

**Ordinance #2 of 2000**

**WEST PENN TOWNSHIP**

**AN ORDINANCE OF THE TOWNSHIP OF WEST PENN, SCHUYLKILL COUNTY, PENNSYLVANIA, REGULATING DRIVEWAY CONSTRUCTION, REQUIRING A PERMIT AND FEE, PROVIDING FOR CORRECTION OF IMPROPER WORK AND PRESCRIBING PENALTIES FOR VIOLATIONS.**

BE IT ENACTED AND ORDAINED BY THE Board of Supervisors of West Penn Township, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

SECTION 1. TITLE AND APPLICABILITY

- A. This Ordinance shall be known as the "WEST PENN TOWNSHIP DRIVEWAY ORDINANCE".
- B. This Ordinance shall apply to all new private driveways constructed after the effective date of this Ordinance. The provisions of this Ordinance shall last apply to all existing driveways that are improved after the effective date of this Ordinance and any existing driveway which constitutes a hazardous or nuisance run-off situation affecting township roadways and neighboring property. Driveway improvements subject to this Ordinance include paving, repaving, widening for the purpose of adding additional lanes, constructing, changing or modifying a driveway entrance. Normal repairs and maintenance shall not be subject to this Ordinance.
- C. New driveways accessing State roads are subject to the provisions of this ordinance for those portions of the driveway outside of the State right-of-way. In addition, a Highway Occupancy Permit (HOP) from the Pennsylvania Department of Transportation must be obtained. A copy of the HOP must be submitted to the Township.

SECTION 2. PERMIT REQUIREMENTS AND PROCEDURES

- A. No person, firm, corporation or other entity shall perform any construction, excavation or other work connected with any driveway or perform any work within the Township affecting storm water flow or discharge within the right-of-way of any road until a permit has been issued by the Township for such work.
- B. A permit application shall be submitted to the Township Code Enforcement Officer by the owner or authorized representative of the owner prior to the issuance of a driveway permit. The application shall be on a form provided by the Township and shall be accompanied by the fee established by the Township from time to time.

- C. The Township Code Enforcement Officer shall review the application. If the requirements of this ordinance are met, the person, firm or corporation who will be conducting the earth-moving activities and constructing the driveway shall physically obtain the Driveway Permit from the Code Enforcement Officer at the Township Municipal Office. Any deficiencies in the application will be communicated to the applicant in writing.
- D. The permit shall be visible at the driveway construction site at all times.

### SECTION 3. INSPECTIONS

- A. The Township Code Enforcement Officer shall inspect each driveway being constructed pursuant to a permit to determine whether it is being or has been constructed in accordance with the permit. The permittee shall contact the Code Enforcement Officer to request an inspection at least seven (7) days prior to completion of the work.
- B. Upon satisfactory completion of the work, the Code Enforcement Officer shall sign the permit indicating approval of the driveway as constructed or reconstructed.

### SECTION 4. DRIVEWAY STANDARDS

- A. All driveways and related improvements shall be located and constructed in such a manner as to not impair drainage or normal maintenance within road rights-of-way, alter the stability of a roadway, subgrade, or roadway embankment, change the drainage of adjacent areas, or interfere with the traveling public.
- B. Repairs to a driveway, a driveway entrance, drain, culvert or swale shall be performed in such manner that the repairs shall not change the original design or existing conditions unless a new design and specifications are permitted for approval.
- C. Pipes under driveways shall be sized based on the ten (10) year storm event runoff, but shall not be less than fifteen (15") inches in diameter in any case. The application shall list the type of material for the pipe. The pipe centerline shall be located a minimum of ten (10') feet from the edge of the Township right-of-way.
  - 1. In the event an existing cross-pipe is located within the driveway location, the applicant shall ensure unimpeded flow to said cross-pipe.
- D. Driveway entrances shall be located so as to provide safe access to the intersecting road. To accomplish this, Pennsylvania Code , Title 67, Transportation, Chapter 441, Access to and Occupancy of Highway by Driveways and Local Roads, (as may be revised from time to time) shall be used as a guide and the requirements therein shall be followed as closely as reasonably possible, subject to the review of the Township Zoning Officer.



