requirements of the permit, or any of the provisions of this ordinance, then the Township shall, in its sole discretion, be entitled to impose any or all of the following penalties:
 - 1. Require the permittee to cease all work in the permitted area except the restoration of the area to a safe condition or as otherwise provided in the provisions of this ordinance. If such activity is undertaken by the Township, then no further work shall be performed in the permitted area until the violation has been remedied.
 - 2. Revocation of the applicant's permit.
 - 3. A fine in an amount up to \$300.00 for every day's violation of the permit or the provisions of this ordinance, and/or imprisonment for a term not to exceed 90 days.

- B. In addition, the Township shall have the right to enforce this ordinance or to remedy conditions occasioned by violations of the permit or this ordinance by actions instituted in equity or at law.

Part 4

Street Closures and Sidewalks

(Added per Ordinance 8 of 2021)

§401. Definitions

As used in this Part 4 of Chapter 21, the following terms shall have the meanings indicated unless the context clearly indicates otherwise:

- A. **DEMONSTRATION**—A public display or expression of group feelings toward a person or cause; or show of force.
- B. **PARADE**—Any gathering in or upon which the streets are occupied for the purpose of a march, procession or demonstration.
- C. **PERSON**—Any natural person, group of individuals, association, partnership, firm, corporation, or municipal corporation, other than the Township of Sewickley.
- D. **PROCESSION**—A group of individuals moving along in an orderly or disorderly way in a manner other than for normal pedestrian or vehicular traffic.
- E. **SPECIAL EVENT**—An occasion requiring the occupation of streets or sidewalks for purposes other than normal pedestrian or vehicular traffic, a demonstration or procession as defined herein, or a march shall not be considered a “special event.”
- F. **STREET**—A public right-of-way or portion thereof owned and maintained by the Township of Sewickley intended for general public use to provide means of travel for vehicles and pedestrians. The word "street" shall include the words "street," "avenue," "road," "highway", "thoroughfare," "way," "drive," "lane," "court," "cul-de-sac" and "alley" but shall not include "driveway" or "sidewalk."

§402. Authority to direct closures or restrictions.

- A. The Township Manager or designee, in consultation with the Board of Supervisors, shall have authority to close any Township owned street or specific part of a street to vehicular traffic and to place barriers at each end of the closed portion while construction maintenance work is under way. It shall be unlawful for any person to drive a vehicle upon any such closed portion.

B. The Township Manager or designee, in consultation with the Board of Supervisors, shall have authority to establish a restricted traffic area upon any street where construction or maintenance work is under way and to station flagmen at each end of the restricted portion. It shall be unlawful for any person to drive a vehicle upon any such restricted traffic area at any time when the flagman is displaying a sign directing that vehicle to stop or is signaling that vehicle, by a flag or other device, not to proceed.

C. The Township Board of Supervisors shall have authority to close any Township owned street or specific part of a street or sidewalk and to place barriers at each end of the closed area while a special event is being conducted on the closed area. For any such special event the following shall apply:

1. Approval required. No special event shall be conducted by any person upon any street or sidewalk in the Township of Sewickley without first obtaining approval from the Township Board of Supervisors. No person shall participate in a special event prior to full compliance with the provisions of this section.
2. The application for approval of a special event shall be made on a form prescribed by the Township and shall be filed with the Township at least 45 days in advance of the event. A fee may be charged for such application at the time of submission; however, all costs set forth herein shall be paid at least 3 business days prior to the event. The fee for rejected applications shall be refunded.
3. The following information shall be provided on said application:
 - i. The name, address, telephone number, and e-mail address of the person seeking to conduct such special event and requesting approval
 - ii. If other than a natural person, the names, addresses, telephone numbers, and e-mail addresses of other persons of responsibility seeking to conduct such special event and requesting approval.
 - iii. The name, address, telephone number, and e-mail address of the person or persons who will be in charge of and who will be responsible for its conduct.
 - iv. A concise statement of the purpose of the special event.
 - v. The proposed date of the special event.

