

**SOUTH BEAVER TOWNSHIP  
BEAVER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 96**

**AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, BEAVER COUNTY,  
PENNSYLVANIA, REGULATING EXCAVATIONS IN STREETS, REPAIRS, AND  
MAINTENANCE**

**§ 96-1. Definitions.**

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

**APPLICANT** — Any person or public utility company who makes an application for a permit pursuant to § 96-6.

**TOWNSHIP** — The Township of South Beaver, Beaver County, Pennsylvania.

**TOWNSHIP REPRESENTATIVE** — The Township Secretary, Public Works Superintendent, Engineer, or Building Inspector.

**CONSTRUCTION STANDARDS** — Township construction standards and details adopted by Council resolution, as amended from time to time.

**EMERGENCY** — Any unforeseen circumstances or occurrences, the existence of which constitutes a clear and immediate danger or threat to health, safety, or welfare of persons or damage to properties.

**PERMIT FEE** — A fee paid by the permittee to the Township for the sole purpose of review and issuance of the permit by the Township.

**PERMITTEE** — Any person who has been issued a permit and has agreed to fulfill all the terms of this article.

**PERSON** — An individual, corporation, organization, or other entity maintaining subsurface facilities.

**PUBLIC UTILITY COMPANY** — Any company which owns, operates, maintains, or leases facilities to provide commodities or services to the public, including but not limited to sewage, water, natural gas, cable TV, electric, telephone, or other services or as determined by the Township. Any company subject to the jurisdiction of and control by the Pennsylvania Public Utility Commission.

**SECRETARY** — The Secretary of the Township of South Beaver.

**STREET** — A public street, public easement, right-of-way, public highway, public alley, public sidewalk, public way or public road accepted or maintained by the Township, or open for travel and use by the public, whether or not so accepted or maintained, including the entire area within the right-of-way thereof.

**§ 96-2. Street openings and pavement cuts.**

A. Permit required. It shall be unlawful for any person or public utility company to make any tunnel, opening, or excavation of any kind in or under the surface of any street in the Township without first securing a permit from the Township for each separate undertaking.

(1) Exception. Any person or public utility company maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided the permit could not reasonably and practically have been obtained beforehand. In such cases where emergency openings are necessary, however, the Township shall be notified prior to such openings through the PA One Call System. The person or public utility company shall thereafter apply for a permit on the first regular business day on which the office of the Township is open for business, and said permit shall be retroactive to the date when the work was begun.

B. Street openings limited. No person to whom a permit has been granted shall perform any of the work authorized by such permit in any amount greater than that specified in the permit, except that where the permittee desires to perform additional work not in excess of an amount greater than 10% of the quantity specified in the permit, the permittee may apply to the Township representative for an amended permit to allow the additional work. If the additional work desired to be performed by the permittee exceeds 10% of the amount specified in the original permit, an application for a new permit shall be made.

C. Commencement of work. Work for which a permit has been issued shall commence within 30 days after the issuance of the permit. If not so commenced, the permit shall be terminated automatically unless the permittee applies for an extension of time within which to commence work. If such an extension is granted, the original permit shall remain in force for the period of time specified in the extension. Permits which terminate by reason of failure to commence work within 30 days after issuance or within any extension of time granted hereunder may be renewed only upon the payment of an additional permit fee as originally required.

D. Permits nontransferable. Permits are not transferable, and the work shall not be performed in any place other than the location specifically designated in the permit.

E. Expiration of permits. Every permit shall expire at the end of the period of time which shall be set out in the permit. If the permittee shall be unable to complete the work within the specified time, he shall, prior to expiration of the permit, present, in writing, to the Township representative a request for an extension of time, setting forth therein the reasons for the requested extension. If the Township representative finds that the failure to complete the work under the permit within the time specified therein was due to circumstances reasonably beyond the control of the permittee and that an extension of time to complete the work under the permit is necessary and not contrary to the public interest, the permittee may be granted additional time for the completion of the work.

