

Uniondale Borough

DRIVEWAY AND STREET EXCAVATION ORDINANCE

ORDINANCE NO. 2025- 10-3

AN ORDINANCE OF BOROUGH OF UNIONDALE, SUSQUEHANNA COUNTY, COMMONWEALTH OF PENNSYLVANIA REQUIRING ALL PERSONS TO OBTAIN PERMITS PRIOR TO CONNECTING OR PAVING DRIVEWAYS TO PUBLIC ROADS OR PERFORMING EXCAVATING OR OTHER WORK IN PUBLIC ROADS; REQUIRING THE SUBMISSION OF PLANS IN COMPLIANCE WITH PENNDOT AND BOROUGH DESIGN REQUIREMENTS PRIOR TO THE ISSUANCE OF PERMITS; PROVIDING FOR THE DISAPPROVAL OF PLANS WHERE CONNECTION OR WORK WOULD RESULT IN IMPROPER DRAINAGE OR NONCOMPLIANCE WITH PENNDOT AND BOROUGH DESIGN AND CONSTRUCTION REQUIREMENTS; PROVIDING FOR THE PAYMENT OF PERMIT FEES; AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Council in and for UNIONDALE BOROUGH, Susquehanna County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known as the "Uniondale Borough Driveway and Street Excavation Ordinance".

SECTION 2: LEGISLATIVE INTENT AND APPLICABILITY

The background of this Ordinance and the legislative intention of the Council of Uniondale Borough ("Council") in enacting it are as follows: Uniondale Borough is a Municipal Borough and has suffered damage to its roads, including, but not limited to, hazardous conditions, improper drainage, and uneven riding surfaces, as a result of improper connection of driveways to Borough roads and faulty drainage. Such conditions have resulted in the increased costs of repairs and maintenance of public roads in the Borough. As such, the Borough deems it necessary for the proper management, maintenance and control of its public road system to regulate the connection of driveways to Borough roads. The Borough desires to require proper connection of driveways and repair of roadway excavations to minimize damage to Borough roads and to eliminate hazards to the public.

SECTION 3: DEFINITIONS

For the purposes of this Ordinance, the following terms shall be defined as:

ADT Volume - The total number of motor vehicles traveling on a public road during an average weekday, other than Friday, Saturday or Sunday.

Commercial Driveway – Any driveway servicing a property except a one or two family residence.

Council - The Council Members of Uniondale Borough, Susquehanna County, Pennsylvania.

Contractor - The person who installs a driveway or excavates in a Borough roadway, including all agents, subcontractors, officers or employees of that person or business entity.

Cross Access Drive - A service driveway providing vehicular access between two or more contiguous sites so that the driver need not re-enter the public road system.

Driveway - Every entrance or exit used by vehicular traffic to or from properties abutting a public road. The term includes proposed streets, lanes, alleys, courts and ways.

Owner - The owner of the land upon which the driveway is located and his successors or assigns.

Person - Any natural person, firm, partnership, corporation, entity, association or other group of persons. The singular shall include the plural and the masculine shall include the feminine and the neuter.

Permit - A highway occupancy permit issued by the Council pursuant to this Ordinance.

Permittee - The holder of a duly issued permit.

Public Road - Any road, street, alley, bridge or public thoroughfare, including the entire area between right-of-way lines, either presently maintained by Uniondale Borough, or shown on a subdivision or land development plan and intended to be dedicated to Uniondale Borough in the future.

PENNDOT - Pennsylvania Department of Transportation.

State Road – Any road, street, alley, bridge, or public throughfare, including the entire area between right-of-way lines, maintained by the Commonwealth of Pennsylvania and located within the Borough of Union Dale.

Right-of-way - The area which has been acquired by the Borough for highway purposes.

Borough – Uniondale Borough, Susquehanna County, Pennsylvania, or its duly appointed Representatives.

SECTION 4: REQUIREMENT OF PERMIT

A. Permit required. No person shall hereafter install or alter an existing driveway or allow any work incident to the alteration or installation of a driveway including the alteration of existing drainage characteristics or perform excavation or other work on a driveway without first obtaining a permit from the Borough.

B. No combined permits. Each driveway, whether or not serving the same premises, shall require an individual permit. Each excavation or other work site within a public road shall require an individual permit.

