

**WEST KITTANNING BOROUGH, ARMSTRONG COUNTY, PENNSYLVANIA  
ORDINANCE NO. 1 - 2017**

**AN ORDINANCE OF WEST KITTANNING BOROUGH ESTABLISHING  
RULES AND REGULATIONS REGARDING CONSTRUCTION OR  
IMPROVEMENTS OF PRIVATE DRIVEWAYS AND CONSTRUCTION OR  
IMPROVEMENTS TO ROADWAY SHOULDERS AND THE USE OF HEAVY  
MACHINERY ON PRIVATE PROPERTY**

**NOW, THEREFORE**, be it Ordained and Enacted by the Council of the Borough of West Kittanning, an Ordinance as follows:

**SECTION I. PURPOSE**

Council of the Borough of West Kittanning wishes to provide uniform standards for construction and improvement of private driveways and roadway shoulders within the Borough and regulate the use of heavy machinery on private property.

**SECTION II. APPLICABILITY**

This ordinance shall apply to any and all new construction of private driveways, improvements to existing private driveways, new construction of roadway shoulders and improvements to existing roadway shoulders after the effective date of this ordinance. It shall also apply to the use of heavy machinery on private property after the effective date of this ordinance.

**SECTION III. STANDARDS**

Any private driveway entering onto the shoulder of the road must be equal to the current grade to the roadway and must not impede the natural flow of runoff.

Any roadway shoulders must be taken below the current grade so that the new surface is equal to the current grade and does not impede the natural flow of runoff.

All heavy machinery with metal tracks must be loaded on the individual's private property. Otherwise, material must be placed on the public road to prevent the metal tracks from damaging the road.

#### **SECTION IV. PROCEDURE AND PERMITTING**

Prior to commencing any work on a private driveway or roadway shoulder, residents and/or contractors must contact the Borough Public Works Department to have them inspect the construction and/or improvement site to ensure that the proper grade will be put into place. Upon satisfactory review and approval by a Borough Public Works employee or other designated borough official, a permit shall be issued to the individual or entity requesting to perform said work.

#### **SECTION V. MAINTENANCE**

All driveways and roadway shoulders shall be maintained by the property owner in such a manner as not to interfere with the maintenance or drainage of streets.

#### **SECTION VI. PENALTIES**

Any person who constructs or improves any private driveway or roadway shoulder or uses heavy machinery with metal tracks without complying with all of the requirements of this ordinance shall, upon being found guilty of such offense in a civil proceeding, be sentenced to pay a penalty not exceeding \$600.00 for each violation, together with costs and attorneys' fees. Each day in which such person continues to be in violation of the requirements of this ordinance shall constitute a separate offense and be punishable as such.

#### **SECTION VII. SEVERABILITY**

The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, clauses or sentences.

#### **SECTION VIII. REPEAL**

All ordinances or portions of ordinances inconsistent with the provisions of this ordinance are hereby repealed effective as of the date of this ordinance; provided, however, that such repeal shall not affect or invalidate any prosecution for any violation of any such ordinance or portion of an ordinance occurring prior thereto.

**SECTION IX. EFFECTIVE DATE**

This Ordinance shall become effective immediately upon ordination and enactment.

**ORDAINED AND ENACTED** by the Council of the Borough of West Kittanning,  
this 31<sup>st</sup> day of April, 2017.

ATTEST:

WEST KITTANNING BOROUGH

Carly Cowan  
Secretary

By: Henry A. Mares  
Council President

Clyde Kline  
Mayor

**PERMIT APPLICATION FOR CONSTRUCTION OR IMPROVEMENT TO PRIVATE DRIVEWAYS AND/OR ROADWAY SHOULDERS AND USE OF HEAVY MACHINERY ON PRIVATE PROPERTY**

1. Name and address of property owner:

\_\_\_\_\_

2. Date of application:

\_\_\_\_\_

3. Property address upon which the work will be performed:

\_\_\_\_\_

4. Telephone number of property owner:

\_\_\_\_\_

5. Name and address of individual or business entity performing work:

\_\_\_\_\_

6. Contact person and telephone number for the individual or business entity performing work:

\_\_\_\_\_

7. Brief description of the scope of the work to be performed and the area to be involved in improvement and/or construction:

\_\_\_\_\_

Upon completion of this application, please return it to the Borough Building located at 229 Arthur Street, Kittanning, Pennsylvania 16201. An authorized borough employee or representative will approve or deny your request.

Approved:

\_\_\_\_\_

Date: \_\_\_\_\_

Denied:

\_\_\_\_\_

Date: \_\_\_\_\_