

## CHAPTER 21

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**PART 1**

**PERMITS FOR CONSTRUCTION**

**§101. PERMIT REQUIRED.**

No person, firm or corporation shall grade, construct, install or erect a drain, culvert, footwalk, drain or driveway or other means of ingress or egress or affecting discharge or passage of drainage water into or along a Township road unless and until the Township has granted a permit for such grading, construction, installation or erection.

(Ord. 1975-1, 9/30/1975, §1)

**§102. APPLICATION FOR PERMIT.**

Application for such permit shall be made by the owner or occupier or by his contractor or agent, in writing, on forms provided by the Township and in accordance with such rules and regulations as may be established by the Township. There shall be appended to each application a drawing or plan showing the outlines of the property affected with existing improvements thereon, existing drains, culverts, footwalks, drives and driveways, with the proposed rain, culvert, footwalk, drive or driveway proposed to be added, and the relationship of the foregoing to the Township road, particularly with relationship to the effect on the drainage of said road.

(Ord. 1975-1, 9/30/1975, §2)

**§103. FILING FEE.**

The fee for filing such application and permit to be issued thereon and the cost of any inspection deemed necessary by the Supervisors shall be those provided in the PennDOT fee schedule for State Highway Occupancy Permits which is in force at the time of filing such application and all such fees shall be paid into the Township Treasury.

(Ord. 1975-1, 9/30/1975, §3)

**§104. ALTERATION OF PLANS.**

The Supervisors may alter plans filed with application and specify any changes or modifications of any kind which they may deem necessary and make its approval of the granting of any permits subject to any such alterations, changes or modifications.

(Ord. 1975-1, 9/30/1975, §4)

**§105. COMPLIANCE.**

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All grading, construction, installation and erection shall be in strict compliance with the plans and specifications on the basis of which the permit is granted.

(Ord. 1975-1, 9/30/1975, §5)

### §106. INSPECTION UPON COMPLETION.

Upon completion of the work authorized by the permit or upon the commencement or completion of any grading or construction referred to in §101 hereof which is accomplished without the issuance of a 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 and such settlement or other defect within 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 20% of such costs.

(Ord. 1975-1, 9/30/1975, §6)

### §107. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1975-1, 9/30/1975, §7; as amended by Ord. 1997-2, 3/6/1997; and by Ord. 1998-2, 3/5/1998)

**PART 2**

**STREET EXCAVATIONS AND OPENINGS**

**§201. DEFINITIONS AND INTERPRETATION.**

1. The following words, when used in this Part, shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

**EXCAVATION** - any activity within the right-of-way of any street, alley or cartway which involves cutting, breaking, tunneling or disturbing the surface thereof. In this Part, the term "opening" shall have essentially the same meaning as excavation.

**PERSON** - any natural person, partnership, firm, association, corporation or municipal authority.

**STREET** - any public street, avenue, road, square, alley, drive, highway or other public place located in the Township of Vernon and established for the use of vehicles, but shall not include State highways.

2. In this Part the singular shall include the plural and the masculine shall include the feminine and the neuter.

(Ord. 1997-2, 3/6/1997)

**§202. PERMIT REQUIRED TO MAKE OPENING OR EXCAVATION.**

It shall be unlawful for any person to open or to make an excavation of any kind in any of the street in the Township of Vernon without first securing a permit therefor, as hereinafter provided.

(Ord. 1997-2, 3/6/1997)

**§203. APPLICATION FOR PERMIT.**

Any person who shall desire to make any opening or excavation in any of the streets in the Township of Vernon shall make application to the Roadmaster in writing for that purpose. Such application shall be made upon blanks to be furnished by the Township of Vernon and shall set forth the name of the applicant, the exact location of the proposed opening or excavation and the approximate size or depth thereof and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with the ordinances of the Township of Vernon and the laws of the Commonwealth in relation thereto and that the applicant shall well and truly save, defend and keep harmless the Township of Vernon from and indemnify it against any and all actions, suits, demands, payment, costs and charges for or by reason of the proposed opening or excavation and all damages to persons or property

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resulting in any manner therefrom or occurring in the prosecution of the work connected therewith or from any other matter, cause or thing resulting thereto.

