

ORDINANCE NO. 2001-4

AN ORDINANCE REGULATING ACCESS TO AND OCCUPANCY OF TOWNSHIP ROADS BY DRIVEWAYS AND PRIVATE ROADS: REQUIRING PERMITS FOR CONSTRUCTION OR ALTERATION OF DRIVEWAYS, PRIVATE ROADS OR DRAINAGE FACILITIES LOCATED ON A TOWNSHIP ROAD RIGHT OF WAY; ESTABLISHING PERMIT FEES AND PROCEDURES: ESTABLISHING STANDARDS AND REQUIREMENTS FOR DRIVEWAYS AND PRIVATE ROADS; AND ESTABLISHING PENALTIES AND ENFORCEMENT PROCEDURES

WHEREAS, the township has determined it to be in the public interest to regulate the location, design, construction, and drainage of access driveways, private roads, and other property within township road right of way for the purpose of security, economy of maintenance, preservation of proper drainage, and safe and reasonable access.

NOW THEREFORE, be it ORDAINED and ENACTED as follows:

1. SHORT TITLE, EFFECT ON EXISTING SAFETY REQUIREMENTS, REGULATIONS AND PERMITS

(a) Short Title, This Ordinance shall be known as the "Township Road Occupance Ordinance".

(b) Repealer. This Ordinance shall repeal and supersede all prior ordinances of the West Mahanoy Township to the extent that such prior ordinances are inconsistent herewith.

(c) Other Requirements. 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.

(d) Safety Requirements. Nothing contained in this Ordinance is intended nor shall be deemed to relax existing safety requirements in any manner or form.

(e) Prior Permits. All prior Township road access permits granted by the Township are hereby approved and accepted to the extent that the driveways and private roads for which permits have been granted do not constitute a threat to public safety, a hazard to traffic or interfere with the proper use of the highway by the public.

2. DEFINITIONS

Department - The Pennsylvania Department of Transportation.

Driveway - Every entrance or exit used by vehicular traffic to or from properties abutting a Township road. The term includes proposed streets, lanes, alleys, courts and ways. As

used in the figures, the term "minimum use driveway" shall mean "driveway" as defined herein.

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

Highway - Any West Mahanoy Township road, highway, street, lane, alley, court or way.

Pavement edge - The edge of the main traveled portion of any road, exclusive of shoulder notwithstanding whether or not the road is paved or unpaved.

Permit - A West Mahanoy Township Road occupancy permit issued by the Township pursuant to this Ordinance.

Person - Any natural person, firm, partnership, association, corporation, or political subdivision.

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.

Private Road - Any road or highway used by vehicular traffic and owned and maintained by a person or entity other than a municipal entity which is intended to:

- (a) provide access to or from two or more properties;
- (b) act as a connecting link between two or more roadways;
- or
- (c) provide access to a single property which does not abut a Township road.

The term includes proposed streets, lanes, alleys, courts and ways. As used in the figures, the term "low volume driveway" shall mean "private road" as defined herein.

Roadway - That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder.

Shoulder - That portion of the roadway, contiguous to the traffic lanes, for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses and pavements.

Shoulder line - The intersection of the shoulder slope with the side slope or ditch slope.

Stopping sight distance - The distance required by a driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver.

Township- The Township of West Mahanoy, Schuylkill County, Pennsylvania.

### 3. PERMIT APPLICATION PROCEDURE

(a) General Rule. No driveway, private road or drainage facility or structure shall be constructed or altered within a Township road right of way and no drainage facility of the Township shall be altered or connected onto without first obtaining a permit from the Township. A permit shall not be required for maintenance.

(b) Who may execute application. Permit applications shall be submitted in the name of and executed by the owner of the property.

(c) Where to submit applications. Permit applications shall be submitted to the Township Secretary on forms available from the Township Secretary who shall, upon receipt, forward one copy of such application on to the Township Supervisors for review, shall file a second copy with Township records and shall forward the third copy to the Township Solicitor.

(d) When to submit application. Permit applications shall be submitted prior to any construction of any building which the proposed driveway or private road will serve to assure that the driveway can be constructed in accordance with this Ordinance.

