

**NEWTON TOWNSHIP
LACKAWANNA COUNTY, PENNSYLVANIA**

**ROAD DEDICATION ORDINANCE
ORDINANCE # 3-92**

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS FOR THE CONSTRUCTION OF ROADS AND ASSOCIATED DRAINAGE FACILITIES OFFERED FOR DEDICATION TO THE PUBLIC IN NEWTON TOWNSHIP, LACKAWANNA COUNTY, PENNSYLVANIA.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Newton Township, Lackawanna County, Pennsylvania, pursuant to the authority granted Pennsylvania Second Class Township Code as follows:

Section 1 Applicability

This Ordinance shall apply to the opening, construction, and dedication of any road in Newton Township. If such road is being opened, constructed and dedicated as part of a subdivision or land development regulated by the Township subdivision and Land Development Ordinance, the provisions of this Road Dedication Ordinance shall be applied concurrently with the requirements of the Subdivision and Land Development Ordinance. In cases where the construction of any road is proposed and said road is not part of a subdivision or land development (as defined by the Township subdivision and Land Development Ordinance), said road shall be constructed in accord with all requirements and specifications for roads set forth in the Township subdivision and Land Development Ordinance, as well as the requirements of this Road Dedication Ordinance.

The Township may accept only roads and associated drainage facilities in accord with this Ordinance; and shall not accept any stormwater control facilities used to manage stormwater within any subdivision or land development, sewage disposal systems, water supply systems, sidewalks or other improvements.

Section 2 Definitions

The word and terms used in this Ordinance shall have the meaning as defined in Article II of the Newton Township Subdivision and Land Development Ordinance.

Section 3 Notice of Intent

Upon the determination by the applicant of any road and associated drainage facilities that such improvements will be proposed for public dedication, said applicant shall notify, in writing, the Township of such dedication proposal and shall submit for approval three (3) sets of plans showing the improvements as proposed and including the information required in Sections 6.2 and section 7 of this Ordinance.

Section 4 Plan Revisions

If the plans are disapproved for any reason, revised plans may be submitted to satisfy the requirements for approval. Revised plans shall be accompanied by an additional filing fee as prescribed in Section 8 of this ordinance and shall be processed in the same manner as the originally submitted plan.

Section 5 Inspections

Inspections of improvements shall be conducted in accord with Section 504 of the Newton Township Subdivision and Land Development Ordinance (hereinafter referred to as "subdivision Ordinance"). When all improvements have been completed in accord with the required Township standards and specifications, the applicant of such

improvements shall in writing, so notify the Township and request a final engineering inspection of said improvements.

Section 6 Dedication Procedures

6.1 Determination of Compliance - Based upon the inspection by the Township Engineer, the Board of Supervisors shall determine compliance of the constructed improvements with Township standards and specifications and the construction details shown on the plans submitted pursuant to Section 6.2. Upon the determination of compliance, the Board of Supervisors shall, in writing by certified mail, so notify the applicant.

6.2 Plans and Documents - The applicant shall furnish to the Township:

- A. Two (2) complete sets on mylar and four (4) complete sets on paper, of all plans of the said improvements which shall be certified by a Registered Professional Engineer as "AS CONSTRUCTED" drawings and shall be so titled and labeled. The plans shall include all necessary information as well as the following:
1. A complete survey map of the road including the centerline, right-of-way lines and all other pertinent information, said survey performed by a Registered Surveyor.
 2. The typical cross section of the road showing right-of-way width, pavement width and thickness, base course width and thickness, and shoulder width and thickness and materials used.
 3. The plans and specifications for stream crossings and bridges.
 4. The plans and specifications for drainage structures, including elevation, capacity, and construction details as well as the watershed area for which each drainage structure is designed; and, the stormwater calculations as required by the Township Subdivision Ordinance.
 5. The right-of-way lines of the road, showing existing ground and finished grade elevations at fifty (50) foot stations.
 6. Both sides of road right-of-way shall be identified by permanent markers in the form of monuments meeting the requirements of Section 604.1 of the Newton Township Subdivision and Land Development Ordinance that will indicate the location of courses, property lines, and other items shown on maps established at fifty (50) foot intervals.
 7. Certification of the identity of every property along the right-of-way, together with evidence that every property joins in the submission of the plans for approval and releases any right to assert any claim against any person or political subdivision by reason of the construction, opening, dedication, or existence of the road; the certification must be made by or on behalf of the person(s) requesting approval of the plans and must be supported by appropriate evidence of the authority by which it is made.
 8. If the full construction of the road has not been inspected by the Township, core samples shall be taken at locations specified by the Township, said coring shall be conducted under the direction of the Township Engineer who shall be present for each coring. The cores shall be analyzed for compliance with this Ordinance, said analysis conducted by a laboratory certified for same and approved by the Township. The expense of coring and testing shall be paid by the applicant. If the cores do not conform to the requirements, no further action shall be

taken by the Township until the road is improved to the required standard.

