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**POINT TOWNSHIP
NORTHUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2017-01

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

BE IT ENACTED AND ORDAINED by the Board of Supervisors in and for the Township of Point, Northumberland 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 "Point Township Driveway Ordinance."

SECTION 2 - PURPOSE

The purpose of this Ordinance is to regulate location, construction, maintenance, and drainage of Driveways, local Roadways, and other property within Rights-of-Way for the purpose of security, safety, and reasonable access, preservation of existing Roadway operating capacity and condition, preservation of surrounding land uses, provision of adequate drainage, and economy of maintenance.

SECTION 3 - LEGISLATIVE INTENT AND APPLICABILITY

The background of this Ordinance and the legislative intention of the Board of Supervisors in enacting it are as follows:

- The Township of Point is a Pennsylvania township of the second class.
- The Township of Point has suffered damage to its Roadways as a result of improper connection of Driveways to Public Roads and faulty drainage.
- Improper connections and faulty drainage have resulted in hazardous conditions.

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- The Township deems it necessary for the proper management, maintenance, and control of its Public Road system to regulate the connection of Driveways to Public Roads.
- The Township desires to require proper connection of Driveways to Public Roads to minimize damage to Public Roads by providing for the issuance of a Driveway Permit and providing for remedies for noncompliance.

SECTION 4 - DEFINITIONS

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

Contractor - The Person who installs a Driveway, including all agents, subcontractors, officers, or employees of that Person or business entity.

Drainage Facility - A Roadway or street hydraulic structure that performs the function of conveying, diverting, or removing surface water from the Public Road.

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

Driveway Permit - A permit issued by the Township pursuant to this Ordinance.

Egress - The exit of vehicular traffic from abutting properties to a Public Road.

Frontage - The distance along the Right-of-Way line of an abutting property.

Improved Area - The area within the Right-of-Way which has been constructed for Public Road purposes including roadbed, pavement, Shoulders, slope, sidewalks, Drainage Facilities, and any other appurtenances.

Ingress - Entrance of vehicular traffic to abutting properties from a Public Road.

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

PennDOT - Pennsylvania Department of Transportation.

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.

Permittee - The holder of a duly issued Driveway Permit.

Plans - Drawings which show the location, character, and dimensions of the proposed Driveway and related Public Road features, including layouts, profiles, cross sections, Drainage Facilities, and other details.

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

Right-of-Way - The area which has been acquired by the Township for Public Road purposes.

Roadway - That portion of a Public Road improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or Shoulder.

Shoulder - The portion of the Public Road, contiguous to the traffic lanes, for accommodation of stopped Vehicles, for emergency use, and for lateral support of Roadway base and surface courses and pavements.

Sight Distance - The distance required by a driver traveling at a given speed to stop the Vehicle after an object on the Roadway becomes visible to the driver and as defined by PennDOT regulations.

Township - Point Township, Northumberland County, Pennsylvania, or its duly appointed representative(s).

Vehicle - Every device in or by which any Person or property is or may be transported or drawn upon a Public Road. The term includes special mobile equipment as defined in the Pennsylvania Vehicle Code.

SECTION 5 - REQUIREMENT OF DRIVEWAY PERMIT

A. Driveway 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 without first obtaining a Driveway Permit from the Township.

B. No Combined Driveway Permits

Each Driveway, whether or not serving the same premises, shall require an individual Driveway Permit.

SECTION 6 - DRIVEWAY PERMIT APPLICATION PROCEDURES

Prior to obtaining a Driveway Permit, an Owner shall file a Driveway Permit Application with the Board of Supervisors, on a form furnished by the Township. The Driveway Permit Application shall be accompanied by such Driveway Permit issuance fees and general inspection fees as determined by resolution from time to time by the Board of Supervisors. Issuance fees are used to defray costs incurred by the Township in reviewing and processing the Driveway Permit Application and plan(s), including the preliminary review of the site location identified in the Driveway Permit Application, and issuing and processing the Driveway Permit. General inspection fees are used to defray costs incurred by the Township in spot inspection(s) during the progress of the work and after it has been completed to ensure compliance with the Driveway Permit; and the requirements, standards, and specifications of this Ordinance

