

No. 23

AN ACT

HB 406

Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for the granting of permits to utilities and others to construct utility or other property upon or in township roads and for payment of permit fees to the township.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 1156, act of May 1, 1933 (P.L.103, No.69), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P.L.1481, No.567) and amended August 19, 1971 (P.L.347, No.89), is amended to read:

Section 1156. Permits.—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 [State Highway Department] *township* for such purpose. Each application shall be submitted to the [department] *township*, in duplicate, or such larger number as the [department] *township* may require. The [department] *township* shall prescribe a fee *as determined by the Department of Transportation* payable to the [department] *township* not exceeding the approximate reasonable cost of processing the application, and another fee payable to the township not exceeding the approximate reasonable cost of making the first inspection hereafter described. Each application shall be accompanied by both fees. When the [department] *township* shall grant the permit applied for, [it shall send the duplicate of the application, together with the inspection fee, to the township secretary, thereby notifying] the township supervisors [to] *shall* inspect the work authorized by the permit upon the completion thereof, and when necessary, [to] enforce compliance with the conditions, restrictions and regulations prescribed by the [department] *township*. In addition to such inspection, the township supervisors may reinspect the work not more than two years after its completion, and if any settlement of the road surface or other defect shall appear in the work contrary to the conditions, restrictions and regulations of the [department] *township*, it may enforce compliance therewith. If the applicant shall fail to rectify any such settlement or other defect, within

sixty days after written notice from the township supervisors to do so, the township supervisors may do the work and impose upon the applicant the cost thereof, together with an additional twenty percentum (20%) of such cost, which may be recovered by an action in assumpsit in the court of common pleas of the county. **[All processing fees received by the department shall be paid into the State Treasury and shall be credited to the Motor License Fund.]** All **[inspection]** fees received by the township shall be paid into the township treasury. Nothing in this section shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or the restoration or continuance of public utility *or other public* service, but application for such permit and the fees shall be submitted as herein prescribed within five days after completion of the work, and thereafter the remaining provisions of this section shall apply. ***Further, nothing in this section shall be construed to authorize or empower a township to regulate or control the operations of any permittee, except as provided for in this section.***

APPROVED—The 1st day of March, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 23.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

Secretary of the Commonwealth.