

CHAPTER 21

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PART 1

DRIVEWAY CONSTRUCTION

§101. PERMIT REQUIRED.

No person or party, either as owner or tenant or as an agent for the owner, shall construct any driveway entering upon or exiting from any Township road within the Township of North Centre until he shall have first obtained a permit.

(Ord. 3/14/1977, §1)

§102. APPLICATION FOR PERMIT.

The application for a permit shall include a sketch or plan of the proposed driveway showing its point of entry to the Township road and the proposed width, length and slope thereof and how the same will affect any drainage ditch along said roadway. The sketch should also show any obstructions to view of traffic.

(Ord. 3/14/1977, §2)

§103. ISSUANCE OF PERMITS.

Permits shall be issued without charge to the applicant and the Roadmaster is designated as the administrative officer for the issuance of such permit. His term of office shall be for 1 year or until a successor is appointed. The permit shall contain any specifications or conditions deemed necessary by the administrative officer for the health and safety of users of the Township roads and the maintenance of such roads.

(Ord. 3/14/1977, §3)

§104. PENALTIES.

1. Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [Ord. 1999-01]
2. The administrative officer shall have the authority to order the driveway reconstructed to conform to the permit at the sole cost and expense of such person, partnership or

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corporation being the owner. If the applicant fails to reconstruct, the Township may do so and such costs and expense may be entered as a lien of assessment against the subject property.

(Ord. 3/14/1977, §4; as amended by Ord. 1999-01, 1/21/1999)

§105. APPEALS.

Any person or party aggrieved by any decision of the administrative officer under this Part may appeal the matter to the Township Supervisors sitting as a Board.

(Ord. 3/14/1977, §5)

§106. MAINTENANCE.

All driveways and adjoining areas within highway rights-of-way shall be continuously maintained by the property owner so as to conform to the permit and so as not to interfere or be inconsistent with the design, maintenance and drainage of the highway or the safe and convenient passage of traffic on the highway.

(Ord. 3/14/1977, §6; as added by Ord. 1999-01, 1/21/1999)

PART 2

OPENING AND CUTTING OF STREETS

§201. PERMITS REQUIRED.

In accordance with the provisions of §1156 of Article XI of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any Township road nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles or any coal tipples or any other obstructions be erected upon or in any portion of a Township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof as may be prescribed in permits granted by the Township for such purpose.

(Ord. 5-1974, 5/13/1974, §1)

§202. APPLICATION FOR PERMIT.

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Department of Transportation for Highway Occupancy Permits and Restoration Charges. In addition, the applicant shall submit three copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

(Ord. 5-1974, 5/13/1974, §2)

§203. ISSUANCE OF PERMIT.

A permit shall be issued to the applicant after all the aforementioned requirements have been filed and appropriate conditions, restrictions and regulations incorporated therein, including PennDOT Form 408 specifications.

(Ord. 5-1974, 5/13/1974, §3; as amended by Ord. 1999-01, 1/21/1999)

§204. WRITTEN NOTICE.

Upon completion of the work the applicant shall give written notice thereof to the Township.

(Ord. 5-1974, 5/13/1974, §4)

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§205. COMPLETION AND INSPECTION.

Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect within 60 days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional 20% of such cost. All work needs to be done and all restoration of streets and roads must be accomplished in accordance with PennDOT Form 408 specifications.

(Ord. 5-1974, 5/13/1974, §5; as amended by Ord. 1999-01, 1/21/1999)

§206. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 5-1974, 5/13/1974, §6; as amended by Ord. 1999-01, 1/21/1999)

PART 3

CONSTRUCTION AND IMPROVEMENT

§301. WIDTH OF RIGHT-OF-WAY.

The minimum width of the right-of-way of all streets and highways to be opened hereafter in North Centre Township shall be 50 feet and said minimum width shall apply to all new things and highways to be opened and to all present streets and highways where building developments are involved.

(Ord. 106-1969, 11/3/1969, §1; as amended by Ord. 103-1973, 10/1/1973, §1)

§302. SHOULDERS OR BERMS.

All new streets and highways involved in building developments shall provide for shoulders or berms of a minimum width of 8 feet, right and left, and all banks adjacent thereto shall be properly sloped and seeded.

(Ord. 106-1969, 11/3/1969, §2; as amended by Ord. 103-1973, 10/1/1973, §2)

§303. BASE OF STREETS AND HIGHWAYS.

The base of any new street or highway to be opened and all present streets and highways involved in building developments shall be not less than 10 inches in depth of materials to be approved by the Board of supervisors.