SECTION 7 - REQUIREMENTS FOR A DRIVEWAY CONNECTION

A. Required Information

The Driveway Permit 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, slope and grades, length, and width of Driveway to residence or building, and distance to property lines and nearest Driveway(s) and intersection(s). In conjunction with submission of the Driveway Permit 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 in accordance with 67 Pa. Code, Chapter 441.8. The minimum Sight Distances specified in 67 Pa. Code, Chapter 441.8 shall be required. Signature of the Driveway Permit 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 Township following initial review by the Board of Supervisors, and/or their duly appointed representative(s). The Driveway Permit Application must also include a long term drainage, and erosion and sediment pollution 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. When determined by the Township, a stormwater management plan shall be filed in accordance with the requirements of the applicable stormwater management requirements for the Township, in which case approval of the requisite stormwater management plan shall precede issuance of a Driveway Permit.
5. Number of Vehicles per day expected to use the Driveway.

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B. Review Criteria

1. The Driveway Permit Application and accompanying sketch and drainage plan shall be reviewed by the Board of Supervisors, and/or their duly appointed representative(s). Driveway design shall conform to the requirements, standards, and specifications of this Ordinance; 67 Pa. Code, Chapter 441; the Subdivision and Land Development Ordinance for the Township; the applicable stormwater management requirements for the Township; and any and all related standards and specifications that are incorporated herein by reference. In no event shall a Driveway Permit be issued for a proposed Driveway under any of the following circumstances:
 - a. It would create hazardous effects of stormwater runoff.
 - b. It would cause damage to a Public Road.
 - c. It would increase hazardous driving conditions on the Public Road.
 - d. It would be constructed in a manner which would obstruct it from view.
 - e. The Sight Distance is inadequate to safely allow movement to be made into or out of the Driveway.
 - f. The free movement of Roadway traffic would be impaired.
 - g. It would create an area of traffic congestion on the Public Road.
 - h. It would be located at a location that would interfere with the placement, functioning, or maintenance of a road sign, detector, lighting, or other device that affects traffic control.
 - i. It would be located within five (5) feet of a fire hydrant, catch basin, or drain inlet.
 - j. The slope would exceed the maximum grade change specified in 67 Pa. Code, Chapter 441.8.
 - k. It would be located within ten (10) feet of a side lot property line.
 - l. It would impair drainage within the Right-of-Way, alter the stability of the Improved Area, or change the drainage of adjacent areas.
 - m. In the opinion of the Board of Supervisors, it would create a hazardous situation not otherwise anticipated.

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2. Where the property abuts two or more Public Roads, Ingress and Egress may be restricted to only that Public Road that can more safely accommodate its traffic.
3. No more than one Driveway shall be permitted per lot on any Frontage. The Board of Supervisors may grant permission for additional Driveways under exceptional circumstances.
4. A Driveway shall not be located within forty (40) feet of the Right-of-Way line of an intersecting Public Road when deemed reasonably necessary for safety by the Board of Supervisors. This dimension shall be increased for Driveways to commercial, industrial, public, or institutional buildings.
5. No Driveway carrying a traffic flow of seventy-five (75) Vehicles per day or more shall enter a Public Road within three-hundred (300) feet of the intersection of any other Public Road or Driveway that carries the same or greater traffic flow.

C. 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.

D. Traffic Protection and Maintenance

Maintenance and protection of traffic shall be carried out in accordance with the requirements of PennDOT, as set forth in PennDOT Publication 213 (as amended from time to time), and its successor(s).

1. The Permittee shall provide and maintain all necessary precautions to prevent injury or damage to Persons and property. A traffic control plan shall be submitted to and approved by the Board of Supervisors, and/or their duly appointed representative(s) 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 Driveway Permit and in accordance with PennDOT Publication 213 (as amended from time to time), and its successor(s).

