

ORDINANCE NO. 64-10-18

AN ORDINANCE OF THE TOWNSHIP OF WHEATFIELD, PERRY COUNTY, PENNSYLVANIA, REGULATING CONSTRUCTION OF AND MODIFICATION TO EXISTING DRIVEWAYS AND PROVIDING FOR THE ISSUANCE OF SUCH PERMITS; AND FURTHER PROVIDING FOR PENALTIES FOR NONCOMPLIANCE.

BE IT ORDAINED AND ENACTED, and it is hereby enacted and ordained by the Supervisors of Wheatfield Township, Perry County, Pennsylvania, as follows:

SECTION 1. TITLE.

These regulations for access to and occupancy of highways by driveways shall be known and may be cited as the Wheatfield Township Driveway Ordinance.

SECTION 2. DEFINITIONS.

Except where otherwise indicated by context, the following definitions shall apply in the interpretation and enforcement of this ordinance.

- A. Access — Any driveway, street, or other means of passage of vehicles between the highway and abutting property, including such drainage structures as may be necessary for the proper construction and maintenance thereof.
- B. Board of Supervisors — The Board of Supervisors of the Township of Wheatfield, Perry County, Pennsylvania.
- C. Code Enforcement Officer — The person charged with the administration and enforcement of this Ordinance, or a duly appointed representative.
- D. Driveway — Every entrance or exit used by vehicular traffic to or from the properties abutting a highway.
- E. Driveway Width — The narrowest width of a driveway measured perpendicular to the centerline of the driveway.
- F. Engineer — The duly appointed Engineer of the Township or his authorized representative.
- G. Highway — A roadway or bridge on the highway system of Wheatfield Township, including the entire width between right-of-way lines, over which the Township has assumed or has been legislatively given jurisdiction.
- H. Paving — The laying or covering with material that forms a level surface for travel (i.e. asphalt or concrete).
- I. Permit — A highway occupancy permit issued by the Township pursuant to this Ordinance.

- J. Plans — Drawings which show the location, character, and dimensions of the proposed occupancy and related highway features, including layouts, profiles, cross sections, drainage, and other details.
- K. Publication 208 – A Pennsylvania Department of Transportation (PA DOT) publication containing the Department's requirements for work zone traffic control, as supplemented.
- L. Publication 111 — A Pennsylvania Department of Transportation (PA DOT) publication containing the Department's regulations governing the design, location, and operation of all official traffic signs, signals, and markings on and along highways, as supplemented.
- M. Traffic control device — Any sign, signal, marking, or device placed or erected for the purpose of regulating, warning, or guiding vehicular traffic or pedestrians, or both.

SECTION 3. PURPOSE.

- A. It is in the public interest to regulate the location, design, construction, maintenance, and drainage of access driveways, and other property within Wheatfield Township highway right-of-way for the purpose of security, economy of maintenance, preservation of proper drainage, and safe and reasonable access.
- B. Issuance of a permit under this ordinance does not relieve the permittee from any additional responsibility to secure other Federal, State or local approvals or permits as may be required by law.

SECTION 4. PERMIT APPLICATION.

- A. No driveway, drainage facility or structure within an existing or dedicated highway right-of-way of Wheatfield Township shall be constructed or altered and no drainage facility of the Township shall be altered or connected onto without first obtaining a permit from the Township. A permit may not be required for general maintenance of an existing improvement. No driveway shall be paved without obtaining a pavement permit from the Township. A permit may not be required for general maintenance of an existing improvement.
- B. Permit applications shall be submitted in the name of and executed by the owner of the property.
- C. Applications shall be submitted prior to the construction of any building or structure or any improvements to a property for which the proposed driveway will serve to assure that the driveway can be constructed in accordance with this ordinance.
- D. Permit Application procedure and required information:
 - (1) shall be submitted in person or by mail on a properly completed Township Application Form;

- (2) shall be signed by the owner;
 - (3) shall include two sets of plans detailing the location and pertinent dimensions of both the proposed installation and related highway features;
 - (4) shall be accompanied by a check or money order, payable to Wheatfield Township, in the appropriate amount, as set forth in Section 11 of this ordinance;
 - (5) shall be submitted to the Township at least 20 working days prior to the anticipated start of work; and
 - (6) shall contain proof of ownership.
- E. Traffic Control Plan. Submission of the traffic control plan shall be as follows:
- (1) When the applicant anticipates that it will be necessary to close a portion of a lane to vehicular traffic in order to perform the permitted work, the applicant shall submit a traffic control plan with the application.
 - (2) The traffic control plan shall be either:
 - (a) a detailed drawing, showing all traffic control devices; or
 - (b) a reference to a standard drawing found in PA DOT Publication 208, as amended, provided the referenced standard drawing properly depicts the work area and completely addresses the needed traffic control.
- F. Authority to reject application. The Code Enforcement Officer or Engineer will examine and determine the genuineness, regularity, and legality of every application, and may reject any application if not satisfied of its genuineness, regularity or legality, or the truth of any statement contained in the application.

