

APPLICATION FOR TOWNSHIP ROAD OCCUPANCY PERMIT

Date: _____

HEIDELBERG TOWNSHIP, BERKS COUNTY

11 Tulpehocken Forge Rd, Robeson, PA 19551

Permit No.	0.00
Issuing Permit Fee \$	0.00
Township Inspection Fee \$	0.00
Total \$	

Route No., Road or Street Name (Where work is to be done)

Application is hereby made by _____
NAME OF APPLICANT

of _____, Pennsylvania

to _____
(DESCRIPTION AND PURPOSE OF WORK)

Under and subject to all the conditions, restrictions and regulations 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 line of roadway to gutter or ditch: _____ 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 Lines 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 in unimproved part: _____ sq. yds.

Length of trench along road: _____ feet. Depth of trench below surface: _____ inches.

The applicant is ☐ (an individual) ☐ (a partnership) ☐ (a corporation incorporated under the law of _____)

(NAME OF APPLICANT)

(Corporate Seal)

BY: _____
(EXECUTIVE OFFICER OR AUTHORIZED REPRESENTATIVE)

GENERAL INSTRUCTIONS

Any work performed within the right-of-way of a township road requires the submission of two(2) copies of this form along with two (2) copies of a sketch showing the location and details of the proposed work.

The prescribed permit fee, calculated per the following schedule, shall accompany the application and sketch. Contact Jennifer Van Dyke, Township Engineer, Technicon Enterprises, 610-286-1622 x116jvandyke@technicon2.com to confirm permit fee before submission.

THE FEE SHALL BE PAID BY CHECK OR MONEY ORDER AND SHALL BE MADE PAYABLE TO: **HEIDELBERG TOWNSHIP**

ROAD OCCUPANCY PERMIT FEE CALCULATION SHEET

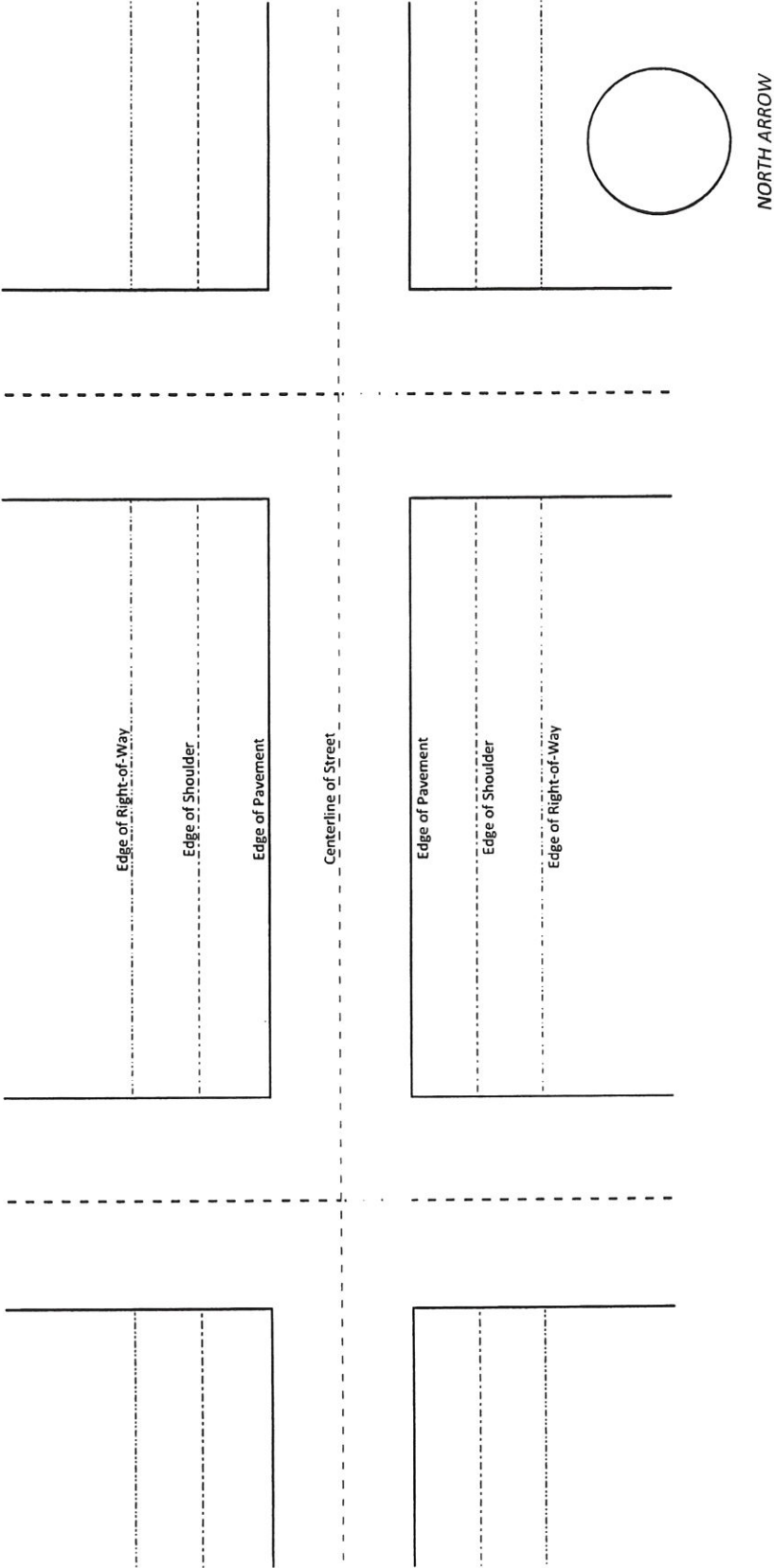
These fees are applied to the administrative costs incurred in reviewing the application and plan(s) and issuing the permit, including the preliminary review of the site location.

