

NO: 2017-02

**BEDFORD TOWNSHIP, BEDFORD COUNTY, PENNSYLVANIA
DRIVEWAY CONNECTION ORDINANCE**

IT IS HEREBY ORDAINED AND ENACTED by the Supervisors of Bedford Township, Bedford County, Pennsylvania, pursuant to their authority under the Second Class Township Code, 53 P.S. Section 65101 et seq., as follows:

ARTICLE I – TITLE

This Ordinance shall be known as the “Bedford Township Driveway Connection Ordinance.”

ARTICLE II – DEFINITIONS

As used in this Ordinance, the following definitions shall apply:

1. “Board” means the Board of Supervisors of Bedford Township, Bedford County, Pennsylvania.
2. “Driveway” means any area of land designated or to be used as a means of ingress, egress, or regress for vehicles traveling from a Township Roadway to any parcel of land or from any parcel of land to a Township roadway. Driveway shall also include such drainage structures and erosion control measures as may be necessary for the proper function thereof.
3. “Permit” means written approval obtained from the Board in such form determined and prepared by it hereunder relating to the design and construction of driveways, driveway connections, and sluice, water, or drainage pipes utilizes in connection with the construction of driveways and driveway connections.
4. “Township” means Bedford Township, Bedford County, Pennsylvania
5. “Township Road” means all roads, including traveled portion and right of way thereof, owned by the Township.

ARTICLE III - GENERAL

Section 1.

After the effective date of this Ordinance, it shall be unlawful for any person, firm or business, corporation, or other entity, without first having obtained a permit from the Township to:

- A. Install, place or maintain any new sluice or water pipe or similar drainage facility along or adjacent to a Township Road (hereinafter "Township Road") - meaning a road located with Bedford Township and maintained by such Township - in connection with the construction of a driveway entrance or other exit from a Township Road, or
- B. Replace, alter or relocate any existing sluice or water pipe or similar drainage facility under any existing driveway from or approach upon any Township Road, or
- C. Maintain any driveway approach to a Township road or maintain any sluice or water pipe or other drainage facility in connection with a driveway or approach to a Township Road in such condition as will not adequately permit the flow of drainage water flow and anticipated and experienced storm water flow through the said sluice, pipe or drain or in such other manner or condition as contributes to the damage and deterioration of any Township road, or
- D. Construct or install any driveway entrance or exit from a Township Road, or
- E. Alter the surface of that portion of any driveway entrance or exit located upon any Township Road right-of-way which alteration shall include but not necessarily be limited to the installation of a paved or other permanent surface.

ARTICLE IV - REQUIREMENTS

Section I.

All sluices, water pipes and/or drainage pipes installed or replaced after the effective date of this Ordinance shall (a) be 12 inches in diameter unless the

Supervisors shall, after reviewing the situation and conditions, require or permit a pipe of greater or lesser diameter, (b) be made of suitable long-lasting material meeting the requirements as from time to time may be established by the Supervisors, and (c) be installed in a place, manner and elevation as shall be directed by the Supervisors with the intention that the same shall carry the existing and anticipated regular and storm water flows. The installation shall be made in accord with such other requirements as may reasonably be imposed by the Supervisors or the Township Engineer. The pipe utilized must be bonded or welded together so that it will not separate. Used hot water tanks or the like are not permissible.

Section II.

If the Supervisors shall, after inspection, find that any existing sluice, water pipe, and/or drainage pipe is presently installed or maintained in such a manner as to be insufficient to accommodate the experienced and anticipated regular and storm water flows or in such other manner that it fails to comply with this Ordinance, the Supervisors may direct and the owner of the property shall provide and install a sluice pipe, water pipe, and/or drainage pipe meeting the requirements of this Ordinance. The same shall be installed in accord with the directions reasonably given by the Supervisors or their Engineer.

Section III.

As a condition of the issuance of the permit, the Supervisors may impose conditions upon the permit concerning the manner, method and location of the installation, placement, replacement and maintenance.

