

ORDINANCE NO. 2016 - 2

**AN ORDINANCE OF TOWAMENSING TOWNSHIP DEFINING AND REGULATING DRIVEWAY CONSTRUCTION; SETTING FORTH REQUIREMENTS FOR PERMIT APPLICATIONS, FORMS AND FEES AND THE APPROVAL AND ISSUANCE OR DISAPPROVAL THEREOF; PROVIDING FOR CORRECTION OF IMPROPER WORK AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

The Board of Supervisors of Towamensing Township hereby ordains:

**Section 1. Purpose.** The purpose of this Ordinance is to provide requirements for driveway construction and reconstruction. These requirements are intended to provide for the health, safety and welfare of the residents of the Township and the protection of property located therein, by amongst other things, providing for minimum sight distances; providing for maximum driveway grades; reducing erosion and stormwater damage to Township and private streets; and reducing the deposit of foreign materials on Township and private streets.

**Section 2. Definitions and Interpretation.** The following words, when used in this Ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

APPLICANT – Any person who has filed an application for a permit pursuant to this Ordinance, including his heirs, successors and assigns.

DRIVEWAY – A travelway designed and constructed to provide for vehicular movement between a street and (a) a tract of land serving one (1) single-family dwelling unit or a farm; or (b) a vacant lot.

PERSON – Any individual, partnership, entity, firm, association, corporation or authority.

In this ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

**Section 3. Application for Permit.**

A. Any person proposing to construct a driveway which intersects a township or private street shall make application to the Township Secretary utilizing the "*Application & Permit for Driveway*" form. Driveways which intersect State Routes are exempt from this Ordinance. Such application shall set forth the name of the applicant, the exact location, slope, materials and width of the proposed driveway, and shall contain an agreement on the part of the Applicant that the work shall be done in full compliance with the ordinances of Towamensing Township and the laws of the Commonwealth

of Pennsylvania in relation thereto, and that the Applicant shall well and truly save, defend and hold harmless Towamensing Township from and indemnify it against any and all actions, suits, demands, payments, costs and charges for or by reason of the proposed driveway, and all damages to persons or property resulting in any manner therefrom, or occurring in the prosecution of the work connected therewith, or from any other matter, cause or thing relating thereto.

B. Applications for a permit shall be submitted a minimum of twenty-one (21) days prior to the start of the proposed activity. If deemed necessary by the Township Road Master and/or Township Engineer, a sketch plan shall be provided with the permit application submittal.

C. The centerline location of the proposed driveway shall be marked with white paint or other method at the time of permit application submittal.

D. The application will be reviewed by the Township Road Master and/or Township Engineer and, once deemed satisfactory, will be signed by the Township Road Master or Township Engineer and a copy returned to the Applicant. This will allow the work to proceed according to the permit.

E. Work must commence on the project within one (1) year of the permit application being approved.

F. If construction has not been completed within one (1) year, a new complete permit application must be submitted.

**Section 4. Fees.** At the time of submittal of the "*Application & Permit for Driveway*" form, the Applicant shall pay a permit fee in the amount \$300.00, which amount may be changed from time to time by resolution duly adopted by the Supervisors at any regular or special meeting. This fee will be used to cover costs associated with the review of the application and inspection of the proposed driveway location before and after construction. Up to two (2) site visits are included in the fee. An additional fee of \$150.00 for each additional site visit is required.

**Section 5. Permit Approval/Disapproval.** A permit may be issued to the Applicant after all requirements therefore have been filed. If the application is disapproved, written notice of disapproval together with reasons therefore shall be given to the applicant.

