

the Township Road Foreman, the Township Police force or other Township Official authorized to enforce this Ordinance to cease work and to obtain a permit or fulfill the other conditions set forth above before proceeding with any further work upon the driveway. Any driveway installed or connected to a Township road without fulfilling these conditions may be immediately blocked off by the Township at the point of intersection with the Township right-of-way and such barriers may remain until the proper permit and other procedures are obtained. Removal of the barrier or use of the driveway without a proper permit shall be considered a civil violation of this Ordinance subject to the civil penalties set forth herein.

6. Once an application with an accompanying sketch is made to the Code Enforcement Officer, it shall be reviewed by the Township Road Foreman who shall within ten (10) days of the date of application grant or deny the permit. If the permit is denied, the Road Foreman shall, if possible, instruct the applicant on the deficiencies of the application and if the deficiencies are corrected, the Code Enforcement Officer shall issue the permit. A denial shall be delivered personally to the applicant or mailed to the address given by the applicant in his application by First Class Mail and shall be deemed to be received within two (2) days of the date of mailing. The reasons for the denial shall be set forth in the writing which shall also indicate what the applicant needs to do comply with this Ordinance. The applicant may appeal the denial by filing an appeal within ten (10) days of the date of the denial by submitting a writing to the Rush Township Board of Supervisors setting forth the reasons why the application should be granted. The Supervisors within forty five (45) days thereafter shall consider the application and all writings submitted by the applicant, and render a decision at a public meeting. Within sixty (60) days after the appeal,

the Board of Supervisors shall issue a written decision granting or denying the appeal which shall be mailed by First Class Mail to the applicant's address provided to the Board of Supervisors in the appeal. The written decision shall set forth the reasons therefore and shall be deemed to be received two (2) days after the date of mailing. If an applicant files no appeal to the decision by the Road Foreman or no appeal to the Court of Common Pleas to the decision of the Board of Supervisors, said decision will become final ten (10) days after the decision is deemed received.

7. Any owner or occupant of real property or person in the care, custody or control of such real property, or a contractor who installs, constructs, connects or otherwise permits a private driveway to intersect with a Township road without obtaining a permit or begins construction without posting bond or giving notice as required in this Ordinance or fails to abide by any other provision of this Ordinance shall be subject to a civil penalty not exceeding One Thousand (\$1,000.00) Dollars and be liable for all costs incurred by the Township for prosecution, together with any costs of repair or reconstruction required for the driveway to meet the Township's regulations and specifications. Said person shall also be liable for any costs incurred by the Township including attorney's fees, Court costs, witness fees, time of employees, materials and the like in the enforcement of this Ordinance.

8. Each application for a driveway permit shall be accompanied by a fee which shall be set by resolution on an annual basis. The application shall not be deemed to have been filed until the entire fee has been paid.

9. This Ordinance shall become effective at the earliest date permitted by law.

ADOPTED and **ORDAINED** the day and year first written above.

RUSH TOWNSHIP BOARD OF SUPERVISORS

Ronald L. Wernke

Rene Motroni

George A. Pinney

ATTEST:

Carol Ann Opet
Carol Ann Opet, Secretary

(SEAL)