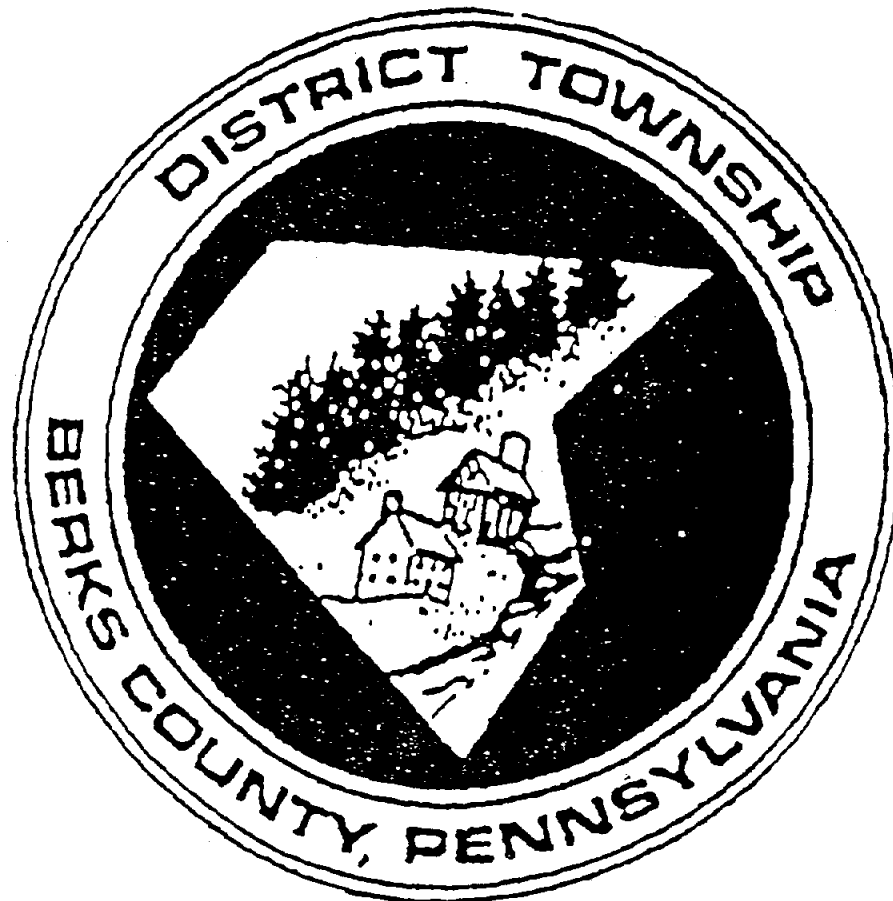


DISTRICT TOWNSHIP
DRIVEWAY ORDINANCE



DISTRICT TOWNSHIP
BERKS COUNTY
202 WEIL ROAD
BOYERTOWN, PA 19512

ORDINANCE NO. 1998-2

AN ORDINANCE OF THE TOWNSHIP OF DISTRICT, BERKS COUNTY, PENNSYLVANIA, PROHIBITING THE CONSTRUCTION OF DRIVEWAYS AND/OR REPAIRS TO DRIVEWAYS WITHOUT A PERMIT; PROVIDING FOR THE APPLICATION AND ISSUANCE OF PERMITS, REGULATIONS AND FILING FEES; AND IMPOSING FINES AND PENALTIES FOR VIOLATIONS.

WHEREAS, in recognition of the necessity to provide safe egress from and ingress to driveways located within the Township of District and in order to protect the public health, safety and welfare, it is hereby ENACTED AND ORDAINED by the Township of District, of the County of Berks and Commonwealth of Pennsylvania, as follows:

Section 1 - Short Title. This Ordinance shall be known and may be cited as the "District Township Driveway Ordinance".

Section 2 - Definitions. The following words and phrases when used in this Ordinance shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

Applicant - Person applying for driveway permit.

Board of Supervisors ("Board" or "Township Supervisors") - The Board of Supervisors of the Township of District, Berks County, Pennsylvania.

Cartway - The portion of a street, whether dirt or gravel or improved with a hard wearing surface, used for the passage of vehicles.

Clear Sight Triangle - An area of unobstructed vision at the intersection of a street and driveway defined by lines of sight between points at a given distance from the intersection of the street and driveway center lines.