- vi. The hours during which such special event shall be conducted.
 - vii. The streets or sidewalks in or upon which the special event will be conducted.
4. Conditions for Approval
- i. Any event that includes the serving of alcoholic beverages must provide proof of the state required permits.
 - ii. The applicant must present signed permission affidavits from any resident, whose access to their private parking area, may be blocked by the event if the permit is granted.
 - iii. The Township Board of Supervisors, upon recommendation of the Township Manager, shall have full authority to determine the personnel, supplies, equipment and insurance requirements necessary to protect the general public and special event participants. The applicant shall be bound by all such conditions of approval.
 - iv. It is the policy of the Township of Sewickley not to subject its taxpayers to payment of costs associated with any special event not sponsored by the Township. Therefore, direct costs incurred by the Township to control traffic or crowds as a result of a special event not sponsored by the Township shall be borne by the applicant. Costs shall be limited to direct out-of-pocket expenses incurred by the Township such as, but not limited to, wages paid to Township employees, barricade rentals, signage, etc. No approval shall be issued until all costs for any prior special events approved for the applicant shall have been paid in full
5. Limitations on approval. No approval granted hereunder shall authorize or excuse any breach of the law or any trespass upon the rights of others or render the Township of Sewickley liable for any damage committed or caused under color thereof.
6. Revocation of approval. The Township Manager may at any time revoke any approval if there shall have been committed any breach of the terms and conditions under which the same was issued or a violation of the terms of this section, upon giving to the person to whom the approval was issued notice of such revocation. From the time of such notice of revocation, any act done under color of such approval shall subject the

person doing or allowing it to be done to the same penalty as if he or she had done such act without such approval.

7. From time to time the Board of Supervisors may, by resolution, establish a fee for applications for street closure and special events permits.

§403. Parades; Permit Required

- A. Except for parades sponsored by Sewickley Township no parade shall be conducted by any person upon any Township owned street in the Sewickley Township without first obtaining a permit from the Board of Supervisors, or their designee. No person shall participate in a parade prior to full compliance with the provisions of this chapter. In the exercise of his or her powers and duties herein, the Supervisors may delegate to the Township Manager full authority to administer this section.
- B. Permit Application. Except for parades sponsored by Sewickley Township an application for a parade permit shall be made on a form prescribed by the Township and shall be filed with the Township Secretary, or his or her designee, at least 45 days in advance of the proposed parade date. No fee shall be charged for such permit; however, all costs set forth in § 403(C)(3) shall be paid. The following information shall be given on said application:
 1. The name, address, telephone number, and e-mail address of the person seeking to conduct such parade and requesting the permit.
 2. If other than a natural person, the names, addresses and telephone numbers of other persons of responsibility seeking to conduct such parade and requesting a permit.
 3. The name, address, telephone number, and e-mail address of the person or persons who will be in charge of and who will be responsible for its conduct.
 4. A concise statement of the purpose of the parade.
 5. The proposed date of the parade.
 6. The approximate number of persons and vehicles in the parade.
 7. The approximate size and length of the parade.
 8. A map depicting the course of the parade.
 9. The estimated hours of duration.
- C. Conditions.
 1. The Township Manager, or his or her designee, shall have limited authority to designate an alternate date, time, duration or course for any parade upon any street for

which a permit is requested. This authority shall be exercised solely to accommodate competing demands on the use of public streets. Applicants are encouraged to meet with the Township Manager, or his or her designee, in advance of filing an application to discuss their needs and to learn of any traffic or competing conditions which could affect the date, time, duration or course of the intended parade.

2. The applicant shall be required to notify all businesses located on the streets to be closed by using mail, flyers or phone of the date, time and duration of the parade at least seven (7) days in advance. The Township of Sewickley highly recommends notification to residents through flyers, news releases or social media.
 3. The Township Manager, or his or her designee, shall have the authority to determine the personnel, supplies and equipment necessary to protect the general public and parade participants during any parade. Acceptance of the permit by the applicant shall constitute acceptance of all permit conditions.
 4. It is the policy of Sewickley Township not to subject its taxpayers to payment of costs associated with any parade not sponsored by the Township. Therefore, direct costs incurred by the Township to control traffic or crowds as a result of a parade not sponsored by the Borough shall be borne by the applicant. Costs shall be limited to direct out-of-pocket expenses incurred by the Township such as, but not limited to, wages paid to Township employees, temporary sign and barricade rentals. No permit shall be issued until all costs for prior parade permits issued to the applicant shall have been paid in full. From time to time the Board of Supervisors may establish, by resolution, a fee for applications for parade permits.
- D. Limitations on permit. No permit issued hereunder shall authorize or excuse any breach of the law or any trespass upon the rights of others or render the Sewickley Township liable for any damage committed or caused under color thereof.
- E. Revocation of Permit. The Township Manager in consultation with the Board of Supervisors may at any time revoke any permit if there shall have been committed any breach of the terms and conditions under which the same was issued or a violation of the terms of this chapter, upon giving to the person to whom the permit was issued notice of such revocation. From the time of such notice of revocation, any act done under color of such permit shall subject the person doing or allowing it to be done to the same penalty as

if he or she had done such act without such permit, unless such revocation is disapproved as hereinafter provided.