E. Drainage

All Driveways installed on any Public Road shall be required to install either a drainage pipe (culvert) or construct a drainage swale, as directed by the Board of Supervisors, and/or their duly authorized representative(s). Where Shoulders or berms exist, the grade of the Driveway shall slope away from the Roadway surface at the same rate as the existing

Shoulder [unless advised to the contrary by the Board of Supervisors, and/or their duly authorized representative(s)] for the prevailing width of the Shoulder. The gradient of a Driveway beyond this point (within the Right-of-Way) shall be not more than eight percent (8%)

F. Paving

All Driveways that have access onto a Public Road with an asphalt or bituminous seal coat surface shall be paved with asphalt from the edge of the Roadway a minimum distance of fifteen (15) feet toward the lot. All materials used for the construction of a Driveway shall comply with PennDOT Publication 408 (as amended from time to time), and its successor(s). The Owner shall submit the Driveway pavement design to the Township for review by the Board of Supervisors, and/or their duly authorized representative(s).

G. PennDOT Requirements

When a Driveway accesses a State Roadway, the Owner shall comply with all PennDOT requirements, including the requirement to obtain a Highway Occupancy Permit from PennDOT.

H. Re-Inspections

The Township 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 Township 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, or any other defect within sixty (60) days after written notice from the Board of Supervisors to do so, the Township may do the work and impose upon the Owner the cost thereof, together with an additional twenty percent (20%) of the costs, which may be recovered by the Township.

I. Owner's Responsibility

As part of obtaining a Driveway Permit, all property Owners shall be responsible for long-term maintenance of the Driveway, related Drainage Facilities, and stormwater management facilities. In the event that excess stormwater runoff or sediment is diverted onto Public Roads, the Owner will be notified by the Township to make necessary corrections to bring the Driveway and drainage into compliance with the Driveway Permit. In the event that a Driveway culvert pipe becomes crushed or blocked it may be replaced by the Township at the Owner's expense. The Township 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 a Public Road resulting from stormwater runoff caused by improperly maintained Driveway pipes.

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All Driveways, adjacent areas and areas between such Driveways, including channelization, paving, Drainage Facilities, etc. installed by the Owner or his predecessor in title shall be maintained by the Owner in such a manner as not to interfere or be inconsistent with the design, maintenance, and drainage of the Public Road, or the safe and convenient passage of traffic upon the Public Road. The term adjacent area shall apply only to that area within the Owner's property or that area of the Right-of-Way contiguous to the Owner's property.

J. Overnight Parking

Where construction permitted by this Ordinance requires equipment to park at the site overnight, it shall be located a minimum of four (4) feet from the edge of the Roadway.

K. Sight Distance

Measurement of Sight Distance from a Vehicle turning from a Driveway shall be such that the position of the driver is taken to be ten (10) feet from the edge of the Roadway at the centerline of such Driveway; the driver eye height is to be 3.5 feet; the Vehicle height on the Roadway is to be 4.25 feet. Adequate Sight Distance is to be provided to the right and to the left of the Driveway.

L. Traffic Study

In the event a proposed Driveway connecting with any Public Road will produce a traffic flow in excess of seventy-five (75) Vehicles per day, the Board of Supervisors may order a traffic study to be prepared by a traffic engineer engaged by the Owner. Any requisite traffic study will be reviewed by the Township's engineer. The Owner shall be responsible to reimburse the Township for the cost of the review by the Township's engineer.

The traffic study shall include the following:

1. Description of the proposed project in terms of land use and magnitude.
2. An inventory and analysis of existing Roadway and traffic conditions in the site environs, including, but not limited to:
 - a. Roadway network and traffic control.
 - b. Existing traffic volumes in terms of peak hours and average daily traffic (ADT), where specifically requested.
 - c. Planned Roadway improvements by others.
 - d. Intersection levels of service.
 - e. Roadway levels of service (where requested).

