

AN ORDINANCE OF THE TOWNSHIP OF LOWHILL, LEHIGH COUNTY, PENNSYLVANIA AMENDING TOWNSHIP ORDINANCE - 72, THE ORDINANCE DEALING WITH PROHIBITING THE CONSTRUCTION, RECONSTRUCTION, RESURFACING OR ALTERATION OF DRAINS, CULVERTS, FOOTWALKS, DRIVES OR DRIVEWAYS ETC. WITHOUT FIRST SECURING PERMITS, BY ESTABLISHING OF MORE SPECIFIC PROVISIONS AND SETTING FORTH MAXIMUM GRADE STANDARDS FOR PRIVATE DRIVES OR DRIVEWAYS OR OTHER MEANS OF INGRESS OR EGRESS OR EFFECTING DISCHARGE OR PASSAGE OF DRAINWATER ONTO OR ALONG ANY ROAD IN THE TOWNSHIP NOT UNDER THE JURISDICTION OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION; REQUIRING MAINTENANCE SECURITY TO BE POSTED IN APPROPRIATE CIRCUMSTANCES; PROVIDING FOR PERMIT REGULATIONS AND FILING FEES AND IMPOSING FINES AND PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Lowhill and it is hereby enacted and ordained by the authority of the same.

Section 1: No person, firm, or corporation shall grade, construct, reconstruct, resurface, alter, install or erect a drain, culvert, footwalk, drive or driveway, or other means of ingress or egress, or effecting discharge or passage of drainage water, nor, shall any person, firm, or corporation dig, excavate or alter any established cartway of any Township road or the established shoulders next thereto, unless and until the Township has granted a permit for such grading, construction, installation or alteration.

Section 2: Application for such permit shall be made or in writing, on forms provided by the Township and in accordance with such rules and regulations as may be established by the Township. There shall be appended to each application a drawing or plan showing the outlines of the property affected with existing improvements therein, existing drains, culverts, footwalks, drives and driveways, with the proposed drain, culvert, footwalks, drive or driveways, proposed to be added, and the relationship of the foregoing to the Township road, and to the Township right-of-way specifying the dimensions of any such proposed work to be done, particularly with relationship to the effect on the drainage of said road.

Section 3: The centerline grade of any drain, culvert, footwalk, drive or driveway or other means of ingress or egress or effecting discharge or passage of drainwater onto or along any road in the Township, to the extent, and only to the extent, jurisdiction over which is not vested in the Pennsylvania Dept. of Transportation, shall not exceed 13% at any point from the ultimate street right-of-way line to any other point within the confines of the lot or area of ground being served, or from where the drain, culvert, footwalks, drive or driveway or other means of egress or ingress emanates with an average grade of 11%. A leveling area shall be provided not greater than a 4% grade for a distance of 25 ft. measured from the ultimate street or road right-of-way line.

The standards of this section will specifically apply except for the portion of the driveway, etc. within the jurisdiction of the Pennsylvania Dept. of Transportation and prior to the issuance of any building or zoning permit, the Zoning Officer shall ascertain that the standards of this Ordinance have been, or will be met. In the case where the Pennsylvania Dept. of

Transportation has jurisdiction to issue an occupancy permit, the Township shall not require a separate additional permit pursuant to this Ordinance, however, the standards of this Ordinance for the portion of the driveway, etc. beyond the jurisdiction of the Pennsylvania Dept. of Transportation shall be complied with.

Section 4: Whenever there is a conflict between minimum standards or requirements set forth in this Ordinance and those contained in other Township ordinances and regulations, or other applicable laws and regulations, the most stringent standard or requirement shall apply.

Section 5: The costs of filing such application and permit to be issued thereon, and the cost of any inspection deemed necessary by the Supervisors, shall be determined according to a schedule of fees which will be adopted by the Supervisors by resolution and all such fees and costs shall be paid into the Township treasury.

Section 6: The Supervisors may alter plans filed with the application, and specify any changes or modifications of any kind which they may deem necessary, and make its approval of any permits subject to any such alterations, changes, or modifications.

Section 7: All grading, construction, installation, and erection shall be in strict compliance with the plans and specifications on the basis of which the permit is granted.

Section 8: The Township may, in its discretion require the applicant to post appropriate maintenance security in the form of cash or equivalent collateral, prior to the issuance of any permit pursuant to this Ordinance to assure that, following the completion of the work proposed by the application that, the premises are restored in a safe and suitable fashion and that the restoration remains safe and viable for a period of eighteen (18) months from the completion of the excavations and restorations. The eighteen (18) month period shall be deemed to be a maintenance period. Any time during such maintenance period the Township may notify the applicant in writing of repairs or maintenance to the excavated area which may be necessary however, if the applicant shall fail to make such repairs or maintenance the Township shall do so and shall reimburse itself for the fair and reasonable costs thereof from the maintenance security. Nothing in this section shall prohibit the Township from reimbursing itself from the maintenance security in the event that emergency repairs are necessary to the extent that sufficient time will not exist in order to notify the applicant to make the necessary repairs. Following the completion of the maintenance period in the event the area so excavated or worked on shall not require any repairs or maintenance or to the extent maintenance security remains then, in those events, the maintenance security shall be returned to the applicant.

Section 9: Any person, firm, or corporation violating the terms of this Ordinance or of any of the terms and conditions of any permit issued hereto, including any regulations applicable thereto, shall upon conviction thereof before a District Justice of Lehigh County be sentenced to pay fine of not less than \$100.00 or more than \$300.00, together with costs of prosecution, or in default thereof to undergo imprisonment in Lehigh County Prison for not more than fifteen (15) days.

Section 10: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 11: This ordinance shall become effective five (5) days after adoption.

ORDAINED AND ENACTED THIS 6th day of August, 1936 by the Board of Supervisors of Lowhill Township in lawful session duly assembled.

TOWNSHIP OF LOWHILL

Eugene R. Warner

Richard B. Lyle

Frank R. Dangle

ATTEST:

Barbara Kressley
Barbara Kressley, Secretary