

**LIBERTY TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020-06

**AN ORDINANCE OF THE TOWNSHIP OF LIBERTY, ADAMS COUNTY, PENNSYLVANIA,
AMENDING THE “LIBERTY TOWNSHIP DRIVEWAY AND STREET EXCAVATION
ORDINANCE.”**

WHEREAS, Liberty Township adopted the “Liberty Township Driveway and Street Excavation Ordinance, Ordinance No. 2 of 2016 on October 5, 2016; and

WHEREAS, the Liberty Township Board of Supervisors has determined that it is in the best interests and the public, health, safety and welfare of the residents of Liberty Township to have the driveway requirements of the “Liberty Township Driveway and Street Excavation Ordinance” apply to private driveways in the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Liberty Township, Adams County, Pennsylvania, that the “Liberty Township Driveway and Street Excavation Ordinance” is amended as follows:

SECTION 1: The title of the Ordinance shall be revised to read as follows:

“AN ORDINANCE OF THE TOWNSHIP OF LIBERTY, COUNTY OF ADAMS AND COMMONWEALTH OF PENNSYLVANIA REQUIRING ALL PERSONS TO OBTAIN PERMITS PRIOR TO CONNECTING OR PAVING DRIVEWAYS TO ROADS OR PERFORMING EXCAVATING OR OTHER WORK IN PUBLIC ROADS; REQUIRING THE SUBMISSION OF PLANS IN COMPLIANCE WITH PENNDOT AND TOWNSHIP DESIGN REQUIREMENTS PRIOR TO THE ISSUANCE OF PERMITS; PROVIDING FOR THE DISAPPROVAL OF PLANS WHERE CONNECTION OR WORK WOULD RESULT IN IMPROPER DRAINAGE OR NONCOMPLIANCE WITH PENNDOT AND TOWNSHIP DESIGN AND CONSTRUCTION REQUIREMENTS; PROVIDING FOR THE PAYMENT OF PERMIT FEES; AND PROVIDING PENALTIES FOR VIOLATIONS.”

SECTION 2: A new Subsection “B” shall be added to Section 2 and it shall read as follows:

“B. Township Residents have suffered damage to their driveways as a result of improper connection of driveways to private roads and faulty drainage.”

The remaining subsections in Section 2 shall be re-lettered accordingly.

SECTION 3: Current Subsection 2 (C) [after enactment 2(D)] shall be revised to read as follows:

“D. The Township deems it necessary for the proper management, maintenance and control of its public and private road system to regulate the connection of driveways to Township and private roads.”

SECTION 4: Current Subsection 2(F) [after enactment 2(G)] shall be revised to read as follows:

“G. The Township desires to require proper connection of driveways and repair of roadway excavations to minimize damage to Township and private roads.”

SECTION 5: The definitions for Contractor and Driveway shall be revised to read as follows:

“Contractor -The person who installs a driveway or excavates in a Township or private roadway, including all agents, subcontractors, officers or employees of that person or business entity.

Driveway - Every entrance or exit used by vehicular traffic to or from properties abutting a private or public road. The term includes proposed streets, lanes, alleys, courts and ways.”

SECTION 6: New definitions for Private Road, Private Right-of-Way; and Road shall be added, and they shall read as follows:

“Private Road – Any road, street, alley, bridge, or thoroughfare, including the entire area between right-of way lines, that is not a public road.

Private Right-of way – The area used for highway purposes that is not a public road.

Road – A public or private road as defined above.”

SECTION 7: Subsection A of Section 4 shall be revised to read as follows:

“A. Permit required. No person shall hereafter install or alter an existing driveway or allow any work incident to the alteration or installation of a driveway including the alteration of existing drainage characteristics on a public or private road without first obtaining a permit from the Township. No person shall hereafter perform excavation or other work within a Township public road without first obtaining a permit from the Township.”

SECTION 8: The first sentence of Section 5 shall be revised to read as follows:

“Any owner shall, prior to obtaining a permit for a driveway connection to a private or public road, file an application with the Township, on a form furnished by the Township.”

SECTION 9: The first sentence of Section 6(A)(1) shall be revised to read as follows:

“1. Geometric information such as width, radius, dimensions, and location of the public or private road, right of way, slope and grades, length of driveway to residence or building, and distance to property lines and nearest driveway(s) and intersection(s).”

SECTION 10: Section 6(B)(2) and (3) shall be revised to read as follows:

“2. It would cause damage to a public or private road.

3. It would increase hazardous driving conditions on the public or private road.”

SECTION 11: Sections 6(E), (F), (I) and (J) shall be revised to read as follows:

“E. Drainage. All driveways which are installed on any public or private road will be required to install either a drainage pipe (culvert) or construct a drainage swale as directed by the Township representative.

F. Paving to limits. All driveways which are constructed and have access onto a paved public or private road will be required to be paved from the edge of the existing public or private road to the right-of-way

limit or the end of the radius whichever extends further from the Township or private road.

I. Owner's responsibility. As part of obtaining a driveway permit, all property owners shall be responsible for long term maintenance of the driveway and related drainage or stormwater management plan. In the event that excess stormwater runoff or sediment is diverted onto public or private roads the owner will be given notice and required to make necessary corrections to bring the driveway and drainage into compliance. In the event that a driveway culvert pipe becomes crushed or blocked it shall be replaced at the owner's expense. The Township reserves the right to require the owner to make repairs, to make the repair at the owner's expense or to contract with a third party at owner's expense to perform the needed repairs. All property owners shall be responsible for any and all costs for maintenance to public or private roadways resulting from water runoff caused by improperly maintained driveway pipes.

J. Overnight parking. Where construction permitted by this Ordinance requires equipment to park at the site overnight, it shall be located a minimum of four (4) feet from the edge of the cartway of the Township or private road.”

SECTION 12: The first sentence of Section (7)(A) shall be revised to read as follows:

“Any person desiring to open, excavate, or bore in or under any public street in the Township, shall file an application with the Township on forms provided by the Township.”

SECTION 13: Repealer and Savings Clause. All parts of the “Liberty Township Driveway and Streets Excavation Ordinance, Ordinance No. 2 of 2016”, in conflict with this Amendment are repealed. All other parts of this “Liberty Township Driveway and Street Excavation Ordinance, Ordinance No. 2 of 2016”, shall remain in full force and effect unless amended by this Ordinance.

SECTION 14: Severability: If any article, section, or provisions of this Ordinance should be decided by the Courts to be unconstitutional or invalid, such decision shall not affect the validity of the this Ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 15: Effective Date. This Ordinance shall become effective in accordance with the law.

ENACTED by the Board of Supervisors of Liberty Township this __ day of _____, 2020.

ATTEST:

TOWNSHIP OF LIBERTY
ADAMS COUNTY, PENNSYLVANIA

BOARD OF SUPERVISORS OF
LIBERTY TOWNSHIP

Secretary

By: _____
Chairman

(SEAL)

By: _____

By: _____