

ORDINANCE NO. 5-93

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX, CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NO. 1-85 ENACTED FEBRUARY 6, 1985, BY ADDING TO SECTION 2 A NEW PARAGRAPH C TO REQUIRE THE REPAIR OF DAMAGE TO PUBLIC ROADS AND THE POSTING OF SECURITY FOR SUCH REPAIRS FOR DAMAGES SUSTAINED IN THE COURSE OF INSTALLING A DRIVEWAY AND MAKING IMPROVEMENTS ON LANDS ACCESSED BY DRIVEWAYS.

BE IT 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: PREAMBLE AND BACKGROUND.

By Ordinance No. 1-85 enacted on February 6, 1985, this Township established various rules and regulations concerning the installation of driveways intersecting with public roads. It is now observed that various damages are being sustained by public roads in the course of installing driveways and during the development of lands accessed by such driveways. The Board of Township Supervisors hereby declares its policy to require persons developing lands with driveways accessing public roads to be responsible for the repair of damages to public roads and to post security guaranteeing such repair.

SECTION 2: AMENDMENT OF ORDINANCE NO. 1-85.

Section 2 of Ordinance No. 1-85 enacted on February 6, 1985, is hereby modified and amended by adding thereto the following paragraph C:

SECTION 2: DRIVEWAY REGULATIONS

* * * *

C.(1) Any person, owner and/or contractor who shall install a driveway and/or develop lands accessed by a driveway, shall be responsible for the repair and restoration of any public road accessed by a driveway damaged in the course of installing such driveway and/or caused during the development of lands accessed by a driveway.

(2) In order to assure compliance with the foregoing repair and restoration requirements, any person, owner and/or contractor who shall install a driveway and/or develop lands accessed by a driveway shall post as collateral security the sum of Five Hundred (\$500) Dollars to guarantee the making of such repairs as a condition of obtaining a Permit under Ordinance No. 1-85 or a building permit required under any other ordinance of this Township. Said security shall be posted in the form of cash or by surety performance bond or letter of credit in form and substance acceptable to the Board or its designee. Such security shall be returned to the person or entity posting the same when the installation of the driveway and all land development accessed by such driveway has been completed and when all damages to public roads have been repaired and restored to the satisfaction of the Road Superintendent. The Township shall pay no interest on cash deposited. When it appears that such driveway installation and land development are completed and if any damage to a public road has not been repaired and restored as required hereunder, the Road Superintendent shall give written notice to the person or entity posting such security by certified mail (return receipt requested) or personal service of (a) the need to repair the damage to and restore the public road to its pre-damaged condition, and (b) a specific date not less than ten (10) days nor more than thirty (30) days from the date of said notice to perform such repairs and restoration. If the person or entity posting such security shall fail to make such repairs and restoration to the satisfaction of the Road Superintendent, the Board, upon report from the Road Superintendent, shall forthwith order the repairs and restoration by Township forces and

shall take possession of the collateral posted as aforesaid and apply the same on account of the cost of effecting such repairs and restoration. Any balance of collateral left after deducting such cost shall be returned to the person or entity posting the same. If such collateral is insufficient to reimburse the Township for its costs of repair and restoration, such additional amount shall be recovered by appropriate action against the person, owner and/or contractor responsible for the installation of the driveway and/or the development of the land accessed by a driveway.

SECTION 3: EFFECTIVE DATE.

This Ordinance shall become effective in accordance with prevailing law.

ENACTED AND ORDAINED this 4th day of August, 1993.

BOARD OF TOWNSHIP SUPERVISORS IN
AND FOR MIDDLESEX TOWNSHIP

By

[Signature]
Vice - Chairman

By

[Signature]
Supervisor

By

Supervisor

ATTEST:

[Signature]
Township Secretary

(Township Seal)

I hereby certify that this is a true and correct copy of Ordinance 5-93, adopted August 4, 1993.

Gail W. Jensik
Secretary