(Ord. 1997-2, 3/6/1997)

### §204. PERMIT FEE.

Before any permit shall be issued to open, excavate or tunnel any street in Vernon Township, the applicant shall pay a permit fee in the amount fixed according to a schedule established pursuant to resolution. When an application shall be made to open or excavate a longitudinal opening or excavation in excess of 10 feet, before any permit shall be issued to open or excavate, the applicant shall pay in addition to such minimum fee, an additional fee at the rate for each 100 feet or fraction thereof to be opened or excavated upon such street, pursuant to the fee schedule.

(Ord. 1997-2, 3/6/1997)

### §205. ISSUANCE OF PERMITS RESTRICTED.

Permits shall be issued only to persons furnishing public utility services or the owner or owners of the real property adjoining the location of such opening or excavation to be made.

(Ord. 1997-2, 3/6/1997)

### §206. INFORMATION CONTAINED ON PERMIT.

Any permit issued hereunder shall specify the exact location where the opening or excavation is to be made, the approximate permitted size or depth thereof and the time within which the work for which the permit is granted to be completed.

(Ord. 1997-2, 3/6/1997)

### §207. PERMIT APPROVAL/DISAPPROVAL.

A permit may be issued to the applicant after all the requirements therefor have been filled. If the application is disapproved, written notice of disapproval together with reasons therefor shall be given to the applicant.

(Ord. 1997-2, 3/6/1997)

### §208. RESPONSIBILITY TO CONTACT UTILITIES.

The work authorized by the permit is subject to all the provisions of the Act of December 10, 1974, P.L. 852, No. 287.1, as amended or supplemented from time to time. It shall be the

permittee's responsibility to contact the utilities that have recorded their facilities in compliance with said Act.

(Ord. 1997-2, 3/6/1997)

**§209. REFILLING OF OPENING, TUNNELLING OR EXCAVATION, RESTORATION OF SURFACE; RESPONSIBILITY FOR DEFECTS OCCURRING WITHIN 2 YEARS.**

Any person who opens, tunnels or excavates within any street in the Township of Vernon, Crawford County, Pennsylvania shall thoroughly and completely refill said openings, tunnels and/or excavations in accordance with current standards of the Township of Vernon, Crawford County, Pennsylvania as stated in §211 of Part 2,\* of the Codified Ordinances of the Township of Vernon, as hereinafter amended and as inspected and approved by the Engineer for the Township of Vernon, Crawford County, Pennsylvania. The roadway and roadway surface shall be repaired to provide proper grade and profile and said repairs shall be made to re-establish conditions of equal or better quality than those that existed prior to the subject activities. In the event that defects occur within 2 years after the restoration of the roadway and roadway surface as herein provided in §211 of this Part, the permittee shall reimburse the Township for the cost of all necessary repairs plus a 15% administrative fee.

(Ord. 1992-2, 3/6/1997; as amended by Ord. 2003-2, 12/4/2003)

**§210. RESPONSIBILITY OF PERMIT HOLDER FOR CERTAIN WORK; RIGHT OF VERNON TOWNSHIP TO DO CERTAIN WORK; CHARGES THEREFOR.**

All other work in connection with openings in any street, including excavation, protection, refilling and temporary paving shall be done by or for the person to whom or which the permit has been issued at his or its expense and all such work shall be subject to the provisions of this Part and to the supervision and approval of the designated official; provided, that the Roadmaster may, if he deems it necessary to the proper performance of the work, require that cutting of the surface of streets and the backfilling of all excavations therein shall be done by the Township of Vernon, in which case the applicant shall pay the actual cost of the work performed by the Township of Vernon plus a 15% administrative fee.

(Ord. 1997-2, 3/6/1997)

**§211. REQUIREMENTS FOR WORK; CORRECTION OF UNSATISFACTORY WORK; COMPLETION OF INCOMPLETE WORK.**

1. No opening or excavation in any street shall extend from the curb line into the highway a distance greater than 1 foot beyond the centerline of the street before being refilled and the surface of the highway restored to a condition safe and convenient for travel.

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\* Editor's Note: Chapter 21.

