

**Upper Bern Township, Berks County, Pennsylvania**

**Street Occupancy Permit Application**

Name of Project	
Name of Street	
Nearest Intersection	

Name of Applicant	
Mailing Address	
Telephone Number	Fax Number
Email Address	

Name of Record Owner	
Mailing Address	
Telephone Number	Fax Number
Email Address	

Name of Contractor	
Mailing Address	
Telephone Number	Fax Number
Email Address	

Name of Sub-Contractors with contact Information	

Project Description	

Commencement Date:		Completion Date:	
PA One Call Number:		Issued Date:	

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General Provisions from Upper Bern Township Street Occupancy Ordinance, 96-2009

The following general provisions are excerpts from the Upper Bern Township Street Occupancy Ordinance, 96-2009

**Ordinance 96-2009, Section 2: General Provisions**

- (A) No person shall occupy, excavate, improve, modify or make any tunnel or opening of any kind in, under, or adjacent to the surface of any street within Upper Bern Township without first securing a permit for each separate undertaking.
- (B) No person shall install, erect, or relocate any pole, structure or other obstruction within any street right-of-way of Upper Bern Township except under such conditions, restrictions and regulations as prescribed in permits granted by Upper Bern Township for such purpose.
- (C) In no event shall any person seeking a permit deviate from the provisions of this Ordinance or from the terms of any subsequently issued permit.
- (D) Nothing in this Ordinance shall be construed to require a permit in advance of emergency repairs necessary for the safety of the public or the restoration or continuance of a public utility or other public service. Application for a permit under such circumstances is still required, with fees and application due within five (5) business days after commencement of the work.
- (E) In all cases in which any emergency repairs are necessary, the Upper Bern Township Roadmaster, Engineer and/or Secretary shall be notified prior to excavation of any kind.
- (F) Modification to the provisions contained within this Ordinance may be permitted only if approved by the Upper Bern Township Board of Supervisors.

**Ordinance 96-2009, Section 4: Permit and Insurance Requirements**

- (A) The application for a permit shall be on a form prescribed or approved by Upper Bern Township, which shall include certificate of insurance, a \$1,050 application fee for the highway occupancy permit, plus an escrow or an improvements agreement to financially guarantee the completion of the restoration work. The terms and amount of the escrow or improvements agreement shall be subject to the review and approval of Upper Bern Township.
- (B) The applicant shall submit three (3) copies of a sketch plan showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street and the nature of the surface in which the opening is to be made.
- (C) The Upper Bern Township Roadmaster or Engineer shall issue the permit prior to the commencement of the required work. The permit shall only be issued to: a municipal corporation; a public utility company; the landowner who has applied for the permit; or the contractor authorized by the landowner to perform the work specified by the permit app.
- (D) The following specific conditions shall apply to the highway occupancy permit:
  - (1) Transferability- Every permit shall apply only to the person to whom it is issued and shall not be transferable. Permits issued to utilities shall show the identity of the utility.
  - (2) Commencement of Work- All proposed work activities specified by the permit shall commence within ninety (90) days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate unless extended, in writing, by the Upper Bern Township Roadmaster or Engineer.
  - (3) Possession of Permit- A copy of the permit must be kept in possession of the person actually performing the work.
  - (4) Continuance of Permit- A permit shall continue in effect during the time required for the work specified by the permit, including the settling of backfill and restoration of permanent pavement. Unless otherwise specified by Upper Bern Township, the permit shall continue in effect until the escrow or improvements agreement has been released.
  - (5) Revocation of a Permit- The highway occupancy permit may be revoked by the Upper Bern Township Roadmaster or Engineer if any of the following occurs as a result of the work undertaken pursuant to the permit or the actions of the applicant, the applicant's agents or employees: a violation of any condition of the permit or of any provisions of this ordinance; a violation of any provision of any other applicable ordinance or

**Ordinance 96-2009, Section 4: Permit and Insurance Requirements (Continued)**

law relating to the work; the existence of any condition or the doing of any act creating a nuisance; and/or endangering the health, safety and welfare of the community. When any permit has been revoked and the work authorized by the permit has not been completed, Upper Bern Township shall perform such work as may be necessary to restore the street or part thereof to its preexisting condition. All expenses incurred by Upper Bern Township shall be paid by the applicant in accordance with the provisions of this Ordinance and/or by other applicable laws of the Commonwealth of Pennsylvania.

