

ORDINANCE NO. 1-85

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA, REGULATING
THE INSTALLATION OF PRIVATE DRIVEWAYS CONNECTED
TO TOWNSHIP ROADS AND STREETS, REGULATING STORM
WATER DRAINAGE IN, UPON AND ALONG TOWNSHIP
ROADS AND STREETS, AND REGULATING THE CUTTING
AND OPENING OF TOWNSHIP ROADS AND STREETS;
PROVIDING FOR THE ADOPTION OF SPECIFICATIONS
AND DETAILED RULES FOR THE ABOVE; PROVIDING
FOR APPLICATIONS, PERMITS AND INSPECTIONS TO
ASSURE COMPLIANCE WITH SUCH REGULATIONS; AND
PROVIDING PENALTIES FOR VIOLATION OF OR
NON-COMPLIANCE WITH SUCH REGULATIONS.

BE IT HEREBY ORDAINED AND ENACTED and it is hereby ordained and
enacted by the Board of Township Supervisors in and for the Township
of Middlesex, Cumberland County, Pennsylvania, as follows:

SECTION 1: DEFINITIONS

For the purpose of this Ordinance, the following terms shall
have meanings ascribed thereto, as follows:

(A) Board - The Board of Supervisors of Middlesex Township
Cumberland County, Pennsylvania;

(B) Contractor - The party, person, firm, partnership
and/or corporation who or which installs a driveway, including
all agents, officers or employees of said party, person, firm,
partnership and/or corporation;

(C) Driveway - Any area of land designated or to be
used as a means of ingress and/or egress for either vehicles
and/or pedestrian traffic from a public Road to a piece, parcel
or tract of land;

(D) Owner - The owner of the land upon which a driveway

or other improvement is located.

(E) Permit - A permit issued by the Board to signify approval of the work to be done or improvement to be constructed under the specific regulations of this Ordinance.

(F) Person - Any individual, partnership, company, association, society, corporation or other group or entity;

(G) Public Road - Any road, street, alley or public thoroughfare whether actually maintained by Middlesex Township as part of its road system, or whether shown on a subdivision or land development plan and intended to be offered or dedicated to Middlesex Township in the future as part of its road system, to the extent of the width of the legal or dedicated right-of-way of said road, street, alley or public thoroughfare.

SECTION 2: DRIVEWAY REGULATIONS

A. No person, owner and/or contractor shall hereafter install, initiate any work, or allow the installation or initiation of any work toward the installation of a driveway unto or from a Public Road without first obtaining a permit therefor from the Board.

B. Any person, owner and/or contractor shall, prior to obtaining a driveway permit, file an application, or an application form supplied by Board, reflecting and showing the location of the driveway relative to the premises and designating the course, grade, structure, materials and drainage facilities, if any, involved in the construction of the driveway. The application shall be reviewed by the Engineer or Road Superintendent of the Township. The Engineer or Road Superintendent

shall determine if the proposed method of constructing 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 Public Road to which the driveway is to be connected, and (3) not create or increase hazardous driving conditions for those persons using the Public Road to which the driveway is to be connected. If found satisfactory by the Engineer or Board Superintendent, he shall so advise the Board, and the Board will issue, or cause to be issued, the permit. If the plan is found deficient, or if in the opinion of the Township Engineer or Road Superintendent the plan could be improved so as to (1) minimize the adverse effect of storm water run-off, (2) lessen drainage to the Public Road to which the driveway is to be connected, or (3) lessen hazardous driving conditions on the Public Road to which the driveway is to be connected, the Engineer or Road Superintendent shall, by written communication to the owner, notify him 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.

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

SECTION 3: STORM WATER DRAINAGE REGULATIONS

A. No person, owner and/or contractor shall hereafter grade, construct, install or erect a drain, culvert, footwalk, driveway or other improvement affecting discharge or passage of storm water drainage in, upon, onto or along a Public Road without first obtaining a permit therefor from the Board.

