

**FISHING CREEK TOWNSHIP ORDINANCE NO. OF 1995  
AN ORDINANCE REGULATING THE CONSTRUCTION AND MAINTENANCE  
OF PRIVATE DRIVEWAYS CONNECTING TO TOWNSHIP ROADS  
IN FISHING CREEK TOWNSHIP, COLUMBIA COUNTY, PENNSYLVANIA**

WHEREAS, Fishing Creek Township has suffered damage to roads owned and maintained by the Township as a result of improper connection and maintenance of private driveways entering township roads due to faulty drainage; and

WHEREAS, such improper connection and maintenance have resulted in hazardous and dangerous driving conditions upon township roads; and

WHEREAS, the Board of Supervisors of Fishing Creek Township have determined that it is in the public welfare to insure the proper construction, and maintenance of private driveways entering upon township roads; and

WHEREAS, notice of the intention to adopt this ordinance has been duly advertised in a newspaper of general circulation in Fishing Creek Township.

THEREFORE, BE IT ORDAINED AND ENACTED as follows:

SECTION 1:

This Ordinance shall be known as the Fishing Creek Township Driveway Ordinance.

SECTION 2:

The following definitions shall apply to terms as used throughout this Ordinance:

A. Board: The Board of Supervisors of Fishing Creek Township, Columbia County, Pennsylvania.

B. Contractor: The person, partnership, corporation or other entity which installs a driveway including all agents, officers or employees of such person, partnership, corporation or entity.

C. Driveway: Any area of land designated, used, or to be used as means of ingress or egress for either vehicles or pedestrian traffic from a Public Road to a parcel of land.

D. Owner: The owner of the land upon which a driveway is located or proposed to be located, whether such owner be a person, partnership, corporation or other entity.

E. Permit: The permit issued by the Board to signify approval of the design of a driveway connection.

F. Permanent Driveway: A driveway the use of which shall be for a period in excess of six (6) months.

G. Public Road: Any road, street, alley or public thoroughfare, whether actually maintained by Fishing Creek Township or shown on a subdivision or land development plan as attended to be dedicated to Fishing Creek Township in the future.

H. Temporary Driveway: A driveway the use of which shall be for a period not to exceed six (6) months, as a temporary means of ingress or egress to facilitate construction, logging or other similar temporary usage.

SECTION 3:

No owner or contractor shall hereafter initiate, install, or allow to be performed any work towards the installation of a driveway, permanent or temporary, without first obtaining a driveway permit therefor from the Township.

SECTION 4:

Any contractor shall, prior to obtaining a driveway permit, file an application with the Board on a form supplied by the Board, showing the proposed location of the driveway to be installed, the nature of the driveway (whether permanent or temporary), designating the course, grade structure, materials and drainage facilities, if any, involved in the construction of the driveway and, in the case of a temporary driveway, the plan for restoration of the driveway area upon cessation of use.

SECTION 5:

A. The application shall be accompanied by the basic fee as the Board shall prescribe from time to time by proper resolution. The Board hereby establishes the initial basic fee to be the amount of twenty five (\$25.00) dollars.

B. In addition to such basic fee, the owner shall be obligated to pay, prior to the issuance of a driveway permit, the reasonable cost actually incurred in review of the application by the engineer of the Township, if the Township roadmaster shall deem it necessary to refer the application to the Township engineer for review.

SECTION 6:

A. The application shall be reviewed by the roadmaster of the Township, who may refer the application to the engineer of the Township for review. Such review shall involve the determination as to whether or not the proposed method of driveway construction is such

that it will: (a) minimize the adverse effects of storm-water runoff;  
(b) protect the public road from damage by the driveway connection;  
(c) to the extent possible maintain the existing berm of the public road at its existing width and grade prior to the driveway connection;  
(d) provide for the installation of any proposed drainage pipe at a location and depth which will be compatible with the existing public road drainage provisions; (e) not create or otherwise increase hazardous driving conditions for the users of the public road.