SECTION 5. PERMIT FEES.

- A. Permit Application Fees. Application fees shall be used to defray costs incurred by the Township in reviewing and processing the application and plan, including the preliminary review of the site location identified in the application, and issuing and processing the permit.
- B. General Permit Inspection Fees. General inspection fees shall be used to defray costs incurred by the Township in spot inspection of permitted work or subsequent inspection after the permitted work has been completed, to insure compliance with the permit and this ordinance.
- C. Additional Inspection Fees. If the Township determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more employees to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for all salary, overhead, and expenses

incurred by the Township for inspections.

- D. Fees. The issuance and inspection fees shall be at the rate set forth in the Schedule of Fees for Highway Occupancy Permits established and set, from time to time, in Resolution adopted by the Board of Supervisors.
- E. Additional Fees. If the township determines that the permitted work warrants a traffic study or other engineering review, the permit will so indicate and the permittee shall be charged accordingly.

SECTION 6. ISSUANCE OF PERMITS.

- A. Upon application duly made, in accordance with this Ordinance, a permit will be issued by the Township, subject to this Ordinance and conditions contained on the permit and its attachments and supplements. The permit will be the authority of the applicant to proceed with the work.
- B. Permits will be issued only to the owners of the property. Permits will not be issued to contractors of the property owner nor to any person other than the owner of the property.
- C. Waiver of Design Requirements. Waiver of design requirements shall be as follows:
 - (1) If any design requirements set forth in this Ordinance cannot be met, the Township Supervisors, upon the report and recommendation by the Code Enforcement Officer and/or Township Engineer may waive the requirements herein, if the following conditions are satisfied:
 - (a) no other reasonable access is available;
 - (b) the applicant has done all that can reasonably be done to satisfy the design requirements;
 - (c) no traffic problem will be created; and
 - (d) the applicant executes an indemnity agreement satisfactory to the Township.
 - (2) In the case of a temporary access for extracting natural resources for a period of no more than one year, any design requirement set forth in this Ordinance which cannot be met may be waived by the Township, provided conditions (a), (b), and (d) of paragraph (1) of this subsection are satisfied.
- D. Permit requiring agreement. Where the applicant will be required to perform a substantial amount of work, the Township may require the applicant to execute an agreement as a prerequisite to issuance of the permit.
- E. Requesting permit time extension. A permit shall be valid for a one year period or

multiples thereof as specified on the permit. If the permittee has not completed all authorized work by the completion date specified on the permit, an application shall be submitted requesting a time extension. If approved, a supplement may be issued, authorizing work to continue for an additional one year period.

- F. When all permitted work has been completed, the permittee must notify the Township.

SECTION 7. GENERAL CONDITIONS.

The following conditions shall apply to permits issued under the provisions of this Ordinance:

- A. The permit shall be binding upon the permittee, its agents, contractors, successors, and assigns.
 - (1) The permittee shall be responsible for causing compliance with all terms and conditions of the permit by its employees, agents, and contractors.
 - (2) The permit shall be maintained by the permittee as a permanent record and remain in effect, subject to the permit conditions and this Ordinance, as long as the driveway or the facility authorized by the permit exists.
 - (3) The permittee shall be principally liable to the Township for any failure to comply with the permit and this Ordinance. The principal liability of the permittee to the Township shall not preclude the permittee or the Township from bringing any action against the permittee's contractor, subcontractor, engineer, architect, or any other person.
 - (4) The Township, in granting a permit, will waive none of its powers or rights to require the future change in operation, removal, relocation, or proper maintenance of any access within Township right-of-way.
- B. Permittee responsibilities shall be as follows:
 - (1) The permittee shall pay all fees, costs, and expenses incident to or arising from the project, including the cost of related highway improvements which increased traffic or surface drainage may necessitate. The permittee shall reimburse the Township for any and all inspections costs within 30 days after receipt of the Township's invoice.
 - (2) In the event of failure or neglect by the permittee to perform and comply with the permit or the provisions of this Ordinance, the Township may immediately revoke and annul the permit and order and direct the permittee to remove any or all structures, equipment of property belonging to the permittee or its contractors from the legal limits of the right-of-way and to restore the right-of-way to its former condition.
- C. All disturbed slopes or earthen areas shall be restored to their original condition, or in a manner approved by the Township and/or County Soil Conservation District.