(e) Application procedure and required information.  
Permit applications:

(1) shall be submitted in person or by mail to the Township Secretary;

(2) shall be signed by the applicant;

(3) shall include three (3) sets of plans, of clear reproducible quality, detailing the location and pertinent dimensions of both the proposed installation and related highway features, including but not limited to, all required sight distances, grades, property and right of way boundaries and construction materials to be utilized for the project;

(4) shall be accompanied by a check or money order payable to the West Mahanoy Township in the amounts set forth hereinafter required for application and inspection fees;

(5) shall be submitted to the the Township at least forty five (45) days prior to the anticipated start of work; and

(6) shall contain proof of ownership.

#### 4. PERMIT FEES

(a) Permit issuance fees. Issuance 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.

(1) Issuance fees shall be as follows:

(i) Driveways - \$ 25.00

(ii) Private Roads \$ 25.00

(2) A supplement fee of \$        shall be charged for each six-month time extension requested for each submitted change in the plan.

(b) General permit inspection fees. General inspection fees shall be used to defray costs incurred by the Township in spot inspections of permitted work or subsequent inspection after the permitted work has been completed, to insure compliance with the permit and this Ordinance; they shall be as follows:

(1) Driveway - \$15.00 each

(2) Private Road \$15.00 each

(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 inspection.

## 5. ISSUANCE OF PERMITS

(a) General rule. Upon application duly made, if the requested project as shown and described in the application is issued by the Township subject to this Ordinance and the conditions contained on the permit and its attachments and supplements (including a copy of the application). The permit will be the authority of the applicant to proceed with the work.

(b) Permit issued only to property owner. Permits will be issued only to the owners of the property. Permits will not be issued to contractors of the property owner not to any person other than the owner of the property.

(c) Waiver of design requirements - Variance. A waiver of the design requirements of the ordinance and the granting of a variance from this Ordinance shall be as follows:

(1) If any design requirement set forth in this Ordinance cannot be met, the Township Supervisors, after hearing, may waive the requirement and grant a variance if the following conditions are satisfied:

(i) no other reasonable access is available;

(ii) the applicant has done all that can reasonably be done to satisfy the design requirements;

(iii) if additional land is required, the applicant provides satisfactory evidence that it cannot be purchased at a reasonable price;

(iv) no traffic problem will be created; and

(v) the applicant executes an indemnity agreement satisfactory to the Township and its Solicitor.

(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 (i), (ii), (iii), and (v) of paragraph (1) of this subsection are satisfied.

(d) Requested permit time extension. A permit shall be valid for a six (6) month period. If the permittee has not

completed all authorized work within said six (6) month period, a written request shall be submitted requesting a time extension together with the required fee.

(e) Work Completion notification. When all permitted work has been completed, the permittee shall notify the Township in writing.

## 6. GENERAL CONDITIONS

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

(1) Scope of Permit. The permit shall be vinding upon the permittee, its agents, contractors, successors and assigns.

(i) The permittee shall be responsible for causing compliance with all terms and conditions of the permit by its employees, agents, and contractors.

(ii) The permit shall be located at the work site and shall be available for inspection by any police officer of Township Code Officer or other representative of the Township.

(iii) 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, private road or the facility authorized by the permit exists.

(iv) Responsibility for compliance with the terms of the permit cannot be assigned or transferred by the permittee without the express prior written consent of the Township. Such consent may only be given if the property of the applicant is being sold to the assignee and shall be effective only after such sale is complete. Any such assignment shall be in writing and signed by the assignee. Any such assignment shall include language by which the assignee specifically agrees to be responsible for compliance with all of the terms and conditions of the permit and of this Ordinance.

(v) 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.

(vi) The permittee shall be the only party in interest in any action against the Township before the Board of Township Supervisors involving disputes arising from the permit.

(vii) Any dispute about which the permittee seeks judicial review shall be exclusively determined by the Board of Township Supervisors.

(viii) A permit shall be valid only as long as the driveway or private road is used for the same classification as set forth in the original application.

(ix) The Township in granting a permit, will waive none of the powers and rights of the Township to require the future changes in operation, removal, relocation or proper maintenance of any access within Township road right of way.

(2) Additional Restrictions. All work authorized by the permit shall be subject to the following:

(i) All applicable laws, rules and regulations.

(ii) Any rights of any person.

(iii) The conditions, restrictions and provisions of the permit.

