

JEFFERSON TOWNSHIP  
LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NO. 2 OF 2021

AN ORDINANCE OF THE TOWNSHIP OF JEFFERSON, LACKAWANNA COUNTY, PENNSYLVANIA, PROVIDING THAT NO PUBLIC ROADS OF THE TOWNSHIP OF JEFFERSON BE OPENED OR CUT BY ANY PERSON, FIRM, CORPORATION, OR UTILITY WITHOUT FIRST SECURING A PERMIT IN ACCORDANCE WITH ORDINANCE AND REGULATIONS PURSUANT THERETO; AND PROVIDING FOR CONSTRUCTION OF AND MODIFICATION OF DRIVEWAYS ENTERING TOWNSHIP ROADS; PROVIDING PENALTIES FOR VIOLATION THEREOF.

**ARTICLE I - DEFINITIONS**

- a) ADJACENT AREA - The area surrounding the immediate area of the permitted work which can reasonably be assumed to have been affected by the permitted work.
- b) BACKFILL - Material used to replace or the act of replacing material removed during construction.
- c) BASE COURSE - The layer(s) of specified material placed at a desired thickness on a subbase or a subgrade to support a surface course.
- d) CAPITAL IMPROVEMENT - Pre-planned improvement or upgrade to an existing system or a plan to install a completely new system providing new or additional service.
- e) DRIVEWAY - Any private road or means of entry or exit, adjacent to or abutting a Township road intended or available for access to a Township road.
- f) EMERGENCY REPAIR - Repair to a utility resulting from a vehicle accident or collision with the facility, a failed component or storm damage. The term does not include service connections or disconnections unrelated to vehicle accidents, a failed component or storm damage.
- g) EQUIPMENT - Machinery and equipment, together with the necessary supplies for upkeep and maintenance, and tools and apparatus necessary for the proper construction and completion of the work.
- h) IMPROVED AREA - The area within the right-of-way which has been constructed for roadway purposes, including roadbed, pavement, shoulders, slope, sidewalks, drainage facilities and other appurtenances.
- i) INSPECTOR - The Permittee's authorized representative assigned to inspect permit operations.
- j) PAVEMENT - The combination of subbase, base course and surface course placed on subgrade to support the traffic load and distribute it to the roadbed. The term normally includes the traveled portion of the street and extends to the face of the curb in curbed sections. The term does not include shoulders.
- k) PERMIT - A road cut or street/highway occupancy permit issued by Jefferson Township under the regulations set forth here within.
- l) PERSON - A natural person, firm, co-partnership, association, corporation, authority or political subdivision.

- m) **PLANS** - Drawings which show the location, character and dimensions of the proposed occupancy and related roadway features, including layouts, profiles, cross sections and other details.
- n) **RIGHT-OF-WAY** - The area which has been acquired by the Township for roadway purposes.
- o) **ROAD** - A roadway owned by Jefferson Township, including the entire width between right-of-way lines, over which the Township has assumed or has been legislatively given jurisdiction.
- p) **SEAL COAT** - A thin treatment consisting of bituminous or other approved material, usually covered with aggregate, applied to the surface course.
- q) **SHOULDER** - The existing improved or graded portion of the roadway, contiguous to the traffic lanes, for accommodation of stopped vehicles, for emergency use or for lateral support to the surface course of pavements.
- r) **STREET** - See definition of ROAD above.
- s) **SUBBASE** - The layers of specified or selected material of designed thickness placed on a subgrade to support a base course.
- t) **SUBGRADE** - The top surface of a roadbed upon which the pavement structure and shoulders, including curbs, are constructed.
- u) **SUITABLE MATERIAL** - Soil, or granular material when placed and compacted, all meeting Pennsylvania Department of Transportation Specifications, Publication 408 (latest edition).
- v) **SUPPLEMENT** - An amendment to a permit issued, in writing, by the Township.
- w) **SURFACE COURSE** - One or more layers of pavement structure designed to accommodate the traffic load, the top layer of which resists skidding, traffic abrasion and the disintegrating effects of climate. The top layer is often called the "top coat" or "wearing course."
- x) **TOWNSHIP** - Jefferson Township, Lackawanna County, Pennsylvania.
- y) **UTILITY** - A person owning a utility facility, including any wholly owned or controlled subsidiary.
- z) **UTILITY CORRIDOR** - An area within any public right-of-way, usually underground but not limited to the same, reserved for and assigned to a specified utility for placing and operating its facilities for transmitting and distributing its particular commodity or service.
- aa) **UTILITY FACILITY or FACILITY** - Privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, refined petroleum products, liquefied petroleum gas (LPG), crude products, coal, water, steam, waste, storm water and other similar commodities, including fire and police signaling systems and street lighting systems, which directly or indirectly serve the public or any part thereof.
- bb) **UTILITY RELOCATION** - Includes the adjustment, replacement or relocation of utility facilities as required by a street construction or repaving project, such as removing or reinstalling the facility, acquiring the necessary right-of-way, moving or rearranging existing facilities, changing the type of facility and any necessary safety and protective measures. It shall also mean the construction of a replacement facility functionally equal to the existing facility, where necessary for