(Ord. 106-1969, 11/3/1969, §3)

§304. SURFACE OF STREETS AND HIGHWAYS.

The paved or blacktopped surface of all new streets and highways to be opened and of present streets and highways hereafter involved in building developments shall be not less than 22 feet in width and of which the base thereof shall be of a depth and kind of material to be specified and approved by the Board of Supervisors.

(Ord. 106-1969, 11/3/1969, §4; as amended by Ord. 103-1973, 10/1/1973, §3)

§305. DRAINAGE.

All building plans for new building developments involving new streets and highways or present streets and highway shall provide specifications for proper and required drainage and

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for driveway entrances to and from the streets and highways involved, all of which shall be submitted for approval to the Board of Supervisors prior to the beginning of any work or construction whatsoever.

(Ord. 106-1969, 11/3/1969, §5)

§306. SET-BACK LINES.

In all building developments involving new streets and highways or present streets and highways a set-back building line of 50 feet from the highway or street right-of-way shall be maintained.

(Ord. 106-1969, 11/3/1969, §6)

§307. APPROVAL OF BUILDING PLANS.

All development building plans involving new streets and highways and present streets and highways shall be submitted to the Board of Supervisors for approval prior to the beginning of any work whatsoever in all cases where one or more homes or buildings are to be involved and no such work shall proceed until the building or development plans have been stamped or marked with the approval of the Board of Supervisors.

(Ord. 106-1969, 11/3/1969, §7)

§308. COMPLIANCE.

In addition to the provisions of this Part all persons, firms and corporations must comply with all pertinent provisions of the Second Class Township Code relating to new streets and highways and drainage facilities connected therewith involving public use and travel. All work needs to be done and all streets and roads constructed in accordance with PennDOT Form 408 specifications.

(Ord. 106-1969, 11/3/1969, §8; as amended by Ord. 1999-01, 1/21/1999)

§309. PENALTIES.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 106-1969, 11/3/1969, §9; as amended by Ord. 1999-01, 1/21/1999)

PART 4

STREET ACCEPTANCE

§401. POLICY.

The Township hereby adopts the policy of accepting existing roads and/or streets improved to Township specifications into the road system.

(Ord. 1999-01, 1/21/1999)

§402. INVESTIGATION OF EXISTING PRIVATE ROADS.

Where a given road which has been heretofore classified or referred to as a "private road" is to be considered for acceptance into the road system, an initial investigation shall be conducted by the Township to determine whether or not the road has ever been formally ordained or accepted by the Board of Supervisors; whether the road or street is part of a subdivision which has been recorded in the Recorder's Office of Columbia County with dedications and/or releases of damages, or whether the road or street has, in fact, been used on a regular basis by the public, giving rise to an acceptance by implication and by public use. After this investigation has been completed, a recommendation shall be made as to whether or not the road can be incorporated into the road system. If the investigation establishes that legal impediments exist which prevent the acceptance of the road or street or which may give rise to damages in the event the road or street is accepted, the Board of Supervisors may, if it feels such action is appropriate, authorize and allocate funds necessary to acquire the necessary consents, waivers, rights-of-way or releases which will alleviate the legal impediments and enable the Township to accept the road or street into the road system.

(Ord. 1999-01, 1/21/1999)

§403. PETITION MUST PRECEDE ACCEPTANCE PROCEDURE.

The Township shall not consider accepting a private road into the road system effectuating the procedure outlined in §402, unless it shall receive a petition which requests the acceptance of the street involved into the road system and which was executed by a majority of the property owners who abut on the street or portion of street which is being considered for acceptance.

(Ord. 1999-01, 1/21/1999)

§404. JUSTIFICATION OF EXPENDITURE OF MUNICIPAL FUNDS.

Even though the acceptance of private roads as public roads may ultimately result in the expenditure of Township funds, the overall objective is of such importance to the growth of

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the Township that the Board of Supervisors shall be authorized to allocate from the General Funds such amounts as may be necessary to implement the project and such funds may be used to acquire deeds of dedication, easements and rights-of-way, to obtain releases and waivers of damage in order to remove the legal impediments preventing the acceptance of a given street or for any other purpose so required.

(Ord. 1999-01, 1/21/1999)

§405. ROADS TO BE INVESTIGATED INDIVIDUALLY; LEGAL REPORT BY SOLICITOR; ESTIMATE OF COSTS INVOLVED.

The Township shall treat the proposed street or road which is to be incorporated into the road system on an individual basis and shall investigate the facts surrounding the issue of whether the Township has a legal basis for accepting the road and/or street into its road system. The Board of Supervisors shall then request the Solicitor to make a recommendation as to the appropriate legal approach which can be utilized to accomplish this objective, together with an estimate of the possible damages and costs involved in taking over specific individual roads and/or streets involved.