- f. Other measures of Roadway adequacy (including, but not limited to lane-widths, traffic signal warrants, and Vehicle delay studies).
3. Projected site-generated traffic volumes in terms of:
- a. Peak hours and ADT (by phase if required).
 - b. Approach/departure distribution including method of determination. This must be approved prior to performing future traffic analyses.
 - c. Site traffic volumes.
4. An analysis of future traffic conditions, with and without the proposed development, including:
- a. Future design year, or years with phasing, combined traffic volumes (site traffic plus future Roadway traffic). If the study is required for PennDOT review, the future design year shall be consistent with PennDOT requirements.
 - b. Intersection levels of service.
 - c. Roadway levels of service (where appropriate).
 - d. A pavement analysis of Roadways which are projected to experience significant increases in ADT volumes (where appropriate).
 - e. Other measures of Roadway adequacy (i.e. lane-width, traffic signal warrants, and Vehicle delay studies).
5. A description of future levels of service and their compliance with standards for traffic capacity of Roadways, intersections, and Driveways.
6. A description and analysis of the proposed access plan and site plan.
- a. On-site circulation plan showing parking locations and dimensions, loading access, circulation Roadway, and traffic control.
 - b. Driveway access plan showing location of Driveways and new intersections, including geometric conditions and traffic control.

M. Driveway Permit Issuance

If the Plans meet the criteria above, the Township shall issue a Driveway Permit. If the Driveway Permit Application is found to be deficient, or if in the opinion of the Township

the Plan should be revised in order to meet the criteria above, the Township shall notify the Owner of the changes to be made, whereupon the applicant shall make such changes and return the revised Plans to the Township. When the Driveway Permit Application is acceptable to the Township, the Driveway Permit shall be issued. If the approved installation is not completed within nine (9) months of the Driveway Permit issuance date, the Driveway Permit shall expire.

N. Fees

The Board of Supervisors shall, from time to time, adopt a resolution setting forth fees for the issuance of Driveway Permits.

SECTION 8 - CONSTRUCTION-GRADE DRIVEWAYS

Any Driveway that will be accessed by construction and site preparation Vehicles (well-drillers, dump trucks, lumber deliveries, etc); and/or any new timbering, lumbering, clearing or other site-preparation activity, shall also require installation of a Construction-Grade Driveway prior to any other activity at the site.

Construction-Grade Driveways shall meet the following requirements:

A. Construction Materials

The Construction-Grade Driveway shall consist of AASHTO Number 1 coarse aggregate or R-3 riprap placed at least eight (8) inches thick over geotextile fabric at a minimum width of twenty (20) feet for a minimum distance of fifty (50) feet from the edge of the Roadway. Additional coarse aggregate (PennDOT 2A subbase) shall be placed immediately adjacent to the Public Road, as required to protect the Shoulder from damage.

B. Weight-Bearing Standards

The Construction-Grade Driveway shall be of suitable thickness to carry the weight of a fully loaded tri-axle dump truck. The Contractor shall be required to place additional stone as required to provide a stable base for all vehicular traffic.

C. Maintenance and Upkeep

The thickness of the stone specified above shall be constantly maintained to the dimensions specified above by adding additional aggregate material(s). Aggregate meeting the specifications above shall be stockpiled on site for this purpose.

The Construction-Grade Driveway shall be maintained to the standards specified above in order to protect the integrity of the Public Road, and to protect same from any damage by heavy Vehicles and/or machinery.

D. Contractor and Owner Responsibilities

It shall be the responsibility of the Contractor and Owner to assure that no construction materials or debris, earth (dirt), stones, or any other extraneous material is deposited or abandoned on the Public Road. Upon notification by the Board of Supervisors [and/or their duly authorized representative(s)] of the need to remove any material/debris from the Public Road by close of the business day (5:00 pm local time), and failure of the Contractor and/or Owner to comply with said notice; the Board of Supervisors shall cite the Contractor and/or Owner, notifying them that such material/debris has been deposited on the Public Road and that same has not been properly removed, and that all work shall stop until the Contractor and/or Owner comply with the citation. If compliance has not occurred within twenty four (24) hours of the citation, the Board of Supervisors, and/or their duly authorized representative(s) shall be authorized to institute civil enforcement proceedings as a means of enforcement. Penalties for non-compliance shall be in accordance with Section 12 of this Ordinance.

