

TOWNSHIP OF RUSH  
Schuylkill County, Pennsylvania

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ORDINANCE NO. 123

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DRIVEWAY PERMITS

**WHEREAS**, private driveways that abut and intersect with Township roads have been determined to cause drainage problems, traffic problems and other health and safety problems in Rush Township; and

**WHEREAS**, an increasing problem has developed because of the inadequate workmanship of contractors and the placement of driveways prior to permit issuance; and

**WHEREAS**, it appears necessary and advisable to adopt certain regulations in order to better protect the residents and property owners of Rush Township from unscrupulous and the inadequate workmanship in the installation of driveways and to better provide for traffic control and drainage of stormwater;

**NOW THEREFORE**, be it **ORDAINED** this 14<sup>th</sup> day of November, 1996,  
by the Rush Township Board of Supervisors as follows:

1. No owner or occupant of real property situate within Rush Township, nor any person in the care, custody or control of such real property, nor any contractor shall permit or install, construct, repair or otherwise perform any work other than routine cleaning of a driveway that intersects with any Township road or ordained street or alley, unless that person, owner, occupant or contractor has obtained a permit from the Township known as a "driveway permit". A permit shall be issued to the land owner with a copy to the

contractor.

2. This Ordinance shall apply to any driveway constructed, designed, installed, substantially reconstructed, widened or where the point of intersection with a Township road is substantially moved after the effective date of this Ordinance.

a. A "driveway" shall mean any passageway, whether paved or unpaved, situate upon private property which intersects with a Township road for the purpose of providing a parking area for vehicles or providing ingress and egress of vehicular traffic from the said private property to the Township road.

b. Any driveway that has been approved or is in existence prior to the date of this Ordinance shall not be effected by this Ordinance unless the same is widened or the point of intersection is changed by more than five (5) linear feet or more than fifty (50%) percent of the driveway is repaved or reconstructed. A pre-existing driveway however need not conform to the requirement that it be located five (5) feet from the property boundary line.

3. No such driveway permit shall be issued by the Township unless and until a written application is made setting forth in a written narrative and accompanying sketch, the dimensions of the driveway, the materials to be used and the location of the driveway. Nothing shall prevent the Township from requiring further detail in the event that the proposed location of the driveway poses special difficulties with respect to drainage or visibility.

4. In addition, the Township shall issue no permit unless the driveway plans specified in Section 3 above include provisions for a swale or other appropriate construction to provide

drainage from the Township road. In addition to accomplish safe access, the Township hereby incorporates by reference the regulations set forth in Pennsylvania Code, Title 67 entitled "The Department of Transportation Chapter 441 Access to and Occupancy of Highways by Driveways and Local Roads". Such regulations as set forth therein shall be used as a guide and followed as closely as reasonably possible in order to be consistent with the Township Zoning Code. Where there is a conflict between these regulations and the Township Zoning Code, the Zoning Code shall control. Under any circumstances, all driveways must be at least five (5) feet from the nearest boundary line of any neighboring property. In addition, no more than two (2) driveways per residential property can be permitted. A copy of the said regulations shall be given to any person requesting a permit or instructed to obtain a permit.

5. No work shall be performed on any driveway by any person unless and until the permit is issued. No contractor shall perform or commence work on any driveway unless:

- a. the contractor has physical possession of an approved permit;
- b. the contractor has given notice of intent to begin work to the Township Road Foreman twenty four (24) hours in advance of the start of work; and
- c. the contractor gives evidence to the Township of a bond in the amount of \$500.00 or has posted said sum with the Township Secretary. Said sum shall be refunded to the person posting such bond upon final inspection and approval of the driveway by the Road Foreman.

Any person found performing any work without a permit or without fulfilling the above conditions shall be immediately notified by the Township Code Enforcement Officers,