- (E) No permit shall be issued unless the applicant provides proof that a Pennsylvania One Call has been completed and that all utilities have been protected.
- (F) No permit will be issued unless the applicant submits with this application a certificate of insurance issued by an insurance company authorized to do business within the Commonwealth of Pennsylvania and in a form acceptable to the Upper Bern Township Solicitor.
- (G) The Upper Bern Township Roadmaster or Engineer shall be authorized to issue the highway occupancy permit for the excavating, digging or opening of a street or right-of-way.

**Ordinance 96-2009, Section 5: Construction and Restoration Requirements**

- (A) All construction and restoration work shall be completed in accordance with the standard details and specifications adopted by Upper Bern Township. The Upper Bern Township Roadmaster or Engineer may prescribe alternative methods for unique site conditions or for circumstances not covered by the standard details and specifications.
- (B) Every applicant will place around the project such barriers, barricades, warning lights, warning flags and danger signs as shall be sufficient for the safety of the public. Barricading shall be in compliance with all regulations promulgated by Upper Bern Township and the Pennsylvania Department of Transportation. No person shall willfully move, remove, injure, destroy or extinguish any barrier, warning light, sign or notice erected, placed or posted in accordance with the provisions of this ordinance.
- (C) All work shall be completed in such manner as to cause a minimum of interference with travel on the street (right-of-way) affected by the permit application. No street shall be closed to traffic unless the closing is approved by Upper Bern Township and/or the PA Dept of Transportation. The applicant shall provide notice to the Upper Bern Township Roadmaster or Engineer of all proposed street closings at least ten (10) business days prior to the closure. The applicant shall be responsible for providing notification to all landowners affected by the street closure and establishing a designated detour route, which shall be subject to the approval of Upper Bern Township and/or the Pennsylvania Department of Transportation.
- (D) Pipe drains, pipe culverts and any other structures or facilities encountered shall be protected by the applicant. If any structure or facility is damaged by the applicant, the damage will be repaired by the applicant to the satisfaction of the owner of the facility.
- (E) When work performed by the applicant interferes with the established drainage system of any street, provisions will be made by the applicant to provide proper drainage to the satisfaction of Upper Bern Township and the PA Dept of Environmental Protection.
- (F) The applicant shall be responsible for all permits and related site improvements associated for erosion and sedimentation control. When any earth, gravel or other excavated material is caused to roll, flow, wash or otherwise lay upon the street, the applicant shall remove the debris from the street at the end of each working day. If the debris is not removed by the applicant, Upper Bern Township may remove the debris and all such cost incurred by Upper Bern Township shall be reimbursed by the applicant.
- (G) Access to private driveways and emergency management facilities shall be provided except during working hours when construction operations prohibit provisions for such access. The applicant shall establish a contingency plan in order to provide alternative access to private driveways and emergency management facilities at all times.
- (H) Unless otherwise permitted by Upper Bern Township, excavated materials shall be hauled away. The Upper Bern Township Roadmaster or Engineer may require the applicant to provide toe boards or bins in order to expedite the

**Ordinance 96-2009, Section 5: Construction and Restoration Requirements (Continued)**

flow of traffic or to abate a dirt or dust nuisance. If the excavated area is muddy or causes inconvenience to pedestrians, temporary wooden plank walks shall be installed by the applicant. If the street is not wide enough to hold excavated material without using part of an adjacent sidewalk, the applicant shall keep open a clean and unobstructed passageway on at least one-half (1/2) of the affected sidewalk.