SECTION 9 - ADDITIONAL SPECIFICATIONS BY RESOLUTION

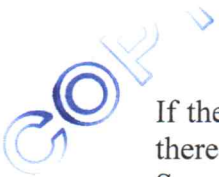
From time to time, the Board of Supervisors may adopt, by resolution, such additional Driveway specifications and requirements, and may supplement or modify the Driveway specifications set forth in this Ordinance. Any violation of the additional requirements or specifications, modifications, and supplements, as duly adopted, shall be subject to the penalties set forth in Section 12 of this Ordinance.

SECTION 10 - INSPECTION

It shall be the duty of the Township to inspect all work for conformity with all of the ordinances of the Township. Notice must be given by the Owner and/or Contractor to the Township when the work is sufficiently advanced for inspection.

SECTION 11 - ENFORCEMENT

Upon determining that a Driveway has not been installed or maintained in accordance with the provisions of this Ordinance and/or is unsafe, the Board of Supervisors, and/or their duly authorized representative(s) shall serve or cause to be served on the Owner a written notice containing a description of the portion of the Driveway deemed unsafe or in violation of this Ordinance; a statement of the particulars in which the Driveway is unsafe or is in violation of this Ordinance; and an order requiring the same to be made safe, brought into conformity with this Ordinance, or removed, as may be deemed necessary by the Board of Supervisors. If the Person to whom such notice or order is addressed cannot be found after diligent search, then such notice or order shall be sent by certified mail to the last known address of such Person; and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service. Said notice shall require the Owner or occupier of said land to commence the repair or removal, as the case may be, within ten (10) days of such notice and to complete the repair or removal within thirty (30) days thereof.



If the Person served with a notice and order to remove or repair an unsafe Driveway or portion thereof shall fail to comply with the notice or with the time limits contained therein, the Board of Supervisors shall have the right to proceed to either remove or repair the Driveway as the case may be. The Township shall collect the cost of any removal or repair together with a penalty of ten percent (10%) of such cost, and may file a municipal claim therefore or by an action in assumpsit, or may seek relief by a bill in equity.

In case there shall be, in the opinion of the Board of Supervisors, and/or their duly authorized representative(s), actual immediate danger to users of the affected Public Road, the Township may purchase such material and employ such labor and cause the necessary work to be done through rendering the Driveway or portion thereof temporarily safe, without the necessity of resorting to the procedure as to notice prescribed herein. The Township shall collect the cost of any removal or repair together with a penalty of ten percent (10%) of such cost, and may file a municipal claim therefore or by an action in assumpsit, or may seek relief by a bill in equity.

SECTION 12 - PENALTIES

Any Owner or Contractor who violates any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, pay a fine not exceeding one thousand dollars (\$1,000.00) plus all court costs including reasonable attorney's or consultant fees incurred by the Township. Each day of violation shall constitute a separate offense and shall be subject to the penalty set forth herein.

Any Contractor, Owner, or Person who violates any provision of this Ordinance, or fails to comply therewith, or with any of the requirements thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedures, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs, including reasonable attorney fees incurred by the Township, and, in default of payment of said fine and costs, to a term of imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation of this Ordinance is found to exist or for each section of this Ordinance found to have been violated. The Township may also commence appropriate actions in equity or other to prevent, restrain, correct, enjoin, or abate violations of this Ordinance. All fines and penalties collected for violation of this Ordinance shall be paid to the Township. The initial determination of Ordinance violation and the service of any required notice of violation are hereby delegated to the Township Secretary, and to any other officer or agent that the Township Secretary or the Board of Supervisors shall deem appropriate.

SECTION 13 - 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 Board of Supervisors 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 14 - REPEALER

Any other Ordinance or parts thereof inconsistent with this Ordinance shall be and are hereby expressly repealed.

SECTION 15 - EFFECTIVE DATE

This Ordinance shall become effective immediately upon its enactment.

ENACTED and ORDAINED this 21st day of March, 2017.

THE BOARD OF SUPERVISORS OF
POINT TOWNSHIP

ATTEST:

Krause C. Fister
Secy/Treas.

Randall W. Yorkheimer

Michael J. Kates

Laura M. H. H.
Gayle H. Sanders

Dennis P. H.