Driveway - Every entrance or exit used by vehicular traffic to or from properties abutting a street or highway.

Driveway Width - The narrowest width of a driveway measured perpendicular to the centerline of the driveway.

Frontage - The width of a lot or property which abuts a street, being the distance measured along the street right-of-way line from one side lot line to the other.

Local Street - Every publicly used street or highway within the boundaries of District Township, Berks County, Pennsylvania, other than a state highway, including all existing or proposed streets, alleys, courts and ways.

Pavement - A hard wearing road surface such as black top/macadam or concrete, or any combination thereof, but not including a dirt or gravel street surface.

Pavement/Cartway Edge - The edge of the main traveled portion of any street or highway, exclusive of shoulders.

Permit - A permit issued by the Permit Officer for the penetration and occupancy of the right-of-way area of a local street by the installation and construction of a driveway therein.

Permit Officer - The individual or firm appointed by the Board of Supervisors having the responsibility of administering and enforcing the terms and provisions of this Ordinance.

Person - Any individual, partnership, corporation, association, institution, cooperative enterprise, municipality, federal government or agency, state government or agency, or any other entity whatsoever which is recognized by law as the subject of rights and duties.

Right-of-Way Area - The area between the right-of-way lines of a street.

Shoulder - The portion of a street, contiguous to the main traveled portion, for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses and pavements.

Street - A strip of land, including the entire right-of-way, (i.e. not limited to the cartway) to provide access to more than one (1) lot. The word "street" includes street, avenue, boulevard, thoroughfare, road, highway, freeway, parkway, lane, alley, viaduct and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the function they perform.

Collector Street - A street designed and located to provide the means to drain traffic off local streets before volumes get too high and to provide access for through traffic between residential neighborhoods and districts within the Township to major streets and/or street used for access to non-residential properties, i.e., commercial, industrial, professional, etc.

Major Street - A street serving a large volume of comparatively high speed and long distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

Subdivider - Any landowner (whether legal or equitable), agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision, as defined in the District Township Zoning Ordinance.

Substantial Improvement - Improvements to a driveway shall be deemed to be substantial if a previously unpaved driveway is to be paved; if a drainage pipe is to be installed or replaced; if any grading or excavation is to be done within ten (10) feet of a local street right-of-way; if the original grade or design of a driveway is to be changed; or if any work done or to be done, is likely to create, increase or otherwise affect stormwater flow or discharge within the cartway or right-of-way area of any local street.

Township - The Township of District, Berks County, Pennsylvania.

Section 3 - Scope. No person in District Township shall lay out, open, install, construct, substantially improve, or maintain any driveway or any portion thereof unless it shall be in accordance with the following:

A. Any driveway which requires the penetration or occupancy of a state highway right-of-way area shall be located in accordance with a permit issued by the Pennsylvania Department of Transportation pursuant to the provisions of Chapter 441 of Title 67 of the Pennsylvania Code. The driveway location shall also be approved by District Township. Such driveways shall be installed, constructed or substantially improved in accordance with a permit issued by the District Township Permit Officer under the provisions of this Ordinance, any other applicable ordinances of District Township, and such driveway regulations, provisions and specifications as may be enacted by the Board of Supervisors of District Township, from time to time.

B. Any driveway which requires the penetration or occupancy of a local street right-of-way area shall be located, laid out, opened, installed, constructed or substantially improved only in accordance with a permit issued by the District Township Permit Officer under the provisions of this Ordinance, any other applicable ordinances of District Township, and such driveway regulations, provisions and specifications as may be enacted by the Board of Supervisors of District Township, from time to time.

C. Any driveway which causes silt, stone, debris or water to be deposited in a right-of-way area of any local street or state highway shall be improved to eliminate said discharge. A permit is required as set forth above if the corrective work is a substantial improvement.

Section 4 - Permit Requirements for Driveways.

A. Any person required to obtain a driveway permit under the terms of this Ordinance shall make application for the same on a form approved by the Board of Supervisors, and said application shall be accompanied by a fee to be adopted by the Board of Supervisors, from time to time.

B. No permit as herein provided for shall be required for normal and customary maintenance and repair of an existing driveway, providing such normal and customary maintenance and repair does not constitute substantial improvement.

