ORDINANCE NO. _____ -2013

BOROUGH OF BENTLEYVILLE
WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF BENTLEYVILLE, WASHINGTON COUNTY, PENNSYLVANIA, PROVIDING THAT NO DRIVEWAYS, PRIVATE ROADS, LANES OR OTHER MEANS OF ACCESS TO ANY ROADS OF THE BOROUGH OF BENTLEYVILLE SHALL BE CONSTRUCTED WITHOUT FIRST SECURING A PERMIT IN ACCORDANCE WITH THE BOROUGH CODE, AND PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF.

WHEREAS, the Borough of Bentleyville desires to adopt an ordinance for road access and believes it to be in the best interest and welfare of its residents to do the aforesaid.

NOW THEREFORE, pursuant to the Borough Code as amended and other relevant laws the Council of the Borough of Bentleyville enacts and ordains as follows:

SECTION ONE: TITLE

This Ordinance shall be known as the "Access Road Ordinance of 2013".

SECTION TWO: PURPOSE

In accordance with the provisions of the Borough Code, as amended, no driveways, private roads, lanes or other means of access to any roads of the Borough shall be constructed upon or in any portion of a Borough road except as under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Borough for such purposes.

SECTION THREE: APPLICATION

The application for a permit shall be on a form prescribed by the Borough and submitted to the Borough 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 applicants shall submit three (3) copies of a

sketch showing such dimensions as the location, width, drive profile, and size of anticipated culvert designed for a twenty five year storm of the intended driveways, private roads, lanes or other means of access to any roads of the Borough, pavement width of the Borough roadway and right-of-way lines of the Borough road.

SECTION FOUR: PERMIT

A permit shall be issued to the applicant after all the aforesaid requirements have been filed.

SECTION FIVE: NOTICE

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

SECTION SIX: INSPECTION

Upon completion of the work authorized by the permit, the Borough 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 sixty (60) days after written notice from the Borough to do so, the Borough may do the work and shall impose upon the applicant the costs thereof, together with an additional twenty (20%) percent of such costs.

SECTION SEVEN: PENALTIES

Any person, firm, corporation or utility which shall violate any of the provisions of this Ordinance shall be subject, upon conviction before a District Justice, to pay a fine of not more than Three Hundred ($300.00) Dollars, and costs of prosecution and in default of the payment of such fines and costs, to imprisonment in the County jail for not more than five (5) days.

SECTION EIGHT: INCONSISTENCE

Any Ordinance or part of Ordinance inconsistent herewith is hereby repealed insofar as it is inconsistent herewith.

SECTION NINE: SEVERABILITY

If any sentence, clause or section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or sections or part of this Ordinance. It is hereby declared as the intent of the Council that this Ordinance would not have been adopted has such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

SECTION TEN: REPEALER

Any Ordinance of any part of Ordinances inconsistent with the provisions of this Ordinance is hereby repealed insofar as the same affects this Ordinance.

SECTION ELEVEN: EFFECTIVE DATE

This Ordinance shall become effective immediately and upon final enactment.

ENACTED AND ADOPTED by the Council of the Borough of Bentleyville this _____ day of _____, 2013.

ATTEST: **BENTLEYVILLE BOROUGH**

_____ BY: _____
Kimberly Sacco, Secretary/Treasurer Stan Glowaski, President

EXAMINED AND APPROVED by me this _____ day of _____, 20____.

BY: _____
Thomas Brown, Mayor