Section IV

When access to and exit from a site under or involving construction, timbering, or development is needed and involves use of an adjoining Township road, a rock construction entrance shall be provided in accordance with Exhibit "A" attached hereto. This entrance shall be located at the approved driveway location. Permanent drainage (i.e. cross culvert) and erosion control measures shall be installed as part of the "rock construction entrance."

ARTICLE V- ADMINISTRATION

Section I.

The Supervisors shall, upon application made to them, approve and issue or deny all permits required under this Ordinance. The applicant shall pay a permit fee of Five Dollars (\$5.00), which fee may be raised or lowered by subsequent Resolution. Permits 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.

Section II.

All persons, firms or businesses, corporations or other entities subject to this Ordinance shall submit a written application to the Secretary of the Township for the necessary permit which application shall contain such information as shall reasonably be requested and required by the Supervisors, including at least the following:

1. Name and address of the applicant.
2. Name and address of the owner of the land to which the driveway or access provides a means of approach.
3. Name and address of the contractors responsible for the work if other than the applicant or owner.

Section III.

After the issuance of a permit, no changes of any kind shall be made to the application, permit, or any documents submitted with the application, without the written consent of the Supervisors.

ARTICLE VI - COMPLIANCE WITH PERMIT

Section I.

During or following the construction, the Supervisors or their Engineer may inspect the premises to determine that the work is progressing or has been completed in accordance with the information provided on the permit application and any attached documents and with all applicable laws and ordinances. In the event that the Supervisors or their Engineer shall determine that the work does not comply with the aforesaid permit, application, document(s), laws or ordinances, or that there has been a

false statement or misrepresentation by any applicant, the Supervisors shall revoke the permit.

ARTICLE VII - CORRECTION OF EXISTING CONDITIONS

Section I.

In the event any person, firm or business, corporation or other entity shall fail to replace any existing sluice pipe, water pipe and/or drainage facility after the Supervisors, or any persons or officials delegated authority by the Supervisors, have given any such person, firm or business, corporation or other entity, written directions therefore, the supervisors may, if such failure continues for more than twenty (20) days after the delivery of such notice, bring action under Article VIII hereof, or may remove any existing sluice, water pipe and/or drainage facility and replace it with a drainage pipe installed by Township personnel or may have it removed and replaced and installed by such independent contractor as the Township may engage.

Section II.

In such event, all of the costs of the Township as incurred in the work (including the costs of collection) shall be recoverable against the record owners of the property and may, if not paid within thirty (30) days after the presentation of a bill or statement, be entered as and collected as a municipal lien upon the property, by assumpsit, or by any other remedy permitted at law or in equity.

ARTICLE VIII - DELEGATION OF DUTY

Section I.

By motion, the Supervisors may delegate authority and power under this Ordinance to the Township Roadmaster, Engineer, Secretary or other official as they may designate. This authority shall include, but is not limited to, the power to impose requirements, orders and conditions pursuant to this Ordinance; to review permit applications and approve or reject the same; to revoke a permit once granted; or to give written directions for the correction of existing conditions and establishing culvert size.

ARTICLE IX - VALIDITY

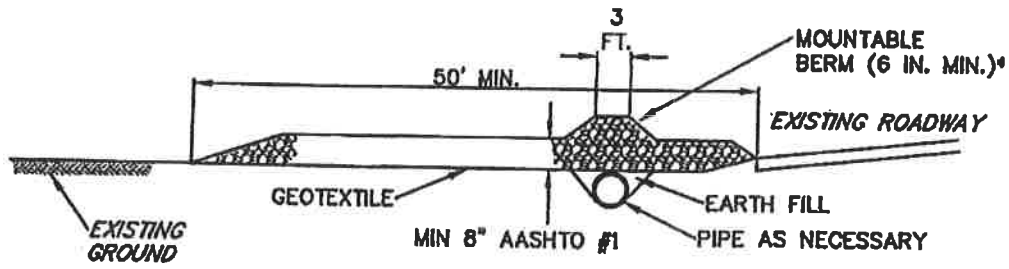
Section I.