1) Application Fee	Unit Fee	Number of Units	Total
a) Utility	\$50.00		0.00
b) Driveways			
(i) minimum use (e.g. single-family dwelling, apartments with five or fewer units)	\$15.00		0.00
(ii) low-volume (e.g. office buildings, car washes)	\$30.00		0.00
(iii) medium-volume (e.g. motels, fast food restaurants, service stations, small shopping plazas)	\$40.00		0.00
(iv) high-volume (e.g. large shopping centers, multi-building apartment or office complexes)	\$50.00		0.00
c) Other (e.g. bank removal, sidewalk and curb)	\$20.00		0.00
2) Supplemental Fee (each six month time extension) (each submitted change)	\$10.00		0.00
3) Emergency Permit Card (each card)	\$ 5.00		0.00
4) Exemption (see below for list of exemptions)			
Application Fee Total:			0.00

These fees are applied to the costs incurred in the preliminary review of the location covered by the permit and/or spot inspection of the permitted work and/or subsequent inspection after the permitted work has been completed to ensure compliance with Township/PennDOT specifications and permit provisions.

5) Driveways	Unit Fee	Number of Units	Total
a) Each minimum use driveway	\$10.00		0.00
b) Each low-volume driveway	\$20.00		0.00
c) Each medium-volume driveway	\$35.00		0.00
d) Each high-volume driveway	\$50.00		0.00
6) Surface Openings (these fees are calculated on the total linear feet of the opening being permitted with the different areas of the right-of-way)			
a) Total Linear feet of opening (each 100 foot increment or fraction thereof):			
(i) Opening in pavement	\$40.00		0.00
(ii) Opening in shoulder	\$20.00		0.00
(iii) Opening outside pavement and shoulder	\$10.00		0.00
b) If a longitudinal opening simultaneously occupies two or more highway areas identified in subparagraph (a), only the higher fee will be charged. Linear distances shall be measured to the nearest foot.			
7) Surface Openings of Less Than 36 Square Feet (e.g. service connections performed independently of underground facility installation, pipe line repairs, etc.) (each opening)			
(i) Opening in pavement	\$30.00		0.00
(ii) Opening in shoulder	\$15.00		0.00
(iii) Opening outside pavement and shoulder	\$10.00		0.00
If an opening simultaneously occupies two or more highway areas identified in subparagraph (i)-(iii), only the higher fee will be charged.			
8) Above-Ground Facilities (e.g. poles, guys and/or anchors if installed independently of poles)			
a) Up to 10 physically connected above-ground facilities (each continuous group)	\$20.00		0.00
b) Additional above-ground physically connected facilities (each pole with appurtenances)	\$ 2.00		0.00
9) Crossings (e.g. "overhead" triples, conveyors or pedestrian walkways)	\$80.00		0.00
10) Seismograph-Vibroseis Method (prospecting for oil, gas)			
a) First mile	\$50.00		0.00
b) Each additional mile or fraction thereof	\$ 5.00		0.00
11) Non-Emergency Test Holes in Pavement or Shoulder (each hole)	\$ 5.00		0.00
12) Other (e.g. bank removal, sidewalk and curb)	\$20.00		0.00
Inspection Fee Total:			0.00
Grand Total:			0.00