SECTION 5: APPLICATION PROCEDURES

Any owner shall, prior to obtaining a permit for a driveway connection, file an application with Council, on a form furnished by Council. Every person intending to perform excavation or other work within a public road shall, prior to obtaining a permit, file an application with Council on a form furnished by Council. The application shall be accompanied by such permit issuance fees and general inspection fees as determined by resolution from time to time by Council. Issuance fees are used to defray costs incurred by the Borough in reviewing and processing the application and plan(s), including the preliminary review of the site location identified in the application, and issuing and processing the permit. General inspection fees are used to defray costs incurred by the Borough in spot inspection(s) during the progress of the work and after it has been completed to ensure compliance with the permit and these regulations.

SECTION 6: REQUIREMENTS FOR A DRIVEWAY CONNECTION

A. REQUIRED INFORMATION: The application shall be accompanied by a sketch of the proposed driveway which at a minimum shall indicate:

1. Geometric information such as width, radius, dimensions and location of the public road, right of way, slope and grades, length of driveway to residence or building, and distance to property lines and nearest driveway(s) and intersection(s). The plans shall also include the speed limit of each Public Road. In conjunction with submission of the application, the applicant shall place a stake at the desired location which shall coincide with the submitted sketch.

2. Safe sight distances shall be indicated on the sketch as obtained from actual field measurement. Measurement of sight distance shall be measured in accordance with the requirements of PENNDOT and shall meet the distance requirements set forth in this Ordinance. Signature of the application by the owner shall be an admission that the indicated sight distance is the result of actual field measurement.

3. Drainage culvert (if applicable) or swale including related grades as may be required. The determination for installation of a culvert pipe or swale shall be made by the Borough following initial review by the Borough representative. The application must also include a long-term drainage and erosion control plan which shall specify provisions for roadside drainage and control and mitigation of surface water runoff created by installation or improvement of the driveway.

4. All commercial driveway plans shall also include a commercial stormwater management plan appropriately directing stormwater management during and after the commercial development of the property, which shall be approved by Council prior to issuance of a driveway

permit. The Borough shall have the right to require a stormwater management plan for residential properties.

B. REVIEW CRITERIA. The application and accompanying sketch and drainage plan shall be reviewed by Council or its duly appointed representative. Driveway design shall conform to the requirements and standards and specifications of this Ordinance, PENNDOT, the Borough of Uniondale, Susquehanna County Subdivision Land Development Ordinance, and all related standards and specifications which may be adopted from time to time by Resolution which are incorporated herein by reference. In no event shall a permit be issued for any proposed driveway unless the application conforms with the following criteria:

1. Minimum Residential Driveway Requirements

- a. Within ten (10) feet of a street right-of-way line, a driveway may not exceed twenty (20) feet in width.
- b. The number of driveways per property on a street frontage, may not exceed one (1) per property unless circumstances prove that a second access is justified. Additional driveways must be approved by the Borough.
- c. A driveway may not enter a Public Road:
 - (1) Within fifty (50) feet of an intersection with a State Road.
 - (2) Within twenty-five (25) feet of an intersection with a Public Road.
 - (3) Within fifteen (15) feet of a fire hydrant.
 - (4) Within five (5) feet of a catch basin.
 - (5) Within five (5) of any property line.
- d. The drive may not exceed a slope of seven percent (7%) within twenty-five (25) feet of the Public Road.
- e. Where a driveway enters a bank through a cut, the shoulders of the cut may not exceed fifty percent (50%) in slope within twenty-five (25) feet of the point at which the driveway intersects the Public Road.
- f. Additional width, turning radius, and slope requirements shall conform to Chapter 441 of the Pennsylvania Department of Transportation rules and regulations.
- g. The minimum angle between the centerline of the driveway and the Public Road shall not be less than 65 degrees.
- h. A clear sight triangle of seventy-five (75) feet measured along the Public Road and ten (10) feet into the driveway shall be maintained. Permanent obstructions other than mailboxes and utility poles shall be prohibited.

i. All accesses shall be provided with a drainage culvert or gutter/swale as directed by the Borough. The minimum size of the pipe, unless otherwise approved, shall be fifteen (15) inches in diameter or equivalent open area arch pipe. The stormwater management plan for a proposed development where required by the Borough shall include calculation for and sizing of access driveway culverts.

j. To prevent drainage and erosion problems and to minimize future maintenance, access driveways shall be surfaced with a stabilized material within the public street (for fifty (50) feet from the edge of the road). Where access is to a paved roadway, driveways shall be surfaced with bituminous or concrete material within the legal right-of-way.

k. In the event that an access drive will serve more than one residence, more stringent standards may be applied pending review and recommendation of Council.

l. Driveways shall be constructed so that motorists are not required to back on to the roadway.