the continuous operation of the utility service, the project economy or sequence of street construction.

- cc) VEHICLE - Every device which is or may be moved or drawn upon a street or roadway.
- dd) WORK - Action required or performed in opening, construction, tunneling, excavating, disturbing, altering, or modifying Township road.

## **ARTICLE II - ROAD CUTS**

### **SECTION 1. OPENING TOWNSHIP ROAD**

- a) In accordance with the provisions of Section 2322 of Section XI of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any Township Road, nor shall any railroad or street railway crossing, driveway connections, gas pipe, water pipe, electric conduits or other piping be laid upon or in nor shall any telephone, telegraph, or electric light or power poles, or any coal tipples or any other obstructions be erected upon or in any portion of a Township Road except under such conditions, restrictions, and regulations specified in permits granted by the Township for that purpose.
- b) The application for a permit shall be on a form prescribed by the Township, and shall be accompanied by:
  - 1) A fee in accordance with the Schedule of Fees for Road Occupancy Permits;
  - 2) Three (3) copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and the distance to the nearest intersecting public street, road or highway; and
  - 3) The restoration and maintenance security required under Section 3 herein below.
- c) A permit shall be issued to the Applicant by the Zoning Officer after all the aforementioned requirements have been filed and reviewed by Township Engineer, Township Roadmaster and/or any other designated representative.
- d) Upon completion of work, the Applicant shall give written notice thereof to the Township.
- e) Upon completion of the work authorized by the permit, the Township (Township Engineer, Roadmaster or other designated representative) shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit.
- f) Where any settlement or defect in the work occurs, if the Applicant shall fail to rectify any such settlement or other defect within fifteen (15) days after written notice from the Township to do so, the Township may do the work and shall

impose upon the Applicant the costs thereof, together with an additional twenty (20%) percent of such costs for administrative fees.

## SECTION 2. RESTORATION AND MAINTENANCE SECURITY

Any person seeking a Permit to do work on a road shall provide restoration and maintenance security pursuant to the following standards and rules:

- a) The amount of security shall be determined by a cost estimate provided by the Contractor and reviewed by the Township Engineer to assure restoration of the road and maintenance of the restored area for a period of 6 months in the event of Permittee's default to restore or maintain the work area as required by this Ordinance.
- b) The security shall be submitted in the name of the Township in the form of cash, letter of credit issued by a bank maintaining an office in the Commonwealth of Pennsylvania, or surety bond issued by a corporation duly registered as a surety company in good standing with the Pennsylvania Insurance Department, all such instruments to be in form and substance acceptable to the Township.
- c) Cash security shall be held by the Township in a non-interest-bearing escrow bank account, and shall be returned to the Permittee upon successful fulfillment of all restoration and maintenance obligations without interest.
- d) The Board of Township Supervisors shall have the power to forfeit or otherwise seize and use the restoration and maintenance security upon satisfactory proof of the Permittee's default to be supplied by the Township Engineer. The Board shall also have authority to reduce the amount of security upon successful completion of initial restoration on the recommendation of the Township Engineer.
- e) The Board of Township Supervisors shall have the authority to waive the posting of restoration and maintenance security hereunder where adequate provisions have been made otherwise for restoration and maintenance of the work area, such as, but without limitation, work performed under a contract with the Jefferson Township Sewer Authority, which shall require such security as part of the contract.