B. Any person, owner and/or contractor shall, prior to obtaining a storm water drainage permit, file an application, on an application form supplied by Board, reflecting and showing the location of the improvement defined in subsection A hereinabove relative to the premises and designating the course, grade, structure, materials and drainage facilities, if any, involved in the construction of the same. The application shall be reviewed by the Engineer or Road Superintendent of the Township. The Engineer or Road Superintendent shall determine if the proposed method of constructing or making said improvement, as reflected on the application, is such that it will (1) minimize the adverse effect of storm water run-off resulting from said construction and (2) not cause damage to the Public Road to which the improvement is to be connected or to be adjacent or affecting. If found satisfactory by the Engineer or Road Superintendent, he shall so advise the Board, and the Board will issue, or cause to be issued, the permit. If the plan is found deficient, or if in the opinion of the Township Engineer or Road Superintendent the plan could be improved so as to (1) minimize the adverse affect of storm water run-off or (2) lessen drainage to the Public Road to which the improvement is to be connected to be adjacent or affecting, the Engineer or Road Superintendent shall, by written communication to the owner, notify him 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.

SECTION 4: ROAD CUTTING AND OCCUPANCY REGULATIONS

A. No person, owner and/or contractor shall hereafter lay, construct or install any pipe, wire, conduit or any other object for any purpose upon, in and over any Public Road without first obtaining a permit therefor from the Board.

B. Any person, owner, and/or contractor shall, prior to obtaining a road occupancy permit, file an application on an application form supplied by the Board, reflecting and showing the location and dimensions of any road cut or opening, the location, course, grade, structure, materials and purpose of any pipe, wire, conduit or any other object to be installed upon, in, or over any Public Road, and the materials, method and schedule for restoring said Public Road. The application shall be reviewed by the Engineer or Road Superintendent of the Township. The Engineer or Road Superintendent shall determine if the proposed method and materials intended to be used, as reflected on the application, is such that it will meet the specifications of this Township and not create or increase hazardous driving conditions for those persons using the Public Road in which the work is to be performed. If found satisfactory by the Engineer or Road Superintendent, he shall so advise the Board, and the Board will issue, or cause to be issued, the permit. If the plan is found deficient, or if in the opinion of the Township Engineer or Road Superintendent the plan could be improved so as to comply with Township specifications or lessen hazardous driving conditions on the Public Road in which the work is to be performed, the Engineer or Road Superintendent shall, by written communication to the owner, notify

him of the change 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.

SECTION 5: SPECIFICATIONS

The Board shall make by resolution from time to time such specifications as may be necessary and proper for the implimentation of the foregoing regulations, which specifications shall be made available to the applicant for any permit required pursuant to this Ordinance.

SECTION 6: COMPLIANCE WITH PERMIT AND SPECIFICATIONS

All work to be performed and all materials to be used as approved by any permit issued pursuant to this Ordinance shall be performed and/or supplied in strict conformance and compliance with the terms and plans of such permit and the applicable specifications of this Township.

SECTION 7: PERMIT FEES

The Board shall prescribe by resolution from time to time such fee or fees for the permits required pursuant to this Ordinance, which fees shall not exceed the approximate reasonable cost of processing and reviewing the application for the permit and making any necessary inspections to assure compliance with the terms of the permit.

SECTION 8: DISPOSITION OF FINES

Any owner, person and/or contractor who or which shall violate any of the provisions of this Ordinance shall, upon conviction thereof by summary proceeding before any District Justice having

jurisdiction, be sentenced to pay a fine of not more than Three Hundred and No/100 (\$300.00) Dollars. Upon default of the payment of the fine imposed and the costs of prosecution, the defendant may be sentenced and committed to the Cumberland County Prison for a period not exceeding thirty (30) days. All fines collected for the violation of this Ordinance shall be paid to the Treasurer of the Township for the general use of the Township.

SECTION 9: CONSTRUCTION AND INTERPRETATION; SEVERABILITY

If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Ordinance. The Board of Township Supervisors hereby declare that it would have adopted this Ordinance and each section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

SECTION 10: REPEALER

This Ordinance shall repeal any inconsistent Ordinances.

SECTION 11: EFFECTIVE DATE

This Ordinance shall become effective five (5) days after

enactment by the Board of Supervisors of Middlesex Township.

ORDAINED AND ENACTED this sixth day of February A.D.,
1985.

TOWNSHIP OF MIDDLESEX

By *Robert W. L. L...*
Chairman, Board of Supervisors

By *Robert W. L. L...*
Supervisor

By *Robert W. L. L...*
Supervisor

ATTEST:

Robert W. L. L...
Township Secretary

(TOWNSHIP SEAL)