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2. No more than 500 feet longitudinally shall be opened in any street at one time.
3. The work of excavation shall be conducted as not to interfere with the water mains, sewers or their connections with the houses, or any other subsurface lines or connections, until permission of the proper authorities in connection with such subsurface lines or connections shall have been obtained.
4. No tunneling shall be allowed without the express approval of the Township Engineer and permission therefor endorsed upon the permit. The backfilling of a tunnel excavation shall be made only in the presence of the Township Engineer or an inspector designated by him and shall be done only in the method approved by him.
5. All openings and excavations shall be backfilled promptly with modified 2A stones and thoroughly compacted in layers, each of which layers shall not exceed 8 inches in depth. Backfilling shall be placed to within 10 inches of the surface.
6. A temporary paving of coldpatch premix, thoroughly bound and compacted, shall be installed flush with the surface of the adjoining paving and maintained for a period of 90 days.
7. On concrete base streets, such base shall be replaced with concrete and the minimum size of the opening or excavation shall be 16 square feet.
8. During the making of any excavation in the street, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the street in a safe and passable condition both day and night by guards, barriers, lanterns and other devices, and all excavating permits granted hereunder are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and deep harmless the Township of Vernon from any loss in damages, or otherwise whatsoever, which may or shall be occasioned at any time by the said excavation or by any leak, explosion or other injury from any pipe, apparatus, conduit or any other matter placed in the same excavation.
9. The applicant shall notify the Roadmaster when the opening or excavation is ready for backfilling before any backfilling is done, when backfilling work is completed, when the temporary paving has been installed and when the street has been permanently restored so that inspections may be made.
10. In the event that any work performed by or for a permit holder shall, in the opinion of the Roadmaster, be unsatisfactory and the same shall not be corrected in accordance with his instructions within the time fixed by him, or in the event that the work for which the permit was granted is not completed within the time fixed by the Roadmaster, the Township of Vernon may proceed to correct such unsatisfactory work or complete any such work not completed and charge the cost thereof, plus 20% to the applicant.
11. In the event that any opening, excavation or trenching activities in an asphalt paved street result in the disturbance of more than 5% of the paved cartway width for a

distance parallel to length of the roadway equal to or greater than 10 feet, the permittee shall be responsible for repairing the roadway as herein stated and overlaying the full lane width with no less than 1 inch of asphalt wearing course. The asphalt overlay shall extend no less than 10 feet beyond the extent (beginning and end) of the disturbed area. At the terminus perimeter of the overlay placement, the existing pavement surface shall be milled to provide a tapered pavement notch and allow for the placement of the finished asphalt overlay to be flush with the abutting existing asphalt. All pavement repair and restoration shall be the responsibility of the permittee and shall be performed in accordance with the current standards of Vernon Township and subject to the inspection and review and approval of the same by the Engineer for the Township of Vernon, Crawford County, Pennsylvania. [Ord. 2003-2]

12. In the event that any opening, excavation or trenching activities in an asphalt paved street result in the disturbance of more than 10% of the paved cartway width for a distance parallel to length of the roadway equal to or greater than 10 feet, the permittee shall be responsible for repairing the roadway as herein stated and overlaying the full cartway width with no less than 1 inch of asphalt wearing course. The asphalt overlay shall extend no less than 10 feet beyond the extent (beginning and end) of the disturbed area. At the terminus of the overlay placement the existing pavement surface shall be milled to provide a tapered pavement notch and allow for the placement of the finished asphalt overlay to be flush with the abutting existing asphalt. All pavement repair and restoration shall be the responsibility of the permittee and shall be performed in accordance with the current standards of the Township of Vernon, Crawford County, Pennsylvania and subject to inspection and review and approval by the Engineer of the Township of Vernon. [Ord. 2003-2]

(Ord. 1997-2, 3/6/1997; as amended by Ord. 2003-2, 12/4/2003)

## §212. EMERGENCY OPENINGS.

In the case of any leak, explosion or other accident in any subsurface pipe, line, construction or apparatus, it shall be lawful for the person owning or responsible for such pipe, line, construction or apparatus to commence an excavation to remedy such condition before securing a permit; provided, that application for a permit shall be made immediately and not later than the next business day thereafter and that all other provisions of this Part are fully complied with. If any such emergency condition shall not be immediately attended to by the owner or person responsible for such pipe, line, construction or apparatus, the Roadmaster, after such notice as he shall deem necessary under the circumstances of the particular case, shall proceed to do the work necessary and required by such emergency and charge the same on the basis of cost plus 20% to such owner or person.

