

**FISHING CREEK TOWNSHIP ORDINANCE NO. 01 OF 2006
AMENDING FISHING CREEK TOWNSHIP ORDINANCE NO. 01 OF 1995
THE FISHING CREEK TOWNSHIP DRIVEWAY ORDINANCE
FISHING CREEK TOWNSHIP, COLUMBIA COUNTY, PENNSYLVANIA**

WHEREAS, on or about September 6, 1995, Fishing Creek Township adopted an ordinance known as the Fishing Creek Township Driveway Ordinance which regulates the construction of driveways entering township roads; and

WHEREAS, the Board of Supervisors of the Township has determined that additional criteria are needed to appropriately regulate driveways in the Township and to assure that minimal safety standards are met; and

WHEREAS, the said Board of Supervisors accordingly have determined to amend the Fishing Creek Township Driveway Ordinance as hereinafter set forth; 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:Section 1 of the Fishing Creek Township Driveway Ordinance is hereby amended to include the following definition:

Department: The Pennsylvania Department of Transportation

SECTION 2:Section 4 of the Fishing Creek Township Driveway Ordinance is hereby amended as follows:

A. Required Application: Any contractor or owner shall, prior to constructing a driveway, file an application with the Board on a form supplied by the Board. The application shall be accompanied by a detailed plan containing all information necessary for the Township to determine whether the proposed driveway

and its construction is in compliance with the requirements of this Ordinance.

Information provided shall include the proposed location of the driveway to be installed, the location and detail of the adjoining Public Road, all sight distances, and the nature of the driveway (whether permanent or temporary). The application and accompanying plan must designate 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. Further, the application and plan must make provision for control of soil erosion and include appropriate measures to protect the Public Road from damage during construction.

B. General Driveway Requirements:

1. General Rule: Driveways shall be located, designed, constructed and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the Public Road.

2. Location Restrictions: Driveways shall be permitted only at locations in which:

a. Sight distance is adequate to safely allow each permitted movement to be made into or out of the driveway. Minimum sight distance requirements established by the Department under 67 Pa. Code §441.8, as currently in effect or as hereinafter amended, shall be utilized as the standards employed by the Township in its review of an application for a driveway permit submitted hereunder.

b. The free movement of normal highway traffic is not impaired.

c. The driveway will not create a hazard.

d. The driveway will not create an area of undue traffic congestion on the Public Road.

3. Number of driveways: The number and location of entrances which may be granted will be based upon usage and interior and exterior traffic patterns and will be consistent with then current Department design policies.

a. Normally, only one driveway will be permitted for a residential property and not more than two driveways will be permitted for a nonresidential property.

b. If property frontage exceeds 600 feet, an additional driveway may be permitted.

c. Regardless of frontage, a development may be restricted to a single entrance/exit driveway, served by an internal collector road separated from the traveled way.

4. Other Requirements: The Township will apply other standards for driveway design and construction as adopted by the Department in Chapter 441 of Title 67 of the Pennsylvania Code as may be in effect and as applicable to the driveway proposed in the application.

SECTION 3: Subsection A of Section 6 of the Fishing Creek Township Driveway Ordinance is hereby amended to read as follows:

A. The application shall be reviewed by the Roadmaster of the Township who may refer the application to the Township engineer for review. Such review shall involve a determination as to whether the proposed driveway and construction thereof comply with the standards adopted in this Ordinance and further that the driveway as proposed will (a) minimize the adverse effects of storm-water runoff on the Public Road; (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; and, (e) not create or otherwise increase hazardous driving conditions for the users of the Public Road.

SECTION 4: Subsection (8) of Section 10 is hereby amended to read as follows:

B. Any owner or contractor who violates any provision of this Ordinance shall, upon conviction in a summary proceeding before a District Judge having jurisdiction, be sentenced to pay a fine of not more than \$1,000.00. Each day that a violation of the provisions of this Ordinance shall continue shall constitute a separate summary violation hereunder. All fines collection for the violation of this Ordinance shall be paid to the treasury of the Township for general use.

SECTION 5:

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

SECTION 6:

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

ORDAINED AND ENACTED THIS 5th day of July, 2006.

BOARD OF SUPERVISORS OF
FISHING CREEK TOWNSHIP

Randy A. Hack
Ronald Kocher
Randall Laubach

ATTEST:

Secretary