2. Minimum Commercial Driveway Requirements

a. Commercial Driveways shall follow criteria for low, medium or high volume driveways in accordance with PENNDOT Publication 441 and the standards contained in Susquehanna County SALDO.

b. In addition, a Commercial Driveway may not enter a Public Road:

(1) Within one hundred (100) feet of an intersection with a State Road.

(2) Within fifty (50) feet of an intersection with a Public Road.

(3) Within fifteen (15) feet of a fire hydrant.

(4) Within five (5) feet of a catch basin.

(5) Within ten feet (10) of any property line.

c. A clear sight triangle of one thousand (1,000) feet measured along the Public Road and fifty (50) feet into the driveway shall be maintained for Public Roads with a speed limit of thirty-five (35) miles per hour or greater; and a clear sight triangle of eight hundred (800) feet measured along the Public Road and fifty (50) feet into the driveway shall be maintained for Public Roads with a speed limit of twenty-five (25) miles per hour. Permanent obstructions other than mailboxes and utility poles shall be prohibited.

d. The driveway may not exceed a slope of seven percent (7%) within twenty-five (50) feet of the Public Road.

e. Where a driveway enters a bank through a cut, the shoulders of the cut may not exceed fifty percent (50%) in slope within twenty-five (25) feet of the point at which the driveway intersects the Public Road.

3. Requirements for all Driveways:

a. Damage to public roads. The owner and/or contractor are responsible for damage to any portion of the public road caused by equipment en route or used at the work site.

b. Traffic protection and maintenance. Maintenance and protection of traffic shall be carried out in accordance with the requirements of the Pennsylvania Department of Transportation, as set forth in Publication No. 900 and PennDot Chapter 212 adopting the Manual on Uniform Traffic Control Devices (MUTCD).

(1) The Permittee shall provide and maintain all necessary precautions to prevent injury or damage to persons and property in accordance with instructions furnished by the district office. A traffic control plan shall be submitted to and approved by the Borough Engineer before detouring any traffic.

(2) Warning signs shall be placed in advance of the actual operation in such a manner as to be visible to the traveling public, and substantial barricades with adequate illumination shall be provided and maintained for any open trench or hole in the improved area.

(3) Designated employees shall be assigned by the Permittee to direct one-lane traffic. Flagmen shall be provided as specified in the permit and in accordance with Publication No. 900.

c. Drainage. All driveways which are installed on any Public Road will be required to install either a drainage pipe (culvert) or construct a drainage swale as directed by the Borough. It is the property owner's responsibility for the purchase, labor, maintenance of driveway drainage pipe.

d. Paving to limits. All driveways which are constructed and have access onto a paved public road will be required to be paved from the edge of the existing public road to the Public Road limit or the end of the radius whichever extends further from the Public Road.

e. Owner's responsibility. As part of obtaining a driveway permit, all property owners shall be responsible for long term maintenance of the driveway and related drainage or stormwater management plan. In the event that excess stormwater runoff or sediment is diverted onto public roads the owner will be given notice and required to make necessary corrections to bring the driveway and drainage into

compliance. In the event that a driveway culvert pipe becomes crushed or blocked it may be replaced at the owner's expense. The Borough reserves the right to require the owner to make repairs, to make the repair at the owner's expense or to contract with a third party at owner's expense to perform the needed repairs. All property owners shall be responsible for any and all costs for maintenance to public roadways resulting from water runoff caused by improperly maintained driveway pipes.

f. Permit issuance. If the plans meet the criteria above, the Borough shall issue the permit. If the application is found to be deficient, or if in the opinion of the Borough the plan should be revised in order to meet the criteria above, the Borough shall notify the owner of the changes to be made, whereupon the applicant shall make such changes and return the revised plans to the Borough. When the application is acceptable to the Borough, the permit shall be issued. If a property is deemed to be ineligible for compliance with these requirements, the Borough shall issue a permit only if it is satisfied that the driveway access shall be safe for all residents and visitors of the Borough, despite the noncompliance with the stated regulations. The Borough shall never be required to issue a permit that does not comply with the stated requirements.

