

CENTRE TOWNSHIP DRIVEWAY ORDINANCE

ORDINANCE OF THE TOWNSHIP OF CENTRE, BERKS COUNTY PENNSYLVANINA, REGULATING THE CONSTRUCTION OF DRIVEWAYS IN THE TOWNSHIP, PROVIDING FOR AN APPLICATION PROCESS, PROVIDING FOR AN OFFICAL NAME FOR THE ORDINANCE BEING THE CENTRE TOWNSHIP DRIVEWAY ORDINANCE, WHICH ORDINANCE WILL REGULATE NEW AND EXISTING DRIVEWAYS, PROVIDING FOR THE PAYMENT OF FEES FOR THE APPLICATION PROCESS AND CONSTRUCTION OBSERVATION, PROVIDINGFOR OBTAINING OF A PERMIT UPON APPLICATION ON A FORM PROVIDED BY THE TOWNSHIP, PROVIDING FOR REVIEW AND ACCEPTANCE OR REJECTION OF COMPLETED APPLICATION, PROVIDING FOR WORK TO BE COMPLETED WITHIN SIX MONTHS OF PERMIT DATE UNLESS ADDITIONAL TIME IS APPROVED, PROVIDING FOR CONSTRUCTION OBSERVATION BY THE CODE ENFORCEMENT OFFICER, PROVIDING CONSTRUCTION STANDARDS AND MAINTENANCE REQUIREMENTS INCLUDING MATERIALS, GRADES, SUBGRADES, DRAINAGE, SIGHT DISTANCE, WIDTH OF ENTRANCES, LENGTH OF DRIVEWAYS, SLOPE, CUTS AND FILLS, WIDTH OF DRIVEWAY, STORM WATER CONTROL PROCEDURES, RECTIFICATION OF IMPROPER WORK, PENALTIES FOR VIOLATION, REPEAL OF INCONSISTENT ORDINANCES INCLUDING PRIOR DRIVEWAY ORDINANCE AND ANY REVISION THRERETO, SEVERABILITY AND EFFECTIVE DATE.

The Supervisors of Centre Township ordain as follows:

100. Applicability

101. This ordinance shall be known as “THE CENTRE TOWNSHIP DRIVEWAY ORDINANCE”.

102. This Ordinance shall apply to all new and existing private driveways constructed on or after the effective date of this Ordinance, with the exception of normal repairs and maintenance, repaving of existing paved driveways, and paving of existing non-paved driveways. Improvements to existing driveways which involve the widening for the purpose of adding additional lanes, or the constructing, changing or modifying a driveway entrance SHALL be subject to the provisions of this Ordinance

103. 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.

200. Administration and Fees

201. The Centre Township Board of Supervisors shall appoint the person/persons responsible for the administration and or enforcement of this ordinance by resolution, who, unless otherwise designated, shall be the Township Code Enforcement Officer.

202. A schedule of fees shall be adopted by resolution by the Centre Township Board of Supervisors for the administration of this ordinance.

300. Permit Requirements

301. No person(s), 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. Further, no property may be used or occupied if such use or occupancy requires a driveway unless a permit has been issued and all terms and conditions of such permit are complied with.

302. A permit application shall be submitted to the Township Code Enforcement Officer, by the owner or authorized representative of the owner prior to the issuance of a driveway permit. The application shall be on forms provided by the Township. The application shall be accompanied by a fee as established by resolution of the Centre Township Board of Supervisors.

303. The Township Code Enforcement Officer shall review the application and:

303.A. Determine whether or not sufficient information has been submitted in order to make a determination of conformity with the standards of this Ordinance, and request additional information as deemed necessary;

303.B. Submit the application and associated information and documentation to the Township Engineer for review of stormwater management when the slope of the driveway is greater than 8% and sloping toward a public or private street, or sloping toward any public or private property where there may be the potential for damage caused by stormwater runoff. The Township Engineer shall review application, and shall provide written comments to the applicant and to the Township Code Enforcement Officer within fourteen (14) days of receipt of the required information

303.C. Issue a permit, or provide written comments as to why the permit cannot be issued as applied for.

304. Should the Township Code Enforcement Officer not act on the application as indicated above within thirty (30) days after receipt of a completed application and proper fee, the application for permit shall be deemed to be approved as submitted.

305. Driveway Permits shall expire six (6) months from date of issuance unless the driveway and associated improvements are completed in accordance with the permit. All improvements required by the permit and this Ordinance shall be completed within six (6) months of the date of issuance of the permit. Should the improvements not be completed within this time period due to weather or other adverse conditions, the Township Code Enforcement Officer may extend the permit to allow for additional time necessary to complete the improvements, such extension shall not exceed an additional six (6) months. If the improvements are not completed in accordance with the terms of this section, a new application and fee will be required in accordance with the terms and conditions of the Driveway Ordinance in effect at the time of such submission..

