

**TOWNSHIP OF BRIGHTON  
ORDINANCE NO. 249**

**AN ORDINANCE OF THE TOWNSHIP OF BRIGHTON, COUNTY OF BEAVER, COMMONWEALTH OF PENNSYLVANIA, REPEALING ORDINANCE NO. 52, AS AMENDED, AND CODIFIED AS §175-14 THROUGH §175-16 IN THE BRIGHTON TOWNSHIP CODE OF ORDINANCES AND ISSUING NEW STANDARDS AND PROCEDURES REGULATING STREET OPENINGS AND RIGHT-OF-WAY ENCROACHMENTS, EXCAVATIONS, AND PAVEMENT CUTS; REQUIRING PERMITS THEREFORE; IMPOSING FEES; REQUIRING DEPOSITS AND BONDS IN CONNECTION THEREWITH; REQUIRING THE FILING OF INFORMATION REGARDING UNDERGROUND FACILITIES LOCATED WITHIN PUBLIC STREETS AND RIGHT-OF-WAYS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

**Section 1: Purpose.**

- A. The purpose of this Ordinance is to regulate the opening, excavation and occupancy of any Township road, street, alley, public way or right-of-way and associated infrastructure including but not limited to guiderails, barriers and drainage structures, to ensure that the aforesaid road, street, alley, public way or right-of-way is replaced or maintained in acceptable condition and to acceptable standards to protect the safety and welfare of the citizenry.

**Section 2: Legislative Authority.**

- A. In accordance with the provisions 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 crossings, nor any 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 relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.

**Section 3: Definitions and Word Usage.**

- A. As used in this Ordinance, the following terms have the meaning indicated, unless otherwise expressly stated:

APPLICANT - Any person, Private Utility or Public Utility Company who makes an application for a Right-of-Way Encroachment Permit.

BOARD OF SUPERVISORS – The Board of Supervisors of the Township of Brighton, Beaver County, Pennsylvania.

EMERGENCY – A sudden, unforeseen occurrence requiring immediate action. If such immediate action is not undertaken, great loss, harm or danger will occur to the citizenry or the person required to open or excavate the road.

OPENING – The excavation of or under a road, street, alley, or public way of the Township of Brighton.

PERMIT – A Right-of-Way Encroachment Permit issued by the Township of Brighton.

PERMITTEE - Any person, Private Utility or Public Utility Company who has been issued a Right-of-Way Encroachment Permit and has agreed to fulfill all the terms of this Ordinance.

PERMIT FEE - A fee paid by the Permittee to the Township for the sole purpose of review and issuance of the Right-of-Way Encroachment Permit by the Township.

PERSON – Any natural person, partnership, firm, company, corporation, municipal authority or political subdivision.

RIGHT OF WAY – Land dedicated or purchased by the Township of Brighton for purposes such as public transportation. Included as part of the right-of-way is the cartway (i.e., paved or improved surface) of the road and adjacent parallel land.

ROAD - A public way of the Township of Brighton utilized to convey traffic. Also included are streets, alleys, sidewalks, public ways or rights-of-way of the Township of Brighton.

TOWNSHIP – The Township of Brighton, Beaver County, Pennsylvania.

TOWNSHIP REPRESENTATIVE - The Township Manager, Road Department Foreman, Township Engineer, or other designated person.

- B. In this Ordinance, words used in the present tense shall include the future, words used in the singular shall include the plural, words used in the plural shall include the singular, the word "shall" is mandatory, the word "may" is permissive, and the masculine shall include the feminine.

#### **Section 4: Permit Required.**

- A. No person shall open, excavate or occupy any Township of Brighton road, street, alley, or public way or right-of-way without first obtaining a permit from the Township of Brighton. No permit shall be required for routine maintenance work when such work does not require the opening or excavation of Township roads and no damage or alteration to the cartway or right-of-way is proposed.