## SECTION 3. TRENCHING ACROSS IMPROVED AREA

- a) Trenching shall not be permitted across the improved area of a Road unless authorized by the Permit.
- b) Trenching across the improved area of a Road may be authorized by the Permit where drilling, boring, driving or tunneling are not feasible because:
  - (1) The subsurface is solid rock.
  - (2) There are other facilities located longitudinally under the improved area

and their location precludes methods other than trenching.

- (3) Adjacent development in a very congested area makes the construction of a tunneling or boring shaft impossible.

#### SECTION 4. TEMPORARY RESTORATION

- a) Cold or warm (Superpave, or other as approved) mix shall be installed immediately after work is performed in Roadway and shoulder. Compacted thickness shall be minimum two (2) inches.
- b) Maintain temporary paving in a condition satisfactory to the Township Engineer.
- c) Thirty (30) days after issuance of substantial completion, permanent restoration must be completed.

#### SECTION 5. PERMANENT RESTORATION

- a) Any person opening or disturbing any Road shall comply with the requirements of this Section. All openings in pavement, regardless of size, must be permanently restored.
- b) Where asphalt is disturbed, the excavation or opening shall be made by a clean cut. Openings shall be sawcut back twelve (12) inches from the limit of the trench on both sides.
- c) The opening shall then be backfilled with granular material, unless retained suitable material is authorized or other coarse aggregate material meeting the requirements of Pennsylvania Department of Transportation Specifications, Publication 408 (latest edition), is specified in the permit. Retained suitable material shall normally be authorized for backfill outside of the pavement and shoulder. Backfill material shall be placed in a loose layer not to exceed six inches (6"), and vibratory compaction equipment shall be used. Each layer shall be thoroughly compacted to preclude subsidence in accordance with Pennsylvania Department of Transportation Specifications, Publication 408 (latest edition). Compaction shall be completed to the bottom elevation of the existing pavement. On cuts greater than twenty-five (25) feet in length, surface finishing must be installed with a motor-paver and rolled with not less than a six-ton roller. Small cuts may be finished by hand and compacted with a mechanical tamper or vibrator.
- d) Five (5) inches of an asphalt mixture base course shall be placed over the granular backfill in accordance with Pennsylvania Department of Transportation Specifications, Publication 408, (latest edition). Unless otherwise directed, the design shall be Superpave Base Course, 25 mm Mix, PG 64S-22, 0.3 to <3.0 million ESALS.

- e) One and one-half (1½ ) inches of an asphalt mixture Wearing Course shall be placed over the Base Course (see d above) in accordance with the Pennsylvania Department of Transportation Specifications, Publication 408, (latest edition). Unless otherwise directed, the design shall be Superpave Wearing Course, 9.5 mm Mix, PG 64S-22, 0.3 to <3.0 million ESALS, SRL-G.
- f) The joints at all Road openings shall be cleaned and sealed in accordance with Pennsylvania Department of Transportation Specifications Publication 408, (latest edition). Joint sealer shall be CRAFCO Asphalt Rubber Type 2 Sealant, or approved equal.

#### SECTION 6. MULTIPLE/LARGE ROAD CUTS

- a) If more than two (2) cross cuts are made in a road within one (1) block or less than 300 feet, the Applicant must overlay the entire section, curb to curb or full roadway width with 1.5" Superpave, 9.5 mm Mix, PG 64S-22, 0.3 to <3.0 million ESALS, SRL-G, extending ten (10) feet past the cuts in both directions.
- b) If a road cut is run diagonal or parallel to the road the road and extends for more than 200 linear feet or the total area disturbed is greater than 500 square feet, the Applicant must overlay the entire section, curb to curb or full roadway width with 1.5" Superpave, 9.5 mm Mix, PG 64S-22, 0.3 to <3.0 million ESALS, SRL-G, extending ten (10) feet past the cuts in both directions.