F. Township utility cuts. All street openings required by utilities owned and/or operated by the Township shall be made and restored under the direction and supervision of the Township representative. The permit, fee, deposit, insurance, and bond requirements of this article shall not be applicable to any openings made by Township-owned and/or- operated utilities.

G. State and county highways. The provisions of this article shall not be applicable in those

instances where the street or highway is maintained by the Pennsylvania Department of Transportation (PennDOT) or by Beaver County; provided, however, that any person applying for a permit to do work within the right-of-way of a street or highway maintained by PennDOT or by Beaver County which would otherwise require a permit under the terms of this article shall notify the Secretary at the time that said application is made and at the time that the work under any permit issued pursuant to said application is begun.

- H. Rights of Township. Every permit shall be granted subject to the right of the Township or of any other person entitled thereto to use the street for any purpose for which such street may lawfully be used not inconsistent with the permit.
- I. Revocation of permits. Any permit may be revoked by the Township representative, after notice to the permittee in such form as deemed appropriate by the Township representative, for:
  - (1) Violation of any condition of the permit or of any provision of this article;
  - (2) Violation of any other applicable provision of the Municipal Code of the Township or any law relating to the work; or
  - (3) Existence of any condition or the doing of any act constituting or creating a nuisance or endangering the life or property of others.
- J. Cure period prior to revocation of permits. Except where the condition warranting revocation constitutes a direct threat to health, safety, or welfare of the public, the permittee shall be granted a period of three days from the date of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked.
- K. Notice of violation. Written notice of any such violation or condition shall be served upon the permittee or his agent engaged in the work. The notice shall contain a brief statement of the reasons for revoking the permit. Notice may be given either by personal delivery thereof to the person to be notified or by certified or registered United States mail addressed to the person to be notified.
- L. When any permit has been revoked and the work authorized by the permit has not been completed, the Township representative shall do or cause to be done such work as may be necessary to restore the street or part thereof to as good a condition as before the opening was made. All expenses incurred by the Township shall be recovered from the deposit or bond the permittee has made and filed with the Township.

#### **§ 96-6. Applications and permits.**

- A. Duties and responsibilities of applicants. It shall be the duty and responsibility of any applicant to do the following before the Township issues a permit:
  - (1) Make and file a written application for such permit with the Township representative on such form as the Township representative shall prescribe. No work shall commence until the Township representative has approved the application and supporting documents and issued a permit and until the permittee has paid and provided all required fees, deposits,

certificates, and bonds.

- (2) Pay with the filing of the application a minimum permit fee of \$100, plus \$0.50 per square foot for each additional square foot of trench required over and above 50 square feet. Future adjustments to such fees and costs may be made by a duly enacted resolution of the Township Supervisors.
  - (3) Furnish a sketch showing the size and location of the intended facility, the dimensions of the proposed street opening, width of the roadway, right-of-way lines, property lines, and a dimension to the nearest intersecting street, as well as a proposed restoration plan.
  - (4) Provide proposed temporary traffic control plans and details showing the work to be performed under said permit.
  - (5) Agree to indemnify, protect, defend, and save the Township, its officers, employees, appointed officials, including appointed engineer, and agents harmless from any and all costs, damages, and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit. The acceptance of a permit shall constitute such an agreement by the applicant whether the same is expressed or not.
- B. Duties and responsibilities of permittees. It shall be the duty and responsibility of any person receiving a permit to:
- (1) Provide photographs to the Township representative of the preconstruction condition of the proposed street opening.
  - (2) Make a deposit to cover i) any additional costs borne by the Township specifically related to the work authorized by the permit, and ii) the cost of restoring the street surface removed or damaged by the work done under such permit. The amount of such deposit shall be computed by the Township representative as provided in § 96-9A of this article. In the case of public utility companies, the Township may waive this requirement of a deposit if said utility company files with the Township a performance bond in a form satisfactory to the Township Solicitor, conditioned upon the payment to the Township of all costs which would otherwise be covered by and paid out of such a deposit. In the event such utility companies elect to file such a bond, the Township shall bill such utility companies monthly for such costs as they accrue.
  - (3) Furnish a maintenance bond as required in § 96-10A of this article, and, when the permittee is granted permission to restore the street surface as provided in § 96-8D of this article, a performance bond as required in § 96-10A of this article.
  - (4) Furnish a certificate of insurance as required in § 96-11 of this article.
  - (5) Submit a list of owners and/or tenants and/or addresses of all properties abutting the area where the work authorized by the permit is to be performed.
  - (6) Present evidence, when required, that all materials, labor and equipment which are needed to complete such work as authorized by the permit are available.
  - (7) Keep the original copy of the permit and an approved copy of the plan at all times while such work is in progress at the location for which such permit was granted and show

