

ORDINANCE No. 40-1789

AN ORDINANCE OF THE TOWNSHIP OF CENTRE, REGULATING DRIVEWAY CONSTRUCTION, REQUIRING A PERMIT AND FEE, PROVIDING FOR RECTIFICATION OF IMPROPER WORK; AND PRESCRIBING PENALTIES FOR VIOLATION.

The Supervisors of Centre Township ordain as follows:

SECTION ONE: Applicability.

The terms of this ordinance TO BE KNOWN AS "THE CENTRE TOWNSHIP DRIVEWAY STANDARDS ORDINANCE" shall apply to all new private driveways constructed after the effective date of this Ordinance. The terms of this Ordinance shall also apply to existing driveways that are improved after the effective date of this Ordinance. Driveway improvements subject to this Ordinance include paving, repaving, widening for the purpose of adding another lane, changing or modifying a driveway entrance. Driveway improvements shall not include normal maintenance.

New driveway accessing State roads are subject to the provisions of this Ordinance for those portions of the driveway outside of the road right-of-way. The driveway entrance within the road right-of-way is subject to Pennsylvania Department of Transportation requirements.

SECTION TWO: Permit Requirements.

No Persons, firm, corporation or other entity shall perform any construction, excavation or other work in connection with any driveway nor perform any work within the Township affecting storm water flow or discharge within the right-of-way of any street until the Township shall have issued a permit for such work.

A permit application shall be submitted to the Township Engineer by the owner or authorized representative of the owner prior to commencing work on any driveway. The application shall be on forms provided by the Township. The application shall be accompanied by a filing fee as established by resolution of the Centre Township Board of Supervisors.

The Township Engineer shall review the application and either issue the permit or provide written comments as to why the permit cannot be issued as applied for.

Should the Township Engineer not act on the application as indicated above, within thirty (30) days after receipt of a

completed application, the application for permit shall be deemed to be approved.

SECTION THREE: Inspections.

The Township Engineer shall on one or more occasion inspect the driveway and confirm that the driveway has been constructed in accordance with the permit.

No paving of any driveway shall be commenced until the Township Engineer has inspected the site and approved the work performed. The applicant shall return the "Inspection Request Form" to the Township Engineer such that it will be received by the Township Engineer at least forty-eight (48) hours prior to the commencement of scheduled paving in order that the Township Engineer may inspect the work completed.

After work has been completed pursuant to Township standards, as determined by the Township Engineer, the Township Engineer shall sign the permit at the appropriate place to signify approval of the driveway as constructed.

SECTION FOUR: Driveway Standards.

Construction Standards and Maintenance Requirements:

All driveways and related improvements shall be constructed and located in such a manner as to not impair drainage or maintenance within street rights-of-way, alter the stability of a roadway or sub-grade, materially change the drainage of adjacent areas, interfere with the traveling public, present a hazard to the movement of normal street traffic, or create undue traffic congestion.

All work for which a permit is required under the provisions of this Ordinance shall be performed in accordance with the Design Standards set forth herein.

Repairs to a driveway, a driveway entrance, drain or culvert for which a permit has been issued shall be performed in such a manner that the repairs shall not change the original design and specifications for the existing driveway, driveway entrance, drain or culvert, unless new design and specifications are submitted and approved by the Township Engineer.

Driveways shall not impede the natural flow of drainage in the road gutter. Underdrains shall be sized based on the ten (10) year post developed flow to the area, but shall not be less than 15" in diameter.

Driveway entrances shall be so located so as to provide safe access to the intersecting road. To accomplish this, Pennsylvania Code, Title 67, Transportation, Department of Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, shall be used as a guide and the requirements therein shall be followed as closely as reasonably possible, subject to the review of the Township Engineer.

Driveway grades shall not exceed eight percent (8%) within the road right-of-way, or within ten (10) feet of the edge of the existing cartway, whichever is greater, and shall not exceed fifteen percent (15%) on the remainder of the driveway. Special consideration should be given to avoid excessive cuts or fills to achieve this standard. Slopes on cuts or fills shall not exceed 3:1 (three horizontal to one vertical).

Driveway entrances shall be rounded at a minimum radius of five (5) feet and a maximum radius of fifteen (15) feet.

Driveways shall intersect streets as nearly as possible at right angles, between sixty (60) degrees and one-hundred twenty (120) degrees.

Driveways shall be constructed as follows: Compact and prepare suitable sub-grade; place 4" compacted depth of PADOT Modified 2A Aggregate; and either apply a bituminous surface treatment in accordance with PADOT Publication 408 or construct 1" minimum depth bituminous wearing course (all portions of the driveway exceeding eight percent (8%) grade shall have a 1" minimum depth bituminous wearing course placed over the required aggregate). In appropriate cases as determined by the Township Engineer, the Township Engineer may allow a substitution of material or method.

Methods of controlling storm water runoff and erosion sedimentation, both during and after construction, shall be submitted as part of the application.

The driveway shall be designed such that the driveway and associated materials shall not wash out onto public roads, and such that storm water runoff does not create a hazard to the public roads. The driveways shall in no instance be utilized as a drainageway for any impervious surfaces on the lot. Roof drains, turnaround and parking areas, etc. shall be directed onto pervious areas of the lot.

Driveways shall not be located closer than ten (10) feet from a property line.

In the preparation of subdivision/land development plans, evidence shall be submitted to confirm that the requirements set forth herein can be met for each building lot proposed. A note shall be placed on the plan to be recorded that the individual lot owner will be responsible for obtaining a driveway permit as required by this Ordinance, unless the subdivider/land developer assumes responsibility of obtaining such permit. The note shall make specific reference to the Ordinance number and name.

SECTION FIVE: Rectification of Improper Work.

In case any person shall construct a driveway and shall not conform to the requirements of this Ordinance, the Township 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 shall have five (5) days from receipt of this notice to comply therewith. Upon noncompliance, the Township may do or cause the requested repairs to be done and may levy the cost of this work on such owner as a property lien to be collected in any manner provided by law.

SECTION SIX: Penalties.

In addition to the right to correct nonconforming installations, any person, firm or corporation who shall fail to obtain a permit before constructing a private driveway or who obtains a permit and does not install the driveway pursuant to the design standards shall, upon consideration thereof, be sentenced to pay a fine not more than Six Hundred and 00/100 Dollars (\$600.00). Each day that a violation of this Ordinance continues shall constitute a separate offense.

SECTION SEVEN: Repealer.

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

SECTION EIGHT: Severability.

If any sentence, clause, section, or part 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, sections 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 sentence, clause, section or part thereof not been included herein.

SECTION NINE: Effective Date.

This Ordinance shall be effective thirty (30) days after enactment.

ENACTED AND ORDAINED AN ORDINANCE OF THE TOWNSHIP OF CENTRE ON THIS 13th DAY OF December, 1989.

BOARD OF SUPERVISORS:

Albert W. Bunker
Chairman

Attest: Senya C. Seifert
Secretary

Michael Grammo
Supervisor

Harold A. D. [unclear]
Supervisor