C. In addition to submitting to the Permit Officer the application and the application fee, the application shall be accompanied by the following information:

(i) A statement giving the location, purpose and description of all work to be done;

(ii) A driveway sketch and driveway profile plan prepared in accordance with the sample attached hereto, marked Exhibit "A" and incorporated herein, showing the area to be affected, existing improvements presently erected or constructed thereon, proposed improvements and all property boundary lines within 100 feet of the proposed driveway.

(iii) If the discharge or passage of surface water drainage onto or within the right-of-way area of a local street or state highway will be affected, storm water runoff calculations indicating runoff prior to and after the proposed work, when such calculations are requested by the Permit Officer.

(iv) Information, design and mode of construction of all driveways, and drainage and means of sediment and erosion control during and after the proposed work, when requested by the Permit Officer.

D. The location, design and mode of construction of all driveways, and drainage facilities is subject to the approval of the Permit Officer. The Permit Officer may require that the plans filed with the applications shall be altered to reflect any changes or modifications which the Permit Officer shall deem necessary to meet the requirements of this Ordinance.

E. All work shall be in strict compliance with the plans and specifications for which the Permit Officer issued a permit.

F. The Permit Officer shall not issue a permit for any work to be performed under the terms and conditions of this Ordinance until such time as the Permit Officer shall receive from the applicant all required information and until such time as the Permit Officer has had an adequate opportunity to investigate and research the said application. The Permit Officer shall either approve or reject an application for a permit within thirty (30) days after the Permit Officer has received from the applicant all information and documentation required by this Ordinance and that required by the Permit Officer in accordance with the terms and conditions of this Ordinance.

G. A permit issued pursuant to the terms and provisions of this Ordinance shall be valid for a period of one (1) year from the date of issuance shown on the said permit.

H. It shall be the joint responsibility of the owner, lessee, if any, and the contractor to determine that any permit required by this Ordinance has been obtained before performing any work. It shall be unlawful for any contractor or subcontractor to perform any work for which a permit is required unless a permit is obtained.

Section 5 - Standards for Driveways.

A. All driveways and related improvements shall be constructed and located in such a manner as not to impair drainage or maintenance within any street right-of-way area, alter the stability of a roadway sub-grade, materially change the drainage of adjacent areas, interfere with the traveling public, present a hazard to the free movement of normal street traffic, or create areas of undue traffic congestion on the highway. All surface water shall be retained on the applicant's lot whenever possible, and in no case shall the applicant channel surface water and direct it or allow it to flow in force into lower land.

B. All work, for which a permit is required under the provisions of this Ordinance, shall be done in accordance with these design standards and any driveway regulations, provisions and specifications adopted by the Board of Supervisors, from time to time.

C. Driveway entrances to an existing state highway shall be located in accordance with a permit issued by the Pennsylvania Department of Transportation pursuant to the provisions of Chapter 441 of Title 67 of the Pennsylvania Code. Driveway entrances to an existing local street shall be so located as to provide reasonable and safe sight distance to the operator of a vehicle departing from a driveway onto a local street. The location of all driveways is subject to approval by the Permit Officer. Clear sight triangles shall be provided at all intersections of driveways with local streets. The clear sight triangles shall be free of any vegetative obstructions. Within such triangles, no vision obstructing objects other than utility poles, street lights, street signs or traffic signs shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the centerline grade of the intersecting driveway and the local street.

D. A clear sight triangle shall be established using the method provided in Appendix A. The sight distance is determined in the field from a distance into the driveway ten (10) feet from the pavement/cartway edge. All visual obstructions shall be removed permanently from this sight area.

E. Any repairs to a driveway, for which a permit has been issued under this Ordinance shall be done in such a manner that the repairs shall not change the original design and specifications for the driveway, unless the new design and specifications are first submitted to the Permit Officer for approval. The Permit Officer may require the payment of a filing fee as established by the Board of Supervisors.

F. Every driveway which requires the penetration of occupancy of a paved local street or paved state highway shall be paved from the pavement/cartway edge for a distance of fifteen (15) feet or to the right-of-way line, whichever is greater. Driveway paving shall consist of at least two (2) inches of ID-2 bituminous wearing course, on at least four (4) inches of PennDOT 2A stone.