SECTION 7: REQUIREMENTS FOR EXCAVATIONS AND OTHER WORK IN PUBLIC ROADWAYS

Design, construction and restoration shall conform to the requirements of this Ordinance, PENNDOT regulations, and specifications as may be adopted by the Borough from time to time. No work shall begin until a permit is issued by the Borough. All Public Road shall be returned to the condition in which they existed, and/or a better condition, prior to the work beginning. The owner of the property to which the driveway is installed shall be responsible for the condition of the Public Road wherein the driveway connects for eighteen (18) months following the installation of the driveway. If an owner is notified that maintenance is required, the owner shall complete the work within thirty (30) days. If the Borough is required to do the work, the owner shall be billed for the cost of same, plus an additional twenty percent (20%).

SECTION 8: NON-CONFORMING DRIVEWAYS

A. NON CONFORMING DRIVEWAYS Driveways that do not conform to this section and have been constructed before the adoption of these standards shall be considered legal nonconforming driveways. However, nonconforming driveway(s) shall be reconstructed to comply with this Ordinance if there is a change in use or intensity of the land use, such that the use of the access increases peak hour or ADT Volume by ten (10%) percent or more and by one hundred (100) daily trips, based on the latest edition of Trip Generation published by the Institute of Transportation Engineers or upon other data approved by the Borough. The existing and proposed number of daily trips must be included on the site plan.

B. REQUIRED CLOSURE OF NON CONFORMING DRIVEWAYS IN CERTAIN SITUATIONS Uniondale Borough may require the closure of an existing non-conforming driveway if the parcel has access to another street or can gain access from a shared access driveway or cross-access drive.

C. AGRICULTURAL Any existing farm/field driveway may be continued provided it is to be used for and limited to agricultural purposes. Any modification to this use shall require the driveway to conform to the standards of Uniondale Borough.

SECTION 9: ADDITIONAL SPECIFICATIONS BY RESOLUTION

From time to time, Council may adopt, by resolution, such additional driveway and/or excavation specifications and requirements, and may supplement or modify the driveway and excavation specifications set forth in this Ordinance. Any violation of the additional requirements or specifications, modifications and supplements, as duly adopted, shall be subject to the penalties set forth in Section 11 of this Ordinance.

SECTION 10: INSPECTION

A. INSPECTIONS. It shall be the duty of the Borough to inspect all work for conformity with all of the ordinances of the Borough. Notice must be given by the owner and/or contractor to the Borough when the work is sufficiently advanced for inspection, when it shall be the duty of the proper officer to inspect the same after receipt of said notification.

B. RE-INSPECTIONS. The Borough may re-inspect the work not more than two years after its completion, and if there is settlement of the connection, or any other defects appear in the work contrary to the conditions, restrictions and regulations of this Ordinance, the Borough may enforce compliance therewith. If the owner fails to rectify a defect which presents an immediate or imminent safety or health problem within forty-eight (48) hours after written notice from the Borough, or any other defect within sixty (60) days after written notice from the Council to do so, the Borough may do the work and impose upon the owner the cost thereof, together with an additional twenty (20%) percent of the costs, which may be recovered by the Borough.

SECTION 11. PENALTIES

A. Any person or contractor who violates or permits the violation of this Ordinance, shall, upon being found liable therefore in an action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, pay the fine set by Council, plus all costs. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney as required under PA R. Crim. P. No. 83(c) (relating to trial in summary cases). Violations of this ordinance shall be punishable by a fine of not less than \$100.00 or more than \$1,000.00. A separate offense shall arise for each day or portion thereof in which a violation is found to exist and/or for each section of the Ordinance.

B. In addition to any other remedies provided in this Ordinance, any violation thereof shall constitute a nuisance and may be abated or addressed by the Borough by either seeking mitigation of the nuisance, by institution of a suit or suits in equity to restrain or prevent violations of the Ordinance or by seeking a mandatory preliminary injunction or by seeking other legal relief from a court of competent jurisdiction.

SECTION 12: SEVERABILITY

If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance.

It is hereby declared as the intention of the Council of this Borough that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

SECTION 13: EFFECTIVE DATE

This Ordinance shall become effective five (5) days after adoption.

[SIGNATURE PAGE TO FOLLOW]

ENACTED AND ORDAINED this 9 day of OCTOBER, 2025.

UNIONDALE BOROUGH, SUSQUEHANNA COUNTY, PENNSYLVANIA

John Marie Laam
PRESIDENT

Danna Pedesini
VICE PRESIDENT

Ben Markel
MAYOR

Diane Gornola
SECRETARY (ATTEST)

