

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2436 Session of 2012

INTRODUCED BY PETRI, JUNE 5, 2012

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 5, 2012

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as  
2 reenacted and amended, "An act concerning townships of the  
3 second class; and amending, revising, consolidating and  
4 changing the law relating thereto," in roads, streets,  
5 bridges and highways, further providing for permits.

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

8 Section 1. Section 2322 of the act of May 1, 1933 (P.L.103,  
9 No.69), known as The Second Class Township Code, reenacted and  
10 amended November 9, 1995 (P.L.350, No.60), is amended to read:

11 Section 2322. Permits.--No railroad or street railway shall  
12 be constructed upon any township road, nor shall any railroad or  
13 street railway crossings, driveway connections, gas pipe, water  
14 pipe, electric conduits or other piping be laid upon or in, nor  
15 shall any telephone, telegraph or electric light or power poles  
16 or any coal tipples or any other obstructions be erected upon or  
17 in, any portion of a township road except under conditions,  
18 restrictions and regulations specified in permits granted by the  
19 township for that purpose. Each application shall be submitted  
20 to the township in duplicate. The township shall collect a fee

1 [as determined by the Department of Transportation] for  
2 processing the application and [another fee for making the  
3 inspection] all associated costs related to the management of  
4 the permitted activities. Each application shall be accompanied  
5 by [both fees] the fee. When the township grants the permit, the  
6 board of supervisors or its agents shall inspect the work  
7 authorized by the permit upon the completion thereof and, when  
8 necessary, enforce compliance with the conditions, restrictions  
9 and regulations specified by the township. In addition to that  
10 inspection, the board of supervisors or its agents may reinspect  
11 the work not more than two years after its completion, and, if  
12 any settlement of the road surface or other defect appears in  
13 the work contrary to the conditions, restrictions and  
14 regulations of the township, it may enforce compliance  
15 therewith. If the applicant fails to rectify a defect which  
16 presents an immediate or imminent safety or health problem  
17 within forty-eight hours or any other defect within sixty days  
18 after written notice from the board of supervisors to do so, the  
19 board of supervisors or its agents may do the work and impose  
20 upon the applicant the cost thereof, together with an additional  
21 twenty percent of the cost, which may be recovered by an action  
22 in assumpsit in the court of common pleas of the county. All  
23 fees received by the township shall be paid into the township  
24 treasury. Nothing in this section shall be construed to require  
25 a permit in advance for emergency repairs necessary for the  
26 safety of the public or the restoration or continuance of public  
27 utility service or other public service, but application for the  
28 permit and the fees shall be submitted within five days after  
29 completion of the work, after which time the remaining  
30 provisions of this section apply. Nothing in this section

1 authorizes a township to regulate or control the operations of  
2 any permittee except under this section.

3 Section 2. This act shall take effect in 60 days.