

**FAWN TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1-2022

**AN ORDINANCE REGULATING THE CONSTRUCTION AND CHANGE IN
SURFACE OR DESIGN OF DRIVEWAYS IN FAWN TOWNSHIP, YORK COUNTY,
PENNSYLVANIA, AUTHORIZING PROCEDURES FOR AND THE ISSUANCE OF
PERMITS AND PROVIDING PENALTIES FOR VIOLATION THEREOF**

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Fawn Township Board of Supervisors, as follows:

Section 1. This Ordinance shall be known as the “Fawn Township Driveway Ordinance”.

Section 2. It shall be unlawful for any person, firm, association or corporation to construct, open, regrade, change the width of, resurface, change the surface of, or in any way change the design of any driveway upon any property owned by or rented by such person, firm, association, or corporation without having first obtained a permit therefor from authorized Township personnel, for which an application must be filed. Upon receipt of an application, if it is determined that the regrading, change in width, resurfacing, or other change to the surface or design of an existing driveway as defined below does not affect or encroach upon in any way the area encompassed by the Township right-of-way, a permit waiver will be granted. In review of the application applicable provisions of the Fawn Township Zoning and Subdivision and Land Development Ordinances shall apply, and in addition, any notes on the approved subdivision plan, if applicable.

Section 3. For purposes of this ordinance, “Driveway” shall be construed to mean any road, alley, land, or other entrance suitable for use by motor vehicles for ingress or egress onto a public road in Fawn Township. Entrances suitable only for use by tractors and other farm machinery are exempt from this definition. However, the property owner is responsible to ensure that such entrance does not erode or cause water drainage onto a public road.

Section 4. All applications for a permit under this Ordinance shall be made at the Fawn Township Municipal Office on forms to be supplied by authorized Township personnel. All permits expire one (1) year after issuance.

Section 5. All applications shall be accompanied by a fee as specified in the fee schedule resolution established by the Board of Supervisors. The fee will include two (2) inspections, an initial and a final. Any additional inspections shall be charged at a rate specified in the fee schedule resolution. In addition, if the application necessitates a review by the Township engineer, the applicant shall also be responsible for any costs incurred.

Section 6. Upon receipt, authorized Township personnel shall investigate the application and, if necessary, shall consult with the Township engineer to determine whether the proposed location meets the requirements of Section 306 of the Fawn Township Zoning Ordinance and Section 809 of the Fawn Township Subdivision and Land Development Ordinance. Any application that does not (1) meet these requirements, or (2) demonstrate that proper drainage can be achieved, shall be denied. For new construction, all driveways must be installed as directed and approved prior to the issuance of a Certificate of Use & Occupancy (U&O), pursuant to Section 905 of the Zoning Ordinance.

Section 7. If in the opinion of authorized Township personnel, a drainage pipe or other facility is required in order to provide proper drainage, the applicant shall be informed of the size and type of pipe or other facility required. Such piping or other facility in addition to any and all stone used for backfill shall be purchased, installed and maintained by the applicant. Specifications for the installation of any such pipe or other facility required shall be determined by the Township.

Section 8. Water must be prevented from running onto the Township road from a driveway. If authorized Township personnel determine that grading is required in order for proper drainage to be achieved, the applicant shall cause such grading, sedimentation/erosion control, and seeding to be done at the applicant's expense. It shall be the applicant's responsibility to complete removal of debris deposited on any Township Right-of-Way area or Township road. A swale that follows the existing ditch for the entire width is required for a driveway that slopes toward a Township road.

Section 9. The first thirty (30) feet of a driveway most proximate to the Township road must be improved by the applicant with eight (8) inches of 2A stone. If authorized Township personnel find it necessary in order to protect the Township road from earth and/or debris, etc. washing from a driveway into the Township road, the applicant must pave the first thirty (30) feet most proximate to the Township road in accordance with the specifications provided with the permit. This will include the 'Typical Section: Driveway and Access Drive Entrance of the Construction and Material Specifications Manual for Subdivision and Land Development'. The applicant is responsible for complete removal of any debris deposited on any Township right-of-way area and/or Township road in conjunction with any such installations or improvements.

Section 10. If paving or other improvements are required for new construction and circumstances do not allow for installation to take place prior to a request for a Certificate of Use & Occupancy (U&O), a 'Driveway Bond' must be paid to Fawn Township in an amount specified by the fee schedule resolution. This bond shall be deposited into the General Fund of Fawn Township and retained until the pavement is installed or the improvements are complete. The applicant will have six (6) months from the date of the bond payment to complete the work. After approval by authorized Township personnel, the face amount of the bond will be refunded to the applicant. In the event that the work is not completed within six (6) months and an extension has not been approved, the bond amount shall be forfeited and the Township shall have the right to complete the required work. If the amount of the bond does not cover the Township's costs in performing the work, the Township may proceed to collect said costs by

filing a municipal lien or claim for said work as well as a (10%) percent penalty and reasonable attorney's fees and court costs.

Section 11. Any person, firm, association or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof before a district magistrate, be subject to a penalty not to exceed five hundred (\$500.00) dollars for each and every offense each and every day that violation of any of the provisions of this Ordinance occurs. Each and every day that a driveway remains constructed without a permit having been issued shall be considered a separate and distinct offense and shall be subject to separate and distinct penalties as prescribed hereunder. In addition to the penalty as outlined in this Section, if the Township should require a filing with the District Magistrate, the Township shall be entitled to the penalty as provided herein, in addition to any and all Township fees and costs, including, but not limited to reasonable attorney's fees and Court costs.

Section 12. Repealer. All Ordinances or parts of Ordinances, which are inconsistent herewith, are hereby repealed.


Section 13. Severability. If any sentence, clause, 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, sections or parts of this Ordinance. It is hereby declared as the intent of Fawn Township Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included herein.

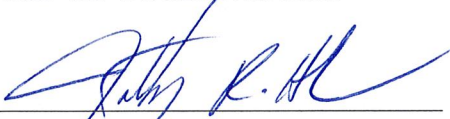
Section 14. This Ordinance shall be effective five (5) days after enactment.

ENACTED AND ORDAINED this 14th day of February, 2022.

ATTEST:

**FAWN TOWNSHIP
BOARD OF SUPERVISORS**


Secretary

By: 
Chairman