

ORDINANCE NO: 89-7

AN ORDINANCE OF THE TOWNSHIP OF LOWHILL, LEHIGH COUNTY, PENNSYLVANIA, KNOWN AS THE STREET OPENING ORDINANCE PROVIDING FOR THE SUBMISSION OF PLANS, THE DEPOSIT OF FUNDS, THE APPROVAL OF THE TOWNSHIP, THE REFILLING AND SURFACING OF OPENINGS, SAFETY SIGNALS, PENALTIES FOR VIOLATIONS, AND AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lowhill, County of Lehigh and Commonwealth of Pennsylvania, in lawful session duly assembled as follows:

SECTION 1. PLAN OR PRINT REQUIRED; APPROVAL. Any person, firm or corporation before opening any paved street or road in the Township of Lowhill shall submit a plan or print drawn to scale, showing the location and dimensions of the proposed opening, to the Board of Supervisors and the Township Engineer, who are hereby authorized and directed for and on behalf of the said Township to approve or disapprove the said plan or print. When the said plan or print is so approved the same shall be endorsed on the said plan or print with an approved copy being delivered to the person, firm or corporation submitting the said plan or print and a copy being retained for the Township records. In the event the said plan or print is disapproved reasons for the disapproval shall be set forth thereon together with other locations for the proposed opening.

In the event emergency repair work is required any person, firm or corporation may immediately open any paved street or road for such repair work only and immediately thereafter a plan or print shall be submitted as hereinabove provided.

SECTION 2. - ESTIMATE OF SQUARE YARDS INVOLVED. Upon receipt of the said plan or print the Township Supervisors or Engineer shall estimate and endorse thereon the number of square yards of paved street or road to be opened.

SECTION 3. - DEPOSIT REQUIRED. Any person, firm or corporation desiring to open a paved street or road shall deposit with the Township Treasurer an amount as established by resolution of the Board of Supervisors for each square yard of street or road to be opened, said sum to be computed upon the estimate as set forth in Section 2 above. The minimum deposit (per permit) however, shall be as established by resolution of the Board of Supervisors.

SECTION 4. - ENDORSEMENT. The plan or print with the requisite approval and estimate endorsed thereon shall be filed with the Township Secretary before any work is commenced

SECTION 5. - REFILL OF OPENINGS. The person, firm or corporation immediately upon the completion of the work for which the opening was made, shall refill said opening with 2-A modified crushed stone well tamped and brought even with the surface of the finished street or road.

SECTION 6. - HARD SURFACE TO BE PLACED; COSTS OF CONSTRUCTION. The Township, after being certain the fill has been properly tamped and settled, will, place, or cause to be placed, a bituminous hard surface over the said opening, the actual cost thereof including materials, labor, engineering and administration, being charged to the person, firm or corporation making said opening. This charge will be deducted from the deposit required under Section 3 hereof with the balance being returned to the said person, firm or corporation. Should the deposit be insufficient to cover said costs, the said person, firm or corporation shall be required to submit the deficiency to the Township.

SECTION 7. - OPENING TO BE ECONOMIC AND EFFICIENT. No person, firm or corporation shall open any street or road more than is necessary to enable them to perform the required work with proper economy and efficiency.

SECTION 8. - SAFETY SIGNALS. The person, firm or corporation shall at all times provide for the safety of the public by guard rails where necessary, by the use of red signs in the day time and red lights at night and shall at all times fully indemnify, protect and save harmless the said Township from and against all actions, claims, suits, damages and charges and against all loss and necessary expenditures arising from the said opening or from neglect or failure to do work in a good and safe manner.

SECTION 9. - PENALTIES. Any person, firm or corporation who shall violate this Ordinance shall be liable, upon summary conviction, for a first offense and upon summary conviction for each subsequent offense, to a fine not exceeding three hundred (\$300.00) dollars; and/or to imprisonment for not more than ninety (90) days. Each day that a violation shall continue, shall be deemed and shall be taken to be a separate offense and shall be punishable as such. Fines and costs imposed under the provisions of the Ordinance shall be enforceable and recoverable in the manner at the time provided by applicable law.

SECTION 10. - EFFECTIVE DATE. The provisions of this Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED THIS 1st day of November BY THE BOARD OF SUPERVISORS of Lowhill Township, Lehigh County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF LOWHILL

ATTEST:

Lucille C. Hahn  
Lucille C. Hahn, Secretary

DATE: November 1, 1989

BY: Eugene R. Weiner  
Eugene R. Weiner, Chairman

BY: Gerald W. Hunsicker  
Gerald W. Hunsicker,  
Vice-Chairman

BY: Frank R. Dengler  
Frank R. Dengler