

BERWICK TOWNSHIP ORDINANCE No. 37

AN ORDINANCE OF THE TOWNSHIP OF BERWICK, COUNTY OF ADAMS AND COMMONWEALTH OF PENNSYLVANIA REQUIRING ALL PERSONS CONNECTING OR PAVING DRIVEWAYS TO PUBLIC ROADS TO OBTAIN PERMITS THEREFORE; AND THE SUBMISSION OF PLANS PRIOR TO THE ISSUANCE OF PERMITS TO COMPLY WITH PENNDOT AND TOWNSHIP DESIGN REQUIREMENTS INCORPORATED HEREIN BY REFERENCE; DISAPPROVAL OF THOSE PLANS WHERE CONNECTION WOULD RESULT IN DRAINAGE OR OTHERWISE NOT COMPLY WITH THE PENNDOT AND TOWNSHIP DESIGN REQUIREMENTS AFOREMENTIONED; THE PAYMENT OF A FEE WITH THE APPLICATION; AND PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

WHEREAS, the Township of Berwick has suffered damage to its roads as a result of improper connection of driveways to Township roads and faulty drainage; and

WHEREAS, improper connections and faulty drainage have resulted in hazardous conditions; and

WHEREAS, the Township deems it necessary for the proper management, maintenance and control of its public road system to regulate the connection of driveways to Township roads.

NOW, THEREFORE be it ENACTED and ORDAINED by the Board of Supervisors of the Township of Berwick as follows:

SECTION 1: SHORT TITLE

This ordinance shall be known as the "Berwick Township Driveway Ordinance".

SECTION 2: DEFINITIONS

For the purposes of this ordinance, the following terms shall be defined as follows:

- A. "Board" - The Board of Supervisors of Berwick Township, Adams County, Pennsylvania.**

- B. "Contractor" - The person who or business entity which installs a driveway, including all agents, officers or employees of that person or business entity.**

- C. "Driveway" - Every entrance or exit used by vehicular traffic to or from properties abutting a public road. The term includes proposed streets, lanes, alleys, courts and ways.
- D. "Owner" - The owner of the land upon which the driveway is located and/or his or her assigns
- E. "Permit" - The permit issued by the Board pursuant to this Ordinance.
- F. "Public Road" - Any road, street or alley or public thoroughfare maintained by Berwick Township or shown on a subdivision or land development plan and intended to be dedicated to Berwick Township in the future.
- G. "PENNDOT" - Pennsylvania Department of Transportation.
- H. "Township" - Berwick Township, Adams County, Pennsylvania or its duly appointed representative.

SECTION 3: REQUIREMENT OF PERMIT

- A. No owner or contractor shall hereafter install or alter an existing driveway or allow any work incident to the alteration or installation of a driveway without first obtaining a permit therefore from the Township.
- B. Each driveway, whether or not serving the same premises, shall require an individual permit.

SECTION 4: APPLICATION PROCEDURES

Any owner shall, prior to obtaining a driveway permit, file an application with the Board on a form furnished by the Board. The application shall be accompanied by such fees as determined by resolution from time to time by the Board.

SECTION 5: REQUIREMENTS

The application shall be accompanied by a sketch of the proposed driveway. The sketch shall, at a minimum, show the following: width, construction material, length (to right-of-way and to residence or building), drainage, culvert (if applicable). The application and sketch shall be reviewed by the Board or its duly appointed representative who shall determine if the proposed construction of the driveway:

- A. Eliminates the hazardous effects of storm water run-off;
- B. Protects the public road from damage;
- C. Does not increase hazardous driving condition on the public road; and

- D. Complies with the driveway design requirements of this Ordinance and PENNDOT, and §405 of the Berwick Township Land Development, Subdivision and Mobile Home Park Ordinance, which are incorporated herein by reference.

If the plans meet the criteria above, the Township shall issue the permit within two (2) weeks of the date of filing. If the application is found to be deficient, or if in the opinion of the Township the plan should be revised in order to meet the criteria above, the Township shall notify the owner in writing of the changes to be made, whereupon the applicant shall make such changes and return the revised plans to the Township. When the application is acceptable to the Township, the permit shall be issued.

