

**Worth Township, Butler County**  
**ORDINANCE NO. 2000-1**

**AN ORDINANCE OF THE TOWNSHIP OF WORTH, BUTLER COUNTY, PENNSYLVANIA, PROHIBITING THE INSTALLATION OF DRIVEWAYS ONTO TOWNSHIP ROADWAYS WITHOUT FIRST SECURING A PERMIT FROM WORTH TOWNSHIP; PROHIBITING THE MAINTENANCE OF DRIVEWAY NUISANCES AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

**BE IT ORDAINED AND ENACTED** by the Board of Supervisors of the Township of Worth, Butler County, Pennsylvania, it is ordained and enacted by Authority of the same as follows:

**SECTION 1-INTENT**

The purpose of this Ordinance is to promote the general health, safety and welfare of the community and to provide safer public roadways in the Township.

**SECTION II-DEFINITION**

**Artificial drainage facilities** - Those facilities which are used to collect, reroute, drain or otherwise divert water from its natural course and include, but are not limited to, rain spouts, cellar drains, spillway for ponds or dams, overflow from storage ponds or containers and facilities carrying sewage.

**Driveway** - Any vehicular entrance or exit to private property from or to a Township road, whether it is designed as such or not, whether it is surfaced or unsurfaced and shall also include parking areas along the Township road.

**Person** - Any natural person, partnership, association, firm or corporation.

**Township Road** - Any road or street adopted or maintained by the Township of Worth and includes the full width of the Township's right of way, together with all ditches, water courses and facilities maintained by the Township therein.

**SECTION III -PROHIBITIONS**

1. No person shall design, construct or maintain any driveway or artificial drainage facility which shall permit water or other liquid to be deposited upon or discharged over a Township road;
2. No person shall design, construct or maintain any driveway in any manner which will block, impede or restrict the flow of culverts, ditches or other drainage facilities relating to a Township road;
3. No person shall design, construct or maintain any driveway in any manner which restricts or permits the restriction of sight distance below standards established in Title 67 S201.6 (16) of the Pennsylvania Code as amended which standards are hereby incorporated by reference.

#### **SECTION IV - PERMITS**

1. No person shall construct a new driveway or install or replace culvert pipe under an existing driveway until they have received a permit from the Township.
2. Application for the permit must be made in writing on the forms provided by the Township.
3. The Application shall described the intended construction in accordance with the standard set forth in this Ordinance relating to depth, slope, size and location of any culvert pipe.
4. The Board of supervisors or its duly appointed agent may inspect the site of the driveway before issuing the permit.
5. Upon completion of the work authorized by the permit, the Applicant shall give written notice thereof to the Township.
6. A permit shall be valid for a period of three (3) months.

#### **SECTION V - PERMIT STANDARDS**

1. Where it is necessary to install or replace culvert under a driveway to keep the drainage channel open, it shall be the responsibility of the permit holder to do so in accordance with these standards. The culvert shall be at least twelve (12) inches in diameter and shall be large enough to carry the normal flow of the drainage channel. The culvert shall have a minimum length of twenty (20) feet.
2. The culvert shall be of sufficient strength to bear the weight of the heaviest vehicle normally using the driveway and shall be A.S.T.M. (American Society for Testing Material), standard drainage pipe or its equivalent. The equivalency substitute has to be approved in writing by the Supervisors or their duly appointed agent prior to installation.
3. A minimum fall of three-quarter inch per foot shall be maintained from the edge of the pavement or cartway of the Township road to the top of the culvert cover.

#### **SECTION VI - FEES**

There is hereby imposed a fee for the issuance of permits required under this Ordinance, which shall be fixed from time to time by resolution of the Board of Supervisors and paid upon the application for permit. Said fee shall be retained by the Township for its general use.

#### **SECTION VII - ENFORCEMENT AND PENALTIES**

1. Any person required by this Ordinance to apply for and obtain a permit who fails to do so shall be given seven (7) days written notice to do so by posting a Notice at the site of violation and by mailing a copy to the registered land owner for real estate tax purposes by Certified Mail, Return Receipt Requested, allowing an additional seven (7) days to obtain said permit. If at the expiration of seven (7) days such permit is not obtained, the Township shall initiate a Complaint in Civil Enforcement against the landowner or contractor or both for a civil penalty of not more than \$300.00. In any case where a penalty for violation has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violator shall be liable for the penalty imposed including additional daily penalties for continuing violations, plus court cost and reasonable attorney fees incurred by the Township in the enforcement proceedings.

2. Any person found to be in violation of Section III hereof shall be given written notice by the Township of the deficiency and steps necessary to correct the violation and a reasonable time table to complete the repairs specified. If the condition which constitutes a violation of Section III hereunder is not corrected within the time provided for in the notice to the landowner, then the Township Supervisors or their duly authorized agents may undertake any or all of the three following actions:

A. File civil enforcement proceedings against the violator for civil penalties of \$600.00 per violation before a District Justice. Where a penalty for violation of this Ordinance has not been timely paid and the person upon whom the penalty was imposed is found to have been liable therefore in civil proceedings, the violator shall be liable for the penalty imposed including additional daily penalties for continuing violation, plus court costs and reasonable attorney fees incurred by the Township in the enforcement proceedings;

B. Initiate an Action in Equity to enjoin further violations of the Ordinance;

C. Remove the offending condition and repair, maintain or reconstruct the drainage facilities or driveway in accordance with this Ordinance and charge the cost of restoring or constructing the same to the landowner in the manner provided by law for filing of municipal claims.

### **SECTION VIII**

Any Ordinance or part thereof inconsistent with the provisions of this Ordinance shall not be repealed or superceded, but the requirements of the stricter standards shall apply.

ORDAINED AND ENACTED on the 3<sup>rd</sup> day of February, 2000.