- D. Altering drainage prohibited. Unless specifically authorized by the permit, the permittee shall not:
- (1) alter the existing drainage pattern or the existing flow of drainage water; or
 - (2) direct additional drainage of surface water onto or into the highway right-of-way or highway facilities in a way which would have a detrimental effect on the highway or highway facilities.
- E. Maintenance and protection of traffic shall be carried out in accordance with the requirements of the PA DOT, as set forth in Publication 208, as amended, regarding traffic control signs and devices.
- F. All disturbed portions of the highway, including slopes and all appurtenances and structures such as a guard rail or drain pipes, shall be restored by the permittee to a condition at least equal to that which existed before the start of any work authorized by the permit.
- G. All driveways and adjacent areas within the highway right-of-way shall be continuously maintained by the property owner so as to conform to the permit including piping, sight distances and drainage, so as not to interfere to be inconsistent with the design, maintenance, and drainage of the highway, or the safe and convenient passage of traffic upon the highway.
- H. Indemnification. The permittee shall fully indemnify and save harmless and defend Wheatfield Township, its agents and employee, of and from all liability for damages or injury occurring to any person or persons or property through or in consequence of any act or omission of any contractor, agent, servant, employee, or person engaged or employee in, about, or upon the work, by or with the approval or consent of the permittee; for any failure of the permittee or any such person to comply with the permit or this Ordinance; and, for a period of two years after completion of the permitted work, from the failure of the highway in the immediate area of the work performed under the permit where there is no similar failure of the highway beyond the area adjacent to the area of the permitted work.
- I. Use of highway prohibited. Prohibited use of the highway shall be as follows:
- (1) No part of the right-of-way shall be used for servicing vehicles, displays or conducting business. The area between the edge of the pavement and the right-of-way line shall be kept clear of all buildings, sales exhibits, business signs, vehicles, service equipment, fences, agricultural crops, shrubbery, trees and similar items.
 - (2) Improvements on private property adjacent to the right-of-way shall be so located that parking, stopping, and maneuvering of vehicles or equipment on the right-of-way will not be necessary in order for vehicles, equipment or patrons to be served.

SECTION 8. GENERAL DRIVEWAY REQUIREMENTS.

- A. General Rule. All driveways shall be located, designed, constructed, and maintained in such a manner, as not to interfere or be inconsistent with the design, maintenance and drainage of the highway.
- B. General location restrictions. Access driveways shall be permitted at locations in which:
 - (1) sight distance is adequate to safely allow each permitted movement to be made into or out of the access driveway;
 - (2) the free movement of normal highway traffic is not impaired;
 - (3) the driveway will not create a hazard; and
 - (4) the driveway will not create an area of undue traffic congestion on the highway.
- C. Number of driveways. The number and location of driveways which may be granted will be based on usage, interior and exterior traffic patterns, and current design policy of the Township.
 - (1) Normally, only one driveway will be permitted for a residential property and not more than two driveways will be permitted for a nonresidential property.
 - (2) If the property frontage exceeds 600 feet or special conditions exist, a permit may authorize an additional driveway access with approval of the supervisors.

SECTION 9. DRIVEWAY DESIGN REQUIREMENTS.

The general driveway design shall meet the minimum requirements of the Commonwealth of Pennsylvania, Pennsylvania Code, Title 67. Transportation, Department of Transportation, Chapter 441, Section 441.8 Driveway Design Requirements, and 441.9 Driveway Layout Illustrations, as amended.

SECTION 10. PLAN.

Every permit application to construct or improve a driveway shall include two copies of a plan which clearly illustrates the applicable requirements as set forth in Pa. Code, Title 67, Chapter 441, Section 441.8 and Section 441.9, as amended, including but not limited to the following:

- A. Existing highway pavement, ditches, right-of-way and relevant property lines, highway appurtenances, and utilities.
- B. Existing and proposed building, including a description of present and proposed use.
- C. Details of internal traffic circulation and parking.

- D. Design features of existing and proposed driveways such as:
 - (1) Driveway width.
 - (2) Driveway radii.
 - (3) Driveway grades or profile view of drive.
 - (4) Driveway angle relative to the highway.
 - (5) Driveway surface material.