G. All driveways shall have a width of at least ten (10) feet and the entrance shall be rounded at a minimum radius of six (6) feet. The entire driveway entrance, including the radii, shall be located within the frontage of the property which is to be served by the driveway. No driveway shall be closer than ten (10) feet from a property boundary line.

H. All driveways on corner lots shall be located at least forty (40) feet from the point of intersection of the nearest street right-of-way lines.

I. No single lot or parcel of land shall have more than one (1) driveway. If the owner of a parcel with at least one hundred twenty-five (125) feet of frontage demonstrates to the satisfaction of the Permit Officer that an additional driveway is necessary, the Permit Officer may issue a permit for a second driveway in accordance with the terms of the Ordinance.

J. All driveways shall have a leveling area not to exceed a grade of five (5) percent within twenty (20) feet of the intersection of the driveway with the cartway of any local street or state highway.

K. The maximum grade of a driveway shall not exceed twelve (12) percent. Driveways with a grade of greater than seven (7) percent shall be paved. Driveway paving shall consist of at least two (2) inches of ID-2 bituminous wearing course, on at least four (4) inches of PennDOT 2A stone.

L. The intersection of all driveways with the pavement/cartway edge shall be constructed by use of either a drainage swale or pipe, at the option of the Applicant and with the concurrence of the Permit Officer. If a drainage swale is used, it shall slope down from the cartway at a grade of six (6) percent for a minimum of six (6) feet from the pavement/cartway edge. If a pipe is used, it shall have a minimum diameter of fifteen (15) inches and shall be sized according to drainage runoff calculations based upon a five (5) year storm frequency. The pipe shall be placed far enough from the edge of the cartway to allow for a four (4) foot shoulder and slopes not greater than 2:1 to the swale or ditch. This distance shall be at least six (6) feet from the edge of the cartway. Drainage pipes shall be a length considered sufficient by the Permit Officer.

M. Where driveways are placed in relation to curb areas, the curb depression shall be two feet wider than the drive. The curb shall be depressed to 1½" from the gutter line.

N. All drives shall have a cross section cross slope of 3/8" per foot incorporated as a crown or continuous slope from edge to edge of pavement or such other cross slope as may be approved by the Permit Officer upon satisfactory demonstration by the applicant of the appropriateness thereof.

O. The angle of a driveway as it intersects a street shall be such that a vehicle entering the driveway may do so in an orderly and safe manner with a minimum of interference to other street traffic and such that a vehicle leaving the driveway may enter safely into the lane of traffic moving in the desired direction. Driveways shall intersect streets as nearly as possible at right angles, and in no case at an angle of less than seventy (70) degrees or more than one hundred ten (110) degrees.

Section 6 - Maintenance. All driveways shall be maintained by the property owner in such a manner as not to interfere with the design, maintenance, and drainage of local streets, nor the safe and convenient passage of traffic upon the local streets.

Section 7 - Inspections.

A. No paving of a driveway for which a driveway permit has been issued pursuant to the terms of this Ordinance shall be commenced until the Permit Officer shall have inspected the site and approved the work performed up to the date of the site inspection. The applicant shall give the Permit Officer a minimum of forty-eight (48) hours advance notice before paving is commenced in order to afford the Permit Officer the opportunity to perform the site inspection.

B. Within forty-eight (48) hours after completion of the work for which a permit was issued, the party to whom the permit was issued shall notify the Permit Officer of the completion of the work so that the Permit Officer may inspect the same. If the work was not performed in accordance with the plans and specifications approved by the Permit Officer, the holder of the permit shall be directed by the Permit Officer in writing to take immediate steps at the permit holder's own expense toward placing the work in such conditions as to conform to the approved plans and specifications.

Section 8 - Requirements for Subdividers.

A. The Board of Supervisors may require a subdivider to submit with his subdivision plans evidence that the standards for driveway construction established in this Ordinance can be met for each lot within the subdivision. The Board of Supervisors may further require subdivision plans to show a typical treatment of the construction of driveways and the handling of storm drainage and erosion and sediment control along driveways.

