

ORDINANCE NO. 41

AN ORDINANCE OF THE TOWNSHIP OF CATHARINE, BLAIR COUNTY, COMMONWEALTH OF PENNSYLVANIA, REQUIRING THE ISSUANCE OF PERMITS FOR CONNECTING NEW DRIVEWAYS TO TOWNSHIP OR FOR MODIFYING EXISTING DRIVEWAYS THAT ARE CONNECTED TO TOWNSHIP ROADS; SUBMISSION OF PLANS THEREFOR; TOWNSHIP REVIEW AND APPROVAL OR DISAPPROVAL OF SUCH PLANS; APPLICATION OF APPROPRIATE PENNDOT DESIGN REQUIREMENTS, AND; PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Catharine, County of Blair, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

ARTICLE I TITLE

This Ordinance shall be known as the Catharine Township Driveway Ordinance.

ARTICLE II GENERAL PROVISIONS

SECTION 100. DEFINITIONS

A. THE BOARD - is the Board of Supervisors of Catharine Township.

B. CONTRACTOR - the person who or business entity which installs a driveway, including all agents, officers or employees of that person or entity.

C. DEVELOPER - any person or business entity, including all agents, officers or employees of that person or business entity that engaged in "land development" as defined in the Pennsylvania Planning Code, 53 P.S. 10107.

D. DRIVEWAY - any area of land designated or to be used as a means of egress for vehicles travelling from a public road to a private parcel(s) of land.

E. MAJOR MODIFICATION - any regrading, widening, relocation, or paving of an existing driveway.

F. OWNER - the owner of the land upon which the driveway is or will be located.

G. PERMIT - the permit issued by the Township to signify approval of the design of the proposed driveway connection or modification.

H. ROAD(S) - any road, street, lane, or alley or public thoroughfare whether actually maintained by Catharine Township or shown

on a subdivision or land development plan intended to be dedicated to Catharine Township in the future.

I. TOWNSHIP - is the Township of Catharine, Blair County, Pennsylvania.

SECTION 101. PURPOSE

The purpose of this Ordinance is to:

A. Prevent the damage of roads owned or to be owned by the Township as a result of improper construction and connection of driveways to said roads.

B. Prevent hazardous driveway conditions that may endanger users of Township roads.

C. Incorporate the PENNDOT Driveway Design requirements into driveway design and construction to fulfill the above purposes.

SECTION 102. APPLICABILITY

A. The provisions of this Ordinance shall apply to any owner, person, contractor or developer who desires to construct and connect any new driveway to a Township road or a road intended for dedication to the Township, or who desires to make a major modification of an existing driveway currently connected to said type of roads.

SECTION 103. PERMIT REQUIREMENTS

A. No owner, person, contractor or developer shall hereafter initiate, install or allow any work to be performed toward installation of any new driveway to be connected to a Township road or any road intended for dedication to the Township without first obtaining a permit therefore from the Township Secretary.

B. No owner, person, contractor or developer shall hereafter make major modifications to any existing driveway which is currently connected to a Township road or a road intended for dedication to the Township without first obtaining a permit therefore from the Township Secretary.

C. Each driveway, whether or not serving the same premises, shall require an individual permit.

SECTION 104 PERMIT APPLICATION AND REVIEW PROCESS

A. The owner, person, contractor or developer desiring a driveway permit shall, prior to obtaining such a permit, file a completed application with the Township Secretary on a form furnished by the Township, identifying which Township road shall be affected; the location of the driveway to the premises served; designating the course, grade structure, materials to be used, and drainage

facilities, if any, and; a point of contact.

B. A fee of one (1) dollar shall be payable at the time of submission of the completed application.

C. The application shall be reviewed by the Board, engineer or roadmaster of the Township who shall determine if the proposed method of construction or modification is such that it will:

1. Eliminate the hazardous effects of storm water runoff;
2. Protect the public road from damage by the connection;
3. Not increase hazardous driving conditions for the users of the public road;
4. Comply with the driveway design requirements promulgated by PENNDOT that are incorporated herein by reference.

D. If the provided plans meet the above criteria, the Board, engineer or roadmaster performing the review shall advise the Township Secretary accordingly and the Township Secretary shall issue the requested permit.

E. If the plan is found to be deficient or, if in the opinion of the Board, engineer or roadmaster, the plan should be improved to meet the above criteria, the requestor shall be notified in writing of the changes to be made. The requestor shall make such changes and return the revised plans to the Township Secretary. When the plan is acceptable to the Board, engineer or roadmaster, the Township Secretary shall issue the requested permit.

SECTION 105 CONSTRUCTION OR MODIFICATION ACTIVITIES

A. The actual construction or modification of the driveway shall conform with the approved plans.

B. The Township Supervisors reserve the right to inspect or otherwise observe the construction or modification processes at any stage through a representative of their choice.

SECTION 106 RIGHT TO AMEND OR CHANGE

The Board of Supervisors shall have the right to amend, change or alter any of the aforesaid provisions at any time as they in their discretion deem advisable through an amended ordinance.

ARTICLE III PENALTIES FOR VIOLATION OF THIS ORDINANCE

Any owner, person, contractor or developer who violates any provision of this Ordinance shall, upon conviction by a summary proceeding before any District Magistrate having jurisdiction, be sentenced to pay a fine of not more than three hundred (300) dollars.

All fines collected for violation of this Ordinance shall be paid to the Township Treasurer for general use.

ARTICLE IV SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

ARTICLE V ENACTMENT

This Ordinance shall become effective on 19th March, 1995, and shall remain in full force until modified, amended, or rescinded by the Township of Catharine, Blair County, Pennsylvania.

Adopted by the Catharine Township Supervisors this 14th day of March, 1995.

ATTEST:

Christine E Shanholzf

SIGNED:

David Cohen
Linda McKnight
David R. Wyland