- F. Appeals. If any person shall feel aggrieved by actions or decisions of any Township Official in administering this chapter or by the neglect or the refusal of the Township Manager, or his or her designee, to issue such permit as aforesaid or by the terms or conditions imposed or by any revocation of such permit, such person may appeal to the Board of Supervisors upon giving notice to the Township Manager within 3 business days after such decision, refusal or notice of revocation, and such decision, terms, conditions, refusal or revocation shall be binding upon the appellant until the Board of Supervisors shall disapprove the same or order such modifications as it may deem proper, not inconsistent with Township ordinances.

§404. Violations and Penalties.

- A. Any person who shall violate any of the provisions of Section 402 shall, upon conviction thereof, for each and every offense be sentenced to pay a fine of not less than \$300 for each violation. Each day's violation of any of the provisions of Section 402 shall constitute a separate offense.
- B. Any person who shall violate any of the provisions of Section 403 shall, upon conviction thereof, for each and every offense, be sentenced to pay a fine of not more than \$300 and costs of prosecution for each violation, and, in default of payment of such fine and costs, to imprisonment for not more than 30 days. Each day's violation of any of the provisions of Section 403 shall constitute a separate offense.

SECTION 5. That appropriate Township officers are hereby authorized and directed to take all actions necessary in order to carry into effect the above amendments to Chapter 21 and this Ordinance.

SECTION 6. That all other Ordinances or Resolutions, inconsistent herewith, be and the same are hereby repealed.

SECTION 7. That all other provisions of Chapter 15, not repealed or amended herein, shall remain in full force and effect.

ATTACHMENT A
(Added by Ordinance
No. 2013-4, adopted
5/15/13)

Construction Standards

1. Standards. The gradations and consistency of all materials and the methods of construction, unless otherwise authorized herein, shall be in accordance with the Pennsylvania Department of Transportation Specifications, Form 408, as amended.
2. Notice. No road construction activity shall be permitted in the Township of Sewickley until and unless the contractor shall notify the Township at least one week in advance of commencing the work. The contractor shall at all times during the progress of the work have a competent superintendent or foreman on the job site. Inspection of the road work shall be done by the Board of Supervisors and/or the Township Engineer.
3. Grading
 - (a) The entire width of the right-of-way of each street in a proposed subdivision shall be graded and suitably prepared for the installation of paving, drainage structures, curbs, gutters and sidewalks in accordance with the appropriate standards for the class of street.
 - (b) The subgrade shall be free of sod, vegetation matter or other unsuitable material. Where poor subsurface drainage conditions exist, adequate drainage shall be installed. The subgrade construction shall conform to minimum standards as adopted by the Township.
 - (c) All backfill for utilities under the roadway shall be 100% 2A modified stone, compacted and placed in lifts of not greater than four inches.
4. Preparation of road subgrade:
 - (a) The subgrade shall be well-rolled and fine-graded to a tolerance of not more than 0.1 foot above and 0.2 foot below the grade as shown on the plan.
 - (b) All soft, plastic or rock areas in the sub grade shall be undercut to a depth of at least 12 inches or more if deemed necessary by the Township Engineer and shall be refilled with approved materials (including possible use of geotextiles) and by methods approved by the Township Engineer.
 - (c) The subgrade shall conform to the same crown as the paved surface.
 - (d) Prior to the placement of subbase or base course material, the sub grade shall be proof-rolled with a loaded tri-axle truck carrying a gross weight of 40,000 pounds and approved by the Township Engineer. In the alternative, in those circumstances where the Township Engineer, in his sole discretion, shall deem it necessary, the sub grade shall be tested utilizing a compaction meter to ensure proper compaction prior to the placement of the subbase or base course material.
 - (e) French drains shall be installed pursuant to the specifications set forth on Plat No. I as attached hereto and made a part hereof," said French drains to be constructed pursuant to the provisions of Subsection C(l) hereof. Cross drains may be required where persistent wet conditions exist within the road base or as may be directed by the Township during inspection of the road base. Such cross drains, if required, shall be connected to the road drainage system.