9. Any other information or testing deemed necessary by the Township to confirm compliance with this Ordinance.

B. A deed, in a form acceptable to the Township Engineer and Township Solicitor, to all property and improvements proposed for dedication.

6.3 Acceptance of Dedication - Following the determination of compliance in accord with Section 6.1, the submission of all plans and documents required by Section 6.2, and the posting of the guarantee by the in accord with Section 6.4, the Board of Supervisors shall accept the improvements and record the deed for same. The costs of all recording shall be paid by applicant.

6.4 Maintenance Guarantee - The structural integrity of said improvements shall be guaranteed to the Township by the applicant in accord with the following:

A. The /applicant shall provide financial security to the Township in the form of a maintenance guarantee of a type established by Article V of the Township Subdivision and Land Development Ordinance. The amount of the guarantee shall be fifteen (15) percent of the cost of construction of the improvements; or, if this amount cannot be determined, an estimate prepared by the Township Engineer. The term of the guarantee shall be twenty-four (24) months from the date the Board of Supervisors accept the improvements.

B. Following the date the Board of Supervisors accept the improvements, a twenty-four (24) month probationary period shall begin, during which time the applicant shall remain responsible for all maintenance and repair of the improvements. Prior to the end of the probationary period, the Township shall conduct an inspection to determine structural integrity and functioning of said improvements. The applicant shall complete to the satisfaction of the Township any identified deficiencies. Upon the failure of the applicant to repair all deficiencies to the standard required by the Township, the Township shall enforce said guarantee and make any necessary repairs. The guarantee shall remain in effect for the full twenty-four (24) month period, during which time the Township shall enforce said guarantee to make any necessary repairs to the improvements. If the proceeds of the guarantee are insufficient to complete the repairs, the Township shall institute legal or equitable action to recover the amount of insufficiency. Any guarantee amount which is unused at the end of the twenty-four (24) month period shall be returned to the applicant.

Section 7 Construction Standards

All roads and associated drainage facilities shall be designed and constructed in accord with Article VI of the Subdivision Ordinance and the following additional standards:

7.1 Driveway Drainage - At any point where the roadway is intersected by a driveway which requires that surface drainage water be carried under the intersection of the driveway and the road, a corrugated metal or other Township approved pipe of not less than eighteen (18) inches in diameter shall be installed across the width of the driveway at such depth as conditions warrant. The minimum length of the culvert shall be twenty (20) feet or as otherwise needed to provide for access of emergency and maintenance vehicles.

Section 8 Fees

An application fee, as established by resolution of the Board of Supervisors, shall be charged to the Applicant to cover Township administration costs associated with

the application. The Applicant shall also pay to the Township such sum as is necessary to cover all other costs to the Township which are associated with the application, including but not limited to, advertising costs, Township Engineer review fees, fees for material testing, inspection fees, legal fees, and other consulting fees. No road shall be accepted by the Township until all said fees and other costs have been paid by the Applicant.

Section 9 Public Hearing

The Board of Supervisors may conduct a public hearing on any application for road dedication and said hearing shall be advertised and conducted in accord with the definitions of "public notice" and "public hearing" contained in the Township subdivision and Land Development Ordinance.

Section 10 Penalties

Any person who shall violate or fail to comply with any of the provisions of this Ordinance shall, upon conviction thereof before a District Justice, be sentenced to pay a fine of not more than \$300.00, and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days.

Section 11 Severability

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any of the remaining provisions of this Ordinance.

Section 12 Liability

No responsibility or liability for the preparation of such streets and roads for dedication shall be deemed to be placed upon the Township of Newton, or its officers, agents or employees by virtue of the terms of this Ordinance or otherwise.

BE IT HEREBY ENACTED AND ORDAINED THIS 14 DAY OF DECEMBER 1992 by the Board of Supervisors of Newton Township, Lackawanna County, Pennsylvania.

Raymond E. Keller
Supervisor

John V. Francis 12-14-92
Supervisor

D. M. Budzi 12-14-92
Supervisor

ATTEST:

Elmer Swartz
Secretary