SKETCH SHOWING LOCATION THE LOCATION AND DETAILS OF THE PROPOSED WORK



ANY ADDITIONAL DETAILS APPLICABLE TO THE PROPOSED WORK:

Five horizontal lines for additional details.

The above fee schedule is in compliance with Title 67 Pennsylvania Code, Section 441.4. (as of 12/31/09)

EXEMPTIONS

Permit issuance fees and general permit inspection fees are not payable by any of the following:

- 1) The Commonwealth of Pennsylvania
- 2) Political subdivisions of the Commonwealth, except when placing a facility longitudinally within more than 100 total linear feet of pavement. In that case, the application and inspection fees for pavement opening will be charged.
- 3) Governmental authorities organized under the laws of the Commonwealth
- 4) The federal government
- 5) Charitable organizations that are in compliance with the Institutions of Purely Public Charity Act of 1997 (10 PS 371) (Churches, hospitals, schools, charitable institutions, veterans' organizations, non-profit organizations)
- 6) Utility facility owners for:
 - a. The installation of street lights at the request of PennDOT or the Township.
 - b. The replacement or renewal of their facilities prior to a township resurfacing project, after notice from the Township.
 - c. Facilities moved at the request of PennDOT or the Township
 - d. The reconstruction or maintenance of their facilities that occupy the right-of-way under private status.

ADDITIONAL INSPECTION FEES

If the Township determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more persons to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee will be charged for additional salary, overhead and expenses incurred by each assigned inspector and the Township.

HEIDELBERG TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 188

**AN ORDINANCE TO REGULATE THE OPENING OF ROADS
MAINTAINED BY HEIDELBERG TOWNSHIP BY REQUIRING A
PERMIT; PROVIDING SPECIFICATIONS FOR REPAIRS AND
PROVIDING PENALTIES FOR VIOLATIONS**

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Heidelberg Township, Berks County, Pennsylvania (the "Township"), and it is hereby **ORDAINED** and **ENACTED** by the authority of the same, as follows:

SECTION 1. TITLE. This Ordinance shall be known and may be cited as the "Heidelberg Township Road Opening Permit Ordinance".

SECTION 2. DEFINITIONS. The following words and phrases when used in this Ordinance shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

A. "Applicant" - the person or entity filing an application under this Ordinance for a permit. Once a permit has been issued, the Applicant, or Applicant's assignee if the assignment of the permit shall have been approved by the Township Engineer, shall be deemed the "Permittee".

B. "Emergency" - an unforeseen occurrence or combination of circumstances which calls for immediate action or remedy.

C. "New Road" - a Township road having a new, continuous and unbroken wearing surface consisting of mechanically placed bituminous hot mix or cement concrete material, whether placed over newly constructed base and sub-base or over a modified or unmodified previously existing road surface.

D. "Road Opening Permit" - a road opening permit issued by the Township pursuant to this Ordinance.

E. "Person" - any natural person, firm, co-partnership, association, corporation or political subdivision.

F. "PennDOT" - Pennsylvania Department of Transportation.

G. "Publication 213" - a PennDOT publication containing requirements for work area traffic control during highway maintenance operations and utility work, including any amendment thereto and any substitution or replacement thereof.