B. If the application shall meet the above criteria, the roadmaster shall so advise the Board. If the application shall request approval of the construction of a temporary driveway, the Board shall issue, or cause to be issued, a temporary driveway permit which shall permit installation of the driveway and its usage for a period not in excess of six (6) months. At the expiration of such period, usage of the temporary driveway shall cease, unless a permanent driveway permit shall have been issued with respect to such driveway. If the application shall request approval of the construction of a permanent driveway, the Board shall issue, or cause to be issued, a permanent driveway permit.

C. If the application is found to be deficient, or if in the opinion of the roadmaster or engineer the application could be modified to meet the criteria above, the roadmaster or engineer shall notify the applicant in writing of changes required, whereupon the applicant may make such changes and submit a revised application to the Township. When a revised application is acceptable to the

roadmaster or engineer, the Board shall issue, or cause to be issued, a driveway permit as specified in Paragraph B of Section 6 preceding.

SECTION 7:

The construction of a driveway shall conform to the application as approved by the Board.

SECTION 8:

Each driveway, whether or not serving the same premises, shall require a separate permit.

SECTION 9:

A. The owner of a driveway which has been constructed pursuant to the provisions of this Ordinance shall maintain the driveway in a good repair in conformity with the initial approved plan of construction.

B. In the case of a temporary driveway, the owner shall not use or permit the use of the same following the expiration of the temporary permit period and shall restore the driveway area in accordance with the application as approved by the Board.

C. No owner shall permit a driveway, whether preexisting or constructed pursuant to this Ordinance, to become deteriorated to the end that such state of deterioration increases the adverse effects of storm-water runoff on the public road, fails to protect the public road from damage, or creates or otherwise increases hazardous driving conditions for the users of the public road. An owner of a driveway, whether preexisting or constructed pursuant to the provisions of this

Ordinance, shall maintain any drainage pipe or other drainage mechanism in good repair, unclogged and opened.

SECTION 10:

A. In the case of a violation of the provisions of this Ordinance, the roadmaster for the Township may give written notification of such violation to the owner setting forth the nature of the Ordinance violation. In the event that the owner shall fail to remedy a violation within ten (10) days of such written notice, the Township may make any repairs necessary to correct such violation and the reasonable cost and expense incurred by the Township in connection with such repairs shall be a charge to the owner. The giving of a notice of violation under this provision shall not be a condition precedent to the initiation of summary proceedings provided hereunder.

B. Any owner or contractor who violates any provision of this Ordinance shall, upon conviction in a summary proceeding before a District Justice having jurisdiction, be sentenced to pay a fine of not more than three hundred (\$300.00) dollars. Each day that a violation of the provisions of this Ordinance shall continue shall constitute a separate summary violation hereunder. All fines collected for the violation of this Ordinance shall be paid to the treasury of the Township for general use.

C. The Board may institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate a violation of this Ordinance. Such action

or proceeding shall be in addition to all other remedies available to the Township under the provisions hereof.

SECTION 11:

All provisions of Township Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 12:

This Ordinance shall become effective five (5) days after its enactment.

ORDAINED AND ENACTED THIS 6<sup>th</sup> day of September,  
1995.

BOARD OF SUPERVISORS OF  
FISHINGCREEK TOWNSHIP

ATTEST

BY: Fred C. Cleaver  
Lynn Posey  
Randy Laubach

Jean Deitterieck  
Secretary

APPLICATION FOR DRIVEWAY PERMIT

1. Applicant:

Name:

Address:

Telephone: \_\_\_\_\_

2. Property Owner:

Name:

Address:

Telephone:

3. Property Involved:

Use:

Acreage:

Township Road Affected: \_\_\_\_\_

4. Nature of Proposed Driveway: \*Temporary [ ] Permanent [ ]  
\*If temporary, permit will be issued for six months only.

5. Attach to this Application a diagram showing (a) width of the driveway; (b) proposed location of the driveway; (c) materials to be used in construction of driveway; (d) the course, grade, structure and drainage facilities; (e) in the case of a temporary driveway, the plan for restoration of the driveway area upon cessation of use.

6. Application must be accompanied by basic fee of \$5.00, payable to Fishing Creek Township. Additional fees may be incurred if consultation with the Township Engineer is required.

7. No construction of a driveway is permitted until a driveway permit has been issued by the Board of Supervisors as provided by the Township Driveway Ordinance.

Dated: \_\_\_\_\_

Signature of Applicant