

## ORDINANCE NO. 2021-07

AN ORDINANCE OF DELAWARE TOWNSHIP, NORTHUMBERLAND COUNTY, PENNSYLVANIA, REGULATING THE INSTALLATION AND PLACEMENT OF DRIVEWAYS WITHIN DELAWARE TOWNSHIP WHICH INTERSECT WITH PUBLIC STREETS, ROADS OR ALLEYS.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF DELAWARE TOWNSHIP, NORTHUMBERLAND COUNTY, PENNSYLVANIA AND IT IS HEREBY ENACTED AND ORDAINED BY AUTHORITY OF THE SAME AS FOLLOWS:

SECTION 1: **Permit Required.** From and after the effective date of this Ordinance it shall be unlawful for any person, firm or entity to construct or reconstruct any driveway or alter any grade, line or width of any shoulder, berm or drainage area within the right-of-way of any public street or road within Delaware Township, herein after referred to as the Township, without first obtaining a permit from the Township for the same.

SECTION 2: **General Standard.** All work to be performed within the right-of-way of a Township road or street shall comply with the design standards set forth herein. All work to be performed within the right-of-way of a Commonwealth of Pennsylvania road or street shall comply with the standards established by the Commonwealth of Pennsylvania and if there be none then the standards set forth herein. Copies of all Commonwealth of Pennsylvania permits relative to work within the right-of-way shall be delivered to the Township and shall be utilized in the issuance of the Township permit herein required.

SECTION 3: **Work Within Right-of-Way.** Prior to any work being performed within the right-of-way of any public street in the Township, the owner of the real estate or the owner's agent shall first apply for and obtain a permit pursuant to this Ordinance.

SECTION 4: **Fees.** The Township shall by Resolution, establish, from time to time, such fees as shall be necessary and appropriate for the issuance of the permits required hereby and the enforcement of this Ordinance.

SECTION 5: Specific Standards. All work within the right-of-way of a public road or street shall be in accordance with the following standards.

A. Driveways

1. No driveway, parking area or turnaround shall be constructed or installed within five (5) feet of any side or rear lot line or within fifteen (15) feet

of any front lot line except where said driveway crosses the setback area to connect to a public street. The area within this setback shall be maintained in grass and landscaping and may not be used as part of a storm water conveyance system.

2. The centerline of any driveway, at the point where the driveway enters the cart way of a public street, shall be at least 50 feet from the intersection of the cart way line of the said street and cart way line of any other public street.

3. Clear sight triangles shall be provided for each driveway entering a public street. No objects, except for approved mailboxes and newspaper receptacles, shall be installed or permitted within the clear sight triangle that are greater than 2 feet in height. Notwithstanding anything herein to the contrary nothing shall be permitted within the clear sight triangles that shall create an unsafe condition for entering the public street. The clear sight triangle shall be the area within a triangle whose corners are (1) the intersection of the centerline of the driveway and the centerline of the public street or road (2) a point on the centerline of the public street or road 150 feet from point (1) above and (3) a point on the centerline of the driveway 20 feet from the closest edge of the cart way of the public street. Exceptions may be granted to the size of the clear sight triangle where in the opinion of the Township, the distances set forth herein cannot be achieved due to a condition beyond the applicant's control and the safe entrance into or exit from the public street is maintained.

4. The driveway shall be installed and maintained in such a manner as to insure proper drainage of storm water from and along the public street and said drainage may be provided as follows, subject to Roadmaster approval:

(a) A drainage pipe of adequate size as determined by the Roadmaster or his designee may be installed under the driveway and within the drainage swale or underground drainage conveyance system servicing the said public street or road.

(b) Where the drainage along the public street or road is by means of a swale the driveway may be constructed to permit the free flow of water across the driveway as a continuation of the swale.

(c) By such other means as shall be approved by the Township. A driveway trench drain with grate may be required by the Roadmaster to facilitate connecting driveway drainage to the roadside drainage system.

(d) Driveways shall be designed and constructed in such a manner as to prevent water run off from being discharged onto adjacent properties except through a storm water conveyance system approved by the Township.

5. All driveways entering or exiting Commonwealth of Pennsylvania streets or roads shall comply with the standards established by the Commonwealth of Pennsylvania and if there be none then with the provisions contained herein.