H. "Publication 408" - a PennDOT publication containing PennDOT's highway construction specifications, including any amendment thereto and any substitution or replacement thereof.

I. "Right-of-Way" - the area between the right-of-way lines of a road.

J. "Road" - a strip of land, including the entire right-of-way, open to vehicular use by the public. The term "Road" shall include street, avenue, boulevard, road, highway, freeway, parkway, lane, alley or viaduct.

K. "Township" - the Heidelberg Township, Berks County, Pennsylvania.

L. "Township Supervisors" - the Board of Supervisors of the Heidelberg Township, Berks County, Pennsylvania.

M. "Township Engineer" - the person so designated by the Board of Supervisors or his or her representative so designated either by the Board of Supervisors or by the Township Engineer.

N. "Township Road" - a road under the jurisdiction of the Township.

SECTION 3. ROAD OPENING PERMIT REQUIRED. It shall be unlawful for any Persons, public utilities, and municipal authorities, to perform any work involving the opening of or the excavation in or under any Township Road unless and until a Road Opening Permit has been secured from the Township. All work performed within the Right-of-Way shall conform to the provisions of PennDOT Publication 213, PennDOT Publication 408, and any other related PennDOT publications that involve regulations for work within public Rights-of-Way, as amended from time to time; unless superseded by more restrictive specifications that may be issued and made available by the Township. A Road Opening Permit shall NOT be required, however, in the following instances:

- A. Placing of newspaper receptacles or mailboxes.
- B. Accessing a utility facility through a manhole.
- C. In the case of Emergency repairs for utility facilities a Road Opening Permit shall not be required prior to making an opening in the Road and repairing the facility, however a Road Opening Permit shall be required prior to placement of final backfill material and permanent pavement restoration.

SECTION 4. OPENINGS AND NEW ROADS.

A. Notice of Improvements. When the Township shall improve or pave any Road, the Township shall give notice to all persons owning property abutting on the Road about to be paved or improved, and to all public utilities and municipal authorities operating in the Township. All such Persons, public utilities, and municipal authorities shall make all connections as well as any repairs thereto which would necessitate excavation of the Road, within ninety (90) days from the giving of such notice. This time may be extended by the Township if requested by the notified entity in writing.

B. Restrictions upon Opening New Roads. No Road Opening Permit shall be issued by the Township which would allow an excavation or opening in a paved and improved Road surface less than five (5) years old, unless the Applicant can clearly demonstrate that public health or safety required that the proposed work be permitted or unless an Emergency condition exists.

C. Surcharge for Opening New Roads. If, by special action of the Township, a Road Opening Permit is issued to open any paved and improved Road surface less than five (5) years old, a surcharge shall be paid for the opening by the Applicant, except that the surcharge may be waived in the event the work is of an Emergency nature. The surcharge shall be on a sliding scale and shall be equal to three (3) percent of the cost of restoring the pavement for the opening, per month or fraction thereof remaining in the five (5) year period, and as may be amended from time to time by Resolution of the Board of Supervisors.

SECTION 5. ADMINISTRATIVE REQUIREMENTS.

A. Application for Road Opening Permit. An application for a Road Opening Permit required by this Ordinance shall be submitted to the Township in duplicate. The application shall be accompanied by a fee as determined from time to time by Resolution of the Board of Supervisors. All fees received by the Township shall be paid into the Township Treasury.

B. Additional Review and/or Processing Fees. If the fees incurred by the Township for processing the application for the Road Opening Permit exceed the application fee, the additional amount shall be paid to the Township prior to the issuance of the Road Opening Permit.

C. Conditions of a Road Opening Permit. A Road Opening Permit shall only be issued upon condition that the Applicant enter into an agreement with the Township in the form of the agreement that is attached to this Ordinance and marked Exhibit A, requiring a cash deposit in an amount determined by the Township Engineer to ensure proper completion of the work and compliance with the requirements of this Ordinance for the backfill, pavement restoration, inspection and maintenance of the Road opening. Any expenses incurred by the Township for inspection and/or to correct a violation of the requirements of this Ordinance shall be reimbursed to the Township from the cash deposit. Upon completion of the work authorized by the Road Opening Permit, upon request by the Permittee, the Township may release up to eighty percent (80%) of the cash deposit. At the expiration of one (1) year from the date of completion, upon written request by the Permittee, the balance of the deposit shall be released upon approval of the Township Engineer that the Road repair has been performed and maintained as required by the provisions of this Ordinance.