SECTION 6: ADDITIONAL REQUIREMENTS

In addition to the requirements specified in Section 5 above, the following shall also apply:

- A. **No opening, excavation or construction in any public road shall extend from the curb line or traveled portion of the right-of-way into the road past the center line, before being restored to a condition safe and convenient for travel.**
- B. **No more than one hundred (100) feet longitudinally shall be opened in any street at any one time, except in the case of the installation of gas or water lines by public or private bodies, or of sanitary or storm sewers by the Township or a duly constituted Township municipal authority.**
- C. **If work is stopped on any road project, and any ditch or trench, in the opinion of the Township, remains open for an unreasonable period, the owner and/or contractor, if so directed, shall refill the ditch or trench and work shall not be resumed until such time as the owner and/or contractor is ready to proceed. In the event that the owner and/or contractor fail to fill in the ditch or trench upon notification by the Township, the Township may perform the necessary and required work and charge the cost thereof to the owner.**
- D. **The owner shall pay the costs and expenses incident to or growing out of any road opening project including all fees, including temporary and permanent restorations, and expenses incurred by the Township as a result of the project, including but not limited to such items as inspections and temporary resolution to problems resulting out of any road opening project, plus a reasonable administrative fee set by resolution by the Board.**
- E. **The owner and/or contractor is not relieved from obtaining consent required from the owners of abutting properties and does not have the right to remove or destroy trees or shrubbery within the legal limits of the highway except under such conditions as the Township may prescribe.**

- F. On improved streets, a temporary paving of suitable stony materials thoroughly bound and compacted shall be installed flush with the surface of the adjoining paving. Permanent paving must be completed within sixty (60) days of excavation.
- G. The work of excavation shall be so conducted so as not to interfere with the water mains, gas lines, sewers or their connections with the houses or any other sub-surface lines or structures until permission of the owners of such lines or structures shall have been obtained. The contractor is responsible for locating underground utilities and coordination with respective utility company.

All permits granted shall be subject to the express condition that the person to whom the same is issued, shall indemnify, save and keep harmless the Township from any and all loss in damages or otherwise whatsoever which may or shall be occasioned at any time by the said excavation or construction or by any leak, explosion or other injury from any pipe apparatus, conduit or any other matter placed in the said excavation or construction. Where deemed necessary by the Township, the owner and/or contractor shall submit to the Township a certificate of insurance for public liability and property damage in the amount sufficient to cover any loss that may occur arising out of the construction, reconstruction, repair, relocation or installation of the permitted facilities.

- I. For inspection purposes, the owner and/or contractor shall notify the Township a minimum of 2 working days prior to start and completion of any work performed.
- J. In the event that any work performed by the owner and/or contractor, shall, in the opinion of the Township, be unsatisfactory and the same shall not be corrected in accordance with this instructions within the time so fixed, or in the event that the work for which the permit was granted in not completed within the time fixed by the Township, the Township may proceed to correct such unsatisfactory work or complete any such work not completed and charge the cost thereof to the owner.
- K. Permits may not be transferred without the approval of the Township.
- L. The owner and/or contractor is responsible for damage of any portion of the public road caused by equipment in route or used at the work site.
- M. The owner and/or contractor shall provide and maintain all necessary precautions to prevent injury or damage to persons and property from operations permitted by this Ordinance. A traffic control plan may be required as directed by the Township.
 - 1. Safety zone signage and flagman shall be used when work will affect the normal passage of vehicles. Signage and flagman shall be in accordance with PENNDOT Rules and Regulations.

