

**ORDINANCE NO. 99
WASHINGTON TOWNSHIP
WESTMORELAND COUNTY, PENNSYLVANIA**

AN ORDINANCE TO REGULATE THE CONNECTING OF DRIVEWAYS TO PUBLIC ROADS WITHIN WASHINGTON TOWNSHIP, WESTMORELAND COUNTY, PENNSYLVANIA, AND TO REGULATE THE RELOCATION, ALTERATION, REPAIR OR REPLACEMENT OF EXISTING DRIVEWAYS TO PUBLIC ROADS WITHIN WASHINGTON TOWNSHIP, WESTMORELAND COUNTY, PENNSYLVANIA

WHEREAS, the Board of Supervisors of the Township of Washington, County of Westmoreland and Commonwealth of Pennsylvania, recognize that Washington Township has suffered damage to the streets and property owned by the Township as a result of the improper connection of driveways to public roads within Washington Township, and as a result of the improper relocation, alteration, repair and replacement of existing driveways to public roads within Washington Township; and

WHEREAS, the Board of Supervisors of the Township of Washington, County of Westmoreland and Commonwealth of Pennsylvania, recognize that poor drainage and hazardous conditions have resulted from the improper connection of driveways to public roads within Washington Township, Westmoreland County, Pennsylvania, and that poor drainage and hazardous conditions have resulted from the improper relocation, alteration, repair and replacement of existing driveways to public roads within Washington Township, Westmoreland County, Pennsylvania; and

WHEREAS, the Board of Supervisors of the Township of Washington, County of Westmoreland and Commonwealth of Pennsylvania, find it necessary for the proper management, care and control of its public road system to regulate the connection of driveways to public roads within Washington Township and to regulate the relocation, alteration, repair and replacement of existing driveways to public roads within Washington Township.

NOW, THEREFORE, it is hereby ORDAINED and ENACTED by the Board of Supervisors of Washington Township, Westmoreland County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS

- (a) Board: The Board of Supervisors of Washington Township, Westmoreland County, Pennsylvania;
- (b) Contractor: The party, person, firm, partnership or corporation who or which installs a driveway or relocates, alters, repairs or replaces an existing driveway, including all agents, officers and employees of said party, person, firm, partnership or corporation;
- (c) Driveway: Any area of land designated or used as a means of ingress and/or egress for either vehicles or pedestrian traffic from a public road to a piece, parcel or tract of land;
- (d) Owner: The owner of the land upon which the driveway is located;
- (e) Permit: A permit issued by the Board to signify approval of the driveway connection or approval of the relocation, alteration, repair or replacement of the existing driveway;
- (f) Person: Any individual, partnership, company, association, society, corporation or other group or entity;
- (g) Public Road: Any road, street, alley or public thoroughfare whether actually maintained by Washington Township as part of its road system, or whether shown on a subdivision or land development plan and intended to be offered or dedicated to Washington Township in the future as part of the Washington Township road system;
- (h) Township: The Township of Washington, Westmoreland County, Pennsylvania;

SECTION 2. PERMIT REQUIRED

No person, owner or contractor shall hereinafter install, initiate any work or allow the installation or initiation of any work toward the installation of a driveway or toward the relocation, alteration, repair or replacement of an existing driveway without first obtaining a permit therefore from the Secretary of the Board.

SECTION 3. APPLICATION

Any person, owner or contractor shall, prior to obtaining a driveway permit, file an application, on an application form supplied by the Secretary of the Board, reflecting and showing the location of the driveway relative to the premises and designating the course, grade, structure, materials and drainage facilities, if any, involved in the construction, relocation, alteration, repair or replacement of the driveway.

SECTION 4. APPLICATION PROCESSING PROCEDURES

(a) The application shall be reviewed by the Engineer or Road Superintendent of the Township.

(b) The Engineer or Road Superintendent shall determine if the proposed method of constructing or making said connection or if the proposed method of relocating, altering, repairing or replacing the existing driveway, as reflected on the application, is such that it will:

1. Minimize the adverse effect of storm water runoff resulting from said connection or relocation, alteration, repair or replacement of the existing connection;
2. Not cause damage to the road to which the driveway is to be connected or not cause damage to the road as a result of relocating, altering, repairing or replacing the existing driveway;

3. Not create or increase hazardous driving conditions for those persons using the road to which the driveway is to be connected or not create or increase hazardous driving conditions for those persons using the road to which the driveway that is to be relocated, altered, repaired or replaced is connected;

4. Not obstruct the roadside ditches or cause storm water to divert onto the improved portion of the roadway;

5. Be of the same elevation as compared to the elevation of the road surface;

6. Demonstrate drainage facilities of adequate size to carry all storm water under the driveway with the drainage pipe to be of a minimum diameter of fifteen (15) inches, or, demonstrate drainage facilities of an adequate design to carry all storm water;

7. Result in adequate site distance for vehicles entering and leaving the public road.

(c) If found satisfactory by the Engineer or Road Superintendent, he shall so advise the Secretary of the Board and the Secretary of the Board will issue, or cause to be issued, the permit.