#### SECTION 7. EQUIPMENT DAMAGING ROADWAY

- a) To protect the pavement and shoulders of existing Road surface, all equipment shall have rubber wheels or runners and shall have rubber, wood or similar protective pads between the outriggers and the surface unless otherwise authorized by the permit.
- b) In the event that other than rubber-equipped machinery is authorized for use, the pavement and shoulders shall be protected by the use of matting, wood or other suitable protective material having a minimum thickness of four (4) inches, unless the permit requires the Applicant to repave the roadway full width.
- c) If the equipment damages the pavement or shoulders of a road, the Permittee shall fully restore the pavement or shoulders to their previous condition, at the Permittee's expense.

#### SECTION 8. MAJOR IMPROVEMENTS OF SERVICES AND/OR LINE REPLACEMENT BY UTILITIES; PROCEDURES FOR NEW PAVEMENT CUTS

Upon notification from the municipality of a planned street repaving, resurfacing or reconstruction, all utilities will be required to test their lines and service and to schedule necessary capital improvements or new main lines and service connections prior to resurfacing or reconstruction. Thereafter any cuts which will be permitted in new pavement and any permits issued for the same shall be subject to the following:

- a) Pavement shall be considered new for a period of three (3) years from the date of final and complete placement of new pavement.
- b) Any utilities or contractors who make cuts in new pavements shall be required to make permanent restoration and repaving and resurfacing of said openings in pavements. Permanent restoration must be completed within thirty (30) days of the initial cut. Any delay or failure of restoration will be reported to the pertinent utility, and repairs by the utility will begin within twenty-four (24) hours after notification. Upon failure of the utility to repair the cut in a satisfactory manner, the municipality shall have the option to do the work or to contract to complete the work and bill the utility for the costs of permanent restoration, plus twenty percent (20%). In addition, penalties for noncompliance shall be levied against the utility or contractor.
- c) The permanent restoration of special-type pavements such as concrete, brick, Belgian block, cobblestone, gutters or tiles, shall consist of relaying the original wearing course in accordance with the original installation specifications in such a manner as to prevent settlement or other determination.
- d) Whenever any utility or contractor shall make cuts in new pavement for any purpose, except an emergency repair, if the area of a cut or cuts in new pavement totals ninety (90) square feet or more within any block, or less than three hundred (300) feet of a Township road, then the utility shall be required to backfill and permanently restore, refinish, mill and repave the entire width of said street from curb to curb for the entire length of the block or blocks of said street any pave cut or cuts are located. All backfilling and restoring, refinishing, milling, and repaving is to be done in accordance with the provisions of Sections 6 & 7 of this Ordinance. The sole purpose of this provision is to encourage utilities to replace their main lines and make capital improvements or improve or upgrade their systems prior to new repaving so as to prevent subsequent cutting of new pavement.
- e) The utility or contractor shall be required to notify the Township prior to commencement of permanent restoration so that an inspection can be scheduled, if deemed necessary.
- f) Upon failure of the utility to restore the street in a satisfactory manner, the municipality shall have the option to do the work or to contract to complete the work and bill the utility for the costs of permanent restoration, plus twenty percent (20%). In addition, penalties for noncompliance may be levied against the utility or contractor.

