CHAPTER 21

STREETS AND SIDEWALKS

Part 3

**Driveways and Drainage**

**§301. Purpose.** From and after the effective date of this Part it shall be unlawful for any person, firm or entity to construct or reconstruct any driveway or alter any grade, line or width of any shoulder, berm or drainage area within the right-of-way of any public street or road within White Deer Township, herein after referred to as the Township, without first obtaining a permit from the Township for the same.

**§302. Compliance with Design Standards.** All work to be performed within the right-of-way of a Township road or street shall comply with the design standards set forth herein. All work to be performed within the right-of-way of a Commonwealth of Pennsylvania road or street shall comply with the standards established by the Commonwealth of Pennsylvania and if there be none then with the standards set forth herein. Copies of all Commonwealth of Pennsylvania permits relative to work within the right-of-way shall be delivered to the Township and shall be utilized in the issuance of the Township permit herein required.

**§303. Permit Required.** Prior to any work being performed within the right-of-way of any public street in the Township, the owner of the real estate or the owner’s agent shall first apply for and obtain a permit pursuant to this Part.

**§304. Permit Fees.** The Township shall, by Resolution, establish, from time to time, such fees as shall be necessary and appropriate for the issuance of the permits required hereby and the enforcement of this Ordinance.

**§305. Standards for Work Within the Right-of-Way.** All work within the right-of-way of a public road or street shall be in accordance with the following standards.

(1) Driveways.

(a) No driveway, parking area or turnaround shall be constructed or installed within 5 feet of any side or rear lot line or within 15 feet of any front lot line except where said driveway crosses the setback area to connect to a public street. The area within this set back shall be maintained in grass and landscaping and may be used as part of a storm water conveyance system.

(b) The centerline of any driveway, at the point where the driveway enters the cartway of a public street, shall be at least 50 feet from the intersection of the cartway line of the said street and the cartway line of any other public street.

(c) Clear sight triangles shall be provided for each driveway entering a public street. No objects, except for approved mail boxes and newspaper receptacles, shall be installed or permitted within the clear sight triangle that are greater than 2 ½ feet in height. Notwithstanding anything herein to the contrary nothing shall be permitted within the clear sight triangles that shall create an unsafe condition for entering the public street. The clear sight triangle shall be the area within a triangle whose corners are (1) the intersection of the centerline of the driveway and the centerline of the public street or road (2) a point on the centerline of the public street or road 150 feet from point (1) above and (3) a point on the centerline of the driveway 20 feet from the closest edge of the cartway of the public street. Exceptions may be granted to the size of the clear sight triangle where, in the opinion of the Township, the distance set forth herein cannot be achieved due to a condition beyond the applicant’s control and the safe entrance to or exit from the public street is maintained.

(d) The driveway shall be installed and maintained in such a manner as to insure proper drainage of storm water from and along the public street and said drainage may be provided as follows, subject to Township approval:

(1) A drainage pipe of adequate size but not less than 15 inches in diameter may be installed under the driveway and within the drainage swale or underground drainage conveyance system servicing the said public street or road.

(2) Where the drainage along the public street or road is by means of a swale the driveway may be constructed to permit the free flow of water across the driveway as a continuation of the swale.

(3) By such other means as shall be approved by the Township.

(4) Driveways shall be designed and constructed in such a manner as to prevent water run-off from being discharged onto adjacent properties except through a storm water conveyance system approved by the Township.

(5) The owner of the said driveway shall be responsible for the maintenance of the said drainage pipe and swale referred to in subsections (1) and (2) above. Said maintenance shall include, but not be limited to, removal of all debris impeding the free flow and drainage of storm water.

(Ordinance No. 72, adopted November 29, 2023)

(e) All driveways entering or exiting Commonwealth of Pennsylvania streets or roads shall comply with the standards established by the Commonwealth of Pennsylvania and if there be none then with the provisions contained herein.