such permit and/or plan upon demand by a Township representative.

- (8) Provide advance notification to operators of other underground utilities or facilities about excavation, auguring, blasting or other activities which may endanger underground facilities, using the Pennsylvania One Call System.
- (9) If the work to be undertaken by the permittee is such that it will affect the use of properties abutting or adjoining the project, the Township representative may require the permittee to submit a list of owners and tenants and/or addresses of all properties abutting the area where the work authorized by the permit is to be performed. Upon receipt of such list, the permittee shall notify the affected property owners and tenants of the proposed work to be done.
- (10) If the work to be undertaken by a permittee will affect other subsurface installation(s) in the vicinity of the proposed opening, the permittee shall notify the owner(s) of such facilities of the proposed work.
- (11) The permittee shall notify, in writing, the Township police and fire authorities of all street opening permits of a nature that would require a street being closed. Such notification shall state the nature of the work to be done, proposed beginning and completion dates, and the location of such project.
- (12) Whenever any pipe, conduit, duct, tunnel, or other structure located under the surface of any street is abandoned, or the use thereof abandoned, the person owning, using, controlling, or having an interest therein shall, within 30 days after such abandonment, file with the Township representative a statement, in writing, giving in detail the location of the structure so abandoned. Whenever there are manholes or tunnels associated with any abandoned underground facilities, such manholes or tunnels shall be filled in at the time of abandonment and the Township representative notified thereof in writing.

#### **§ 96-7. Street opening regulations.**

##### **A. Opening and excavation restrictions.**

- (1) No opening or excavation in any street shall extend beyond the center line of the street before being backfilled and the surface of the street temporarily restored. The intent is to always provide at a minimum one lane of traffic wherever possible.
- (2) No more than 100 feet measured longitudinally shall be opened in any street at any one time. All pipes shall be bedded and backfilled in accordance with the Township's construction standards.
- (3) All utility facilities shall be exposed sufficiently, or definite location be determined, ahead of trench excavation work to avoid damage to these facilities and to permit their relocation, if necessary.
- (4) Work authorized by a permit shall be performed between the hours of 9:00 a.m. and 3:00 p.m., Monday through Saturday, unless the permittee obtains written consent from the Township representative to do the work at an earlier or later hour. Such permission shall be granted only in the case of an emergency or in the event the work authorized by

the permit is to be performed in low-volume traffic areas.

- (5) Provide traffic control in accordance with PennDOT Publication 213 and the Manual for Uniform Traffic Control Devices (MUTCD). All proposed detour routes shall be subject to review and approval by the Township Police Chief.
- (6) Whenever any person fails to provide or maintain the required safety devices, such devices shall be installed and maintained by the Township. The amount of the cost incurred shall be paid by the permittee or deducted from his deposit. No person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted by the Township in accordance with the provisions of this section.
- (7) Access to private driveways shall be provided at all times. When construction operations at the driveway prohibit provision of such access, access shall not be blocked for more than two hours and 24 hours' notice shall be provided to the property owner. Free access to fire hydrants must always be provided.
- (8) Excavated materials shall be laid compactly along the side of the trench and kept trimmed up to cause as little inconvenience as possible to public travel. To expedite the flow of traffic or to abate dirt or dust nuisance, the Township representative may require the permittee to provide toe boards or bins; and if the excavated area is muddy and causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the permittee as directed by the Township representative.
- (9) Hydra-hammer; headache ball. The use of a mechanical device for the breaking of pavement, such as a hydra-hammer, headache ball, etc., will be permitted only under special written permission of the Township representative.