## SECTION 9. TRAFFIC PROTECTION AND MAINTENANCE

- a) Maintenance and protection of traffic during road work shall be carried out in accordance with the requirements of the Pennsylvania Department of Transportation, as set forth in Publication No. 213 (latest edition).
- b) The Permittee shall provide and maintain all necessary precautions to prevent injury or damage to persons and property in accordance with applicable traffic control standards (and consult with PennDOT District 4-0, if necessary). A traffic control plan shall be submitted to and approved by the Roadmaster and/or the Township Engineer before detouring any traffic.
- c) Warning signs shall be placed in advance of the actual operation in such a manner as to be visible to the traveling public, and barricades with adequate illumination shall be provided and maintained for any open trench or hole in the improved area. Barricades with Type B flashing lights shall be used for overnight protection of the area. All signs, channelizing devices, and barriers shall be erected in accordance with PennDOT Publication 213 (latest edition).
- d) Designated employees shall be assigned by the Permittee to direct one lane traffic. Flagmen shall be provided as specified in the permit and in accordance with PennDOT Publication No. 213 (latest edition) & No. 234 (latest edition).

#### SECTION 10. APPROVAL BY INSPECTOR

Approval by the Township's inspector(s) of all or part of any permitted work shall not constitute acknowledgment that the work was performed in accordance with the permit, nor shall such approval of the inspector act as a release of the Applicant or waiver by the Township of its right to seek performance or restitution from the Applicant.

#### SECTION 11. TOWNSHIP STANDARDS

Work shall conform to Township standards. The work shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the Township. If at any time it shall be found by the Township that the work is not being done or has not been performed properly, the Applicant, upon being notified in writing by the Township, shall immediately take the necessary steps, at its own expense, to place the work in condition to conform to such requirements or standards. In case any dispute arises between the Applicant and the Township's inspector, the Township's inspector shall have the authority to suspend work until the question at issue can be referred to and be decided by the Township Engineer.

#### SECTION 12. CURB RESTORATION REQUIREMENTS

Where the removal of a portion of a curb or curb and gutter is required to perform work, the curb or gutter shall be restored to match the previously existing condition and as follows:

- a) Asphalt curbs shall meet the requirements of PennDOT Publication 408



Specifications (latest edition). The minimum allowable length of a replaced curb shall be 4 feet.

b) Concrete curbs shall meet the requirements of PennDOT Publication 408 Specifications (latest edition). The minimum allowable length of a replaced curb shall be 4 feet.

c) Stone curbs shall be replaced in kind. A minimum length of replaced curbs shall be 4 feet.

d) Where curbing and/or gutters are composed of other materials (brick, pavers, granite, flagstone, etc.) every attempt should be made to save the original materials and replace them during restoration.

### SECTION 13. REPLACEMENT OF PAVEMENT MARKINGS

The utility and/or its contractor must replace, in kind, all pavement markings damaged or removed by pave cuts and work incident thereto. All markings must be replaced within five (5) days after permanent restoration. Should the contractor fail to replace the same, the municipality shall contract to have the necessary repairs made and bill the utility for the costs of the work, plus a twenty-percent (20%) penalty.

### SECTION 14. REPLACEMENT OF TRAFFIC CONTROL DEVICES

Electronic traffic control devices and ancillary equipment damaged or removed because of pavement excavation or work incident thereto must be replaced by the utility or its contractor, in kind, in whole or in part as required by the Township, PennDOT or designated agency. The municipality shall contact to have the necessary repairs made and bill the utility.

### SECTION 15. REPLACEMENT OF PROPERTY PINS OR MONUMENTS

All property pins or survey control monuments damaged or altered as a result of the contractor's work shall be replaced at the contractor's expense by a Registered Pennsylvania Professional Land Surveyor.

## ARTICLE III - DRIVEWAYS

### SECTION 1. TEMPORARY DRIVEWAYS

Whenever a construction or demolition operation requires the movement of a vehicle from the property during the construction period, it shall be the responsibility of the Permittee to install and maintain a stone-based driveway on the premises so as to prevent the tracking of mud and other debris onto the public Roadway. In the event that mud or other debris is transmitted onto the Roadway, it shall be the responsibility of the Permittee to remove said mud and debris immediately from said Roadway.

