

Ordinance # 2 of 2003

WALKER TOWNSHIP

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

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

SECTION 1. TITLE AND APPLICABILITY

- A. This Ordinance shall be known, and shall be cited, as the "WALKER TOWNSHIP DRIVEWAY ORDINANCE":
- B. The provisions of this Ordinance shall apply to any, and all new driveways that are constructed after the effective date of this Ordinance. In addition, the provisions of this Ordinance shall also apply to any, and all existing driveways that are improved, altered, or reconstructed after the effective date of this Ordinance and furthermore, shall also apply to any and all existing driveways which, in the opinion of the Township Roadmaster and/or Township Engineer, have been constructed, altered, maintained, or surfaced in such a manner as to constitute a hazardous or nuisance stormwater run-off and/or erosion and sedimentation pollution control situation adversely affecting publicly owned roadways, neighboring properties, or the environment, itself. Driveway improvements subject to this Ordinance include, but are not limited to, paving, repaving, widening for the purpose of adding additional lanes, constructing, changing or modifying a driveway entrance.
- C. Any, and all driveways accessing State roads are subject to the provisions of this ordinance for those portions of the driveway which fall outside of the State right-of-way. In addition, a Highway Occupancy Permit (HOP) from the Pennsylvania Department of Transportation must be obtained, prior to the construction of any such driveway. 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, grading, paving, re-paving, stone surfacing or any other work in, along, or upon any driveway or perform any work within the Township affecting storm water flow or discharge within, upon, or into any right-of-way of any publicly owned road until a permit has been issued by the Township for such work.
- B. A permit application shall be submitted to the Township Roadmaster by the owner or by the authorized representative of the owner prior to the commencement of any work being performed in, along, or upon any driveway, as said work is defined by a Resolution of the Township Board of Supervisors. The application shall be on a form provided by the Township and shall be accompanied by the required application fee as established by a Resolution of the Township Board of Supervisors, which may be amended from time to time by another Resolution of the Township Board of Supervisors.
- C. The Township Road Master and/or Township Engineer shall review any such permit applications. If the requirements of this ordinance are deemed, by the Township, to have been met, then, the person, firm or corporation who will be conducting the construction, excavation, grading, re-grading, stone surfacing, paving, re-paving or other such work in, along, or upon the affected driveway shall physically obtain the Driveway Permit from the Township Roadmaster and/or the Township Engineer at the Township Municipal Office. Any deficiencies found during the Township's review of the application shall be communicated to the applicant in writing.

In the event that the Township denies any application for a permit, said denial shall be sent to the applicant in writing and the applicant shall have the right to appeal said denial to the Board of Supervisors.

- D. The issued permit shall be posted at the driveway construction site at all times.

SECTION 3. INSPECTIONS

- A. The Township Roadmaster and/or Township Engineer shall inspect each driveway being constructed, altered, graded, or surfaced pursuant to the terms of the issued permit in order to determine whether the permitted work is being, or has been, performed in accordance with the permit. The permittee shall contact the Township Roadmaster and/or Township Engineer to request an inspection at least seven (7) calendar days prior to completion of the permitted work.
- B. Upon satisfactory completion of the permitted work, the Township Roadmaster shall sign the issued permit indicating approval of the driveway as constructed, reconstructed, surfaced, or re-surfaced.

SECTION 4. DRIVEWAY STANDARDS

- A. Any and all driveways and related improvements shall be located and constructed in such a manner as to not impair stormwater drainage or the ability of the Township to conduct maintenance within public road rights-of-way, alter the stability of a roadway, subgrade, or roadway embankment, change the stormwater drainage patterns affecting any adjacent properties, 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 have been approved by the Township.
- C. Pipes under driveways shall be sized based upon an analysis of the ten (10) year storm event runoff, but shall not be less than fifteen inches (15”) 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 feet (10’) from the edge of publicly owned roadway’s cartway. In the event an existing cross-pipe is located within the driveway location, the applicant shall ensure unimpeded flow to said cross-pipe. Finally, the Township Roadmaster and/or Township Engineer can require the applicant to utilize a specific size and type of pipe that may differ from that which is depicted upon the application.
- 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 and approval of same of the Township Roadmaster.

In the event that sight distance requirements as stipulated within Pennsylvania Code, Title 67, Transportation, Chapter 441, Access to and Occupancy of Highway by Driveways and Local Roads cannot be met, the Township may, at its sole discretion and authority, elect to issue a permit with any or all of the following restrictions :

- 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

Finally, the Township can elect to deny access to the highway, by denying the permit application. Then attach same language as I added to Section 2c about appeals.