(3) Work to conform to Township standards. The work shall be done at such time and in such a manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the Township. If at any time it shall be found by the Township that the work is not being done or has not been properly performed, the permittee upon being notified orally or in writing by the Township shall immediately take the necessary steps, at its own expense, to place the work in condition to conform to such requirements of standards. In the event of any oral notice the Township shall confirm such oral notice in writing within ten (10) days. In case any dispute arises between the permittee and the Township, the Township shall have the authority to suspend work and issue and serve a Rule to show cause upon the permittee (which service may be made in person or by certified mail, return receipt requested) causing the question at issue to be referred to and be decided at a hearing before the Township Supervisors.

(4) Permittee responsibilities. Permittee responsibilities shall be as follows:

(i) 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 inspection costs within 30 days after receipt of the Township's invoice.

(ii) 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 Supervisors may, after hearing, revoke and annul the permit and order and direct the permittee to remove any or all structures, equipment or 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. In the event the Township Supervisors, after hearing, determine that such structures, equipment or property pose a threat to the public safety and the permittee fails to remove the same after notice from the Township Supervisors to do so, the Secretary of the Township, the Township Solicitor or any attorney of any court of record shall be authorized to appear for the permittee and to enter an amicable action of ejectment and confess judgment against the permittee; and the attorney shall be authorized to issue forthwith a writ of possession without leave of court, all at the cost of the permittee.

(iii) If work is stopped on a project for any reason, other than at the end of any normal work day, and any ditch or trench, in the opinion of the Township remains open for an unreasonable period, the permittee, if so directed, shall refill the ditch or trench and work shall not be resumed until the permittee is prepared to proceed immediately with the work to its completion. In the event the permittee fails to refill the ditch or trench or proceed to completion of the work upon notice from the Township to do so, the Township may perform the necessary and required work and shall be reimbursed for the costs by the permittee within 30 days after receipt of the Township's invoice.

(iv) If the permittee, after making an opening in the surface to place or repair a drainage facility or for any other purpose, fails to restore any portion of the right of way to conform with Township specifications upon notice from the Township to do so, the Township may perform the work and the permittee shall reimburse the Township for the costs within 30 days after receipt of the Township's invoice.

(5) Restoration of Slopes. All disturbed slopes or earthen areas shall be restored to their original condition or in a manner approved by the Township.

(6) Altering drainage prohibited. Unless specifically authorized by the permit, the permittee shall not:

(i) alter the existing drainage pattern or the existing flow of drainage water; or



(ii) 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.

(7) Disposition of materials. Disposition of materials shall comply with the following:

(i) The permittee shall keep the improved area free of all material which may be deposited by vehicles traveling upon entering onto the highway during the performance of work authorized by the permit.

(ii) The permittee shall be responsible for controlling dust conditions created by its operations.

(iii) All excess material and material that is not suitable for back fill shall be removed and disposed of outside the right of way as the work progresses.

(iv) All retained suitable material shall be placed or stored outside the improved area and in such a manner that there will be no interference with the flow of water in any gutter, drain, pipe, culvert, ditch or waterway.

(8) Equipment damaging highway. Equipment, damaging the highway shall conform with the following conditions:

(i) If equipment utilized by the permittee damages the roadway, pavement or shoulders, the permittee shall restore the roadway, pavement or shoulders to their former condition, at the expense of the permittee.

(9) Traffic Protection and maintenance. Maintenance and protection of traffic shall be carried out in accordance with the requirements of the Department as set forth in Publication 43 and Publication 90.

(i) The permittee shall provide and maintain all necessary precautions to prevent injury or damage to persons and property and shall further comply with all safety instructions furnished by the Township.

(ii) Suitable traffic control devices shall be provided in accordance with Publications 43 and Publication 90. Any open trench or hole shall be adequately barricaded to present possible injury to pedestrians and the motoring public. All traffic control devices shall be of an approved type. Signs shall conform to the requirements of publication 68.

(iii) Designated employees shall be assigned by the permittee to direct one lane traffic.

(10) Restoration. All disturbed portions of the highway, including slopes and all appurtenances and structures such as 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. This includes providing appropriate end treatments on guard rail systems where existing guard rail is being broken by the driveway.

(11) Approval by Township. Approval by the Township of all or part of any permitted work shall not constitute acknowledgement that the work was performed in accordance with the permit, nor shall such approval of the inspector act as a release of the permittee or waiver by the Township. Supervisors of its right to seek performance or restitution by the permittee.

