

ORDINANCE NO. 4-10 of 2006

AN ORDINANCE OF SOUTH BUFFALO TOWNSHIP, ARMSTRONG COUNTY, PENNSYLVANIA, REGULATING THE CONSTRUCTION AND RE-CONSTRUCTION OF DRIVEWAYS AND THEIR ACCESS ONTO THE PUBLIC HIGHWAYS IN SOUTH BUFFALO TOWNSHIP, ESTABLISHING PROCEDURES, AND SETTING FORTH PENALTIES FOR VIOLATION

SECTION 1. Purpose.

The purpose of this Ordinance is to provide for the construction and re-construction of access driveways and abutting graded areas in such a manner as to facilitate the safe and unobstructed movement of vehicular traffic, and to regulate the water run-off and drainage from said driveways and abutting graded areas.

SECTION 2. Definitions.

The following words and phrases, when used in this Ordinance, shall, for the purpose of this Ordinance, have the following meanings, except in those instances where the context clearly indicates a different meaning:

Corner Clearance - the distance, at an intersection of two (2) highways, between the near edge of the access driveway approach and the point of intersection of the pavement edges or the curblines extended.

Intermediate Island - That section of the roadway right-of-way between the pavement edge or curb and the property line, which occurs between driveways

Pavement Edge - the edge of the main traveled portion of any street or highway exclusive of shoulder or berm.

Permanent Type Construction - plain or reinforced concrete, bituminous concrete or macadam of required thickness.

Property Line Clearance - the distance measured along the pavement edge or curb between the property frontage boundary line and the edge of the driveway.

Radius Curb - that section of curb forming an arc beginning at end of driveway and continuing to throat of driveway.

Rural Area - an area where roadways have been built to typical rural highway standards without sidewalks and curbs.

Shoulder Line - the intersection of the shoulder slope with the side slope or ditch slope.

Sidewalks - a permanent hard paved walkway, continuous for a reasonable distance and an integral part of the highway development, solely for use of pedestrians.

Stabilized Material - any aggregate such as gravel, stone, slag or mixtures of such aggregates with soil, placed in such a manner as to provide a smooth, stable, all weather surface, not subject to undue raveling.

Urban Area - an area where the roadways have been built to typical city street standards, including sidewalks and curbs.

Vehicle - any device in, upon or by which any person or property is or may be transported or drawn upon a public highway.

SECTION 3. Construction permit required.

On or after the passage of this Ordinance, it shall be unlawful for any person to construct or re-construct any driveway or alter the grade, line or width of any shoulder

within the right-of-way of Township roads until a permit to perform such construction or re-construction has been issued by South Buffalo Township.

SECTION 4. Filing of plans; issuance of permit; fee

A. All persons subject to this Ordinance shall submit a written application to the designated Township Official or Employee for the necessary permit which application shall contain such information as shall reasonably be requested and required by the Supervisors, including but not limited to the following:

1. Name and address of the owner of the land to which the driveway or access provides a means of approach.

2. Name and address of the contractor responsible for the work if other than the applicant or owner.

3. All applications shall be accompanied by a plan which shows all of the proposed work in such detail to determine if it is in compliance with the Township specifications.

B. Upon receipt of the application, it shall be reviewed by the designated Township Official and or Employee as well as the Supervisors. If the application contains all of the information requested, it shall be approved and a written permit issued if the plan is deemed satisfactory to the Township. The permit shall be issued for a period not to exceed one (1) year, and any application to renew an expired permit shall be treated as a new application including the payment of a new permit fee.

Any application that is denied by the Township, shall be referred back to the applicant with instructions on how the application is deficient and what needs to be done in

order for the application and or the plan to be brought into compliance with Township requirements.

C. The applicant requesting a permit to construct or reconstruct shall pay to the Township at the time of the application the fees set forth in the then current fee schedule which shall have been adopted by resolution by the Board of Supervisors.

SECTION 5. Compliance with permit.

Once construction has sufficiently advanced for inspection, the applicant shall give notice to the Township. It shall be the duty of the Township Supervisor's or their designated Official and or Employee including the Township Engineer to inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and the attached documents and with all applicable laws, ordinances or regulations of the Township.

In the event that it shall be determined that the work does not comply with the permit, application, documents, laws, ordinances or regulations, or that there had been a false statement or misrepresentation by any applicant, the permit shall be revoked.

SECTION 6. Delegation of duty.

By motion, the Board of Supervisors may delegate authority and power under this Ordinance to the Township Roadmaster, Engineer, Zoning Officer, Codes Officer or other official they may designate. This authority shall include, but in not limited to the power to impose requirements, orders, and conditions, pursuant to this Ordinance, review permit applications and approve or reject

the same, revoke a permit once granted, or give written directions for the correction of existing conditions.

SECTION 7. Design and construction specifications.

The Board of Supervisors prior to the enforcement of this Ordinance shall draft and adopt a set of design and construction regulations that pertain the construction and re-construction of a driveway and abutting graded areas. The said regulations shall be adopted by Resolution and can be amended by the Board of Supervisors by subsequent Resolution.

SECTION 8. Penalty and Enforcement.

Any person, firm or corporation and the officers of any corporation who or which shall violate any provisions of this Ordinance or fail to comply herewith or with any of the requirements hereof or shall in any other way violate this Ordinance or any of the requirements hereof shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than Six Hundred (\$600.00) Dollars and not less than Three Hundred (\$300.00) Dollars per violation plus all court costs, including reasonable attorney'' fees incurred by the Township. Each day a violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any premises or part thereof, where anything in violation of this Ordinance shall exist, be done or continue and any contractor, agent or person or corporation employed in connection therewith and who or which shall give assistance in the construction of any such violation shall be guilty of a separate offense and may be subject to separate fines in the amounts above provided.

SECTION 9. Severability

Should any section or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION 10. Repealer

Any Ordinance of the Township of South Buffalo that is inconsistent with any of the provisions of this Ordinance is hereby repealed to the extent of the inconsistency only.

SECTION 11. Effective date.

This Ordinance shall be effective immediately.

ORDAINED AND ENACTED by the Supervisors of the Township of South Buffalo at a regular meeting held this 10 day of April, 2006.

**SOUTH BUFFALO
TOWNSHIP SUPERVISORS**

BY: Joanell Cron
CHAIRMAN

Tim Vayhe

ATTEST:

Michelle Brestensky
SECRETARY

(SEAL)