

Ordinance: 58-59

AN ORDINANCE REQUIRING A PERMIT FOR ANY WORK REQUIRING EXCAVATION ACROSS ANY TOWNSHIP ROADS LYING WITHIN THE TOWNSHIP; AND FURTHER PROVIDING FOR PENALTIES FOR FAILURE TO COMPLY WITH THE PROVISIONS HEREOF.

ARTICLE I: ROAD CROSSING PERMIT

Section 1.

No construction, excavation, digging, subterranean boring or other similar activity shall hereafter take place either wholly or partially within Ridgebury Township which wholly or partially crosses or encroaches upon the right of way of any Township road until after a Road Crossing Permit shall have been obtained from the Driveway Permit Officer.

Section 2.

Permit applications shall be made on forms supplied by the municipality and shall contain the name and address of applicant; specific site location; a detailed description of the work proposed to be done; and the name and address of the excavators or contractor.

Section 3.

- A.) The permit shall contain the terms and conditions regarding the granting of the permit and shall include, but not limited to, the roadway to be contained to the same condition as it was prior to construction, excavation, digging or other similar activities.
- B.) After the issuance of a Road Crossing Permit, no changes of any kind shall be made to the application, permit, or any of the plans submitted with the application without the written consent or approval of the Permit Officer.

Section 4.

Applications for a Road Crossing Permit shall be accompanied by the fee payable to the Township of \$25. Said fee may be adjusted from time to time by resolution of the Board of Supervisors.

Section 5.

A Road Crossing Permit issued pursuant to this Ordinance shall be valid for a period of six (6) months from the date of Issuance. No construction, excavation, etc., shall take place beyond such period until a further or supplemental application shall be submitted to the Township. If no change in work plans is proposed in the supplemental application, no additional application fee shall be due.

Section 6.

Upon completion of the work by the permittee, notice shall be given to the Township which shall thereupon cause such work to be inspected by the Township Foreman and Driveway Permit Officer. If the inspection reveals that the conditions of the permit have not been complied with, the permittee shall forthwith correct all violations of such permit or be subject to the penalties hereinafter set forth.

ARTICLE II: REFUSAL

Section 1.

In the event that the driveway permit officer shall refuse to grant a permit, then the person applying for the permit shall have the right to appeal to the Board of Supervisors of the Township of Ridgebury by filing an appeal within 30 days after said driveway permit officer shall deny permit. The appeal shall contain the reasons for the denial of said permit which shall be furnished by the said driveway permit officer. Within 30 days after receipt of the said appeal the Board of Supervisors shall conduct a hearing on said appeal and shall either grant or deny the said appeal within 30 days after the last hearing.

ARTICLE III ENFORCEMENT

Section 1.

Whenever the applicable permit officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, written notice of such violation shall be given of such violation as hereafter provided. Such notice shall set forth the notice required hereunder shall be by first class U.S. Mail, addressed to the permit applicant at the resident address listed in the application.

Section 2.

Any person party or other property owner who shall violate any portion of this Ordinance shall be subject to a minimum fine of not less than \$50.00 nor more than \$1,000.00 for such violation. Every day which the violation continues shall constitute a separate offense and may be separately prosecuted as such.

Section 3.

In the event the Township is required to correct the defect caused by failure to conform to the terms of the ordinance, the Township may elect to correct the defect and the applicant would be responsible for all costs including court costs and attorney fees incurred by the township.

ARTICLE IV GENERAL

Section I.

If any section, paragraph, sentence or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect. For this purpose, the provisions of this Ordinance are hereby declared severable.

May 14, 2001