(12) Maintenance. 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 and with this Ordinance and so as not to interfere or be inconsistent with the design, maintenance and drainage of the highway, or the safe and convenient passage of traffic upon the highway.

(13) Indemnification. The permittee shall fully indemnify and save harmless and defend the Township, its agents and employees, 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 employed in, about or upon the work, by, at the instance, or with the approval or consent of the permittee; from 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 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.

(14) Insurance. The permittee shall, when requested by the Township, submit to the Township Supervisors a certificate or certificates of insurance for public liability and Property damage, in form and amount satisfactory to the Township, to cover any loss that may be incurred by the Township for or on account of any matter, cause or thing arising out of the permitted construction.

(15) Damage to Highway. Restoration of highway shall include the following:

(1) If there is a failure of the highway, including slope or any other appurtenance thereto, in the immediate area of the permitted work within two (2) years after the completion of the permitted work and there is no similar failure of the highway permittee shall have absolute responsibility to make all temporary and permanent restoration including restoration of the adjacent area if it has also failed.

(iii) If there is a failure of the highway, including slope or any other appurtenance thereto, in the area adjacent to the immediate area of the permitted work within two (2) years after the completion of the permitted work and there is no similar failure of the highway in the area of the permitted work or beyond the area adjacent to the area of the permitted work, it shall be presumed that the work done by the permittee was the proximate cause of the failure and the permittee shall be responsible to make all temporary and permanent restoration unless the presumption is rebutted by clear and convincing evidence.

(iii) If there is a failure of the highway, including slope or any other appurtenance thereto, in the area adjacent to the immediate area of the permitted work which occurs more than two (2) years after the completion of the permitted work, the permittee shall be responsible to make all temporary and permanent restoration if the permitted work was the proximate cause of the failure.

(iv) If the permitted work is the proximate cause of damage to the highway, including slope or any other appurtenance thereto, beyond the adjacent area, the permittee shall be responsible for all remedial work and shall make all temporary and permanent restoration.

(v) Where the permittee has the responsibility to restore the highway, including slope or any other appurtenance thereto, under subparagraphs (i) through (iv) of this paragraph, including instances where a presumption of responsibility has not been rebutted, the permittee shall have the duty to restore the improved area in accordance with the permit. If the permittee fails to restore the improved area properly, the Township will have the authority to do the work at the expense of the permittee. The permittee shall reimburse the Township for the costs within 30 days after receipt of the Township's invoice.

(16) Future additional driveways. Future additional driveways shall consist of the following:

(I) If the Township anticipates that a property may be subdivided and that such subdivision will result in an unacceptable number or arrangement of driveways or both, the Township may require the property owner to enter into an access covenant prior to issuance of a permit.

(ii) The access covenant will restrict access to the approved locations regardless of whether the land is later subdivided or conveyed to other persons, or both.

(iii) The access covenant shall become a part of the permit which shall be recorded in the County Office of the Recorder of Deeds.

(17) 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 pavement edge and the right of way line shall be kept clear of all buildings, sales exhibits, business signs, vehicles, service equipment and similar items.

(ii) Improvements on private property adjacent to the right of way shall be so located such that parking, stopping and maneuvering of vehicles on the right of way will not be necessary in order for vehicles or patrons to be served.

## **7. GENERAL DRIVEWAY AND PRIVATE ROAD REQUIREMENTS**

(a) General rule. All driveways and private roads 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 Township road.

(b) General location restrictions. Access driveways and private roads shall be permitted at locations in which:

(1) sight distance is adequate to safely allow 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) Specific locations restrictions. Specific location restrictions shall include the following:

(1) Access driveways shall not be located at interchanges, ramp areas or locations that would interfere with the placement and proper functioning of highway signs, signals, detectors, lighting or other devices that affect traffic control.

(2) The location of a driveway near a signalized intersection may include a requirement that the permittee provide, in cooperation with the Township, new or relocated detectors, signal heads, controller and the like, for the control of traffic movements from the highway.

(3) Access to a property which abuts two or more intersecting streets or highways may be restricted to only that roadway which can more safely accommodate its traffic.

(4) The Township Road Officer may require the permittee to locate an access driveway directly across from a highway, private road or access driveway on the opposite side of the roadway if it is judged that offset driveways will not permit left turns to be made safely or that access across the roadway from one access to the other will create a safety hazard.