D. Additional Deposits and Inspection Fees. Should the costs of restoration and/or inspections exceed the amount of the cash deposit required by Paragraph C of this Section, the Applicant shall, upon written notification from the Township, immediately reimburse the Township for any portion of the cost associated with making the inspections and/or restorations not covered by the cash deposit and/or shall provide an additional cash deposit, as determined by the Township.

E. Life of the Road Opening Permit. A Road Opening Permit shall be valid until the completion date specified on the Road Opening Permit. If the Permittee has not completed all authorized work by the completion date specified on the Road Opening Permit, an application shall be submitted requesting a time extension. If approved, a supplemental Road Opening Permit will be issued by the Township.

F. Authorization to Begin Work. A Road Opening Permit issued in accordance with the requirements of this Ordinance will be the Applicant's authority to proceed

with the work and will serve as a receipt for the fees accompanying the application. The Permittee shall notify the Township Engineer forty-eight (48) hours in advance of any backfill or pavement restoration work so that the work may be inspected as it is performed.

G. Additional Notifications. At least forty-eight (48) hours in advance of beginning work in a street, the Permittee shall verbally notify the Township office, the Conrad Weiser School District, and the Township Engineer, as identified on the Road Opening Permit, of any work being performed. In the case of an Emergency Road opening, verbal notification shall be given to the above-referenced entities as soon as possible.

H. Work Completion Notification. When all permitted work has been completed, the Township Engineer shall issue notification of same, in writing, to the Township and the Permittee, noting the date upon which the one (1) year maintenance period has begun.

I. Road Restoration Details. All restoration shall be constructed in accordance with the standard details attached to this document and marked Exhibit B, Technicon Enterprise, Inc. II, Project No. B-4010-ROP, drawing numbers 001 thru 002, as may be amended from time to time by Resolution of the Board of Supervisors, and as specified on the Road Opening Permit.

SECTION 6. PENALTY FOR VIOLATION.

A. Any Person who or which has violated or permitted the violation of any provision of this Ordinance shall, upon being found guilty thereof in a summary criminal proceeding commenced by the Township, pay a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00) per violation, plus all court costs. For each day or portion thereof in which a violation is found to exist or for each section of the Ordinance, which is found to have been violated, said violation shall be treated as a separate offense subject to a separate fine. Enforcement of an action brought pursuant to this section shall be brought before a Magisterial District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Prosecution of matters hereunder and collection of all fines shall be pursuant to either the Pennsylvania Rules of Criminal Procedure or the Pennsylvania Rules of Civil Procedure.

B. Any Person upon being found liable for civil penalties commenced by the Township shall pay a fine of not less than One Hundred Dollars (\$100.00) and not more than Six Hundred Dollars (\$600.00) per violation, plus all court costs. For each day or portion thereof in which a violation is found to exist or for each section of the Ordinance, which is found to have been violated, said violation shall be treated as a separate offense subject to a separate fine.

C. All fines, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid over to the Township Treasurer.

SECTION 7. SEVERABILITY. If any provision, sentence, clause, section, or part of this Ordinance shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance, and it is hereby declared to be the intent of the Board of Supervisors of Heidelberg Township that this Ordinance would have been enacted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

SECTION 8. REPEALER. All Ordinances or parts of Ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective on the earliest date permitted by law.

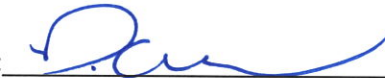
ORDAINED AND ENACTED by the Board of Supervisors of Heidelberg Township, Berks County, Pennsylvania, this 27 day of April, 2022.

**BOARD OF SUPERVISORS
HEIDELBERG TOWNSHIP**



~~Vice~~Chairman

Attest:



Nicole Werner, Secretary