

ORDINANCE NO. 2007-03

AN ORDINANCE OF GREENFIELD TOWNSHIP, BLAIR COUNTY, PENNSYLVANIA, PROVIDING THAT NO DRIVEWAYS, PRIVATE ROADS, LANES OR OTHER MEANS OF ACCESS TO ANY ROADS OF THE TOWNSHIP OF GREENFIELD SHALL BE CONSTRUCTED WITHOUT FIRST SECURING A PERMIT IN ACCORDANCE WITH THE TOWNSHIP CODE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED AND ENACTED by the Township of Greenfield, County of Blair, Commonwealth of Pennsylvania, as follows:

SECTION 1: In accordance with the provisions of Section XXIII of Chapter 131 the Second Class Township Code, as amended (53. P. S. § 67322), no road or driveway shall hereafter be constructed upon any Township road, nor shall any gas pipe, water pipe, electric conduits, sewage lines and cable TV lines, or other piping, be laid upon or in or under, nor shall any telephone, telegraph, or electric light or power poles, or any other obstructions be erected upon or in or under, any portion of a Township Road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purposes.

SECTION 2: All applications for an encroachment shall be accompanied by a fee payable to the Township of Greenfield in accordance with a schedule of fees established from time to time by resolution of the Board of Supervisors of Greenfield Township.

SECTION 3: Said application shall set forth the name or names of owners of the property, a sketch of the premises showing the location of the intended encroachment, the boundary lines of all adjacent premises, the course, grade, structure, materials and drainage facilities, if any, involved in the construction of the driveway, and such other information as may be required thereon.

- A. This Ordinance does not give the Permittee permission to alter the existing drainage pattern nor to alter the existing volume and flow of drainage water.
- B. No additional drainage of surface water may be directed toward, onto, or into or in any way affect Township Roads or their facilities.
- C. This Ordinance does not in any way relieve the Permittee from acquiring the consent, permission or other authorization from any affected property owner. Nor does this Ordinance authorize the Permittee to direct, divert or otherwise drain surface waters over the

property of any other property owner. The Permittee is responsible for any damage caused to any other property owners as a result of work done under this permit.

- D. It is understood and agreed that the Permittee shall, at all time, hold the Township harmless from any claims, suits, legal expenses and judgments which any property owner may bring against the Township or its officials and employees, and against the Permittee or any of its officers and employees, for any conditions occurring on property caused or alleged to be caused by conditions arising from the development of Permittee's tract or for work done under this Ordinance.

SECTION 4: Upon receipt of the application the Township Supervisors or their Agent shall determine if the proposed method of construction or making said connection, as reflected on the application, is such that it will (1) minimize the adverse effect of storm water run-off resulting from said connection, (2) not cause damage to the road to which the driveway is to be connected, (3) not create or increase hazardous driving conditions for those persons using the road to which the driveway is to be connected, and (4) comply with the driveway design requirements promulgated by Greenfield Township's Subdivision/ Land Development Ordinance which is in effect as of the date the application is filed and which Ordinance is incorporated by reference. If found satisfactory the Board will issue, or cause to be issued, the permit. If the plan is found deficient, or if in the opinion of the Board or Agent of the Board the plan could be improved so as to (1) minimize the adverse effect of storm water run-off, (2) lessen drainage to the road to which the driveway is to be connected, (3) lessen hazardous driving conditions on the road to which the driveway is to be connected, (4) provide for ease of maintenance, the Township Supervisors or their Agent shall notify Applicant of the changes to be made. The Applicant shall immediately make such changes and return the revised plan to the Township. When such plan is in acceptable form, the Board shall approve or cause the same to be approved and the permit issued. All permits shall expire six months after issuance, with a new application to be filed for incomplete or additional work regulated by this Ordinance.

SECTION 5: Upon completion of the work authorized by the permit, the Township shall inspect the work necessary to enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs and if the Applicant shall fail to rectify any such settlement or defect within sixty (60) days after written notice from the Township to do so, the Township may do the work and shall impose upon the Applicant the costs thereof, together with an additional twenty (20%) percent of such costs.

SECTION 6: Whenever, in opinion of the Board of Township Supervisors, an existing drainage facility, private road, driveway or alley creates a drainage

problem into or along the adjoining Township road, the Supervisors shall notify the property owner of such condition, which condition shall be remedied by the property owner by the installation or reconstruction and repair of proper drainage facilities including, but not limited to, proper and adequate grading of the roadway, maintenance of drainage pipes, swales and culverts within the terms of this Ordinance within sixty (60) days of receipt of such notice.

SECTION 7: All construction in any way incidental to the installation of the driveway shall be performed in strict conformance with the approved plans.

SECTION 8: Each driveway, whether serving the same premises or not, shall require an individual permit.

SECTION 9: In the event of an emergency related to repairs of utility lines, the Township shall have the authority to waive so much of these requirements as may be appropriate, in order to insure that the best interests of the public are served.

SECTION 10: Any person, firm, corporation or utility which shall violate any of the provisions of this Ordinance shall be subject, upon conviction before a District Justice, to pay a fine of not more than \$500.00 nor less than \$100.00 and costs of prosecution, and in default of the payment of such fine and costs to imprisonment in the County Jail for not more than thirty (30) days. Each day that a violation is continued shall constitute a separate offense. The Township of Greenfield may institute equitable proceedings to enforce the provisions of this Ordinance and/or enjoin conduct that violates this Ordinance.

SECTION 11: In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be invalid, such invalidity shall not effect or impair any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

SECTION 12: This Ordinance shall become effective five (5) days after enacted by the Board of Supervisors of Greenfield Township.

SECTION 13: Any Ordinance or any part of an Ordinance for the Township of Greenfield conflicting with this Ordinance, or any part thereof which is inconsistent with this Ordinance, is hereby repealed insofar as the same affects this Ordinance.

Ordained and Enacted this 13th day of November, 2007
to become effective five (5) days thereafter.

THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF GREENFIELD

Alton G. Ebersole
Chairman

Ed Nelson

Ray P. K.

ATTEST:

Nancy L. Herman