400. Construction Observation.

401. The Township Code Enforcement Officer shall observe each phase of the driveway being constructed on one or more occasions pursuant to the issued permit to determine whether it is being constructed in accordance with the permit. The permittee shall contact the Township Code Enforcement Officer at least three (3) days prior to the commencement of any construction activities in order to coordinate the necessary construction observations. Failure to do so, or failure to follow the required construction observation schedule, may result in additional testing, sampling or other measures, at the sole expense of the applicant, necessary to verify that construction has been in accordance with the permit.

402. After work has been completed pursuant to Township standards and in accordance with the Driveway Permit, the Township Code Enforcement Officer shall sign the permit at the appropriate place to signify approval of the driveway as constructed.

500. Construction Standards and Maintenance Requirements (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.)

501. 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 or roadway embankment, 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. Driveways shall be constructed such that stones, soil or other debris will be prevented from being deposited onto Township roads or other adjacent properties.

502. 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 specification are submitted and approved by the Township which shall improve drainage and/or safety situations.

503. Driveways shall not impede or alter the natural flow of drainage in the road gutter.

503.A 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. Maintenance of driveway under drains shall be the responsibility of the individual property owner.

504. Driveway grades shall not exceed four percent (4%) within the road right-of-way, or within fifteen (15) feet of the edge of the existing cartway, whichever is greater, and shall not exceed fifteen percent (15%) on the remainder of the driveway. Where driveways cross sidewalks or other walkways, all applicable ADA requirements shall be adhered to. Special consideration should be given to avoid excessive cuts or fill to achieve this standard

505. Driveways shall be located so as to provide safe access from and egress 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, as amended, shall be used and the requirements therein shall be followed, subject to the review of the Township Code Enforcement Officer.

506. Driveways shall intersect street as nearly as possible at right angles, between eighty (80) degrees and one-hundred (100) degrees.

507. Turning radii on driveway shall be a minimum of sixty-five (65) feet.

508. For driveways in excess of 500 feet in length:

508.A. Driveways shall have a section of driveway twenty (20) feet wide by thirty (30) feet long for every 500 feet of length spaced evenly throughout the driveway for the purpose of passing vehicles.

508.B. A parking area equivalent to 2,500 square feet shall be provided a maximum distance of fifty (50) feet and a minimum distance of thirty (30) feet from the primary residence (this 2,500 square feet shall not include the driveway). This parking area shall be constructed of four (4) inches compacted PADOT Modified 2A Aggregate, or township approved equal.

509. Driveway locations and turnaround areas

509.A. Every new driveway shall provide for a safe turnaround area outside of the road right-of-way, and shall be designed so that vehicles will not be required to back into the adjoining street. The requirements of this section will not apply for proposed driveways serving townhomes and semi-detached homes, provided that the adjoining street is classified as a local street, has a speed limit of 25 mph or less, and there are no other conditions present that would warrant the need for a turnaround area outside of the road right-of-way.

509.B. Edges of driveways shall not be located closer than ten (10) feet from a property line. The requirements of this section will not apply for proposed driveways serving townhomes and semi-detached homes.

509.C. Common or shared driveways shall not be allowed.

510. A plan or description of proposed methods for controlling storm water runoff and erosion and sedimentation control shall be submitted with each application for a permit. A driveway shall not be used as means of conveying storm water runoff away from the physical improvements on the property. Storm water runoff shall be directed to stable, pervious areas whenever possible.

510.A. For driveways with a proposed slope of greater than eight percent (8%) and sloping toward a public or private street, or sloping toward any public or private property where there may be the potential for damage caused by stormwater runoff as determined by the Township Code Enforcement Officer, detailed calculations and design shall be submitted per Section 303 herein to demonstrate that the rate of runoff from a 25 year storm event from the proposed improvements will not exceed the rate of runoff for the same storm event under pre-developed conditions, and that the runoff will not be concentrated onto adjacent property in such a way that may cause damage to said property.

511. Driveway entrances and widths.

511.A. For residential driveways providing access to properties with one single family residential dwelling only:

511.A.1. Where the adjacent road has a speed limit of less than 45 mph, entrances shall be rounded at a minimum radius of five (5) feet and a maximum radius of fifteen (15) feet and shall have a minimum width of ten (10) feet and a maximum width of twenty (20) feet.

511.A.2. Where the adjacent road has a speed limit of 45 mph or greater, entrances shall be rounded at a minimum radius of ten (10) feet and a maximum radius of twenty-five (25) feet and shall have a minimum width of ten (10) feet and a maximum width of twenty (20) feet.

511.B. For residential driveways providing access to properties with more than one single family residential dwelling, with multi-family residential dwellings, or with other similar types of residential dwellings:

511.B.1. Where the adjacent road has a speed limit of less than 45 mph, entrances shall be rounded at a minimum radius of ten (10) feet and a maximum radius of fifteen (15) feet and shall have a minimum width of ten (10) feet and a maximum width of twenty (20) feet.

511.B.2. Where the adjacent road has a speed limit of 45 mph or greater, entrances shall be rounded at a minimum radius of fifteen (15) feet and a maximum radius of twenty-five (25) feet and shall have a minimum width of twelve (12) feet and a maximum width of twenty (20) feet.