1. If sight distance requirements cannot be met, the Township may:
  - A. Prohibit left turns by exiting vehicles;
  - B. Restrict turning movements to right turns in and out of a driveway;
  - C. Require installation of a right turn acceleration lane or deceleration lane;
  - D. Require installation of a separate left turn standby lane;
  - E. Alter the horizontal or vertical geometry of the roadway; or
  - F. Deny access to the highway.
- E. Driveway grades shall not exceed eight percent (8%) within the road right of way, or within ten(10) feet of the existing cartway, whichever is greater, and shall not exceed fourteen(14%) percent on the remainder of the driveway. Special consideration shall be given to avoid excessive cuts and/or fills to achieve this standard. Slopes on cuts or fills shall not exceed 3:1 (three horizontal to one vertical).
- F. Not more than two (2) driveway entrances shall be permitted for a residential driveway, not less than fifty (50') feet between them.
- G. Not more than two (2) driveway entrances shall be permitted for a non-residential driveway. Driveway entrances and exits shall be clearly delineated by physical means. Such physical means shall not be located within the Township right-of-way. Line painting shall also be required.
- H. For residential driveways, entrances shall be rounded at a minimum radius of five (5') feet and a maximum radius of twenty (20') feet and shall have a minimum width of twelve (12') feet and a maximum width of fifteen (15') feet.
- I. For non-residential driveways, entrances shall be rounded at a minimum radius of twenty (20') feet and a maximum radius of fifty (50') feet and shall have a minimum width of twenty (20') feet and a maximum width of thirty (30') feet.
- J. Driveways shall intersect roads as nearly as possible to ninety (90) degrees, but not less than sixty (60) degrees nor greater than one hundred twenty (120) degrees.
- K. Driveways shall be constructed as follows: Compact and prepare suitable sub-grade and place four (4") inches compacted depth of Modified 2A aggregate. On those portions of the driveway with slopes greater than eight (8%) percent that are within one hundred (100') feet of the intersecting roadway, the driveway surface shall be paved with a Bituminous Surface Treatment (e.g. oil and chip) at a minimum. Alternate proposals for driveway construction may be permitted on a case-by-case basis by the Township Zoning Officer provided the intent of this ordinance is maintained.

- L. A plan or description of proposed methods for controlling storm water runoff and erosion and sedimentation control shall be submitted with each application for a permit. A driveway shall not be used as means of conveying storm water runoff away from the physical improvements on the property. Storm water runoff shall be directed to stable, pervious areas whenever possible.
- M. No driveway shall be located closer than ten (10') feet to a property line.
- N. In the preparation of land development and subdivision plans, evidence shall be submitted to show that the requirements set forth herein can be met for each proposed building lot. A note shall be placed on the plan, before it is recorded, stating that each individual lot owner will be responsible for obtaining a driveway permit as required by this ordinance. The note shall make specific reference to the number and name of this ordinance.

#### SECTION 5. WAIVER OF DESIGN REQUIREMENTS

Waiver of design requirements shall be as follows:

- A. If any design requirement set forth in this Ordinance cannot be met, the director may waive the requirement if the following conditions are satisfied:
  - A. No other reasonable access is available;
  - B. The applicant has done all that can reasonably be done to satisfy the design requirements;
  - C. If additional land is required, the applicant provides satisfactory evidence that it cannot be purchased at a reasonable price;
  - D. No traffic problem will be created; and
  - E. The applicant executes an indemnity agreement satisfactory to the Township and Township Solicitor.

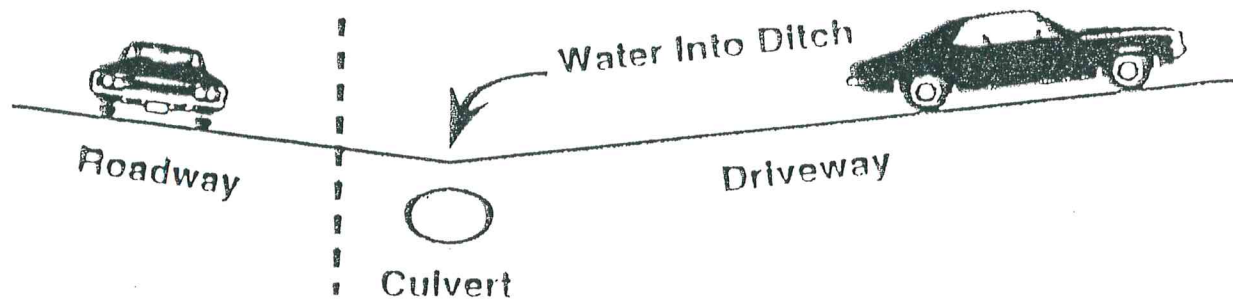
#### SECTION 6. CORRECTION OF IMPROPER WORK

In case any person or contractor shall construct a driveway and/or shall not conform to the requirements of this Ordinance, the Township may order such person to remove the improper work and replace same in compliance with this Ordinance. Notice to remove and replace improper work shall be given by certified mail, and shall state that compliance shall be made within ten (10) days from receipt of the notice.

#### SECTION 7. PENALTIES FOR VIOLATION

Any person, including the applicant and the contractor, found to be in violation of this Ordinance shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) for the first offense and not more than Six Hundred Dollars (\$600.00) for a second or subsequent offense.

### Proper Driveway



### Improper Driveway