### SECTION 2. PERMANENT RESIDENTIAL DRIVEWAYS

- a) No person, firm or corporation shall grade, construct, install, improve, modify or alter in any way a driveway, drain, culvert, footwalk, or any other means of ingress or egress to a Township road, without first obtaining a Road Occupancy Permit and complying with this Ordinance and regulations issued hereunder. Furthermore, no discharge or passage of drainage water shall be altered by the construction of any driveway.
- b) Application & Permit - A Road Occupancy Permit Application, accompanied by plans and fees as set forth by the Schedule of Fees for Road Occupancy Permits, shall be submitted for driveway work by owner or person with legal interest in property and authority. Applications shall be submitted prior to the construction of any building which the proposed driveway will serve, or for existing driveways, at least 15 days prior to construction, modification, alteration or paving of driveway.
- c) Issuance of Permit - Upon application duly made in accordance with this ordinance, a Road Occupancy Permit will be issued by the Township Zoning Officer, after reviewed by the Roadmaster and/or the Township Engineer, if deemed necessary by the Roadmaster.
- d) Connection to Township Road - At the driveway's point of entry into the Township road right-of-way, including the paved or improved portion thereof, the surface and grade of the Township Road shall not be altered; no material of any kind, temporary or permanent, shall be placed within the improved portion of the Township Road or gutter where the paved or improved area meets the road shoulder; and the work shall not interfere with maintenance, snow plowing or drainage.
- e) Drainage & Culverts - Where a drainage ditch or swale exists, the Permittee shall install an adequate, smooth-walled HDPE (High Density Polyethylene) pipe, with the size to be determined by the Roadmaster or Township Engineer; however, the minimum pipe size shall be no less than 15".
- f) Sight Distance - Driveways shall be located in safe relationship to sight distance and barriers to vision. Any vegetation or other obstruction(s) blocking adequate sight distance shall be identified by the Roadmaster at the time of site inspection and be removed by the Permittee. The property owner shall be responsible for maintaining adequate sight distance from vegetation or other obstruction in perpetuity.
- g) Maintenance & Paving - Any driveway presently constructed or constructed hereunder shall be maintained in compliance with this Ordinance and regulations issued hereunder. A permit shall not be required for routine maintenance; however, a permit shall be required for driveways which are to be paved.
- h) Within fifteen (15) days after submission of an application for Road Occupancy Permit for driveway, the Township shall approve or disapprove with reasons and send by mail or email a notice of action to the Applicant. Upon approval, notice shall be given by Applicant as set forth above and the Roadmaster or other agent

of the Township shall inspect work to ensure compliance with approved application, entering approval of work on both Township's copy and Applicant's copy, if available.

### SECTION 3: COMMERCIAL DRIVEWAY/ACCESS

- a) All general design and construction requirements as set forth in Section 4 above shall also apply to any driveway or access road for commercial or industrial access drives in addition to any other requirements outlined in the Jefferson Township Subdivision and Land Development Ordinance of 1990, or the most recent version thereof.
- b) Commercial drives shall be paved and shall be no less than eighteen (18) feet in width, no exceed thirty-five (35) feet in width within twelve (12) feet of the street right-of-way line, excepting as increased by the curb radii.
- c) Additional design requirements for access to Township roads may be recommended by the Township Engineer during review of a land development application depending on the intensity of the proposed development.
- d) Off street parking, loading and service areas on all properties used for commercial or industrial purposes shall be physically separated from the highway by a curb and a planting strip.

### SECTION 4. ROAD DAMAGE

If equipment utilized to construct a driveway causes damage to the pavement or shoulders of any Township road, the Permittee shall fully restore the pavement or shoulders to their previous condition, at the Permittee's expense. Any machinery without rubber tracks shall not be unloaded on Township roads or shoulders thereof.

## ARTICLE IV - COMPLIANCE, EXEMPTIONS, DISPUTES & PENALTIES

### SECTION 1. COMPLIANCE

- a) All Roads, driveways or streets, whether public or private, shall comply with all standards imposed by Article 6.100, (12)(A) of the Jefferson Township Subdivision and Land Development Ordinance, 1990, or most recent version of said Ordinance. The standards imposed on Roads, streets and driveways by the Subdivision/Land Development Ordinance shall prevail over any inconsistent standards imposed by this Ordinance.
- b) No Township building permit may be issued for properties with access from a public roadway without first securing and providing evidence of an approved permit from the Township or the Pennsylvania Department of Transportation, where applicable.