- E. Distance from each existing and proposed driveway to the following:
 - (1) Nearest intersecting street, road, and highway.
 - (2) Nearest driveway on adjacent properties.
 - (3) Street, road, highway, or driveway opposite the site.
 - (4) Relevant property lines and property lines extended to the roadway.
 - (5) Building and appurtenances on the site.

- F. Sight distance in each direction from each driveway.

- G. The number of vehicles per day which are expected to utilize each driveway.

SECTION 11. PERMIT FEES.

The fees for a permit shall be at the rate set forth in the Schedule of Fees for Highway Occupancy Permits established, from time to time, by Resolution of the Board of Supervisors.

SECTION 12. PENALTIES FOR VIOLATIONS.

Any person violating any of the provisions of this Ordinance or any regulations and specifications adopted thereunder shall, upon conviction thereof, be sentenced to pay a fine of not more than Five-Hundred (\$500) Dollars for each offence. Each day that a violation is permitted to continue after notice in writing shall constitute a separate offense.

SECTION 13. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distance and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 14. REPEAL OF EXISTING ORDINANCES.

All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

Enacted and ordained as an Ordinance this October 1, 2018, in lawful session duly assembled.

WHEATFIELD TOWNSHIP BOARD OF SUPERVISORS

Vicki L. Jenkins
Vicki L. Jenkins, Secretary/Treasurer

Barry L. Schrope
Barry L. Schrope, Chairman

James L. Fuller
James L. Fuller, Vice Chairman

Jeffrey R. Smith
Jeffrey R. Smith, Supervisor

CERTIFICATION OF ADOPTION

I hereby certify the foregoing to be an exact copy of an Ordinance adopted by the Supervisors of the Township of Wheatfield, Perry County, Pennsylvania, at a regular meeting of the Board on October 1, 2018.

(seal)