5. Base course construction. The base shall be of AASHTO No. 2A modified or No. 3A modified stone to a twelve-inch thickness, The stone shall be compacted to a depth not less than eight inches, This construction shall comply with the specifications set forth in the current PennDOT Publication 408 as may be from time to time amended.
6. Preparation of road surface. The surface course will consist of two courses, a base course and a wearing course of hot-mixed, hot-laid asphaltic concrete.
 - (a) The base course shall be Superpave asphalt mixture design, 25.0mm, PG 64-22, four inches in depth, The anticipated traffic counts shall be submitted in order to calculate the ESAL (equivalent single axel load) and SRL (skid resistance level) ratings, All work shall be performed in accordance with Penn DOT Publication 408 (latest edition, as amended), Asphalt curbing, if any, is to be placed with the binder course. After the base course of a new road or street is completed, the new road or street must be sealed utilizing Superpave Asphalt mixture design, 9.5mm, PG 64-22, wearing course, 0.0 to 0.3 million ESALs, SRL-M, having a depth of one inch. The sealing of roads, after compaction, in this matter, shall not relieve the developer of the placement of the one-and-one-half-inch wearing course as herein after set forth.
 - (b) The final wearing course and curb course shall consist of Superpave Asphalt , mixture design, 9.5mm (Fine Grade), PG 64-22, wearing course, one and one-half inches in depth, The ESAL and SRL ratings are traffic count dependent, therefore, traffic data shall be submitted in accordance with Penn DOT Form 408 (as amended) to justify the classification,
 - (c) The wearing course shall only be placed after the Township has performed an inspection of the road and after all necessary repairs as required by either the Township Engineer or the Township Director of Public Works have been addressed. This requirement is to ensure the integrity of the wearing course shall not be adversely affected. Subject to said inspection and approval, the wearing course shall be placed no later than the time when 80% of the lots abutting on said street, road, or portion thereof shall have been erected and developed or when five years have passed from the placement of the binder course, whichever first occurs.
 - (d) The Sewickley Township Board of Supervisors may require the placement of the wearing course of a developed road to be delayed if the future phases of the project will utilize the developed road for access during construction,
 - (e) One year after placement of the wearing course, emulsified asphalt sealer must be placed on the roadway, The sealer must be installed in accordance with the specifications set forth in Penn DOT Publication 408, as amended,
7. Subsurface drainage. All roadways and streets constructed in the Township of Sewickley shall provide for the proper flow of stormwater and natural water in the areas of new streets and roads as follows:
 - (a) The french drain is to be constructed and shall be placed along the edge of the road on the uphill side, except that when the road has an elevated berm on both sides, the French drain shall be constructed under both edges, The size of the trench shall be a minimum of 14 inches wide. The drain shall lead into storm inlets with six-inch perforated plastic pipe placed in the trench four inches from the bottom of said trench. The French drain ditch shall have PennDOT No. 2B (AASHTO No, 57) aggregate placed in it and shall not be choked with fines,
 - (b) All french drains or storm sewers must be piped to the approved stormwater management facility for the development

8. Embankments and curbs:

(a) Embankments. Any slope or embankment beyond the back of the curve shall increase at a rate of one-inch per lineal foot for a distance of 10 feet. Beyond the ten-foot area, the slopes shall not exceed one-foot vertical to one and one-half foot horizontal. All disturbed areas shall be seeded in accordance with PennDOT Publication 408, as amended.

9. Catch Basins: Catch basins shall be installed and provided in accordance with PennDOT Publication 408, as amended. In all residential areas, bicycle safe grates shall be provided.

10. Calendar and Weather Limitations: Road construction work, such as filing, berming, subgrade, fine-grade construction, base construction, surface construction or paving, shall not be commenced before April 1 and shall be completed by October 31 of the same year. It is assumed that the weather conditions between these dates will be ideal for road construction. However, if adverse weather conditions occur between these dates, the contractor or builder must abide by the judgment of the Township Supervisors in regard to permissible construction weather conditions. Work shall only be permitted before or after these dates on a day by day basis as approved by the Township Supervisors.

11. Special Requirements and Services:

(a) Street sign. The contractor or developer, after the binder course is completed, shall install all road signs. The signs shall be consistent with the Sewickley Township standards, as amended. The contractor or the developer may request the Township to install the road signs; however, the contractor or developer shall be required to pay the material and installation costs. The costs set forth herein shall be payable in advance to the Township prior to the installation of said road signs. The responsibility and maintenance and upkeep of the signs, whether installed by the contractor, developer, or the Township will be that of the contractor or developer until the roads are accepted by the Township of Sewickley.

(b) Snow removal:

(1) Township shall only provide winter maintenance on roads that have been accepted by the Board of Supervisors of the Township of Sewickley. It shall be the responsibility of the contractor or developer to maintain streets that have not been accepted. As a condition of final approval, the developer shall provide a written contract to the Township to cover winter street maintenance and shall post a bond in the amount of 110% of the cost of one season winter maintenance of streets in the plan. If the contractor/developer requests the Township to perform winter maintenance on the roads, prior to acceptance, it will be completed at a cost of \$1,000 per *Y.* mile of roadway per season. The contractor/developer will release the Township of liability concerning plow damage to inlets/curbs/manholes, etc.