B. Subdivisions shall be designed to minimize the number of driveway intersections with existing streets. Wherever deemed feasible by the Township and required by the Township to minimize driveway intersections with existing Township roads, thus lessening interruptions to traffic flow and accident hazards, and to minimize erosion, sedimentation and run-off problems onto existing streets, subdivisions shall be provided with internal streets on which proposed lots will front and to which the lots will have driveway access.

Section 9 - Indemnification of Township. Any person, firm, corporation, or other entity applying for any permit under this Ordinance agrees by making said application to indemnify and save the Township harmless from and against all liabilities of whatever nature arising during the performance of the work or as a result of the work for which a permit is granted, whether or not the liability arises as a result of the negligence of the person, firm, corporation or other entity to whom the permit was issued. The application for a permit shall contain appropriate language indicating that the applicant agrees to indemnify and save the Township harmless as aforesaid.

Section 10 - Penalties and remedies for violations.

A. It shall be a violation of this Ordinance to commit or to permit any other person to commit any of the following acts:

1. To commence activities for which this Ordinance requires a permit prior to obtaining a permit or in violation of the terms or conditions of any permit issued under this Ordinance.
2. To misuse or fail to maintain any driveway installed upon a property.
3. To place intentionally false information on or intentionally omit information from an application for a permit under this Ordinance.
4. To fail to comply with any other provisions of this Ordinance.

B. For each violation of the provisions of this Ordinance, the owner, agent, lessee, or contractor or any other person who commits, takes part in, or assists in any such violation shall be liable upon conviction thereof in a summary proceeding to pay a fine of not less than two hundred (\$200.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense, together with the costs of prosecution. Each day or portion thereof in which a violation exists shall be considered a separate violation of this ordinance, and each Section of this Ordinance which is violated shall be considered a separate violation. In default of payment of such fine, such person shall be liable to imprisonment for a period not exceeding thirty (30) days.

C. In addition or in lieu of the penalties provided in Section 10.B, violations of this Ordinance may be abated by the Township proceeding against the violator in a court of equity to obtain injunctive relief.

D. In addition or in lieu of the penalties provided in Section 10.B, the Permit Officer may revoke any permit under this Ordinance to any person violating the provisions of this Ordinance.

Section 11 - Appeals. This Ordinance is adopted pursuant to the Township's police power and is hereby declared not to be related to zoning and land planning and any person aggrieved by the application, enforcement or other adjudication made pursuant to the terms of this Ordinance may appeal within thirty (30) days of said adjudication for a hearing before the Board of Supervisors of District Township in accordance with the applicable portions of the Pennsylvania Local Agency Law (2 Pa. C.S.A. Section 551 et seq.).

Section 12 - Waivers. The provisions of this Ordinance are intended as a minimum standard for the protection of public health, safety and welfare. Any person desiring a waiver of the requirements of this Ordinance shall make application for such waiver in writing, identifying the Section of the Ordinance from which a waiver is requested, the reasons for the waiver, and the alternative proposed. If the literal compliance with any mandatory provision of this Ordinance is shown by the applicant, to the satisfaction of the Board of Supervisors, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the Board of Supervisors may grant a waiver from such mandatory provisions so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver shall not have the effect of making null and void the intent and purpose of this Ordinance. In granting waivers, the Board of Supervisors may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance.

Section 13 - Repealer and severability.

A. All ordinances and resolutions and parts of ordinance and resolutions inconsistent with the provisions of this Ordinance are hereby repealed insofar as they affect any work done after the effective date of this Ordinance, but said ordinances or resolutions or parts thereof shall not be repealed insofar as they apply to permits issued or acts of violations occurring before the effective date of this Ordinance.

B. Notwithstanding anything set forth above in this Ordinance, whenever the provisions of this Ordinance shall be inconsistent with the provisions of the Zoning Ordinance of District Township or other applicable Township Ordinances as are from time to time in effect and the provisions of the said ordinances are more restrictive or contain more stringent requirements than are set forth in this Ordinance, then the provisions of the Zoning Ordinance of District Township or other applicable Township Ordinances shall prevail and be applicable.

C. The provisions of this Ordinance are severable and if any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid by a Court of competent jurisdiction, such findings shall not affect or impair any of the remaining provisions, sections, sentences or clauses of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted has such unconstitutional, illegal or invalid sentence, clause or section not have been included herein.

Section 14 - Effective date. This Ordinance and all of its terms and provisions shall become effective five (5) days after its adoption.