(Ord. 1997-2, 3/6/1997)

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### **§213. RESTRICTIONS REGARDING TREES AND SHRUBBERY.**

The permission herein granted does not confer upon the permittee or its contractors the right to cut, remove or destroy trees or shrubbery within the legal right-of-way except under specifications, regulations and conditions as the Township of Vernon may prescribe.

(Ord. 1997-2, 3/6/1997)

### **§214. WORK NECESSITATING OPENING OR EXCAVATION TO BE DONE PRIOR TO STREET IMPROVEMENTS AND NOT UNTIL 5 YEARS THEREAFTER; EXCEPTION.**

The Roadmaster shall give timely notice to all persons owning property abutting on any street within the Township of Vernon about to be paved or improved, and to all public utility companies operating in the Township of Vernon and all such persons and utility companies shall make all water, gas or sewer connections, as well as any repairs thereto which would necessitate excavation of the said street within 30 days from the giving of such notice unless such time is extended in writing for cause shown by the Roadmaster. New paving shall not be opened or excavated for a period of 5 years after the completion thereof, except in case of emergency, the existence of which emergency and the necessity for the opening or excavating of such paving to be determined by the Roadmaster. If it is sought to excavate upon or open a sewer within 5 years after the completion of the paving, applicant shall make a written application to the Vernon Township Supervisors, and a permit for such opening shall be issued only after express approval of the Vernon Township Supervisors.

(Ord. 1997-2, 3/6/1997)

### **§215. PERMITTEE RESPONSIBILITIES FOR FUTURE RELOCATION OF WORK.**

If at any time in the future the roadway is widened, reconstructed or the alignment or grades are changed, the permittee further agrees to change or relocate all or any part of the structure covered by this permit which interfere with the improvement of the roadway at its own cost and expense.

(Ord. 1997-2, 3/6/1997)

### **§216. CONDITIONS FOR LAYING AND EXTENDING UTILITY LINES.**

No new water, sewer steam or gas main or electric, telephone or other utility lines shall hereafter be laid or constructed and no such existing line shall be extended in any of the streets of the Township of Vernon until the plans therefor shall have been first filed with the Roadmaster and such plans and the exact location of such main or line approved by him. The Roadmaster shall not approve the locating of any such main or line at a depth of less than 30 inches from the surface of the street unless he shall be convinced that locating the same at a depth of more than 30 inches from the surface of the street is impossible or impractical.

(Ord. 1997-2, 3/6/1997)

**§217. BOND REQUIREMENT.**

1. As a condition of the permit approval the Board of Supervisors of the Township of Vernon, Crawford County, Pennsylvania shall require the permittee to deposit a corporate bond or other security acceptable to the Board of Supervisors of the Township of Vernon, Crawford County, Pennsylvania to be held in escrow and equal to 110% of the total estimated cost of all repairs to be constructed as determined by the permittee's engineer and as approved by the Engineer for the Township of Vernon, Crawford County, Pennsylvania. All required repairs shall be completed within 30 days of completion of the permitted activity unless the Township of Vernon and the permittee agree jointly for an extension of time. If repairs are not completed within the agreed time period or approved extension, the Township of Vernon may declare the securities held in escrow shall be forfeited and shall utilize the same to complete said repairs.
2. The amount of the financial security shall be equal to 110% of the cost of completing all of the required repairs estimated as of 90 days following completion of the repairs as determined by the permittee.
3. The form of the financial securities shall be reviewed and approved by the Solicitor for the Township of Vernon. Provisions for re-evaluating the amount of the security bond as it relates to the value of the work still to be completed at the end of each year after the commencement of the project may be included.
4. If the permittee's engineer and the Engineer for the Township of Vernon cannot agree on the amount of the financial security or if the Engineer for the Township of Vernon recommends to the Board of Supervisors of the Township of Vernon that the Board refuse the permittee's estimate then in that event the Board and permittee shall agree to retain and share the expenses of a third registered professional engineer who shall recalculate the improvement costs and provide a final estimate which will be presumed to be fair and reasonable.
5. The permittee shall contact the Engineer for the Township of Vernon before placing subbase or paving any street; before any backfilling activities, etc., which are a part of the repairs secured by the bond for security and shall not backfill until authorized to do so by the Engineer for the Township of Vernon.
6. Release of Bond.
  - A. At the time the permittee has completed all necessary improvements he shall notify the Secretary of the Board of Supervisors of the Township of Vernon by registered mail of the completion of the improvements and shall send a copy to the Engineer for the Township of Vernon.
  - B. The Secretary of the Board of Supervisors of the Township of Vernon shall within 10 days after receipt of such notice direct and authorize the Engineer for the Township of Vernon to inspect all of the repairs as completed.
  - C. After having made his inspection the Engineer for the Township of Vernon shall file a detailed report in writing with the Board of Supervisors of Vernon Township