(d) If the plan is found deficient, or if in the opinion of the Township Engineer or Road Superintendent the plan could be improved so as to more adequately address the items reviewed in Sub-Section (b) above, the Engineer or Road Superintendent shall, by written communication to the applicant, notify the applicant of the changes to be made.

(e) The applicant shall immediately make such changes and return the revised plan to the Township Secretary.

(f) When such plan is in acceptable form, the Township Engineer or Road Superintendent shall approve or cause the same to be approved and the permit issued by the Secretary of the Board.

SECTION 5. FEES

The application shall be accompanied by an application processing fee of Twenty-Five (\$25.00) Dollars and a post-construction inspection fee of Twenty-Five (\$25.00) Dollars. There shall be no fee charged if the application is to alter, repair or replace an existing driveway connection.

SECTION 6. SITE DISTANCE

(a) Site distance shall be adequate to safely allow each permitted movement to be made into or out of the driveway.

(b) Minimum acceptable site distance shall be computed from the following chart:

Posted Speed (mph)	Safe Sight Distance - Left (feet)	Safe Sight Distance - Right (feet)
25	250	195
35	440	350
45	635	570
55	845	875

SECTION 7. CONSTRUCTION

All construction in any way incidental to the installation of the driveway or incidental to the relocation, alteration, repair or replacement of the existing driveway shall be performed in strict conformance with the approved plans.

SECTION 8. SEPARATE PERMITS

Each driveway, whether serving the same premises or not, shall require an individual permit.

SECTION 9. INSPECTION

(a) Upon completion of the work, the applicant shall give written notice thereof to the Township Secretary.

(b) The Township Engineer or Road Superintendent shall inspect the construction and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit and by this Ordinance.

(c) Where any defect or lack of compliance is discovered, the applicant shall rectify the discrepancy within sixty (60) days after written notice from the Township to do so and in default thereof the Township may do the work and shall impose upon the applicant the cost thereof together with an additional twenty (20%) percent of such cost.

SECTION 10. PENALTIES

Any owner, person or contractor who or which shall violate any of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, before a District Justice having jurisdiction over same, pay a judgment of not less than Three Hundred (\$300.00) Dollars nor more than Six Hundred (\$600.00) Dollars plus all court costs, including reasonable attorneys fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by a District Justice. If the owner, person or contractor who is found liable by the District Justice neither pays nor timely appeals the judgment, the Township may enforce the judgment, and tax and collect all costs incurred, pursuant to applicable Rules of Civil Procedure, and may take any further legal action authorized by the Pennsylvania Municipal Code. The Chief of Police, who is also the Code Enforcement Officer for the Township of Washington, shall determine in each instance whether a violation has occurred under the above-referenced Ordinance. Upon determining that a violation has occurred, the Chief of Police shall have the discretion to

impose a civil penalty not to exceed the amount of the fine set forth in this Ordinance. Notice of the civil violation shall be served upon the violator by registered mail and/or first class mail with a Certificate of Mailing and/or personal delivery by the Chief of Police, which Notice shall notify the violator of: (a) the ordinance and section involved with the specific violation; (b) the amount of the fine; (c) the time within which the civil penalty is to be paid; and (d) the consequences of failure to pay the fine by the due date. Should the civil fine not be paid by the date due as set forth in the Notice, then the Chief of Police may initiate a civil complaint before the District Justice in and for the Township of Washington. The Chief of Police shall be vested with the discretion of providing a "grace period" during which no fine or action would be imposed if the violator comes into compliance with this Ordinance by a specific date. The Chief of Police shall and is hereby empowered to adopt further procedures to achieve compliance with this Ordinance.

SECTION 11. SEVERABILITY

If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Ordinance. The Board of Township Supervisors hereby declares that it would have adopted this Ordinance and each section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the section, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal.

SECTION 12. REPEALER

This Ordinance shall repeal Ordinance 72 currently entitled "AN ORDINANCE TO REGULATE THE CONNECTING OF DRIVEWAYS TO PUBLIC ROADS WITHIN WASHINGTON TOWNSHIP, WESTMORELAND COUNTY, PENNSYLVANIA", and any and all other ordinances that are inconsistent herewith.

ORDAINED and ENACTED into law by the Board of Supervisors of Washington Township, Westmoreland County, Pennsylvania, this 9th day of October, 1997.

Burl L. Slaughter
Chairman

ABSENT
Vice Chairman

Robert L. Thompson
Member

ATTEST:

Audrey A. Saffner
Secretary