

AN ORDINANCE REQUIRING ALL PERSONS, PARTNERSHIPS, BUSINESSES, AND CORPORATIONS TO OBTAIN A HIGHWAY OCCUPANCY PERMIT FOR ANY CONSTRUCTION, DEVELOPMENT, OR LOCATION OF A DRIVEWAY, SETTING FORTH CERTAIN MINIMUM REQUIREMENTS FOR CONSTRUCTION, DEVELOPMENT, AND LOCATION; AND ESTABLISHING PENALTIES FOR ANY PERSONS, PARTNERSHIPS, BUSINESSES, OR CORPORATIONS WHO FAILS OR REFUSES TO COMPLY WITH THE REQUIREMENTS OR PROVISIONS OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the Township of Penn, County of Butler, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

ARTICLE I: General Provisions

Section 1.00 Intent

The intent of this Ordinance is to:

A. Promote the general health, welfare, and safety of community and to provide safer public roadways in the community.

B. Encourage driveway construction, development and location practices which are in the best interest of the property owner, the public roadway user, and the public roadway authority.

C. Minimize danger to the public health, safety, and welfare by requiring driveway construction, development and location practices which provide adequate sight distance and proper drainage, and which control the width of driveways.

Section 1.01 Applicability

It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any driveway construction, development, or location anywhere within the Township unless a Highway Occupancy Permit has been obtained from the Township Engineer or other person delegated by the Township to perform this task.

A Highway Occupancy Permit shall not be required for repairs to existing driveways.

Section 1.02 Abrogation and Greater Restrictions

This Ordinance supersedes any other conflicting provisions which may be in effect in the Township. However, any other ordinance or resolution provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

Section 1.03 Severability

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 1.04 Warning and Disclaimer of Liability

This Ordinance shall not create liability on the part of the Township or any officer or employee thereof for damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

ARTICLE II: DEFINITIONS

Section 2.00 General

Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.

Section 2.01 Specific Definitions

ARTIFICIAL DRAINAGE FACILITIES - those facilities which are used to collect, re-route, drain or otherwise divert water from its natural course and includes, but is not limited to, rain spouts, cellar drains, spillway for ponds or dams, overflows from storage ponds or containers.

DRIVEWAY - any vehicular entrance or exit to private or public property from a public road, whether it is designed as such or not, whether it is surfaced or not, and shall also include parking areas along the public roadway.

PUBLIC ROADWAY - any alley, road, street, highway or other public right of way used for vehicular traffic whether surfaced or unsurfaced, whether marked or unmarked, whether owned by local, state or federal government.

SIGHT DISTANCE - the length along a street or highway that is visible to the driver either entering or leaving the driveway or the distance the driver on the street or highway can spot a vehicle entering or leaving the driveway.

REPAIR - the upgrading or replacement of all or part of an existing driveway which does not increase the width of the driveway, which does not decrease the sight distance of the driveway, and which does not increase the amount of surface water or other drainage runoff from the driveway onto the public road.

### ARTICLE III DRIVEWAY STANDARDS

#### Section 3.00 Requirements

1. Driveways shall be graded and constructed in such a way that surface water or any other drainage will not be permitted to enter onto the public roadway from the driveway. A person must maintain a minimum 3/4 inch fall per foot from edge of pavement to top of conduit cover.

2. When driveways are required to cross over culverts or other drainage facilities relating to the road construction or otherwise, the driveway shall not block, impede or disrupt the flow of the channel, nor shall it permit the impoundment of the drainage or any discharge onto the public road.

3. Where it is necessary to install a conduit under the driveway to keep the drainage channel open, such conduit shall be a minimum of 12 inches in diameter to carry off the normal flow of the culvert, plus that which occurs during an average rainfall. The conduit shall also be of sufficient strength to bear the weight of the heaviest vehicle normally using the driveway, and shall have a minimum length of twenty (20) feet.

4. Driveways shall be constructed and located in such a manner as to provide safe and reasonable sight distance.

5. Each property owner is permitted a maximum of twenty-eight (28) feet access to a public road if sight distance is safe and reasonable; businesses may be permitted two (2) twenty-eight (28) foot access points.

#### Section 3.01 Construction

The driveway or culvert shall be constructed only after obtaining a Highway Occupancy Permit from the Township Engineer or other person delegated by the Township to perform this task.

Whenever any persons, partnerships, businesses or corporations shall construct, repair, or maintain or reconstruct a driveway, they shall comply with the standards set forth in this Ordinance.

### Section 3.02 Prohibitions

1. No person shall design, construct or maintain any driveway or artificial drainage facility which shall permit water or other liquid to be deposited upon a roadway.

2. No person shall maintain a driveway which fails to comply with the construction standards of this Ordinance.

3. No person shall permit the driveway or artificial drainage facility to fall into such a state of disrepair that it shall violate the provisions of this Ordinance.

4. No person shall permit mud, stones, dirt or other debris to be carried from the driveway onto the road. In areas of new construction or reconstruction, mud, stones, dirt or other debris carried onto the road by delivery or construction equipment shall be removed at least once each day at the end of operation, and more often, if necessary.

5. No person shall begin construction or repair on any driveway without first obtaining a permit as provided for in the following section.

## ARTICLE IV ADMINISTRATION

### Section 4.00 Permits

1. Upon proper application, any person desiring to construct, develop or locate a driveway which shall extend to a Township Road shall first receive a permit from the Township.

2. Before the construction of any new residential or commercial establishment in the Township which shall be joined to a public road by a driveway, the parties constructing the residential or other facilities shall first apply to the Township Engineer for a permit for the construction of the said driveway. Upon receiving the permit, the driveway shall be constructed in accordance with the provisions of the permit and the provisions of this Ordinance prior to any construction on the residential or other facilities at that location. Final approved inspection must be issued by the Township Engineer or other approved person delegated by the Township to perform this task.

### Section 4.01 Fees

A fee to be set from time to time by resolution shall be charged upon the issuance of any permit for the construction of any driveway, said fee to be retained for the general use of the Township.

Section 4.02 Enforcement; Penalties

When a violation of this Ordinance is noted by the Zoning Officer, the property owner shall be notified in writing that the violation exists and that it must be corrected within thirty (30) days.

If after notice and the requisite time period, no action is taken by the property owner, the Township Supervisors may enter upon the property where the violation exists and repair, maintain or re-construct the drainage facilities of driveway in accordance with this Ordinance and may thereafter institute summary proceedings against the violator. Upon summary conviction of a violation of this Ordinance, a fine of not more than Three Hundred (\$300.00) Dollars may be imposed. In addition, the costs of restoring or placing the driveway or artificial drainage facility in a condition which complies with the provisions of this Ordinance, may be recovered for the use of the Township. The defendant may also be sentenced to imprisonment for a term not to exceed ninety (90) days.

21<sup>st</sup> day of March, 1989, ORDAINED AND ENACTED into an Ordinance this effective immediately.

PENN TOWNSHIP BOARD OF SUPERVISORS

ATTEST:

[Signature]  
Secretary

[Signature]  
Chairman  
[Signature]  
Vice Chairman  
[Signature]  
Supervisor