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no later than 30 days after the receipt of the authorization to proceed, with a copy of the report sent by registered mail to the permittee. The report shall be detailed and indicate approval or rejection of the repairs either in whole or in part. In the event that the Engineer for the Township of Vernon does not approve any or all of the repairs, his report shall contain a statement of specific reasons for each such failure to approve or reject the repairs. Upon receipt of the report of the Vernon Township Engineer the Board of Supervisors of Vernon Township shall, within 5 days after its regular meeting next succeeding receipt of the report, notify the permittee in writing by registered mail of the action relative to the report of the Engineer for the Township of Vernon. The intent of the inspection by the Engineer for the Township of Vernon shall be for the purpose of determining if the repair work is acceptable to the Township of Vernon. In the event that the Engineer for the Township of Vernon determines that the repairs are acceptable the performance bond will be held for an additional 1 year to insure against performance defects. After a time period of 1 year from the Township of Vernon's acceptance of the repair work the permittee may submit a request for a release from the final bond. The final bond release request shall be made pursuant to the procedures herein stated.

- D. If the Board of Supervisors of the Township of Vernon or the Engineer for the Township of Vernon fail to comply with the provisions of the timetable as set forth in the preceding subsection (subsection (C)), all the repairs that the permittee has requested be inspected shall be deemed to have been approved and the permittee will be released from all liability pursuant to his performance guaranty bond or other security agreement covering only those repairs which he has requested be approved.
- E. If any portion of the repairs are not approved or are rejected by the Board of Supervisors of Vernon Township, the permittee shall proceed to remedy and complete the repairs so designated and upon completion the same procedure of notification as set forth in subsection (6)(C) for inspection and approval shall be initiated.
- F. None of the provisions as set forth in this §217 shall be construed to limit the permittee's right to contest or question by legal proceedings or otherwise any determination of the Board of Supervisors of the Township of Vernon or the Vernon Township Engineer.

### 7. Partial Release of Bond.

- A. The permittee may request in writing to the Board of Supervisors of the Township of Vernon from time to time that a part of the repair bond be released, setting forth in said request the specific part of the repairs that permittee contends are completed and the estimated amount of the bond or security covering such improvements.
- B. The Board of Supervisors of Vernon Township shall authorize the Engineer for the Township of Vernon to inspect the work and to certify the same within 45 days of

the receipt of the request that the work is completed and the amount of the bond or other security that may be released or that certain specific deficiencies preclude the release of a part of the bond or security.

- C. The Board of Supervisors of the Township of Vernon on receiving the notification from the Vernon Township Engineer approving the release of a specific part of the bond shall authorize the bonding company or lending institution to release the requested amount.
  - D. Failure of the Board of Supervisors of the Township of Vernon to act upon the permittee's request for release of a portion of the bond within 45 days as hereinbefore established shall be considered as deemed approval of the release of the part of the bond or security requested by the permittee unless both parties agree to an extension of the 45 day limitation.
  - E. Upon completion and the satisfactory inspection by the Engineer of the Township of Vernon of all repairs in the plan at least 10% of the value of the bond or security shall be retained by the Township of Vernon.
  - F. The Township of Vernon has no obligation or responsibility to allow or provide partial release of the bond or security and that the general practice for partial bond or security releases will not be granted provided, however, that case-by-case requests may be considered.
8. Reimbursement of Expenses Incurred by The Township of Vernon. The permittee shall reimburse the Township for reasonable and necessary expenses incurred by the Engineer for the Township of Vernon for the inspection of repairs and the preparation of the report thereon as required in subsection (6)(C) of §217.
- A. The Board of Supervisors of the Township of Vernon shall establish from time to time by resolution a schedule of charges based upon usual and customary hourly rates and expenses as submitted by the Engineer of the Township of Vernon. The permittee shall be furnished a copy of the current resolution at the time of final approval.
  - B. The Engineer for the Township of Vernon shall provide a detailed breakdown of his allocation of time to the particular aspects of the inspection and shall submit his statement to the permittee with a copy to the Secretary of the Township of Vernon.
  - C. If the permittee disputes the statement as submitted by the Engineer of the Township of Vernon he shall so inform the Secretary of the Township of Vernon within 10 days of its receipt, accompanied by a check payable to the Engineer of the Township of Vernon in an amount equal to 75% of the dollar amount set forth in the statement. Upon notification by the permittee that he disputes the amount of the statement submitted by the Engineer for the Township of Vernon the Secretary for the Township of Vernon shall notify the permittee within 5 days after notification of the dispute by the permittee that he has the right to appear before

