

ORDINANCE No. 2002-2

AN ORDINANCE OF THE TOWNSHIP OF GREENWICH, BERKS COUNTY, PENNSYLVANIA, AMENDING ORDINANCE 2001-2; WHICH PROVIDES FOR REGULATIONS RELATIVE TO THE CONSTRUCTION OF ALL NEW PRIVATE DRIVEWAYS AND IMPROVEMENTS TO EXISTING DRIVEWAYS; BY ADDING PROVISIONS TO PROVIDE THE BOARD OF SUPERVISORS THE DISCRETION TO REQUIRE AN APPLICANT TO POST FINANCIAL SECURITY FOR A PROPOSED DRIVEWAY WHICH HAS THE POTENTIAL TO DISCHARGE STORMWATER RUNOFF ONTO A PUBLIC ROAD AND/OR EFFECT ADJOINING LANDOWNERS; ALL OTHER PROVISIONS TO REMAIN IN FULL FORCE AND EFFECT.

WHEREAS, the Board of Supervisors of Greenwich Township have previously established, by Ordinance 2001-2 adopted on April 2, 2001, a private driveway ordinance which provides standards and requirements for the construction of all new private driveways and improvements to existing driveways in Greenwich Township; and

WHEREAS, it is now the desire of the Board of Supervisors to amend said Ordinance 2001-2 by providing additional regulations to grant the Board of Supervisors the discretion to require a driveway applicant to post financial security to guarantee the proper construction of a driveway which has the potential to discharge stormwater runoff onto a public road and/or adversely effect adjoining landowners.

BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Greenwich, Berks County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. The Board of Supervisors of Greenwich Township hereby amends Township Ordinance No. 2001-2, as more specifically set forth below::

A. Amend Section 1 - "Applicability" by providing the following new sub-Section 1.10:

"1.10 Within their discretion, the Board of Supervisors may require an applicant who proposes to construct a driveway that has the potential to discharge stormwater runoff onto a public road and/or adversely effect adjoining landowners, to post financial security to guarantee that the driveway is constructed pursuant to the approved driveway design and Township specifications in accordance with Section 5 herein."

B. Amend Section 3 - "Permit Requirements" by deleting the existing language and providing the following new language for Section 3.1(F):

"F. The Permit Administrator shall review the application and discuss any comments with the Applicant. In the event the proposed driveway has the potential to discharge stormwater runoff onto a public road and/or adversely effect adjoining landowners, the Permit Administrator shall review the application with the Board of Supervisors to determine if, within the discretion of the Board, financial security will be required to be posted to guarantee that the driveway is constructed pursuant to the approved driveway design and Township specifications in accordance with Section 5 herein."

C. Add a new Section 5 - "Driveway Construction Escrow," as follows:

"SECTION 5. Driveway Construction Escrows

The Board of Supervisors may require an applicant, with a proposed driveway that has the potential to discharge stormwater runoff onto a public road and/or adversely effect adjoining landowners, to post financial security to guarantee that the driveway is constructed pursuant to the approved driveway design and

Township specifications. Said financial security shall be in the form of a bond, letter of credit or escrow account and shall equal the cost of construction as estimated by the Applicant's builder/contractor and reviewed by the Township Engineer and Permit Administrator. Upon completion, final inspection and approval of the driveway the financial security shall returned to the applicant."

SECTION 2. In the event that any provision, section, sentence, clause or portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any portion of the remaining ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of Greenwich that the remainder of this Ordinance shall be and remain in full force and effect notwithstanding the fact that such portion thereof shall be invalid or unconstitutional.

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance, are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

ATTORNEYS AT LAW

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SECTION 4. All other provisions, regulations, terms and conditions as provided in the 2001-2 Greenwich Township Private Driveway Standard Ordinance of April 2, 2001, as amended, shall remain in full force and effect.

SECTION 5. This Ordinance shall take effect five (5) days subsequent to its passage.

ORDAINED and ENACTED as an Ordinance by the Board of Supervisors of the Township of Greenwich, Berks County, Pennsylvania, in lawful session duly assembled this 9th day of September, 2002.

BOARD OF SUPERVISORS OF GREENWICH
TOWNSHIP, BERKS COUNTY, PA


Victor M. Berger, Chairman


Oscar E. Kleinsmith, Supervisor


Laurie Ann Baker, Supervisor

Attest:


Township Secretary