

FRANKLIN TOWNSHIP ORDINANCE

NO. 2005-001

AN ORDINANCE RELATING TO DAMAGES TO THE ROADWAYS AND CURBINGS OF THE TOWNSHIP OF FRANKLIN INCIDENTAL TO THE ERECTION OF BUILDINGS OR STRUCTURES AND/OR PAVE CUTS FOR UTILITIES

BE IT ORDAINED, by the Supervisors of Franklin Township, Luzerne County, Pennsylvania, under the authority of the "Second Class Township Code":

SECTION I.

No individual or business association shall hereafter enter upon and affect, alter, modify, cut into the pave or base or obstruct or commit any nuisance thereon by turning the road, diverting water onto or otherwise causing change to any existing public roadway of Franklin Township or the curbing of any roadway of Franklin Township including, but not limited to, activities incidental to the erection of any building or structure and/or pave cuts for utilities, and without first submitting to the Road Master or the Township Engineer of Franklin Township a detailed plan for such modification, alteration, cut in the pave or curb, or change; together with the deposit of a certified check in the amount of \$600.00 payable to the Township of Franklin, Luzerne County, Pennsylvania.

SECTION II:

Any individual or business association which shall hereinafter enter upon and affect, alter, modify, or cut into the pave or base or obstruct or commit any nuisance thereon by felling trees, making fences, turning the road, diverting water onto or create any dangerous condition, or otherwise cause any damage to any existing public roadway or curbing of any roadway of Franklin Township including, but not limited to, activities incidental to the erection of any building or structure and/or pave cuts to the installation of utilities shall be liable for any and all damage to the roadway and curbing thereof and shall proceed to repair and restore the same to its prior condition within forty-eight (48) hours of the occurrence of such damage. The individual responsible for the repair and restoration can make a formal written request to the Township Road Master for a longer period of time within which to prepare and restore the roadway and/or curbing stating the reasons therefore. Franklin Township may, in its sole discretion, grant or deny such request.

SECTION III.

The permittee under Section I or the individual or business association responsible for repair and restoration of a roadway and/or curbing under Section II shall notify the Township Road Master or the Township Engineer when the permit work has been completed or the restoration and repair has been completed and the Township Engineer and/or Road Master will conduct an inspection within thirty (30) days of such notification and if, in the opinion of the Road Master or the Township Engineer the work is in accordance with the permit or an acceptable repair or restoration of the roadway and/or curbing to its prior existing condition the Township shall within fifteen (15) days

of such report from the Road Master or Township Engineer, cause the escrow of the permit fee to be returned to him or notify the individual or business association responsible for repair and restoration that the same has been completed and accepted by the Township.

SECTION IV.

Any individual or business association which shall fail to repair or restore any damage caused by him, her, or it by entry upon and affecting, altering, modifying or cutting into the pave or base otherwise changing any roadway or curbing thereof, in accordance with Section II hereof, shall forfeit his, her, or its deposit in the amount of \$600, which sum of money shall be applied by the Township of Franklin directly to the repair and restoration of any damage done to any roadway or curbing thereof as aforesaid.

SECTION V.

Any individual or business association who or which shall violate any of the provision of this Ordinance shall, upon conviction thereof by summary proceedings before any District Magistrate or District Justice having jurisdiction, be sentenced to pay a fine or penalty not to exceed \$600 plus costs levied, may also be sentenced and committed to the Luzerne County Prison for a period not exceeding thirty (30) days.

SECTION VI. SAVINGS CLAUSE

The provisions of the Township of Franklin Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this ordinance, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of this ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations except as otherwise provided by law.

SECTION VII. SEVERABILITY OF PARTS OF ORDINANCE

It is hereby declared to be the intention of the Board of Supervisors that the chapters, parts, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable. If any section, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining chapters, parts, sections, paragraphs, sentences, clauses or other phrases of this codification.

SECTION VIII. EFFECTIVE DATE.

This ordinance shall become effective in accordance with law.

ENACTED AND ORDAINED by the Board of Supervisors of the Township of Franklin at its regularly scheduled meeting held on the 7th day of March, 2005.

ATTEST:

THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF FRANKLIN

David A. Byerts
SECRETARY

BY: Michael R. Kopeck
CHAIRMAN