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the Board of Supervisors of the Township of Vernon at its next regular meeting for the purpose of having the disputed statement reviewed by the Board of Supervisors of Vernon Township.

- D. The permittee shall appear at the next regular meeting of the Board of Supervisors of Vernon Township for the purpose of stating his position relative to the statement received from the Vernon Township Engineer, at which time the Engineer for the Township of Vernon shall then provide input relative to the permittee's objection to the statement. The Board of Supervisors of the Township of Vernon shall then determine the validity of the permittee's objections to the statement and shall further determine whether or not there is any money still due and owing to the Engineer for the Township of Vernon by the permittee. Upon making said determination the Board shall direct the Secretary to notify the permittee of the balance due and owing to the Engineer within 5 days after the regular meeting and the balance due, if any, by the permittee shall be paid by him within 30 days after receiving notification of the balance due. Failure of the permittee to notify the Township Secretary that he disputes the bill within 10 days after receipt of the statement from the Township Secretary or the failure of the permittee to appear at the regular meeting of the Board of Supervisors of Vernon Township after being so notified shall be considered a deemed approval by the permittee of the total amount of the statement submitted by the Vernon Township Engineer and payment of the same will be made by the permittee within 30 days after the date of the meeting of the Board of Supervisors wherein the position of the permittee would have been heard.
- E. In the event that the permittee disagrees with the decision of the Board of Supervisors relative to the disputed statement the permittee and the Board of Supervisors of Vernon Township may agree to employ and share the expense of another registered professional Engineer who shall review the statement and the information received by the Board of Supervisors of Vernon Township relative to the statement of said Engineer and may question the Engineer for the Township of Vernon and shall within 15 days after he has completed his review render a written decision to the Board of Supervisors relative to the disputed amount of the statement and the decision of said Engineer shall be binding on all parties.

(Ord. 1997-2, 3/6/1997; as amended by Ord.2003-2, 12/4/2003)

### **§218. PAYMENT FOR WORK DONE BY THE TOWNSHIP OF VERNON.**

Payment for all work done by the Township of Vernon under the provisions hereof shall be made by the person made liable therefor under the provisions hereof within 30 days after a bill therefor is sent to such person by the Township of Vernon. Upon failure to pay such charges within such time, the same shall be collectible by the Township of Vernon by any action in assumpsit or in the manner provided by law for the collection of municipal claims.

(Ord. 1997-2, 3/6/1997)

**§219. PENALTIES.**

Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1997-2, 3/6/1997; as amended by Ord. 1998-2, 3/5/1998)

**§220. APPLICABILITY.**

The provisions of this Part shall not apply to laying sidewalks or curbs.

(Ord. 1997-2, 3/6/1997)



**PART 3**

**DEPOSITING OF SNOW AND ICE INTO STREETS PROHIBITED**

**§301. UNLAWFUL TO DEPOSIT SNOW AND ICE INTO STREETS.**

It shall be unlawful for any person to throw, cast or otherwise move, place, pile, deposit or dump snow or ice removed from sidewalks, driveways or other areas into the streets or public highways or for any person when the cartway of the street or highway shall be cleared or partially cleared, to throw or place any snow or other accumulation in the cleared cartway or passageway area.

(Ord. 1997-2, 3/6/1997)

**§302. PENALTIES.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 1997-2, 3/6/1997; as amended by Ord. 1998-2, 3/5/1998)

**§303. SEPARATE BILL TO BE PAID BY VIOLATOR.**

If the Public Works Department must remove the violation, in addition to the fine and costs, a separate bill shall be paid by the violator. This bill shall include time, labor, equipment and an administrative fee of 15%.

(Ord. 1997-2, 3/6/1997)

