

PROSPECT BOROUGH

ORDINANCE NO. 2018-5

AN ORDINANCE OF THE BOROUGH OF PROSPECT, COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA, REGULATING DRIVEWAY CONSTRUCTION, REQUIRING A PERMIT AND FEE, PROVIDING FOR CORRECTION OF IMPROPER WORK AND PRESCRIBING PENALTIES FOR VIOLATIONS.

WHEREAS, the Borough Council has determined that it is in the best interest of the residents of Prospect Borough to enact certain requirements for the construction of all driveways within the Borough; and

WHEREAS, it is the desire of the Borough to authorize requirement for construction of driveways consistent with the Prospect Borough Code of Ordinances, the Local Tax Enabling Act, 53 P.S. §6924.301 et seq.

SECTION 1. Title.

The text of this ordinance shall be known as the “Driveway Ordinance” for Prospect Borough.

SECTION 2. Definitions.

A. The following words and phrases when used in this ordinance shall have the meanings given to them in this section unless the context clearly indicated otherwise.

“Alteration.” Any enlargement, reduction, rearrangement or replacement of any driveway.

“Contractor.” The person, firm, corporation or other business entity which installs a driveway, including all agents, officers or employees of that person or business entity.

“Driveway.” Any area of land designated or to be used as a means of ingress and egress for vehicles traveling from a public road to a private parcel of land. “Driveway” shall also include such drainage structures as may be necessary for the purpose of constructions and maintenance thereof.

“Municipality.” The Borough of Prospect.

“Owner.” The legal title holder of the land upon which the driveway is located.

“Permit.” The document issued by the Borough signifying approval of the design of the driveway.

“Person.” Any natural person or persons, association, partnership, firm, corporation or municipal authority.

“Public Road.” Any road, street, alley or public thoroughfare, whether actually maintained by the Borough, and any road, street, alley or public thoroughfare shown in the subdivision or land development plan intended to be dedicated to the Borough in the future.

“Street.” Any public street, avenue, road, square, alley, highway or other public place located in the Township and established for the use of vehicles, but shall not include state highways.

B. For the purpose of this Ordinance, the singular shall include the plural, the plural shall include the singular and the masculine shall include the feminine.

SECTION 3. Permit Requirements.

- A. No person, firm, corporation or other entity shall perform any construction excavation or other work connected with any driveway, local road drainage facility or structure, or perform any work within the Borough affecting storm water flow or discharge within the right-of-way of any road until a permit has been issued by the Borough for such work.
- B. Permit applications shall be submitted in the name of and executed by the owner of the property.
- C. Permit applications shall be submitted to the officer designated by the Borough.
- D. Permit applications shall be submitted prior to the construction of any building which the proposed driveway will serve to insure that the driveway can be constructed in accordance with this Ordinance.
- E. Permit application procedures and required information:
 - i. Shall be submitted in person or by mail;
 - ii. Shall be signed by the applicant;
 - iii. Shall include two sets of plans indicating and detailing the location and the pertinent dimensions of both the proposed installation and the related street features;
 - iv. Shall be accompanied by a check or money order payable to the Borough in the appropriate amount; and
 - v. Shall be submitted to the Borough at least five (5) days prior to the anticipated start of work.

SECTION 4. Fee.

The fees for a permit shall be in amounts as established from time to time by resolution of the Council.

SECTION 5. Location Restriction; Number of Driveways; Driveway Approaches.

- A. General rule. All driveways shall be located, designed, constructed and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of existing streets.
- B. General location restriction. Access driveways shall be permitted at locations which:
 - i. Sight distance is adequate to safely allow each permitted movement to be made into and out of the access driveway.
 - ii. The free movement of normal traffic is not impaired.
 - iii. The driveway will not create a hazard.
 - iv. A driveway will not create an area of undue traffic congestion.
- C. Specific location restrictions. Specific location restrictions shall include the following:

i. Access driveways shall not be located at interchanges, ramp areas or locations that would interfere with the placement and proper functioning of traffic signs, signals, detectors, lighting and other devices that affect traffic control.

ii. the location of a driveway near a signalized intersection may include a requirement that the permittee provide, in cooperation with the Borough, new and relocated detectors, signal heads, controllers and the like, for the control of traffic movement from the driveway.

iii. Access to the property which abuts two (2) or more intersecting streets may be restricted to only that roadway which can more safely accommodate its traffic.

iv. The Borough may require the permittee to locate an access driveway directly across from the highway, local road or access driveway on the opposite side of the roadway if it judges that offset driveways will not permit left turns to be made safely and that access across the roadway from one access to the other will create a safety hazard.