- c) Issuance of a Road Occupancy Permit under these regulations does not relieve the Permittee from any additional responsibility to secure other Federal, State or Local approvals or permits as may be required by law.
- d) The Roadmaster shall have the authority to issue a work stop order to any individual performing work within a Township road or right-of-way without a valid road occupancy permit.

## SECTION 2. EXEMPTIONS

Permit issuance fees are not payable by any of the following:

- 1. The Commonwealth of Pennsylvania
- 2. Political subdivisions of the Commonwealth
- 3. Governmental authorities organized under the laws of the Commonwealth, including the Jefferson Township Sewer Authority.
- 4. The Federal Government
- 5. Charitable organizations which are in compliance with Act No. 337, approved August 9, 1963, P.L. 628, as amended (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 local authorities
  - b. The removal of poles and attached appurtenances
  - c. Facilities moved at the request of local authorities

## SECTION 3. DISPUTES

- a) Wherever there exists a difference between the minimum standards and/or dimensions specified herein and those contained in any other official regulation, the highest standard shall apply.
- b) Any person aggrieved with the literal enforcement of this ordinance, due to unreasonable hardship because of peculiar conditions pertaining to the land in question, shall submit in writing grounds for such unreasonableness or hardship on which the waiver request is based. Any such waiver requests shall not be contrary to public interest and the spirit of these regulations and shall afford the minimum modification necessary. Such requests shall be acted upon by the Board of Supervisors at a regularly scheduled meeting of the Board. All waiver requests shall be accompanied by an automatic thirty (30) day extension of time for Township action in order that sufficient time is allowed for Board of Supervisors' action.

## SECTION 4. PENALTIES

- a) Any person who shall violate any provision of this Ordinance shall be liable, upon summary conviction for a first offense and upon summary conviction for each subsequent offense, to a fine not exceeding \$300.00 for each violation, together with costs of prosecution in each case. All fines collected for the violation of this Ordinance shall be paid to Jefferson Township and remitted to

the Treasurer of the Township for the general use of the Township.

- b) If any person found in violation of the provisions of this Ordinance does not comply within thirty (30) days after the imposition of verdict by a District Magistrate, a new and separate offense shall be deemed to have been committed for each day said violation exists, beginning thirty (30) days after said original verdict.

#### ARTICLE V - REPEALER

Jefferson Township Ordinance No. 1 of 2005, An Ordinance Regulating Excavating, Openings and Repairs in all Roads, Streets, Avenues, Courts, Lanes and Alleys, enacted on June 6, 2005, and Jefferson Township Ordinance No. 1 of 1983, Access to and Occupancy of Roadways by Driveways On Township Right of Way, enacted on July 6, 1983; including any subsequent amendments made thereunto either, are hereby repealed.

TO BE ENACTED AND ORDAINED by the Board of Supervisors of Jefferson Township, Lackawanna County, Pennsylvania, on the 11<sup>th</sup> day of October 2021.

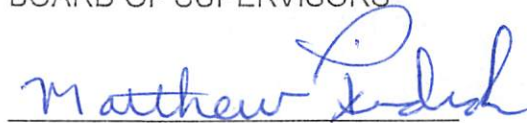
ATTEST:



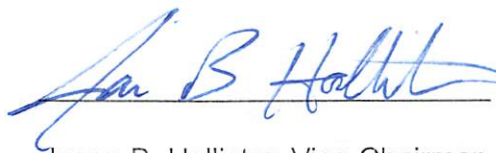
Coleen Watt, Secretary

JEFFERSON TOWNSHIP

BOARD OF SUPERVISORS



Matthew D. Pendrak, Chairman



Jason B. Hollister, Vice-Chairman



John L. Peters, Sr.