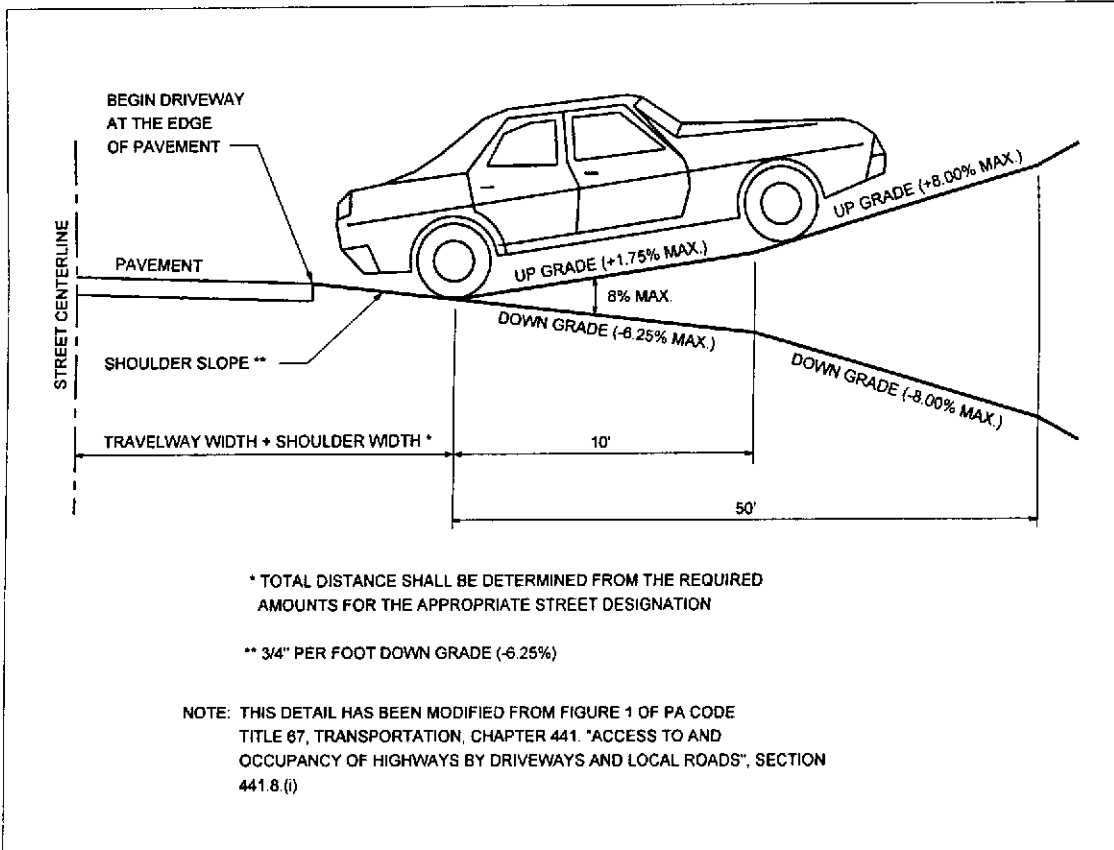
**Section 6. Responsibility to Contact Utilities.** The work authorized by the permit is subject to all the provisions of the Act of December 10, 1974, P.L. 852, No. 287, 1 *et seq.*, as amended or supplemented from time to time (i.e. the "One Call System"). It shall be the Applicant's responsibility to contact the utilities that have recorded their facilities in compliance with said Act. The One Call System Serial Number obtained shall be listed on the "*Application & Permit for Driveway*" form.

#### **Section 7. Driveway Construction Requirements.**

A. All driveways shall be designed and constructed in accordance with the requirements of Section 640 of the Towamensing Township Zoning Ordinance and Section 506 of the Towamensing Township Subdivision and Land Development Ordinance, including the following:

Section 7.A.1. –

*Grades* – Driveways shall be installed according to the following profile detail.



Section 7.A.2. –

*Intersection Angle* – Driveways shall intersect streets as close to ninety (90) degrees as possible, but in no case shall the intersection angle be less than seventy (70) degrees or greater than one-hundred ten (110) degrees.

Section 7.A.3. –

*Sight Distances* – Sight distances shall be provided for the proposed driveway intersection with the street in accordance with Pennsylvania Code, Title 57 "Transportation", Chapter 441 "Access To and Occupancy of Highways by Driveways and Local Roads", latest edition. The required and provided sight distances shall be provided on the "Application & Permit for Driveway" form. If the required sight distances cannot be met, the driveway shall be placed in a location where the greatest sight distance can be achieved upon consultation with the Township Road Master and/or Township Engineer.

Section 7.A.4. –

*Existing Driveways* – The Township may require any existing driveway found to not be constructed or maintained in accordance with this Ordinance and found to be causing adverse conditions to occur within the street right-of-way area (the deposit of materials, erosion, drainage-related issues, etc...) to be reconstructed to alleviate such conditions and to meet the requirements of this Ordinance. The Township shall notify the Property Owner of such conditions in writing. An "*Application & Permit for Driveway*" form will be required to be submitted by the Property Owner.

