

LIBERTY TOWNSHIP
MONTOUR COUNTY, PENNSYLVANIA
AMENDMENT TO ORDINANCE NO. 2009-2

WHEREAS, the Board of Supervisors in Liberty Township, Montour County, Pennsylvania had previously enacted an Ordinance 2009-2 relating to construction and maintenance of driveways in Liberty Township; and

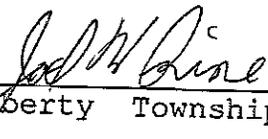
WHEREAS, the Board of Supervisors in Liberty Township wish to amend such Ordinance without repealing the same by adding a additional provision thereto; and

Now therefore, it is hereby Enacted and Ordained by the Board of Supervisors in Liberty Township as follows.

1. New Clause 12 All fees or costs associated with any driveway work to be performed within Liberty Township shall be born solely by the applicant and not by the Township. All work performed according to this Ordinance must confirm in all respects the Pennsylvania Department of Transportation Standards. The enactment of this Ordinance shall be immediately upon it's adoption.

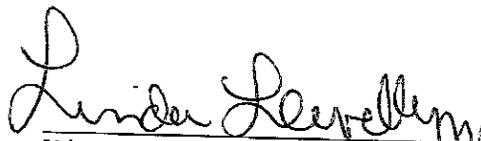
IN WITNESS WHEREOF, the said GRANTOR have hereunto set their hand and seal the day and year first above written.

Signed, Sealed and Delivered:



Liberty Township, Supervisor

Attest



Witness *secretary*

2-14-22
Date Adopted

**LIBERTY TOWNSHIP
MONTOUR COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2009-2

AN ORDINANCE OF LIBERTY TOWNSHIP ESTABLISHING STANDARDS FOR THE CONSTRUCTION AND MAINTENANCE OF DRIVEWAYS CONNECTING TO PUBLIC ROADS WITHIN THE TOWNSHIP; REQUIRING A PERMIT FOR THE CONSTRUCTION OF NEW DRIVEWAYS AND THE IMPROVEMENT OF EXISTING DRIVEWAYS AND ESTABLISHING A PERMIT FEE FOR SAME; ESTABLISHING PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF; AND REPEALING THE LIBERTY TOWNSHIP DRIVEWAY ORDINANCE OF 1990 WHICH PREVIOUSLY ADDRESSED THIS SUBJECT.

WHEREAS, the Board of Supervisors of Liberty Township has previously determined that the public roads of the Township may suffer damage as the result of improper connection of driveways to said roads due to faulty drainage and that improper connections may result in hazardous conditions occurring on said roads; and

WHEREAS, the Board of Supervisors has previously enacted the "Liberty Township Driveway Ordinance of 1990," in order to provide for the proper management, maintenance and control of the public road system of the Township; and

WHEREAS, the Board of Supervisors has determined that it is necessary and appropriate to revise and supplement the Township's driveway regulations by repealing the prior Ordinance and enacting the provisions hereof.

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Supervisors of Liberty Township as follows:

1. SHORT TITLE. This Ordinance shall be known as the “Liberty Township Driveway Ordinance.”

2. DEFINITIONS. For purposes of this Ordinance, the following terms shall be defined as follows:

A. BOARD. The Board of Supervisors of Liberty Township, Montour County, Pennsylvania;

B. CONTRACTOR. Any person or entity who or which constructs, installs, paves, or otherwise improves a new or existing driveway;

C. DRIVEWAY. Any area of land designated or to be used as a means of ingress and egress for vehicles traveling from a public road to a private parcel of land;

D. OWNER. The record owner of the land upon which the driveway is located;

E. PERMIT. The permit issued by or on behalf of the Board to signify approval of the design of the driveway connection to the public road.

F. PUBLIC ROAD. Any road, street, alley, or public thoroughfare actually maintained by the Township and shown on the official road plan for Liberty Township or shown on an approved and recorded subdivision or land development plan as intended to be dedicated to Liberty Township in the future;

G. PENNDOT. The Pennsylvania Department of Transportation;

H. TOWNSHIP. Liberty Township, Montour County, Pennsylvania.

3. PERMIT REQUIREMENT.

A. No owner or contractor intending to install a new driveway, or to resurface or otherwise improve an existing driveway, shall commence any excavation, construction, or other work, or permit the commencement of such work, without first obtaining a driveway permit from the Board as provided herein.

B. No person or entity intending to perform any work within the right-of-way of any public road of the Township, other than installation or improvement of a driveway, shall commence any excavation, construction, or other work within said right-of-way without first obtaining a road occupancy permit from the Board as provided herein.

4. PERMIT APPLICATION.

A. An owner or contractor shall, prior to obtaining a driveway permit, file an application with the Board on a form furnished by the Township, identifying the owner and location of the property, depicting the location of the driveway in relation to the premises served, and designating the course, grade structure, materials, and drainage facilities, if any, involved in the construction or improvement of the driveway.

