

ORDINANCE NO. 13-2

AN ORDINANCE OF THE TOWNSHIP OF WEISENBERG, COUNTY OF LEHIGH, COMMONWEALTH OF PENNSYLVANIA PROVIDING REGULATIONS FOR THE CONSTRUCTION OF ALL NEW DRIVEWAYS, IMPROVEMENTS TO EXISTING DRIVEWAYS, OR ANY OTHER MEANS OF INGRESS OR EGRESS ONTO A PUBLIC ROAD, INSTALLATION OF STORM DRAINAGE FACILITIES, EROSION AND SEDIMENTATION CONTROL, INCLUDING, INSPECTION, CONSTRUCTION STANDARDS AND ENFORCEMENT PROCEDURES.

BE IT ENACTED AND ORDAINED by the authority vested in the Board of Supervisors of the Township of Weisenberg, County of Lehigh, Commonwealth of Pennsylvania as follows:

SECTION I – SCOPE AND DEFINITIONS

1. This Ordinance shall apply to all driveways and private roads.
2. To the extent, the word “driveway” is used in this Ordinance it shall be construed to mean the strip of land, which is used to access a property from a state, township or private street.

SECTION II – PERMIT REQUIREMENTS

1. No person, firm, corporation or other entity shall construct a new driveway, change the use of the driveway, improve an existing driveway or any other means of ingress or egress onto a township road or a state road, or install storm drainage facilities or effect the discharge or passage of drainage water, onto or along a township road unless the Road Master or the township representative appointed by the Board of Supervisors, grant a permit for such grading, construction and installation. In the case of access from a state road, two permits will be required. One from the state and the other from the Township for construction from the road right-of-way line.
2. A permit application shall be signed by the property owner and submitted prior to commencing work on any driveway. The application shall be on forms provided by the Township. A construction plan in accordance with this ordinance and a non-refundable filing fee and escrow amount as established by resolution of the Board of Supervisors shall accompany the application. A Driveway Application shall be valid for one year at which time if the work is not completed in accordance with this Ordinance and conditions listed on the application a new application must be submitted and new fees paid. No time extension will be granted.

3. All work and procedures shall be performed in strict compliance with applicable statutes, rules and regulations, this Ordinance and any other Township Ordinances regulating the construction of a driveway.

SECTION III – CONSTRUCTION PLAN

1. The plan shall be drawn to scale showing property lines, lot size and a north arrow.
2. A distance to the nearest property line shall locate the driveway.
3. Show the centerline of the driveway, the edge of the existing road, the leveling area and the grade from the leveling area to the building.
4. Show the type of driveway construction within the road right-of-way and outside of the road right-of-way.
5. Show the location of any new and existing storm sewer facilities including drainage swales.
6. Show all erosion and sedimentation control devices.
7. Any landowner proposing an Earth Disturbance Activity on any lot of tract of land greater than 5,000 square feet square feet but less than one (1) acre shall submit an Erosion and sedimentation Control Plan to the Township for review by the Township Engineer prior to commencing such activity. Any landowner proposing Earth Disturbance Activity of one (1) acre or greater or a point source discharge shall submit an Erosion and Sedimentation Control Plan to the Lehigh County Conservation district for their review and approval.
8. For driveway construction with a centerline grade of 11% a plan must be provided showing grade stakes, so the driveway grade can be verified in the field unless this condition is waived in writing by the Roadmaster or the Township representative appointed by the Board of Supervisors. No permit will be issued for driveway greater than 11% unless approved on the application.

SECTION IV – CONSTRUCTION STANDARDS

1. Provision shall be made at all intersections of driveways with streets to ensure adequate stormwater drainage. All roadside swales, existing or proposed, must be maintained and continued across the driveway. Where this is not feasible, a drainage pipe, with a minimum pipe diameter 15” must be installed under the driveway in the swale area. The cover over the pipe and length of the pipe will be determined in the field by the Road Master or the Township representative appointed by the Board of Supervisors.

2. Driveway leveling area shall be paved with asphalt material, except driveways with access off of a dirt road. The term "asphalt" shall be that which is commonly known as "hot mix asphalt" and shall not include concrete, brick, cement, or alternative paving materials. The leveling area shall not have a center line grade greater than 4% for a distance of 25 feet measured from the edge of the road, not the right-of-way line.
3. Private driveways serving lots abutting both a proposed street and an existing public street shall access directly to the proposed street, and not to the existing public street.
4. Driveways shall be designed to provide a single access to one lot and be contained entirely on that lot. Dual access shall not be permitted unless approved by the Board of Supervisors. Common driveways, which are single driveways providing access to more than one lot, will not be permitted unless approved by the Board of Supervisors.
5. The minimum width of the driving surface of the driveway shall be 10 feet. The maximum width within the road right-of-way shall be 15 feet.
6. The minimum width of the clear area, which shall be clear of trees, tree branches and brush, shall be 5 feet on each side of the driveway along the straight sections and 10 feet on each side of the driveway along the curve sections. A height of 12 feet shall be cleared along the entire driveway.
7. A tangential arc shall round the edge of pavement intersections with a minimum radius of 10 feet and a maximum radius of 20 feet.
8. The inside turning edge of the driving surface of the driveway shall have a minimum radius of 40 feet.
9. The minimum distance between centerline of a driveway and the centerline nearest intersection shall be as follows:

<u>TYPE OF DEVELOPMENT</u>	<u>TYPE OF STREET OR ANOTHER DRIVEWAY</u>			
	<u>Arterial</u>	<u>Collector</u>	<u>Local</u>	<u>Driveway</u>
Residential	150'	100'	75'	30'
Non-Residential	300'	200'	150'	30'

10. The minimum distance between edge of the driving surface of driveway and the nearest property line shall be 10 feet. The, Road Master or the township representative appointed by the Board of Supervisors, may reduce this distance if the applicant shows an unreasonable hardship would be created by maintaining a 10-foot distance from the property line. If the Roadmaster is considering less than 10 feet, the adjoining property owner shall be notified of the location of the driveway and his comments, if any shall be considered by the Roadmaster.