- E. Driveway grades shall not exceed five percent (5%) within the public, road right-of-way, or within ten feet (10') of the existing cartway, whichever is greater, and shall not exceed fourteen percent (14%) 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 be established at no less than 3:1 (three horizontal to one vertical) ratio.
- F. No more than two (2) driveway entrances shall be permitted for any property, and with not less than fifty feet (50') between them. 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, if the Township deems it to be applicable.
- G. For driveways, intended to provide access to a residence, the entrances shall be rounded at a minimum radius of five feet (5') and a maximum radius of twenty feet (20') and shall have a minimum width of twelve feet (12') and a maximum width of fifteen feet (15').
- H. For all other driveways, the entrances shall be rounded at a minimum radius of twenty feet (20') and a maximum radius of fifty feet (50') and shall have a minimum width of twenty feet (20') and a maximum width of thirty feet (30').
- I. Any, and all, 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.
- J. Any, and all new driveways shall be constructed as follows: Compact and prepare suitable sub-grade and place a minimum four inches (4") for residential driveways and a minimum of eight inches (8") for non-residential driveways, compacted depth of Modified 2A aggregate. On those portions of the driveway with slopes greater than five percent (5%) that are within one hundred feet (100') of the intersecting roadway, the driveway surface shall be paved with a Bituminous Surface Treatment at a minimum compacted depth of one and one-half inches (1-1/2") for a residential driveway and three inches (3") for a non-residential driveway. Any existing driveways, regardless of their age or date of their construction, which are deemed by the Township Roadmaster and/or Township Engineer to constitute or hazardous or nuisance stormwater run-off or erosional sedimentation pollution control situation adversely affecting publicly rural roadways, neighboring properties, or the environment itself, shall be reconstructed by the property/driveway owner to the standards described in this ordinance. Alternate proposals for driveway construction may be permitted on a case-by-case basis by the Township Roadmaster and/or Township Engineer provided that the intent of this ordinance is maintained.

- K. A plan, which shall clearly indicate the proposed methods for controlling stormwater runoff and erosion and sedimentation pollution control, shall be submitted with each application for a driveway permit. A driveway shall not be used as means of conveying stormwater runoff away from the physical improvements on the property. Stormwater runoff shall be directed to stable, pervious areas whenever possible.
- L. No driveway shall be located closer than ten feet (10') to a property line.
- M. In the preparation of land development and subdivision plans, evidence shall be submitted to prove that the requirements and standards set forth in this Ordinance can be met for each proposed lot, or parcel of land. A note shall be placed on the plan, prior to recordation, 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 both the number and name of this ordinance.

SECTION 5. WAIVER OF DESIGN REQUIREMENTS

The procedure for the submittal of Waivers of design requirements shall be as follows:

- A. If any design requirement set forth in this Ordinance cannot be met, the Township Roadmaster, and/or Township Engineer 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 said land 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.
 - f. The intent of this Ordinance is still satisfied.

SECTION 6. CORRECTION OF IMPROPER WORK

In any case where any person or contractor has constructed a driveway that does not conform to the requirements of this Ordinance, or in the case of any existing driveway which, in the opinion of the Township Roadmaster and/or Township Engineer, is causing a stormwater runoff or erosion and sedimentation pollution control problem that is adversely affecting either any public roadway, right-of-way, or easement or any adjoining property owners lands, the Township may issue an Enforcement Notice, which shall

order the improper work and replacement of same with improvements which are in compliance with this Ordinance. Notice to remove and replace any such improper work shall be given by certified mail, and shall state that compliance shall be made within thirty (30) days from receipt of the notice. Failure by any reason to obey any such written notice from the Township shall constitute a violation of this ordinance and shall subject any such person or persons to the penalties contained in Section 7 of this Ordinance.

SECTION 7. APPEALS

Any person, or persons, corporations, companies, or other legal entities which have either had a driveway permit denied, or have had a driveway Enforcement Notice issued against them, by the Township Roadmaster and/or Township Engineer may file an Appeal of such action before the Township Board of Supervisors. Any such Appeals shall be submitted to the Township Secretary, upon an Application for Appeal Form (which shall be obtained from the Township) and accompanied by a Fee of three hundred dollars (\$300.00), within thirty (30) days of the date of the Township's action to either deny a driveway permit or the date of a person's receipt of an Enforcement Notice.

Failure to file a timely appeal of any Township action, relevant to a driveway situation, shall constitute the tacit acceptance of any such decision of the Township by the applicant and/or shall constitute admission of fault, or guilt, relevant to the issuance of an Enforcement Notice by the Township.

SECTION 8. PENALTIES FOR VIOLATION

Any person, or persons, or companies, corporations or other legal entities that are found to be in violation of this Ordinance shall be charged with the commission of a summary offense and, upon conviction before any court having jurisdiction over such matters, 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.

SECTION 9. REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 10. SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such finding shall not affect or impair any of the remaining sections, sentences, clauses, or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had all unconstitutional, illegal or invalid sentences, clauses, sections or parts hereof not been included herein.

SECTION 11. EFFECTIVE DATE

This Ordinance shall take effect on the first day as allowed by law.

ORDAINED this 12 day of April, 2003.

WALKER TOWNSHIP BOARD OF SUPERVISORS

Craig Wagner

Dana C. Pincus

Bertram D. Leiby

ATTEST:

Stephanie Borczyk