

ORDINANCE NO. 21

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

WHEREAS, the Township of Cherry has suffered damage to roads maintained by the Township as a result of improper connection of driveways to Township roads due to faulty drainage; and

WHEREAS, improper connections have resulted in dangerous driveway location and hazardous driving conditions; and

WHEREAS, the Township of Cherry 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 ORDAINED AND ENACTED, and it is hereby ordained and enacted by the Township of Cherry, Butler, County, Pennsylvania, as follows:

SECTION I

This Ordinance shall be known as the "Cherry Township Driveway Ordinance."

SECTION II

For the purposes of this Ordinance, the following terms shall be defined:

- A. **BOARD:** The Board of Supervisors of Cherry Township, Butler County, Pennsylvania.
- B. **CONTRACTOR:** The person, firm, corporation, or other business entity which installs a driveway, including all agents, officers or employees of that person or business entity.

- C. DRIVEWAY: Any area of land designated or to be used as a means of ingress or egress for vehicles traveling from a public road to a private parcel of land.
 - Driveway shall also include such drainage structures as may be necessary for the proper construction and maintenance thereof.
- D. OWNER: The owner of the land upon which the driveway is located.
- E. PERMIT: The permit issued by the Board to signify approval of the design for the driveway connection.
- F. PUBLIC ROAD: Any road, street, alley or public thoroughfare whether actually maintained by Cherry Township, and any road, street, alley or public thoroughfare shown on a subdivision or land development plan intended to be dedicated to Cherry Township in the future.

SECTION III

No owner or contractor shall hereafter initiate, install or allow to be performed any work toward the installation of driveway without first obtaining a permit from the Board.

SECTION IV

Any owner or contractor shall, prior to obtaining a driveway permit, file an application with the Board on a form furnished by the Board, showing the location of the driveway to the premises served and designating the course, grade structure, materials and drainage facilities, if any, involved in the construction of the driveway. Each driveway, whether or not serving the same parcel of land, shall require an individual permit.

SECTION V

The application shall be accompanied by such fees as the Board shall prescribe from time to time by resolution. Such fee shall not exceed the approximate reasonable cost of processing and reviewing the application and inspecting the work performed on the driveway.

SECTION VI

The application shall be reviewed by the engineer or Road Master of the Township of Cherry, who shall determine if the proposed method of construction of the driveway will:

- A. Eliminate the hazardous effects of storm water runoff; and
- B. Protect the public road from damage by the connection; and
- C. Not increase hazardous driving conditions for the users of the public road; and
- D. Comply with the driveway design requirements promulgated by PennDot, which are in effect as of the date the application is filed and which regulations of PennDot are incorporated herein by reference.

If the plans meet the criteria set forth in Items A through D, the engineer or Road Master shall so advise the Board, whereupon the Board shall issue the permit.

If the plan is found to be deficient or if, in the opinion of the engineer or Road Master, the plan should be improved or amended to meet the criteria set forth in Items A through D, the engineer or Road Master shall notify the owners in writing of the changes to be made, whereon the applicant shall make such changes and return the revised plans to the Township. When the plan is acceptable to the engineer or Road Master, the Board shall issue the permit within three (3) weeks.

SECTION VII

The driveway shall be constructed as approved by the Board. Any subsequent change to the plans, prior to the construction, shall require another permit. Any future changes, once construction is completed, including, but not limited to improvements such as resurfacing, regrading, redesigning or reconstructing, shall require another permit.

SECTION VIII

The owner of the real property upon which the driveway is located shall, at all times, bear the responsibility of keeping any Township right-of-way clear of any obstruction, either physically placed upon the right-of-way or an obstruction that may exist as a result of the construction of the driveway. In the event that any Township vehicles are damaged as a result of any obstruction existing within the right-of-way through which a driveway passes, the owner of the real property shall be liable to the Township for any damage suffered by the Township. Furthermore, any damage that may occur to that portion of the driveway located within a right-of-way shall be the sole responsibility of the owner and not the Township.

SECTION IX

In the event that the Township determines that it is necessary to post a bond to cover the cost of repair to a Township road should it become damaged as the result of the construction of a driveway, then at the time said driveway is constructed or improved, the Township, in its discretion, may require a performance bond in an amount not to exceed 110 percent of the cost of the construction or improvement. Said amount is to be determined by the Township Road Master or the Township Engineer, to be posted and subject to all other rights, obligations, and liabilities as set forth at Section 509 of Article V of the Pennsylvania Municipalities Planning Code, Act of 1968. P.L. 805, No. 247, as amended.

SECTION X

This Ordinance shall repeal any inconsistent ordinance.

SECTION XI

Any owner or contractor who violates any provision of this Ordinance shall, upon conviction by a summary proceeding before any District Justice having jurisdiction, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars. All fines collected for the violation of this Ordinance shall be paid to the Treasurer of the Township of Cherry for general use.

SECTION XII

This Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED this Seventh day of May, 2002.


Dean J. Christy
Chairman of the Board

Frank J. [Signature]
Supervisor

David A. Misler
Supervisor

ATTEST:

Carylyn L. Yeager
Secretary