(Ord. 1999-01, 1/21/1999)

§406. DECISION BY BOARD OF SUPERVISORS.

Upon receipt of the information, secured pursuant to §405 above, the Board of Supervisors shall make a definitive decision whether, in light of the legal problems and the estimated costs involved, the road and/or street shall be further considered for acceptance. If an affirmative decision is reached, the Board of Supervisors shall establish the procedure to be followed and shall authorize the expenditure of such funds as may be necessary to carry out this procedure.

(Ord. 1999-01, 1/21/1999)

§407. REVIEW BY ENGINEER AND SOLICITOR.

In arriving at its decision, the Board of Supervisors may authorize the engineer retained by the Township and the Township Solicitor to review each proposed road, considering, among other things, the costs of improving the street and/or road and of acquiring the necessary deeds of dedication, easements, rights-of-way, releases and waivers of damages.

(Ord. 1999-01, 1/21/1999)

§408. COST RESPONSIBILITY.

Whenever appropriate, all of the costs of accepting the road and/or street into the road system, including, but not necessarily limited to, the legal fees, the engineering charges, the costs of securing and recording appropriate deeds of dedication, easements, rights-of-way, releases and waivers of damages, together with such other administrative expenses as may result, shall be apportioned equitably against all involved property owners pursuant to law and consistent with the Township's established policy. If this is not possible because of legal impediments or otherwise not feasible, then and in that event, such amounts as may be necessary may be appropriated out of the General Fund to accomplish these objectives.

(Ord. 1999-01, 1/21/1999)

§409. ACCEPTANCE PROCEDURE.

The procedure which shall be adopted for considering whether to accept a particular street and/or road into the road system shall conform in all respects, except as otherwise specifically outlined herein, to the procedure utilized in considering curative amendments submitted to the Board of Supervisors pursuant to §609.1 of the Pennsylvania Municipalities Planning Code, 55 P.S. §10609.1 *et seq.*, as far as hearings, the production of documents, the taking of testimony and the submission of evidence are concerned.

(Ord. 1999-01, 1/21/1999)

§410. RECORD OF TESTIMONY.

In the event a hearing is held, or the matter is placed on the agenda, a verbatim record will be made of all testimony and comments, and all documentation shall be appropriately marked as exhibits and kept in a separate file pertaining to the road and/or street involved.

(Ord. 1999-01, 1/21/1999)

§411. LIQUID FUEL TAX REQUIREMENTS TO BE MET.

Any street, road or part thereof, dedicated for acceptance under this Part into the road system, shall comply with the minimum requirements of the Pennsylvania Department of Transportation covering the allocation of liquid fuel tax receipts and the standards promulgated therewith.

(Ord. 1999-01, 1/21/1999)

§412. IMPROVEMENTS.

The Township, upon appropriate action by the Board of Supervisors, may grade, curb, gutter, pave or otherwise improve with suitable materials, any public street, road, or part thereof, laid

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out and opened in the Township, accepted by formal resolution. Such work may be done by Township employees or by contract, as the Board of Supervisors shall determine. No street, road, or any part thereof shall be improved under the provisions of this ordinance except by petition of a majority of the owners of property abutting on the street or road, or part thereof proposed to be improved.

(Ord. 1999-01, 1/21/1999)

§413. IMPROVEMENT COST ASSESSMENTS.

The costs and expenses of any such improvement may be collected from the owners of the real estate abutting on such street, road, or part thereof by an equal assessment on the foot front. Such assessment shall be estimated by the engineer retained by the Township. If this standard of assessment is impracticable, or for any reason inequitable, the engineer retained by the Township, shall adopt such other method of assessment as may be legally acceptable and equitable in the premises.

(Ord. 1999-01, 1/21/1999)

§414. UTILITY LINE CONSIDERATIONS.

Prior to improving any street, road or part thereof, an investigation shall be conducted to determine the possible existence of utility lines under the street, road, or part thereof, proposed to be improved and the said street, road, or part thereof, shall not be improved unless or until appropriate steps are taken to either remove the utility lines or to otherwise alleviate the problem in a manner satisfactory to the Board of Supervisors.

(Ord. 1999-01, 1/21/1999)

§415. ADDITIONAL REGULATIONS.

The Board of Supervisors shall also establish such other procedures and adopt such regulations as may be appropriate in the premises to effectuate the general intent of this Part.

(Ord. 1999-01, 1/21/1999)