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be in violation of the laws or Constitution of the Commonwealth of Pennsylvania, such declaration shall not affect the validity of this Ordinance as a whole or any of the remaining parts thereof, and the parts or sections remaining shall remain in effect as though the part or section declared unconstitutional had never been a part thereof.

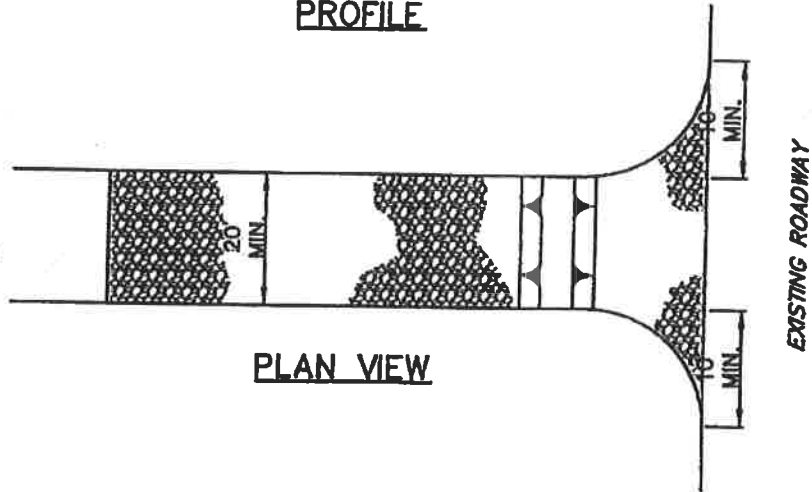
ARTICLE X - PENALTIES AND ENFORCEMENT

Section 1.

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 Dollars (\$600.00) and not less than Three Hundred Dollars (\$300.00) per violation, plus all court costs, including reasonable attorney's fees incurred by the Township. Each day a violation shall be permitted to exist shall constitute a separate violation. 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. The Supervisors for and on behalf of the Township, notwithstanding the foregoing, retain and may proceed in actions in equity to enforce this Ordinance or to prevent hereof, in which case the Supervisors shall be entitled to seek recovery of attorney fees and expenses incurred in connection therewith.



PROFILE



PLAN VIEW

* MOUNTABLE BERM USED TO PROVIDE PROPER COVER FOR PIPE

NOTES:

REMOVE TOPSOIL PRIOR TO INSTALLATION OF ROCK CONSTRUCTION ENTRANCE. EXTEND ROCK OVER FULL WIDTH OF ENTRANCE.

RUNOFF SHALL BE DIVERTED FROM ROADWAY TO A SUITABLE SEDIMENT REMOVAL BMP PRIOR TO ENTERING ROCK CONSTRUCTION ENTRANCE.

MOUNTABLE BERM SHALL BE INSTALLED WHEREVER CULVERT PIPE IS USED AND PROPER PIPE COVER AS SPECIFIED BY MANUFACTURER IS NOT OTHERWISE PROVIDED. PIPE SHALL BE SIZED APPROPRIATELY FOR SIZE OF DITCH BEING CROSSED.

MAINTENANCE: ROCK CONSTRUCTION ENTRANCE THICKNESS SHALL BE CONSTANTLY MAINTAINED TO THE SPECIFIED DIMENSIONS BY ADDING ROCK. A STOCKPILE SHALL BE MAINTAINED ON SITE FOR THIS PURPOSE. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE REMOVED AND RETURNED TO THE CONSTRUCTION SITE IMMEDIATELY. IF EXCESSIVE AMOUNTS OF SEDIMENT ARE BEING DEPOSITED ON ROADWAY, EXTEND LENGTH OF ROCK CONSTRUCTION ENTRANCE BY 50 FOOT INCREMENTS UNTIL CONDITION IS ALLEVIATED OR INSTALL WASH RACK. WASHING THE ROADWAY OR SWEEPING THE DEPOSITS INTO ROADWAY DITCHES, SEWERS, CULVERTS, OR OTHER DRAINAGE COURSES IS NOT ACCEPTABLE.

ROCK CONSTRUCTION ENTRANCE

NOT TO SCALE

Exhibit "A"