6. All driveways shall have a minimum width of 8 feet and a maximum width of 20 ft where they intersect the right-of-way of a public street or road unless a larger width is approved by the Roadmaster. These widths shall be maintained for the depth of the public street right-of-way except that a 15 ft radius shall be required at the edge of the cartway. A larger radius may be required for a higher volume driveway or for one serving trucks.

7. In the event that shoulder or road restoration work is required at the location of a driveway exceeding 20 ft. in width the landowner shall reimburse the Township for that portion of the driveway restoration work exceeding 20 ft.

8. The portion of a driveway within the right-of-way shall be installed to meet the existing edge of the public cart way and shall be sealed at said edge. The paving within the right-of-way shall be the same material as the street and shall be cut and sealed at the edge of the public street right-of-way.

9. Where possible, driveways shall intersect the right-of-way and cart way of the public street or road at a ninety (90) degree angle but in no event shall it intersect the right-of-way or cart way of the public street or road at less than a sixty (60) degree angle. The angle of intersection is the acute angle where the centerline of the driveway intersects the edge of the right-of-way or edge of the cart way as the case may be.

10. Driveways accessing Township roadways with a paved surface shall be paved from the edge of the Township road, extending at a minimum to the edge of the Township road right-of-way with a pavement layer. The pavement layer shall be installed to meet the township road at the same elevation and the edge of the Township road shall be cut and sealed at the junction. The minimum pavement layer shall be 6 inches of 2A subbase, 3 inches of 25mm base course, and 1 inch of 9.5 mm wearing course. Additional depths of base course, where normal operations of a single unit truck or larger may be required. Minimum material depths for these driveways will be 6 inches of 2A subbase, 4 inches of 25mm base course and 1 ½ inches of 9.5mm wearing course. Access to unpaved Township roads shall be constructed of a minimum of 6 inches of 2A subbase.

11. In no cases shall concrete pavement be placed within the right-of-way of the public street or road for a driveway or shoulder material.

12. All driveways shall be designed and constructed to include an area of 10 feet by 20 feet to permit vehicles to turn around thereby eliminating the

necessity of backing into public streets and roads. This requirement may be waived by the Roadmaster where circumstances warrant.

13. Common driveways servicing multiple lots or tracts shall be permitted where said driveways service 2 abutting lots or tracts with road frontage on the same street or road, and may be built within the set backs established herein. At the time of application for a permit for a driveway described in this paragraph applicant shall attach a copy of a Maintenance and Use Agreement for the said driveway, which shall be executed by all parties who will use the said driveway and by all owners of the lots or tracts to be serviced by said driveway. The said Agreement will provide that it is a covenant running with the land and upon approval of the application and the issuance of a permit the Agreement shall be recorded in the Office of the Recorder of Deeds in and for Northumberland County, Pennsylvania, within ten (10) days of the issuance of the permit

14. The minimum distance between driveway centerlines on the same property and street frontage shall be 100 feet.

B. Drainage Areas.

1. The area between the edge of the right-of-way and the edge of the cart way shall be utilized to drain water from and along the public road or street. It shall be graded and maintained in accordance with elevation established and standards established from time to time by the Township.

2. Other than mailboxes and newspaper receptacles, approved by the Township, no obstruction shall be erected, installed or permitted within the said area designated by the Township for drainage except upon the written consent of the Township.

SECTION 6: **Exceptions.** The Township Board of Supervisors may grant an exception to the within provisions should the strict application of the same create a hardship. Such exception shall be granted only after the presentation of such a request at a regularly scheduled meeting of the Township Supervisors with 30 days written notice to the applicant.

SECTION 7: **Penalties.** Any person/entity who violates any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars, and, in default of payment, to imprisonment for term not to exceed thirty (30) days. Each day that a violation continues shall constitute a separate violation. In addition, any damages caused as a result of failure to obtain a permit or improper placement of a driveway shall be the responsibility of the owner/resident.

**SECTION 8:** The Roadmaster or designee shall have the power to enforce the terms of this Ordinance.

SECTION 9: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 10: This Ordinance shall be effective five days after enactment.

Enacted this 6th day of July, 2021, by the Board of Supervisors of Delaware Township, Northumberland County, Pennsylvania.

ATTEST

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Secretary

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Supervisor

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Supervisor

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Supervisor