B. Drainage.

- (1) Pipe drains, pipe culverts, or other facilities of the Township encountered shall be protected by the permittee.
- (2) Altering drainage shall be prohibited, unless specifically authorized by the permit. The permittee may not:
  - (a) Alter the existing drainage pattern or the existing flow of drainage water.
  - (b) Direct additional drainage of surface water toward, onto or into or in any way affect the road right-of-way or road facilities.
- (3) The permit does not authorize the permittee to direct, divert or otherwise drain surface waters over the property of another property owner.
- (4) The permit does not relieve the permittee from acquiring the consent, permission, or other authorization from a property owner who may be adversely affected by drainage alterations.
- (5) The permittee is responsible for damage caused to property owners as a result of work done under the permit.

- (6) When work performed by the permittee interferes with the established drainage system of any street, provisions shall be made by the permittee to provide proper drainage.
  - (7) Any person, utility, or municipal entity whose facilities are damaged or caused to be relocated by the permittee shall notify the permittee and the Township of such damage and thereafter may make the necessary repairs or relocation and (in conjunction with notifying the Township of such) may file a claim against the permittee for the cost of such repairs or relocation. Public utility companies concerned shall be notified by the permittee in sufficient time to determine the validity of the damage or relocation claims.
  - (8) Monuments of concrete, iron, or other lasting material set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point or a permanent survey bench mark within the Township, shall not be removed or disturbed or caused to be removed or disturbed unless permission to do so is first obtained, in writing, from the owner. Permission shall be granted only upon condition that the permittee shall pay all expenses incident to the proper certified replacement of the monument.
  - (9) Provide erosion and sedimentation control in accordance with the Department of Environmental Protection, 25 Pa. Code Chapter 102, and the Beaver County Conservation District.
  - (10) When any earth, gravel, or other excavated material is caused to flow, roll, or wash upon any street, the permittee shall cause removal of same from the street within four hours after deposit or the end of the work day, whichever is first to permit safe flow of traffic. In the event the earth, gravel, or other excavated material so deposited is not removed as specified, the Township representative shall cause such removal and the cost incurred shall be paid by the permittee or deducted from his deposit.
  - (11) All means, methods, techniques, and sequences of the construction work and safety precautions incident thereto shall be and remain the sole responsibility of the permittee.
- C. Additional permit conditions. In granting any permit, the Township representative may attach such other conditions thereto as may be reasonably necessary to prevent damage to public or private property or to prevent the operation from being conducted in a manner hazardous to life or property or in a manner likely to create a nuisance. Such conditions may include but shall not be limited to:
- (1) Limitations on the period of the year in which the work may be performed;
  - (2) Restrictions as to the size, weight, and type of equipment;
  - (3) Designation of routes upon which materials may be transported;
  - (4) Designation of the place and manner of disposal of excavated materials;
  - (5) Requirements as to the laying of dust, the cleaning of street, the prevention of noise and the results offensive or injurious to the neighborhood, the general public, or any portion thereof; and
  - (6) Regulations as to the use of streets in the course of the work.

