

TOWNSHIP OF CARROLL

ORDINANCE NO. 2004-154

AN ORDINANCE OF THE TOWNSHIP OF CARROLL, YORK COUNTY, PENNSYLVANIA, ESTABLISHING CRITERIA, RULES AND REGULATIONS FOR CONSTRUCTION WITHIN, THROUGH, AND UNDER TOWNSHIP RIGHTS-OF-WAY, AND ESTABLISHING CRITERIA, RULES REGULATION, AND PROCEDURES FOR DEDICATION AND ACCEPTANCE OF INFRASTRUCTURE.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Carroll, York County, Pennsylvania, as follows:

Section 1. Title.

This Article shall be known and may be cited as the "Carroll Township Road Ordinance."

Section 2. Legislative Intent.

The Board of Supervisors recognizes that the Rights-Of-Way of Carroll 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 Section 503 of the Pennsylvania Municipalities Planning Code (MPC), (P.L. 805 No. 247); and Section 1506, Article 11 and Article 12 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. 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 Road 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 Carroll Township Subdivision and Land Development Ordinance (SALDO), Carroll 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 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 he 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 current 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 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.
- B. All offers of dedication shall include a deed of dedication and a plan drawing showing the metes and bounds of the dedicated Right-Of-Way.
- C. The applicant shall reimburse the Township for all costs associated with the review and processing of the offer of dedication.
- D. All offers of dedication shall include a Maintenance Bond for a minimum term of 18 months in accordance the MPC.
- E. It shall be the applicant's responsibility to record the Deed of Dedication at the York County Courthouse, and provide the Township with proof of Recordation. The applicant shall remain responsible for the maintenance of the infrastructure until the Deed of Dedication is recorded.

Section 14. Violations and Penalties.

Any person who violates or permits the violation of any provision of this Article shall be liable upon summary conviction therefore to fines and penalties payable to the Township of not less than Three Hundred Dollars (\$300.00) nor more than One Thousand Dollars (\$1,000.00) plus all costs of prosecution, which fines and penalties may be collected as provided by law. All fines and penalties collected for violation of this Article shall be paid to the Township Treasurer. Each day that a violation continues and each section of this Article which is violated constitutes a separate violation.

Section 15. Remedies.

In addition to the other remedies provided by law, the Township may commence any appropriate action or proceedings in equity to prevent such unlawful construction of improvements or other violations of this Ordinance.

Section 16. Appeals.

Appeals from any action under this Article shall be made in writing to the Board of Supervisors within fifteen (15) days from the date of the initiation of the action. All appeals shall be accompanied by the appeal fee established by resolution or ordinance of the Board of Supervisors.

- A. The written appeal shall specify the precise action from which the appeal is taken and shall set forth in concise terms the reason for the appeal and any legal authorities supporting the appeal period.
- B. If the appellant desires a hearing before the Board, the appellant must request a hearing in the written appeal.
- C. If a hearing is requested in writing, the Board shall conduct the hearing at a regular or special public meeting which occurs not less than thirty (30) days after receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of the Local Agency Law, 2 Pa. C.S. §551 et seq.
- D. The Board shall render a decision on the appeal in accordance with the provisions of the Local Agency Law.

Section 17. Continuation of Prior Regulations.

Except as otherwise required by law, this Article is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Article restates regulations contained in ordinances previously enacted by the Board of Supervisors, this Article shall be considered a restatement and not a repeal of such regulations. It is the specific

intent of the Board that all provisions of this Article shall be considered in full force and effect as of the date such regulations were initially enacted.

Section 18. Effective Date.

This Ordinance shall become effective in accordance with law.

Section 19. Relationship to Other Ordinances.

All other Ordinances, parts of Ordinances or parts of Resolutions inconsistent herewith shall be and the same expressly are repealed, to the extent of the inconsistency therewith.

Section 20. Severability.

In the event any provision, section, sentence, clause, or part of this Article shall be held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Article, it being the intent of the Board that the remainder of the Article shall be and shall remain in full force and effect.

DULY ORDAINED AND ENACTED this 17th day of February, 2004, by the Board of Supervisors of the Township of Carroll, York County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF CARROLL
York County, Pennsylvania

Attest: *Layne Z Romberger*
Secretary

By: *[Signature]*
Chairman Board of Supervisors

[TOWNSHIP SEAL]

[Signature]
Vice-Chairman Board of Supervisors

[Signature]
Supervisor

[Signature]
Supervisor

[Signature]
Supervisor

CERTIFICATE

I, the undersigned, Secretary of the Township of Carroll, York County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of the members of the Board at a meeting held on February 17, 2004; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 17th day of February, 2004.

Jan L. Rombarger
Secretary

(SEAL)