

**WEST NORRITON
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE OF WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY
PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF WEST NORRITON
TOWNSHIP, CHAPTER 21, PART 4, SECTION 405, TO REQUIRE RESTORATION
OF OPENINGS IN NEWLY PAVED STREETS; PROVIDING A SEVERABILITY
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the First Class Township Code Section 1502 part 57, vests the Board of Commissioners of West Norriton Township with the authority to regulate streets, sewers, sidewalks, etc.; and

WHEREAS, West Norriton Township Code of Ordinances, Chapter 21, Part 4 prescribes current regulations regarding street excavation and tunneling; and

WHEREAS, the Board of Commissioners has determined that the following amendments and enacting provisions related thereto will promote the proper management, care and control, and welfare of the Township.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the West Norriton Township Board of Commissioners, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION 1: The West Norriton Township Code of Ordinances Chapter 21, titled "Streets and Sidewalks," Part 4, titled "Street Excavation and Tunneling," Section 405, titled "Restrictions on Time Limits and Number of Openings," shall be amended and retitled to read as follows:

**§405 Restrictions on Time Limits, Number of Openings, and on
Openings in Newly Paved Streets.**

1. Not more than one break or opening shall be made at any one time in pursuance of any such permit, which break or opening shall not be more than 1,000 feet in length. Every such break or opening shall, within six working days from the time of such breaking or opening, be refilled by the parties making the same in the manner herein provided, and each and every period of six days subsequent to the expiration of the said six days during which the said opening or break shall remain open or unrefilled as hereinafter required shall be considered as a new and distinct offense and shall subject the offender to the same penalty as hereinafter provided for the first offense.

2. Where streets have been recently overlaid within the last five years and/or the street is disturbed for more than 25 square feet and/or 50 lineal feet, restoration will include base repair, surface milling and overlay according to Township specifications to the extent of milling and overlaying the full cartway, which includes edge of paving to the other side of edge of paving of the entire block, not to be less than 100 feet in length. The Township specifications are those specifications relayed by the Township to the entity performing the restoration at the time of the restoration.

3. Where streets have been recently constructed within the last five years and/or the street is disturbed for more than 25 square feet, restoration will include base repair, surface milling and overlay according to Township specifications to the extent of milling and overlaying the full cartway, which includes edge of paving to the other side of edge of paving of the entire block, not to be less than 100 feet in length. The Township specifications are those specifications relayed by the Township to the entity performing the restoration at the time of the restoration.

4. The Township shall routinely inform utilities of the Township's capital improvement programs and of specific projects as they are designed. Prior to the scheduled rehabilitative work, the utilities are expected to perform any needed maintenance work on their below-street facilities and to upgrade them for growth commensurate with the expected life of the street improvement.

SECTION 2: SEVERABILITY.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, West Norriton Township Board of Commissioners hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 3: REPEALER.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 4: EFFECTIVE DATE.

This Ordinance and the amendment contained herein shall be effective five (5) days after enactment.

ORDAINED AND ENACTED, by the Board of Commissioners of West Norriton Township,
Montgomery County, Pennsylvania, this _____ day of _____, 2019

ATTEST:

WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS:

Jason Bobst, Township Manager

By: _____
Martin Miller, President