B. It may be determined by the Township Road Master and/or Township Engineer at the time of submittal of the "*Application & Permit for Driveway*" form, that, in certain instances, the entire first fifty (50) feet from the edge of shoulder of the intersecting street need not be paved with bituminous paving. However, in all instances, driveways shall be paved with bituminous paving at a minimum to the street right-of-way line. Paver blocks and concrete shall not be permitted within the street right-of-way area.

C. All joints where newly placed bituminous material meets existing bituminous material shall be sealed with joint sealer in accordance with PennDOT Specifications, Publication 408, Sections 469 and 705.

D. Any existing roadside drainage conveyance facilities (swales or channels) shall be re-established upon the completion of the project by the Applicant.

Section 7.D.1. –

A drainage pipe may be necessary to be installed by the Applicant to convey runoff beneath the driveway. This will be determined by the Township Road Master and/or Township Engineer at the time of submittal of the "*Application & Permit for Driveway*" form. If a drainage pipe is required, the minimum pipe size shall be 15" in diameter and the type shall be high-density polyethylene (HDPE) pipe. In certain circumstances, the Township Road Master and/or Township Engineer may require design calculations be provided by the Applicant for the proposed drainage pipe.

Section 7.D.2. –

On steep driveways with grades sloping toward the street, the Township Road Master and/or Township Engineer may require the installation of a trench drain to capture runoff prior to discharge into the street right-of-way area.

Section 7.D.3. –

The Property Owner shall be responsible for perpetual maintenance for any required driveway cross drainage pipe and/or trench drain facilities.

E. Any signs, guide rail, fence or other item temporarily removed as necessary for driveway construction shall be replaced upon completion of the project by the Applicant as directed by the Township Road Master and/or Township Engineer.

F. All costs incurred or associated with applying for, planning and installing a driveway, including pipes and other materials, shall be the responsibility of, and paid by, the Applicant.

**Section 8. Defects in Work.**

A. If, after the construction of the driveway has been completed, defects appear from the work (i.e. settlement, cracking, etc. at the street intersection area) by the Applicant, the Township shall notify the Applicant in writing that additional repairs are necessary. The Applicant shall have thirty (30) days to repair the areas noted. The Applicant may request additional time in writing if necessary based on the time of year (weather constraints) and availability of materials.

1. If the Applicant fails to repair the areas noted within the designated time period, the Township shall perform the repairs and the Applicant will reimburse the Township for all costs incurred, plus twenty (20%) percent for administrative costs, which may be recovered by an action at law or by filing a municipal claim.

**Section 9. Penalties.** Any person who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00); and in default of payment, to imprisonment for a term not to exceed ninety (90) days. Every day that a violation of this ordinance continues shall constitute a separate offense.

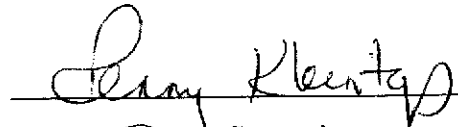
**Section 10. Repealer.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**Section 11. Severability.** If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, legality 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 Towamensing Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

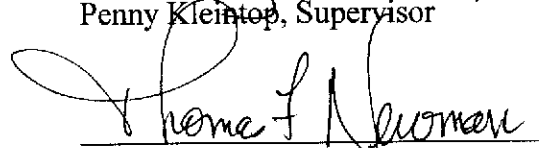
**Section 12. Effective Date.** This ordinance shall become effective on May 16, 2016.

**ENACTED** and **ORDAINED** this 5th day of May, 2016.

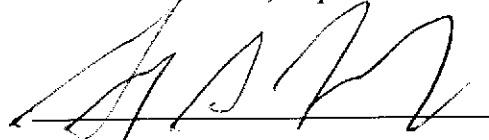
BOARD OF SUPERVISORS OF  
TOWAMENSING TOWNSHIP



Penny Kleintop, Supervisor

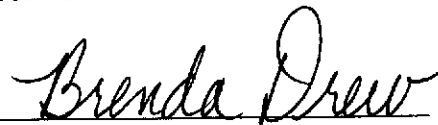


Thomas Newman, Supervisor



Guy Seifert, Supervisor

ATTEST:



Brenda Drew, Secretary