D. Local roads. An access intended to serve more than three (3) properties or to act as a connecting link between two (2) or more roadways shall, for the purpose of this Ordinance, be considered a local road and not a driveway, regardless of its ownership. As such, its design must be in accordance with the Borough's current standard governing design of local roads. All other requirements of this Ordinance shall be complied with before the local road will be allowed access onto a state highway.

E. Number of driveways. The number and location of entrances which may be granted will be based on usage, interior and exterior traffic patterns and current design policy of the Borough.

i. Normally, only one (1) driveway will be permitted for the residential property and not more than two (2) driveways will be permitted for a nonresidential property.

ii. If the property frontage exceeds 600 feet, the Borough may authorize an additional driveway.

iii. Regardless of frontage, a development may be restricted to a single entrance/exit driveway, served by an internal collector road, separated from the traveled way.

F. Approaches to driveways, Driveway approaches shall conform to the following standards:

i. The location and angle of an access driveway approach in relation to the highway intersections shall be such that vehicles entering or leaving the driveway may do so in an orderly and safe manner and with a minimum of interference on street traffic.

ii. Where the access driveway approach and street pavement meets, flaring of the approach may be necessary to allow safe, easy turning of the vehicle traffic.

iii. Where the street is curved, driveway approaches shall be installed 1 ½ inch above the adjacent street or gutter grade to maintain proper drainage.

SECTION 6. Design Standards.

Driveway design requirements shall be as established by the Department of Transportation as set forth in 67 Pa. Code §§441.8 through 441.10, as amended from time to time, except that a twelve-inch culvert may be permitted by the Borough. No culvert shall be approved for any application for a driveway less than 15 feet in length.

SECTION 7. Correction of Improper Work.

In case any person shall construct a driveway or curb cut and shall not conform to the requirements of this Ordinance, the Borough may order such person, firm or corporation to remove the improper work and replace the same in compliance with this Ordinance. Notice to remove and replace improper work shall be given by registered or certified mail and shall state that the person, firm or corporation has thirty (30) days from receipt of the Notice to comply therewith. Upon noncompliance, the Borough may do or cause the requested repairs to be done and may levy the cost of its work on such owner as a property lien to be collected in a manner provided by law.

SECTION 8. Violations and Penalties.

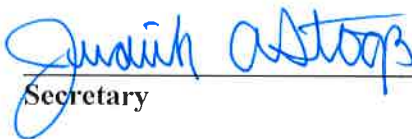
Any person, firm or corporation who shall violate any provision of this Ordinance or fails to obtain a permit before constructing a driveway or making a curb cut, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Ordinance continues or each section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

SECTION 9. Effective Date.

ORDAINED AND ENACTED this 4th day of September 2018. By the Council of the Borough of Prospect to be effective September 4, 2018.

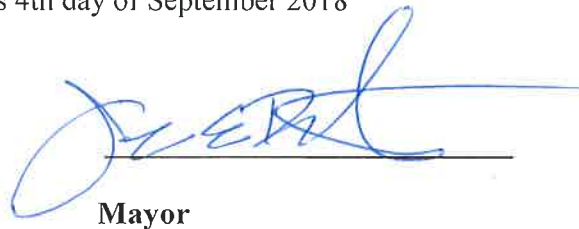
ATTEST:

PROSPECT BOROUGH COUNCIL


Secretary

by: 
President

EXAMINED AND APPROVED by me this 4th day of September 2018


Mayor