Attest:
Secretary/Treasurer

Vicki L. Jenkins

DRIVEWAY DETAIL

WHEATFIELD TOWNSHIP

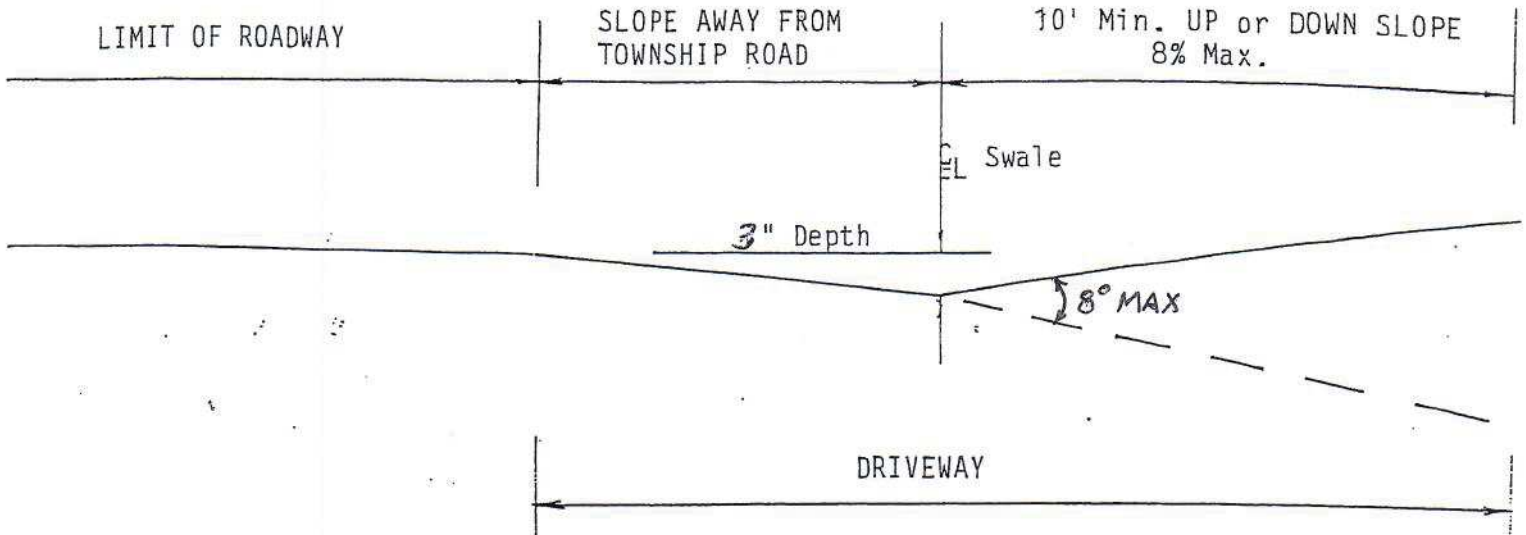
NAME OF APPLICANT _____

LOCATION _____

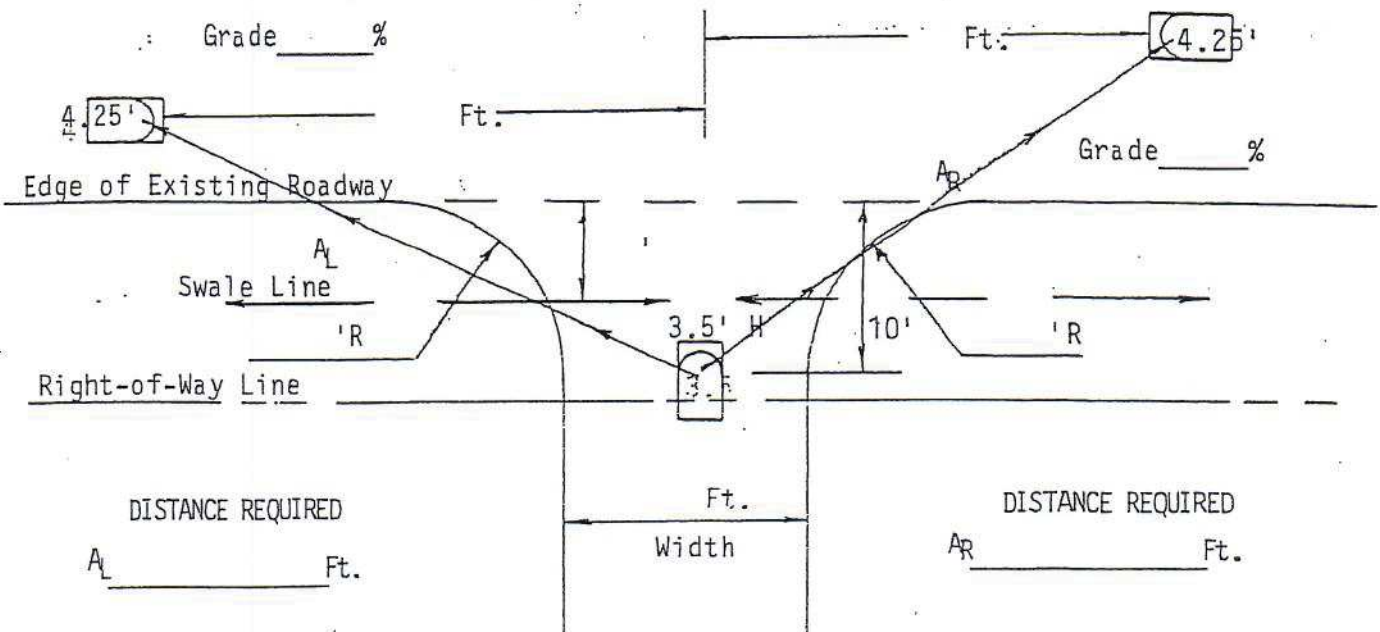
Posted Speed Limit _____

Measured By _____

Date _____



TYPICAL CROSS SECTION



DRIVEWAY PLAN

FORMULA SIGHT DISTANCE TABLE

Speed (V) (Miles Per Hour)	Average Grade (G) (Percent)										
	Use plus grades when approaching vehicle is travelling upgrade.										
	0.0	+1.0	+2.0	+3.0	+4.0	+5.0	+6.0	+7.0	+8.0	+9.0	+10.0
25	147	145	144	143	142	140	139	138	137	136	135
30	196	194	191	189	187	185	183	182	180	178	177
35	249	245	242	239	236	233	231	228	226	224	221
40	314	309	304	299	295	291	287	284	280	277	274
45	383	376	370	364	358	353	348	343	339	334	330
50	462	453	444	436	429	422	415	409	403	397	392
55	538	527	517	508	499	490	482	475	468	461	454
	Use negative grades when approaching vehicle is travelling downgrade.										
	0.0	-1.0	-2.0	-3.0	-4.0	-5.0	-6.0	-7.0	-8.0	-9.0	-10.0
25	147	148	150	151	153	155	157	159	161	164	166
30	196	199	201	204	207	210	214	217	221	226	230
35	249	252	256	260	265	269	275	280	286	292	299
40	314	319	325	331	338	345	352	360	369	379	389
45	383	390	398	406	415	425	435	447	459	472	487
50	462	471	481	492	504	517	531	546	563	581	600
55	538	550	562	576	590	606	622	641	661	682	706