Depending on the specific nature of the residential development proposed, driveways may be required to be designed as two-way driveways and/or with multiple travel lanes. In such situations the minimum widths shown herein will be required for each lane of travel.

511.C. For non-residential driveways:

511.C.1. Information shall be provided indicating turning radii for the largest vehicle anticipated to use the driveway, and the entrance/exit shall be designed such that the driveway radius will be sufficient to allow for the vehicle to make all turning movements within the appropriate lane of traffic within the driveway and within the intersecting road.

512 . Slopes on cuts or fills shall not exceed 10:1 (ten horizontal to one vertical) within road rights-of-way, and shall not exceed 3:1 (three horizontal to one vertical) on the remainder of the driveway.

513 Driveway Construction Standards

513.A. For residential driveways providing access to properties with one single family residential dwelling only:

513.A.1. On the portion of the driveway that is within fifty (50) feet of the intersecting road right-of-way, and all portions of the driveway exceeding eight percent (8%) grade, for a maximum distance of 400 feet from the street, the driveway shall be constructed as follows (in appropriate cases, as determined by the Township, the Township may allow a substitution of material or method):

Compact and prepare suitable sub-grade.

Place four (4) inches (minimum) compacted depth of PADOT Modified 2A Aggregate or township approved equal.

Construct base and wearing course as follows:

Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 0.0 <0.3 million ESAL's, 9.5mm Mix, SRL-L, 1.5" Depth;

Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 0.0 <0.3 million ESAL's, 19mm Mix, 2" Depth

513.A.2. Other materials, such as concrete or other appropriate materials, may be acceptable per the discretion of the township.

513.B. For residential driveways providing access to properties with more than one single family residential dwelling, with multi-family residential dwellings, or with other similar types of residential dwellings:

514.B.1. The construction required in Section 513 be provided for the entire driveway, with the binder course depth required to be 4" instead of 2". Specifications for such

paving shall be subject to review by the Township Engineer as applicable for the specific use proposed.

513.C. For non-residential driveways accessing uses where less than 40 ESAL's will be generated by the proposed use, the driveway construction shall be as follows:

Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 0.0 <0.3 million ESAL's, 9.5mm Mix, SRL-L, 2" Depth;

Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 0.0 <0.3 million ESAL's, 25mm Mix, 4" Depth;

Superpave Asphalt Mixture Design, HMA Base Course, PG 64-22, 0.0 <0.3 million ESAL's, 25mm Mix, 5" Depth;

Modified 2A Aggregate, 8" compacted depth

This construction shall start at the adjacent intersecting road cartway and extend for the entire length of the driveway, and shall extend for the width necessary to accommodate the turning movements as stated herein, including the radii.

513.D. For driveways accessing agricultural uses where less than 3 truck trips per day will be generated by the proposed use, the driveway construction shall be as follows:

Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 0.0 <0.3 million ESAL's, 9.5mm Mix, SRL-L, 2" Depth;

Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 0.0 <0.3 million ESAL's, 25mm Mix, 4" Depth;

Modified 2A Aggregate, 6" compacted depth

This construction shall start at the adjacent intersecting road cartway and extend for a length at least 75 feet, and shall extend for the width necessary to accommodate the turning movements as stated herein, including the radii.

513.E. For non-residential driveways accessing uses where 40 ESAL's or more will be generated by the proposed use, the driveway shall be constructed of poured-in-place reinforced concrete, minimum 6" depth and 4,000 psi. This construction shall start at the adjacent intersecting road cartway and extend for a length at least 75 feet, and shall extend for the width necessary to accommodate the turning movements as stated herein, including the radii.

514. In the design of driveways, consideration should be made toward the access of emergency and service type vehicles (ie. Oil & propane tank trucks.)

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

600. Rectification of Improper Work

601. 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 the 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 ten (10) working days from receipt of this notice to comply therewith.

Upon non-Compliance, 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.

700. Penalties

701. In addition to the right of the Township to correct non conforming installations, the cost of which shall be a lien on the property, any person, firm or corporations who shall fail to obtain a permit before constructing a private driveway or obtains a permit and does not install the driveway pursuant to the applicable design standards shall, upon conviction before a District Justice thereof, be subject to a civil penalty not to exceed six hundred dollars (\$600.00) per violation. Each day that a violation of this Ordinance continues shall constitute a separate offense and is subject to an additional civil penalty of not more than six hundred dollars (\$600.00) per day. In addition thereto, the violator shall be liable for court costs and reasonable attorneys' fees incurred by the Township in the enforcement proceedings.

800. Repealer

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

900. Severability

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionally, 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.

1000. Effective Date

This Ordinance shall be effective on the earliest date allowed by law.

DULY ENACTED AND ORDAINED this 12th day of April, 2010.

TOWNSHIP OF CENTRE

By: *Barry L. L...*
Supervisor

By: *[Signature]*
Supervisor

By: *L. A. Schlyssil*
Supervisor

Attest: *Geneva D...* (SEAL)
Secretary