

**ELK TOWNSHIP
WARREN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 69

DRIVEWAY ORDINANCE

AND NOW, this 14th day of October, 2015, the Supervisors of Elk Township, Warren County, Pennsylvania, do hereby enact and ordain as follows:

WHEREAS, the Township of Elk (the “Township”) has suffered damage to its roads as a result of improper connection of driveways to Township roads and faulty drainage; and

WHEREAS, the Township deems it necessary for the proper management, maintenance and control of its road system to regulate the connection of driveways to Township roads; and

WHEREAS, the Township desires to require proper connection to driveways and repair of roadway excavations to minimize damage to Township roads.

BE IT ENACTED AND ORDAINED by the Board of Supervisors in and for Elk Township, Warren County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known as the “Elk Township Driveway Ordinance.”

SECTION 2: DEFINITIONS

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

Board – The Board of Supervisors of Elk Township, Warren County, Pennsylvania.

Contractor – The person who installs a driveway or excavates in a Township roadway, including all agents, sub-contractors, officers or employees of that person or business entity.

Driveway – Every entrance or exit used by vehicular traffic to or from properties abutting a Township road. The term includes proposed driveways, streets, roads, lanes, alleys, courts and ways.

Owner – The owner of the land upon which the driveway is located and his successors or assigns.

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.

Township 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.

PENNDOT – Pennsylvania Department of Transportation.

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

SECTION 3: REQUIREMENT OF PERMIT

A. 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 permit from the Township. No person shall hereafter

perform excavation or other work within a Township road without first obtaining a permit from the Township.

B. Each driveway, whether or not serving the same premises, shall require an individual permit. Each excavation or other work site within a Township road shall require an individual permit.

SECTION 4: APPLICATION PROCEDURES

Any owner shall, prior to obtaining a permit for a driveway connection, file an application with the Board, on a form furnished by the Board. The application shall be accompanied by such permit issuance fees and general inspection fees as determined by resolution from time to time by the Board.

SECTION 5: REQUIREMENTS FOR A DRIVEWAY CONNECTION

A. Required information. The 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 Township road, right-of-way, slope and grades, length of driveway to residence or building, if any, and distance to property lines and nearest driveway(s) and intersection(s). In conjunction with submission of the 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 and minimum sight distances shall be measured and established in accordance with the requirements of PENNDOT. Signature of the application by the owner shall constitute a representation by the owner 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 a Township representative. The application must also include a long term drainage and erosion control plan which shall specify provisions for road

side drainage and control and mitigation of surface water runoff created by installation or improvement of the driveway.

B. Review criteria. The application and accompanying sketch and drainage plan shall be reviewed by the Board or its duly appointed representative. Driveway design shall conform to the requirements and standards and specifications of this Ordinance and PENNDOT, and all related standards and specifications which are incorporated herein by reference. In no event shall a permit be issued for a proposed driveway under any of the following circumstances:

1. It would create hazardous effects of stormwater run-off.
2. It would cause damage to a public road.
3. It would increase hazardous driving conditions on the public road.
4. It would be constructed in a manner which would obstruct it from view.
5. The sight distance is inadequate to safely allow movement to be made into or out of the driveway.
6. The free movement of highway or street traffic would be impaired.
7. It would create an area of traffic congestion on the highway or street.
8. It shall not be located at an interchange, ramp area or a location that would interfere with the placement, functioning or maintenance of a highway or street sign, detector, lighting or other device that affects traffic control.
9. Where the property abuts two or more streets or highways, ingress and egress may be restricted to only that highway or street which can more safely accommodate its traffic.
10. No more than one driveway shall be permitted per lot on any one highway or street frontage. The Board of Supervisors may grant permission for additional driveways under exceptional circumstances.
11. It shall not be located within forty (40) feet of the right-of-way line of an intersecting street when deemed reasonably necessary for safety by the Board of Supervisors. This dimension may be increased for driveways to shopping centers and other commercial, industrial, public or institutional purposes.

12. It shall not be located within five (5) feet of a fire hydrant, catch basin or drain inlet.

13. It shall not exceed a slope of seven (7%) percent within fifteen (15) feet of the road right-of-way line.

14. It shall not be located within three (3) feet of an adjoining property line.

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 worksite.

D. Drainage. All driveways which are installed on any Township road will be required to install either a drainage pipe (culvert) or construct a drainage swale as directed by the Township.

E. Paving to limits. All driveways which are constructed and have access onto a paved Township road will be required to be paved from the edge of the existing public road to the right-of-way limit or the end of the radius whichever extends further from the Township road.

F. Re-inspections. The Township may re-inspect the work no more than two (2) 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 (20%) percent, which may be recovered by the Township.

G. Owner's responsibility. As part of obtaining a driveway permit, all property owners shall be responsible for long-term maintenance of the driveway and related drainage or stormwater management. In the event that excess stormwater runoff or sediment is diverted onto Township roads, the owner will be given notice and required to make necessary corrections to

bring the driveway and drainage into compliance. In the event that a driveway culvert pipe becomes crushed or blocked, it may be replaced 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 public roadways resulting from water runoff caused by improperly maintained driveway pipes.

H. Permit issuance. If the plans meet the criteria above, the Township shall issue the permit. If the 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 application is acceptable to the Township, the permit shall be issued.

SECTION 6: 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 8 of this Ordinance.

SECTION 7: 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 8: 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 (\$1,000.00) Dollars 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 be subject to the penalty set forth herein.

SECTION 9: 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.

SECTION 10: REPEALER


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


SECTION 11: EFFECTIVE DATE

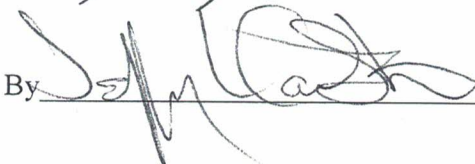
This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED this 14th day of October, 2015.

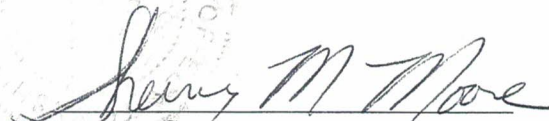
ELK TOWNSHIP SUPERVISORS

By 

By 

By 

ATTEST: (seal)


Secretary