**§ 96-8. Backfilling and restoring opening.**

- A. All pavement cuts, openings and excavations shall be made properly and backfilled properly by the permittee according to the Township's construction standards, and the restoration details in Appendix A.
- B. The permittee shall provide restoration of the street from curb to curb in accordance with the Township construction standards and details. Restoration for concrete roadways requires restoration to an existing control joint or expansion joint.
- C. Restoration shall extend 10' beyond the trench in both directions.
- D. The permittee shall place a temporary surface on the pavement cut, opening or excavation in accordance with PennDOT Publication 408. If weather conditions are such as to prevent the completion of permanent restoration of the street surface at the time backfilling is completed, the permittee shall install a temporary surface in accordance with PennDOT Publication 408 until such time as weather conditions will permit permanent restoration of the street surface and within 30 days of asphalt plant opening.
- E. The Township representative shall be notified by the permittee during the forty-eight-hour period preceding the beginning of work contemplated in the permit application and when work contemplated by the permit will resume after a lapse of more than four work days.
- F. No backfilling or restoration shall be accomplished unless or until the Township representative is present or permission has been granted for backfilling or restoration after inspection by the Township representative.
- G. The work of restoration, including both paving surface and paving base, shall be performed by the permittee according to Township construction standards and details.
- H. After excavation is commenced, the work of making and backfilling the same shall be prosecuted with due diligence. Unless the provisions of § 96-8B of this chapter apply, the permittee is required to complete permanent restoration of the street surface in accordance with Township specifications within 60 days after repairs and/or installation are completed. The permittee shall be required to install and maintain a temporary surface during:
  - (1) The period between the completion of repairs and/or installation and the commencement of final restoration; and
  - (2) The periods during the actual work when workers do not require access to the excavation.
- I. Inspections of all work authorized by a permit shall be made by the Township representative at such times and in such manner as required to assure compliance with provisions of this article. If the nature of the work to be performed under any permit is such as to require the services of a full-time inspector, the Township shall provide and the permittee shall pay all costs for the services of such an inspector.
- J. All inspection costs shall be borne by the permittee.
- K. In no case shall any opening made by a permittee be considered in the charge or care of the Township, or any of its officers or employees, and no officer or employee of the Township is authorized in any way to take or assume any jurisdiction over any such opening, except in the exercise of the police power when it is necessary to protect life and property.

## **§ 96-9. Deposits.**

- A. Computation of deposit. The Township representative, upon receipt of a properly completed application, shall determine the amount of the deposit to be made by the permittee in accordance with the schedule of charges established pursuant to § 96-9E of this article; provided, however, that the minimum deposit required shall not be less than \$500. The deposit shall be paid at the time the permit is issued, and the deposit shall be used to reimburse the Township for the cost of any work, services, and/or materials furnished by it in connection with work authorized by the permit, to cover the cost of all necessary inspections of said work or any other expenses incurred by the Township in carrying out the provisions of this article.
- B. Form of deposit. The deposit may be either in the form of a certified treasurer's or cashier's check or in lawful money of the United States.
- C. Insufficient deposit. If any deposit is less than sufficient to pay all costs, the permittee shall, upon demand, pay to the Township an amount equal to the deficiency. If the permittee fails or refuses to pay such deficiency, the Township may recover such expenses from the permittee's bond or may institute an action to recover the same in any court or competent jurisdiction.
- D. Yearly deposit. Whenever any public utility company shall anticipate applying for permits for more than one street opening or excavation per calendar year and does not elect to file a performance bond as hereinbefore provided, such public utility company may post one deposit in an amount and form as hereinbefore provided for the calendar year or part thereof to cover the cost of deposits which would otherwise be required for the anticipated permits.
- E. Deposit and cost schedules. The Township shall establish a fee schedule for reasonably anticipated costs to be incurred by the Township in making such inspections, including reasonable administrative and overhead expenses, and in accordance with the currently prevailing costs in the area for any labor and materials which may be provided by the Township. The Township shall revise said schedule from time to time to reflect any increase or decrease in the costs.
- F. Decision on costs. The decision of the Township as to the cost of any work done or repairs made by him or under his direction pursuant to the provisions of this article shall be final and conclusive as to such cost.
- G. Refund of deposit. Upon notification by the permittee that all work authorized by the permit, including restoration, has been completed and after inspection of the same by the Township representative, the Township shall refund to the permittee his deposit less all costs incurred by the Township in connection with said permit. In no event shall the permit fee be refunded.