B. Any person or entity shall, prior to obtaining a road occupancy permit, file an application with the Board on a form furnished by the Township, identifying the applicant and the nature, location, and specifications of the facilities proposed to be installed or of the work proposed to be performed.

C. In each case, the application shall be accompanied by such fees as the Board shall prescribe from time to time, which shall be based upon the estimated reasonable cost of processing and reviewing the application and inspecting the completed work.

5. APPLICATION REVIEW PROCESS.

A. The driveway permit application shall be reviewed by the Township's consulting engineer or Roadmaster, at the discretion of the Board, who shall determine if the proposed method of construction or improvement of the driveway will meet the following requirements:

1. Eliminate the hazardous effects of stormwater drainage onto the public road and provide for a suitable method of drainage;

2. Protect the public road from damage by the connection, including preventing the surfacing materials of the driveway from being carried or spread onto the public road;

3. Not increase hazardous driving conditions for users of the public road in any manner; and

4. Comply with the current applicable driveway design criteria and requirements promulgated by PENNDOT which are hereby incorporated by reference.

B. The road occupancy permit application shall be reviewed by the Township's consulting engineer or Roadmaster, at the discretion of the Board, who shall determine if the proposed method of construction or installation of other facilities within the right-of-way will meet the following requirements:

1. Protect the safety of users of the road during the work, including utilization of appropriate traffic control measures in accordance with applicable requirements promulgated by PENNDOT which are hereby incorporated by reference;

2. Protect the road from premature or unnecessary damage resulting from the work, including appropriate restoration of the pavement and shoulders to their former condition.

6. APPLICATION DECISION PROCESS. The Township Engineer or Roadmaster shall promptly determine whether or not the applicant's proposed design is in compliance with the requirements set forth above. If the design is determined to be in compliance, the Engineer or Roadmaster shall notify the Board which shall issue the appropriate permit within fifteen (15) days. If the design is determined not to be in compliance with one or more of the requirements set forth above, the Engineer or Roadmaster shall notify the applicant in writing of the nature of the non-compliance and of the changes to the design necessary to achieve compliance. Upon submission of a revised design by the applicant, a similar process will be followed.

7. INSPECTION PROCESS. Within ten (10) days after completion of the construction or improvement of a driveway, or within 24 hours after completion of other work within the right-of-way, the applicant shall notify the Township of such completion in order that the completed work can be inspected. The inspection shall be performed by the Township Engineer or Roadmaster who shall promptly notify the applicant in writing whether the completed work is approved, as being in compliance with the approved design, or not

approved for failure to comply with the approved design. If the work is not approved, the notice shall describe the nature of the non-compliance and the changes to the work necessary to achieve compliance.

8. DRIVEWAY MAINTENANCE. The owner of any property on which a new driveway is constructed or upon which an existing driveway is located shall be obligated to maintain the driveway in a manner which will avoid damage to the public road and prevent hazards to users of the public road including, but not limited to, management of stormwater to prevent drainage onto the public road and control of surfacing materials of the driveway to prevent them from being carried or spread onto the public road. In the event the Board determines that a failure of driveway maintenance by the owner has resulted in a potentially damaging or hazardous condition of the public road, the Board shall take the following action:

A. Notify the owner in writing of the nature of the damaging or hazardous condition and of the remedial measures which the owner must take within a reasonable specified time period based on the circumstances;

B. In the event the owner fails to perform the specified remedial measures within the specified time period, the Board, at its discretion, may cause the specified work to be performed by, or on behalf of, the Township within the public right-of-way;

C. In the event the Township performs the specified work, or causes it to be performed on behalf of the Township, as set forth above, the Township shall have the right to recover its costs incurred for the performance of the specified work from the owner through a civil action

or by imposition of a municipal lien pursuant to the provisions of the Municipal Lien Law or both.

9. ENFORCEMENT. Any owner or contractor, or other person or entity, who violates any provision of this Ordinance shall, upon conviction by a summary proceeding before a Magisterial District Judge, be subject to a fine of not more than One Thousand Dollars (\$1000.00) with each day that a violation continues constituting a separate offense. Nothing herein shall prevent the Township from seeking separate civil remedies as set forth above and/or injunctive relief in order to abate a violation.

10. REPEALER. This Ordinance shall repeal the Liberty Township Driveway Ordinance of 1990 and any contrary provision of any other Ordinance.

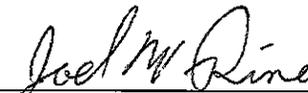
11. EFFECTIVE DATE. This Ordinance shall be effective five (5) days after its enactment.

ENACTED and ORDAINED by the Board of Supervisors of Liberty Township this 14th day of September, 2009.

ATTEST:

LIBERTY TOWNSHIP


Linda Llewellyn, Secretary

BY: 
Joel Rine, Chairman of the
Board of Supervisors