ENACTED AND ORDAINED, as an Ordinance this 9th day of June, 1998.

DISTRICT TOWNSHIP
BOARD OF SUPERVISORS

B. C. Lang (SEAL)

[Signature] (SEAL)

[Signature] (SEAL)

Attest:

Eileen Dindia
Secretary

APPENDIX A

DETERMINATION OF SIGHT DISTANCES AT INTERSECTIONS OF NEW DRIVEWAYS WITH EXISTING TOWNSHIP ROADS

Access driveways shall be located at a point within the property frontage limits which provide at least the minimum safe stopping sight distance (SSSD) calculated using the formula given below. (SSSD's for most situations can be obtained directly or by interpolation from Tables 1 and 2.)

The calculated minimum safe stopping sight distance (SSSD) shall be obtainable and measured from a point ten feet back of the pavement edge and 3.5 feet above the road surface to a point 3.5 feet above the road surface.

Formula

The following formula for calculating minimum safe stopping sight distance (SSSD) is reproduced from the Pennsylvania Code Title 67, Chapter 441 (Access to and Occupancy of Highways by Driveways and Local Roads).

$$\text{SSSD} = 1.47 Vt + \frac{V^2}{30(f+0.01g)}$$

SSSD = Minimum safe stopping sight distance (feet).
V = Velocity of vehicle (miles per hour).
t = Perception time of motorist (average = 2.5 seconds).
f = Wet friction of pavement (average 0.30).
g = Percent grade of roadway approaching intersection, (positive (+) or uphill or negative (-) for downhill). (See example below).

Sample Using Formula

A new driveway will be created along an existing road with an 8 percent grade on which the dominant vehicle speed is 45 miles per hour. Determine the SSSD for vehicles approaching from both directions towards the new intersection.

For vehicles ascending (approaching uphill) towards the intersection, use $g = +8$. (Note that g is positive).

$$\text{SSSD} = 1.47 Vt \times 45 \times 2.5 + \frac{(45)^2}{30[.30 + .01(-8)]} = 343 \text{ feet}$$

For vehicles descending (approaching downhill) towards the intersection, use $g = -8$. (Note that g is negative and the stopping distance is considerably longer).

$$\text{SSSD} = 1.47 Vt \times 45 \times 2.5 + \frac{(45)^2}{30[.30 + .01(-8)]} = 472 \text{ feet}$$

Tables 1 and 2

Tables 1 and 2 give minimum safe stopping sight distances calculated using the above SSSD formula for vehicles downhill (descending) and uphill (ascending) respectively towards intersections for various vehicle speeds and road grades. For any circumstances not covered adequately by the tables, the formula shown above should be used to determine SSSD's.

Table 1 Minimum Safe Stopping Sight Distance (SSSD) for Vehicles Approaching Down Hill (Descending) Towards Intersection

SSSD'S FOR DOWN HILL GRADES APPROACHING INTERSECTION
(Feet)

Speed MPH	Level	1%	2%	3%	4%	5%	6%	7%	8%	9%	10%	11%	12%	13%	14%
25	161	163	166	169	172	175	178	181	186	191	196	202	207	214	222
35	265	270	275	280	286	292	299	306	315	323	333	344	356	369	384
45	390	398	406	415	425	435	446	458	472	486	502	521	540	562	587
55	538	550	562	575	590	605	622	640	660	682	706	733	762	795	832
65	708	724	742	760	780	802	825	851	879	909	943	980	1021	1067	1119

Table 2 Minimum Safe Stopping Sight Distance (SSSD) for Vehicles Approaching Up Hill (Ascending) Towards Intersection

SSSD'S FOR UP HILL GRADES APPROACHING INTERSECTION
(Feet)

Speed MPH	Level	1%	2%	3%	4%	5%	6%	7%	8%	9%	10%	11%	12%	13%	14%
25	161	159	157	155	153	151	150	148	147	145	144	143	141	140	139
35	265	260	256	252	249	245	242	239	236	233	231	228	226	224	221
45	390	383	376	370	363	358	353	348	343	338	334	330	326	322	319
55	538	527	517	507	499	490	482	475	467	461	454	448	442	436	431
65	708	693	679	666	653	641	630	620	610	600	591	582	574	566	559