11. The centerline grade of any driveway shall not exceed 11% at any point from the end of the leveling area to any other point within the confines of the lot. A leveling area shall be provided having no greater than a 4% grade for a distance of 25 feet measured from the edge of the road, not the right-of-way line.
12. At the intersection with a street, a clear sight triangle shall be provided. The clear sight triangle shall be graded, cleared and kept clear of sight obstructions other than official signposts or utility poles for a height between 2 and 10 feet above the ground level. The clear sight triangle shall be determined by the intersecting street centerlines and a diagonal connecting two points, one point on each street centerline. The distance along the through street centerline shall be the stopping sight distance described in PennDOT Design Manual Part 2, Publication 13 latest revision and included in the Appendix of this Ordinance. The distance along the centerline of the approach driveway shall be ten (10) feet plus the lane width of the through street.
13. Stopping sight distance represents the minimum length required for a vehicle traveling at a given speed to stop. Stopping sight distance is measured along the centerline of the through road from the intersection of the centerlines of the through road and the driveway. The minimum stopping distances for the various design speeds, including corrections for grade of the through road, are based on wet pavement conditions and are set forth in the Appendix. The design speed governs however, to reduce the speed limit, the Township may require the applicant to do a speed limit study to determine the sight distance based on the safe-running speed for the existing field conditions, based on the criteria outlined in Penn DOT Publication 201, latest revision, to reduce the speed limit.
14. Every driveway shall intersect the adjacent public road in a perpendicular manner, unless the Roadmaster, or the township representative appointed by the Board of Supervisors, approves a different angle of entry. In that case, all users and the owners and his agents, invitees, successors, heirs and assigns shall be allowed, but not required to install and use such approved non-perpendicular driveway at their own risk.
15. The property owner may request a waiver of any section of this ordinance from the Board of Supervisors. The Board of Supervisors may grant a waiver where provisions of this ordinance inflict unnecessary hardship upon the property owner. The Board shall follow procedures outlined in the Pennsylvania Municipalities Planning Code Section 910.2 for granting a waiver.
16. All new driveways shall provide a vehicle turnaround to prevent vehicle from back out onto a public street. For existing driveways requiring a permit under this ordinance a vehicle turnaround should be provided if site conditions are suited for a turnaround. This will be determined by the Roadmaster or the township representative appointed by the Board of Supervisors. The size of the turnaround shall have a minimum width of nine (9) feet and a length of nineteen (19) feet.

SECTION V – INSPECTIONS AND FEES

1. The Road Master or the township representative appointed by the Board of Supervisors shall inspect the driveway and confirm that the construction conforms to conditions set forth in the application.
2. No paving of any driveway shall be commenced until the Road Master or the township representative appointed by the Board of Supervisors, shall have inspected the site and approved the work performed. The applicant shall give the Township a minimum of 48 hours advance notice before any inspection.
3. The applicant shall notify the Road Master when the work is completed in accordance with the application and the condition set forth on the application. A final inspection of the work shall be performed by the Road Master or the township representative appointed by the Board of Supervisors, prior to the issuance of the driveway permit.
4. The applicant shall pay all fees incurred in the review, processing and inspection of the driveway including cost incurred by the Township from the Township Engineer for consulting services prior to the issue of the permit.
5. Should the property owner fail or refuse to install the driveway in accordance with the condition set forth in the application the Township shall not issue the driveway permit and the property owner understands and agrees that the Township has the right to physical block the access point from the Township road preventing access to the property in addition no other permits will be issued until the driveway is completed in accordance with the condition set forth in the application.
6. If the driveway cannot be completed because of circumstances beyond the applicants control, such as weather, permits can be issue if the applicant provides a copy of a contract with a contractor ensuring that the driveway will be constructed in accordance with the application and within a specified time set forth in the contract and the contract is approved by the Township.

SECTION VI – ENFORCEMENT

1. This Ordinance shall be deemed to regulate public safety, fire and health (as authorized by 53 P.S. Section 66601(c.1)(2)). A violation of this Ordinance, or the terms or conditions of any permit issued thereunder, shall be deemed to be a summary offense. The summary offense shall be enforced in an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution and shall be authorized to seek criminal fines not to exceed One Thousand and 00/100 (\$1,000.00) Dollars per violation and may obtain imprisonment of each violator to the extent allowed by law for the punishment of summary

offenses. Each twenty-four hour period that the condition persists shall be deemed to be a separate offense.

SECTION VII - REPEALER

1. All ordinances and Resolutions, or parts of any ordinances or Resolutions, which conflict with this Ordinance, are hereby repealed.

SECTION VIII – SEVERABILITY

1. The provisions of this Ordinance are severable and if any provisions hereof are declared illegal or invalid on constitutional or statutory grounds by any court of competent jurisdiction, then those provisions not specifically declared illegal or invalid remains in full force and effect.

SECTION IX – EFFECTIVE DATE

1. This ordinance shall become effective 5 days after adoption.

DULY ORDAINED AND ENACTED by the Township of Weisenberg Board of Supervisors, County of Lehigh, Commonwealth of Pennsylvania, in lawful session assembled this 11th day of February 2013.

ATTEST:


Donald P. Breininger, Secretary

TOWNSHIP OF WEISENBERG

By: 
Robert G. Milot, Chairman

By: 
Linda Gorgas, Vice-Chairperson

By: 
Thomas N. Wehr, Member