2. In the event that a road must be closed to all traffic during construction, the owner and/or contractor must first obtain permission from the Township before closing a road and must inform the Adams County Communications Center (Fire and Police Boards) of the closure.
- N. All driveways which are installed on any public road will be required to install either a drainage pipe (culvert) or construct a drainage swale as directed by the Township.
- O. All driveways which are constructed and take access onto a paved public road will be required to be paved from the edge of the existing public road to the right-of-way.
- P. When a driveway accesses a state road PENNDOT requirements shall be adhered to including the requirement to obtain a permit from PENNDOT.
- Q. The Township may reinspect the work not more than two years after its completion, and if there is settlement of the connection or any other defects appear in the work contrary to the conditions, restrictions and regulations of this Ordinance, the Township may enforce compliance therewith. If the owner fails to rectify a defect which presents an immediate or imminent safety or health problem within 48 hours or any other defect within 60 days after written notice from the Board of Supervisors to do so, the Township may do the work and impose upon the owner the cost thereof, together with an additional 20 percent of the costs, which may recovered by the Township.
- R. All property owners shall be responsible for maintaining satisfactory drainage including driveway pipes which take access onto public roads. Any driveway pipe which becomes clogged, crushed or made otherwise unusable for the purposes intended, or causes water to be diverted onto public roads and presents a hazard to life and property will be replaced at the owner's expense. The Township reserves the right to require the owner to make repairs, to make the repair at the owner's expense, to contract with a third party at owner's expense to perform the needed repairs.
- S. All property owners shall be responsible for any and all costs for maintenance to public roadways resulting from water runoff caused by improperly maintained driveway pipes.
- T. Where construction permitted by this Ordinance requires equipment to park at the site overnight, it shall be located a minimum of four (4) feet from the edge of the cartway of the Township road.

SECTION 7: INSPECTION

It shall be the duty of the Township to inspect all work for conformity with the Ordinances of the Township. Notice must be given by the owner and/or contractor to the Township when the work

sufficiently advanced for inspection, when it shall be the duty of the proper officer to inspect the same within three (3) working days after receipt of said notification.

SECTION 8: PENALTIES

Any owner or contractor who violates any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, pay a fine not exceeding One Thousand (\$1,000.00) Dollars plus all court costs including reasonable attorney's fees incurred by Berwick Township.

SECTION 9: REPEALER

This ordinance shall repeal any inconsistent ordinance.


SECTION 10: SAVINGS CLAUSE

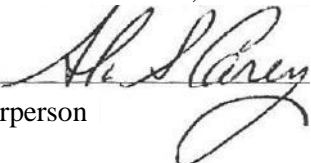
In the event that any of the terms, conditions, sections, paragraphs, sentences or phrases of the Ordinance is finally determined by court of competent jurisdiction to be invalid, illegal or unenforceable, the remaining terms, conditions, sections, paragraphs, sentences or phrases of the Ordinance shall remain in full force and effect to the fullest extent allowable by applicable law.

ENACTED AND ORDAINED this 14th day of October, 1996, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF BERWICK
ADAMS COUNTY, PENNSYLVANIA

BY: 
Secretary

BY: 
Chairperson

I hereby certify that the foregoing is a true and correct copy of an Ordinance Adopted by the Board of Supervisors of Berwick Township, Adams County, Pennsylvania, at a meeting held on the 14th day of October, 1996, all three Supervisors being present at such meeting that such having been adopted unanimously, notice of intention to adopt said Ordinance having been given by publication as required by law.

A handwritten signature in cursive script, appearing to read "Barbara A. Welt", is written over a horizontal line.

Secretary
Berwick Township

**A RESOLUTION ADOPTING THE FEE SCHEDULE FOR
ADMINISTRATION OF THE BERWICK TOWNSHIP DRIVEWAY ORDINANCE**

Be it resolved that the fee schedule for the administration of
the Driveway Ordinance be adopted as follows:

Section 1. Driveway Permit Fee will entitle the applicant to an driveway application review and inspection(s) of said driveway.

- (a) All new driveways not utilizing a culvert pipe or repairs to an existing driveway:
\$25.00
- (b) All new driveways utilizing a culvert pipe: \$35.00
- (c) All new driveways or repairs to an existing driveway were the Township engineer must make a inspection: \$50.00
- (d) Additional site visits for inspection will require fees commensurate with work performed as determined by the municipality.

Section 2. Permit Extension

- (a) The Permit Extension fee will be commensurate with work performed as determined by the municipality.

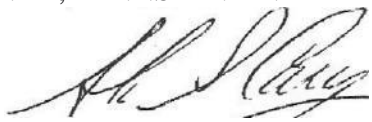
Section 3. All other Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed_

ORDAINED AND ENACTED into law this _____^t day of (%-(;./ , 1996.

ATTEST:

TOWNSHIP OF BERWICK, ADAMS
COUNTY, PENNSYLVANIA

Seereinary
(?,

By: 
Chairman of th _____ of Supervisors