(I) Unless otherwise permitted by Upper Bern Township, all work authorized by the permit shall be performed during day light hours, Monday through Friday. The Upper Bern Township Roadmaster or Engineer may authorize emergency repairs and/or for work conducted outside of the permitted days or hours of operation specified by the permit.

(J) If blasting is required to be done in the course of any excavation, all such activities shall be completed in accordance with the provisions established by Upper Bern Township and the Commonwealth of Pennsylvania. Notification to all adjacent landowners shall be the responsibility of the applicant.

(K) All pavement cuts, openings, modifications and excavations shall be properly made, backfilled and relayed by the applicant to the original condition in accordance with the standards and specifications adopted by Upper Bern Township and/or as directed by the Upper Bern Township Roadmaster or Engineer. The applicant shall be responsible for any settlements or other defect occurs in a restored area within a period of two (2) years from the date of completion of the permit restoration work. Any expense incurred by Upper Bern Township in correcting such settlement or other defect shall be paid by the applicant.

(L) At any time, the Upper Bern Township Roadmaster, Engineer and/or municipal official may inspect the work authorized by a permit. Upper Bern Township may authorize to provide a full-time inspector if necessary to ensure compliance with the provisions of this ordinance. All inspection fees shall be paid by the applicant.

(M) In no case shall any street opening or excavation that has been made by an applicant be considered in the charge or care of Upper Bern Township or any of its agents, officers, employees, inspectors or consultants, excepts to exercise of the police powers or emergency management responses, when it is necessary to protect life and property.

(N) The applicant shall notify Upper Bern Township, in writing upon completion of all work accomplished under the provisions of the permit. All restoration work shall proceed in a timely fashion. All restoration work for which a permit is issued shall be fully completed within sixty (60) days after the completion date stated in the application.

The general provisions contained on pages 2 and 3 of this application are excerpts from the Upper Bern Township Street Occupancy Ordinance. In addition to these general provisions, the Street Occupancy Ordinance also contains: Section 1 (Purpose and Objective); Section 3 (Definitions); Section 6 (Administration, Enforcement, Penalties and Appeals); Section 7 (Severability and Repeals); and Section 8 (Municipal Enactment). A complete copy of the Upper Bern Township Street Occupancy Ordinance can be obtained at the Upper Bern Township Municipal Building.

Additional Requirements: The applicant shall submit the following information with this street occupancy permit application:

(1) A plan showing the limits of the proposed street occupancy including: all site improvements; construction materials and details; site alterations; temporary storage areas; and site restoration activities. The plan should also show all relative information including property lines, cartway, curbs; sidewalks; driveways; right-of-way limits; traffic control devices; utilities, bridges and culverts; structures; streams, topographic features, and other information required by Upper Bern Township.

(2) A certificate of insurance and \$1050 application fee., plus escrow/improvements agreement to financially guarantee the completion of work.

(3) Documentation to support that the requirements of the PA One Call System have been satisfied.

(4) If required by Upper Bern Township, a traffic management plan and detour route shall be developed.

(5) If required by Upper Bern Township, a letter of credit shall be posted for all site improvements.

## Street Occupancy Permit Authorization and Agreement

I \_\_\_\_\_ am the authorized representative of the applicant and hereby request review of this street occupancy permit application by Upper Bern Township. I hereby certify that all of the information contained on this permit application is correct and complete. Further, I hereby agree to the following specific terms and conditions:

- (1) I hereby permit any elected, appointed and/or assigned representative of Upper Bern Township to conduct site inspections.
- (2) I hereby agree to pay for all administrative, consultant and/or application fees that are required to review this permit application.
- (3) I hereby agree to comply with the provisions established by Upper Bern Township and the Commonwealth of Pennsylvania.

Signature of the Authorized Representative

Date of Application

This street occupancy permit application is hereby approved by Upper Bern Township based upon the information submitted by the applicant. This street occupancy permit shall be revoked and terminated if any of the information submitted by the applicant is determined to be false or misleading.

Township Use Only

Signature of Upper Bern Township Engineer or Roadmaster

Date of Approval

Street Occupancy Permit Number

Application Fee