

**TOWNSHIP OF HELLAM  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2004-2**

**AN ORDINANCE OF THE TOWNSHIP OF HELLAM, YORK COUNTY, PENNSYLVANIA; ADOPTING STANDARDS; REQUIRING PERMITS FOR ALL OPENINGS AND EXCAVATIONS OF ANY KIND WITHIN ANY RIGHT-OF-WAY IN THE TOWNSHIP; SETTING FORTH PERMIT APPLICATION STANDARDS; REQUIRING BONDING; PROHIBITING BLASTING; ESTABLISHING CRITERIA, RULES AND REGULATIONS FOR CONSTRUCTION WITHIN, THROUGH, AND UNDER TOWNSHIP RIGHTS-OF-WAY; ESTABLISHING CRITERIA, RULES REGULATION, AND PROCEDURES FOR DEDICATION AND ACCEPTANCE OF INFRASTRUCTURE; ESTABLISHING VIOLATIONS AND PENALTIES; PERMITTING THE TOWNSHIP TO SEEK OTHER LEGAL REMEDIES FOR VIOLATIONS; SETTING FORTH AN APPEAL PROCESS; PROVIDING A SEVERABILITY CLAUSE; SETTING FORTH THE RELATIONSHIP BETWEEN THIS ORDINANCE AND OTHER ORDINANCES AND REGULATIONS; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of the Township of Hellam, York County, Pennsylvania, as follows:

**Section 1. Title.**

This Article shall be known and may be cited as the "Hellam Township Road Construction, Improvement, and Restoration Ordinance."

**Section 2. Legislative Intent.**

The Board of Supervisors recognizes that the Rights-Of-Way of Hellam Township provide essential access to the residents of the Township and the traveling public, and that the Township has worked diligently to maintain said Rights-Of-Way in good repair. Further it is recognized that the design and construction of infrastructure within these Rights-Of-Way must be held to a reasonable standard in order to help ensure the long term maintenance and durability of infrastructure. And finally, it is recognized that uniform procedures and regulations are needed for the dedication by developers and acceptance by the Township of constructed improvements.

### **Section 3. Statutory Authority**

This Ordinance is adopted pursuant to Article XXIII of The Second Class Township Code (P.L. 350 No. 60).

### **Section 4. Adoption of Standards by Reference.**

Certain documents, being marked and designated as Pennsylvania Department of Transportation, Publication 408; Roadway Construction Standards (RC Standards); Publication 203 – Work Zone Traffic Control, PA Code Title 67 chapters 441 and 459, are hereby adopted as the design and construction specifications of the Township and each and all of the regulations contained in the said document are hereby adopted by the Township except as may be modified from time to time by Resolution of the Township in accordance with this Ordinance. In the event these specifications can be construed to encumber the Township with responsibility for supply of materials or work, the specifications are modified to make this the responsibility of the applicant. It is the intent of the Board to adopt all subsequent amendments and revisions to the said documents. If such an intent is found invalid by a court of competent jurisdiction, it is the intent of the Board to adopt the said Chapters as they existed on the effective date of this Article.

### **Section 5. Permit Required.**

It shall be unlawful for any entity to open or make any excavation of any kind in any Right-Of-Way of the Township without first securing a permit therefore in accordance with Township Regulations. The Obtaining of said permit for work constructed by the Township Highway Department is hereby waived.

### **Section 6. Permit Application Standards and Procedures.**

- A. All Permit Applications shall be on the forms prescribed by the Township, and all design drawings associated with the permit application shall clearly and legibly demonstrate compliance with those applicable provisions of the most recently amended Hellam Township Subdivision and Land Development Ordinance (SALDO), Hellam Township Stormwater Management Ordinance (SMO), and this Ordinance (including the referenced documents described in Section 4.)
- B. All Permit Applications must be submitted to the Township and include all information and documentation as required by this Ordinance. If revisions to plans are to be considered by Township, they must include a written response to the Township's review comments, and include a complete set of drawings.
- C. All Permit Applications must include an Insurance Certificate proving the applicant has general liability insurance in an amount not less than \$1,000,000 USD per occurrence. Said insurance certificate must provide for a 30-day written notice to the Township of cancellation.

- D. The Township shall review the permit application, and determine if it meets the standards of this Ordinance within 14 days of the filing of the Permit Application. Said determination shall be communicated to the applicant within 21 days of the filing of the Permit Application.
- E. In the event of an emergency, a permit application must be filed within 5 business days following the emergency street opening, and the permit shall be retroactive to the date when the work began. Emergencies do not relieve the applicant from following the construction standards enumerated in this Ordinance. Further, the scope of the work described and completed in association with the emergency shall be limited to that work necessary to satisfy the emergency. Any entity performing work associated with an emergency shall notify the Township Police Department prior to commencing the emergency work.
- F. The Board may, by resolution, establish a fee schedule and collect fees to cover the Township's actual costs of administering this Ordinance. Required fees must accompany the Permit Application.
- G. Each Permit Application shall include a Performance Bond as required by this Ordinance.

### **Section 7. Revisions to Design and Construction Standards**

From time to time, the Township may revise the design and construction standards as cited in Section 4, through adoption of Supplemental Requirements, by Resolution.