(f) Driveways servicing a single use shall have a minimum width of 8 feet where it intersects the cartway of a public street or road. Driveways servicing two or more uses shall have a minimum width of 16’ where it intersects the cartway of a public street. These are minimum widths and larger widths may be required where circumstances require a larger entrance. These widths shall be maintained for the depth of the right-of-way.

(g) The portion of a driveway within the right-of-way shall be installed to meet the existing edge of the public cartway and shall be sealed at said edge. The paving within the right-of-way shall be the same material as the street and shall be cut and sealed at the edge of the right-of-way.

(h) Where possible driveways shall intersect the right-of-way and cartway of the public street or road at a 90% angle but in no event shall it intersect the right-of-way or cartway of the public street or road at less than a 60% angle. The angle of intersection is the acute angle where the centerline of the driveway intersects the edge of the right-of-way or edge of the cartway as the case may be.

(i) Each lot or parcel of land shall be limited to one driveway entrance per street frontage.

(j) All driveways shall be designed and constructed to include an area of 10 feet by 20 feet to permit vehicles to turn around thereby eliminating the necessity of backing into public streets and roads.

(k) All driveways, other than the area within the right-of-way, shall be paved with a dustless material approved by the Township.

(l) Common driveways servicing multiple lots or tracts shall be permitted, where said driveways service 2 abutting lots or tracts with road frontage on the same street or road, may be built within the setbacks established herein. At the time of application for a permit for a driveway described in this paragraph applicant shall attach a copy of a Maintenance and Use Agreement for the said driveway, which shall be executed by all parties who will use the said driveway and by all owners of the lots or tracts to be serviced by said driveway. The said Agreement will provide that it is a covenant running with the land and upon approval of the application and the issuance of a permit the Agreement shall be recorded in the Office of the Recorder of Deeds in and for Union County, Pennsylvania, within ten (10) days of the issuance of the permit.

 (2) Drainage Areas.

(a) The area between the edge of the right-of-way and the edge of the cartway shall be utilized to drain water from and along the public road or street. It shall be graded and maintained in accordance with elevations established and standards established from time to time by the Township.

(b) Other than mailboxes and newspaper receptacles, approved by the Township, no obstructions shall be erected, installed or permitted within the said area designated by the Township for drainage except upon the written consent of the Township.

**§306. Storm Water Runoff.** Landowners within White Deer Township shall be responsible for minimizing storm water run-off from their lands and shall take all reasonable steps to reduce said runoff. Landowners shall employ acceptable storm water management practices to achieve this goal, which shall include but not be limited to:

 (1) The discharge of storm water from pipes, downspouts, tiles and similar devices or facilities shall be directed to Township maintained storm water conveyance system, private storm water conveyance systems, or the landowners’ land. In no case shall the said discharge be directed to or discharged onto adjacent lands without first being discharged on the landowner’s land at sufficient distance from adjacent lands as to permit sheeting prior to entering adjacent lands.

 (2) In no event shall the discharge of storm water from improved land to adjacent private lands, other than through a storm water conveyance system approved by the Township, increase the amount of discharged storm water that was discharged before the construction of any improvements by more than 10%.

 (3) All private storm water conveyance systems shall be maintained by the owner of the land upon which they are installed. Prior to the installation or modification of said systems, the design shall be approved by the Township and all work on said systems shall be done in accordance with said design.

**§307. Exceptions.** The Township Board of Supervisors may grant exceptions to the within provisions should the strict application of the same create a hardship as that term is defined in zoning variance matters. Said exceptions shall be granted only after a hearing with 20 days written notice to the applicant.

**§308. Violations.** Any person, partnership, firm, entity, corporation or joint venture who violates any of the provisions of this Part shall, upon conviction in a summary proceeding, be sentenced to pay a fine not exceeding $1,000.00 and imprisonment to the extent permitted by law.

Commencing with the 5th day after which notice is given of a violation, each day a violation of this Part continues shall be considered a separate violation.

Notwithstanding anything herein, Township may, in addition to the enforcement provision set forth above, enforce the provisions of this Part in an Equity Action in the Court of Common Pleas of Union County.

(Ordinance No. 00-5, adopted December 19, 2000)