## **§ 96-10. Bond requirements.**

- A. Performance and maintenance bond. Upon receipt of a permit and prior to initiation of the work, the permittee shall provide the Township with an acceptable performance bond to guarantee faithful performance and maintenance of the work authorized by a permit granted pursuant to this article. The amount of the bond shall be 110% of the estimated cost of restoring the street opening. The term of the bond shall begin upon the date of posting thereof

and shall terminate 18 months after receipt by the permittee of a certificate final completion from the Township representative. If the permittee anticipates requesting more than one permit per year as required by this article, he may furnish one continuing performance bond, in the amount of \$100,000, to guarantee faithful performance in such amount as the Township representative deems necessary. The amount of such bond shall be in relation to the cost of restoring pavement costs to be made by the permittee throughout the year.

- B. Final inspection. Upon completion of all work accomplished under the provision of a permit, the permittee shall notify the Township representative in writing. A certificate of completion shall be issued by the Township representative to each permittee after the permanent restoration of the excavation has been made, the Township representative has conducted a final inspection, and providing the work authorized by the permit has been performed satisfactorily according to Township specifications.
  - (1) If any settlement in a restored area occurs within a period of 18 months from the date of completion of the permanent restoration, and the permittee fails to make such correction after notification, any expense incurred by the Township in correcting such settlement shall be paid by the permittee or recovered from his bond, unless the permittee submits proof satisfactory to the Township representative that the settlement was not due to defective backfilling.
- C. Default in performance. Whenever the Township representative shall find that a default has occurred in the performance of any term or condition of the permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Township representative to be reasonably necessary for the completion of such work.
- D. Completion of work. After receipt of such notice, the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, indemnify the Township for the cost of doing the work as set forth in the notice.

#### **§ 96-11. Liability insurance.**

Insurance requirements. Each applicant, upon the receipt of a permit, shall provide the Township with an acceptable certificate of insurance naming the Township and its employees as additional insured and indicating that the permittee and Township are insured against claims for damages for personal injury as well as against claims for property damage which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor or anyone directly or indirectly employed by him, and shall include protection against liability arising from completed operations. The amount of the insurance shall be prescribed by the Township representative in accordance with the nature of the risk involved; provided, however, it shall provide for a minimum of comprehensive bodily injury liability insurance including coverage on a personal injury basis and comprehensive property damage liability insurance not less than \$2,000,000 combined single limit. Public utility companies and authorities may be relieved of the obligation of submitting such a certificate if they submit satisfactory evidence that they are insured in accordance with the requirements of this article or have adequate provision for self-insurance. A public utility company may file an annual certificate of insurance in lieu of individual certificates for each permit.

**§ 96-12. Violations and penalties.**

Any person, firm or corporation found in violation of this article is subject to a maximum fine of \$1,000 each day that a violation is permitted to exist after shall constitute a separate offense hereunder. Also, any person, firm or corporation found in violation of this article shall be subject to all costs to restore per the terms of this article.

**§ 96-13. - Validity**

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or of any other part thereof.

**§ 96-14. - Repealer**

Any and all previous Ordinance(s) which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

**§ 96-15. – Effective Date**

This Ordinance shall take effect immediately upon enactment as provided by law.

ORDAINED AND ENACTED into law this 10 day of June, 2026.

ATTEST:

Doreen L. Capp  
Secretary

BOARD OF SUPERVISORS OF THE  
TOWNSHIP OF SOUTH BEAVER:

By: Jack L. Minter  
Jack L. Minter, Chairman

By: Tom Miller  
Tom Miller, Member

By: Jake Rosenberger  
Jake Rosenberger, Member

APPROVED AS TO FORM:

[Signature]  
Solicitor