### **Section 8. Bonding**

To guarantee satisfactory construction, restoration, and installation of the infrastructure, the applicant shall provide a Performance Bond, Irrevocable Letter of Credit, or cash equivalent in the amount of 110% of the estimated construction cost. The estimated construction cost shall be estimated by the applicant and concurred to by the Township. When the proposed work is not governed by the bonding requirements of the SALDO or the SMO, the Township may waive the Bond requirement when it finds that the proposed improvement will have negligible effect on the integrity of the infrastructure within the Township's Right-Of-Way. In the event the Township and the applicant can not reach agreement on the amount of the Bond, then the procedures for resolution of such a dispute as contained in the Pennsylvania Municipalities Planning Code shall govern and be followed. Bonding shall include, as a minimum, the costs for materials and installation, compaction, compaction testing, restoration, as-built drawings, survey, and construction inspection.

### **Section 9. Blasting**

Blasting within Township Right-Of-Way is prohibited. Blasting for the construction of infrastructure associated with proposed development where the development plans indicate the intent to offer dedication of Right-Of-Way to the Township is prohibited.

## **Section 10. Construction in Compliance with Permit**

All infrastructure shall be constructed in strict accordance with the approved permit. A copy of the approved Permit and associated design drawings shall be kept at all times on the construction site. Notwithstanding the provisions of this section the Township reserves the right to approve changes during construction. All Permit changes shall be documented in writing.

## **Section 11. Preconstruction Meeting/Inspection.**

The applicant shall schedule a preconstruction conference with the Township a minimum of two (2) working day's prior to start of construction. The applicant shall provide the contact information of one point of contact in responsible charge of the work.

The Township reserves the right to inspect the work. Inspection of the work does not constitute acceptance of the work during construction or obligate the Township to accept dedication of the infrastructure. The applicant shall pay for the Townships costs related to inspection of the work.

Prior to placement of any stone sub-base the subgrade shall be tested by standard proctor and shown to achieve a 95% compaction. After placement of stone sub-base the applicant shall proof roll the area with a fully loaded tandem dump truck. All areas of deflection shall be over excavated, filled with coarse aggregate in 6" lifts and fully compacted. These areas shall again be proof rolled. In the event proof rolling is not appropriate, such as in certain trench excavations, Nuclear Density testing shall be used.

The applicant shall provide the Township with copies of all testing results, and material certificates. All work shall be of first class quality free of any and all defects.

## **Section 12. As Built Plan**

Within 30 days of completion of construction, and prior to any offer of dedication, the applicant shall submit one mylar as-built drawing and one digital file in AutoCAD format, of the constructed facilities which accurately depicts the constructed infrastructure and is legible in every detail. All as-built drawings shall accurately describe the vertical elevations of drainage facilities, including invert elevations, and show limits of embankments, easement and Right-Of-Way locations. In cases where grading is critical (detention ponds for instance) contours must be shown.

## **Section 13. Dedication**

- A. The applicant may offer infrastructure for dedication, pursuant to Section 504 of the Subdivision and Land Development Ordinance, once 90% of the lots have been issued Certificates of Occupancy, and once all defective items have been corrected to the standards of this Ordinance. The Township Board of Supervisors shall act on offers of dedication, from March 1 through September 30.

# APPLICATION FOR TOWNSHIP ROAD OCCUPANCY PERMIT

Hellam Township  
 44 Walnut Springs Road  
 York PA 17406

PERMIT # \_\_\_\_\_

Date: \_\_\_\_\_  
 Issuing Permit Fee \$ \_\_\_\_\_  
 Township Inspection Fee \$ \_\_\_\_\_  
 Total \$ \_\_\_\_\_

Road name where work is to be done: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

For permission to: \_\_\_\_\_

Description and purpose of work: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Under and subject to all the conditions, restrictions, and regulation prescribed by the Township and on the general provisions and specifications a true copy whereof is attached and made a part hereof, with the same force and effect as if written or printed herein and under and subject to the special conditions, restrictions, and regulations hereinafter set forth.

### DATA APPLICABLE TO THIS APPLICATION

**GENERAL.** Approximate date when work will be started: \_\_\_\_\_ Approximate date when work will be completed: \_\_\_\_\_  
 The road surface is improved to a width of \_\_\_\_\_ feet. Distance from center of line to roadway to gutter or ditch: \_\_\_\_\_ feet. Distance from centerline of road to Right-Of-Way line: \_\_\_\_\_ feet.

**POLES AND TOWER.** Number of poles to be erected: \_\_\_\_\_ Nearest distance from center of road to structure: \_\_\_\_\_ feet. Distance of proposed work along the road \_\_\_\_\_ feet.

**PIPE LINE AND CONDUITS.** The improved surface of the road (will)(will not) be opened. Approximate area of openings in improved surface \_\_\_\_\_ sq yds. Approximate area of openings on unimproved part \_\_\_\_\_ sq. yds. Length of trench along the road: \_\_\_\_\_ feet. Depth of trench below surface: \_\_\_\_\_ inches.

### TO BE COMPLETED BY TOWNSHIP

Schedule Item No.						
Unit Fee						
Number of Units						
Total Fee						

The applicant is (an individual) (a partnership) (a corporation incorporated under the laws of \_\_\_\_\_)

(Corporate Seal)

Name of Applicant: \_\_\_\_\_

By \_\_\_\_\_  
 (EXECUTIVE OFFICER OR AUTHORIZED REPRESENTATIVE)

### GENERAL INSTRUCTIONS

Any work performed within the right-of-way of a township road requires submission of three (3) copies of this form along with three (3) copies of a sketch showing the location and details of the proposed work. Any work performed on a township road over, under, or within the limits of a limited access state highway, requires a state permit. The prescribed permit fee shall accompany the application and sketch. Schedules of fees are furnished on request.

FEE SHALL BE PAID BY CHECKS OR MONEY ORDERS PAYABLE TO Hellam Township