(d) Private roads. An access intended to serve more than one property or to act as a

connecting link between two or more roadways shall be, for the purpose of this Ordinance, considered a private road and not a driveway regardless of its ownership. As such, its design must be in accordance with the Township's current standards governing the design of private roads.

(1) Normally, only one driveway will be permitted for a residential property and not more than two (2) driveways will be permitted for a nonresidential property.

(2) If the property frontage exceeds 600 feet, the permit may authorize an additional driveway.

(3) Regardless of frontage, a development may be restricted to a single entrance/exit driveway served by an internal collector road separated from the traveled way.

(f) Approaches to driveways. Driveway approaches shall conform to the following standards:

(1) The location and angle of an access driveway approach in relation to the highway intersection shall be such that a vehicle entering or leaving the driveway may do so in an orderly and safe manner and with a minimum of interference to highway traffic.

(2) Where the access driveway approach and highway pavement meet, faring of the approach may be necessary to allow safe, easy turning if vehicular traffic.

(3) Where the highway is curbed, driveway approaches shall be installed 1 ½ inches above the adjacent highway or gutter grade to maintain proper drainage. See figure 5.

## **8. DRIVEWAY AND PRIVATE ROAD DESIGN REQUIREMENTS**

(a) General. General requirements shall be as follows:

(1) The ability of a driveway or private road to safely and efficiently function as an integral component of a highway system requires that its design and construction be based on the amount and type of traffic that it is expected to receive. This Ordinance provides two (2) classifications based upon the amount of traffic they are expected to receive now or in the future, namely driveways and private roads.

(2) The design features described in this section and illustrated in the attendant figures are to be used by applicant in designing the driveway or private road plan which accompanies the application. Dimensions shall be selected from the range of values shown on the appropriate figure, unless sight conditions warrant a deviation. The Township may require design details which are more stringent than those specified in this Ordinance to insure the safe and efficient operation of an proposed driveway.

(3) Figures 7 and 8 show two (2) sets of design values for driveways or private roads, respectively. Applicant shall design the driveway or private road using the values

appropriate for the speed as set by Township Ordinance for the roadway being accessed.

(b) Angle of access driveway approach. Angle of access driveway approach shall include the following:

(1) Access driveway approaches used for two - way operation shall be positioned at right angles, that is, 90 degrees, to the highway or as near thereto as site conditions permit, but not less than 45 degrees to the highway.

(2) When two access driveways are constructed on the same property frontage and used for one-way operation, each of these driveways may be placed at an angle less than a right angle, but not less than 45 degrees to the highway.

(c) Driveways adjacent to intersections. Driveways serving properties located adjacent to a highway intersection shall be subject to the following:

(1) There shall be a minimum ten (10) foot tangent distance between the intersecting highway radius and the radius of the first permitted driveway.

(2) The distance from the edge of pavement of the intersecting highway to the radius of the first permitted driveway shall be a minimum of 30 feet.

(3) Paragraphs (1) and (2) of this subsection may be waived only if the intersecting highway radius extends along the property frontage to the extent that compliance is physically impossible.

(d) Property line clearance. Except for joint use driveways, no portion of any access shall be located outside of the property frontage boundary line.

(e) Multiple driveways. Multiple driveways serving the same property must be separated by a minimum distance of 15 feet measured along the right-of-way line and 20 feet measured along the shoulder, ditch line or curb.

(f) Site requirements. Site requirements shall be as follows:

(1) All nonresidential buildings shall be located a sufficient distance from the right-of-way line to provide ample driving area and parking off the right-of-way to prevent storage of vehicles on the access driveways and to prevent the back-up and turning of vehicles on the highway.

(2) The radii of internal curves shall be as large as possible to allow a direct movement from the highway into a proper position to obtain service or parking without any interference to other vehicles attempting the same maneuver.

(3) Applications for driveways providing access to drive-in-service developments shall, when requested, include information relative to the amount of storage provided between

the service facility and the amount of storage provided between the service facility and the right-of-way, the number of service operations anticipated during peak periods and the hours and days of operation.

(4) the area between the right-of-way line adjacent to and on both sides of a driveway shall be used as a clear zone to provide a physical barrier between the traveled way and activity on private property. This area shall remain free of any obstructions which may interfere with a clear line of vision for entering or exiting vehicles.

(g) Sight distance. Conditions for sight distance shall be as follows:

(1) Access driveways shall be located at a point within the property frontage limits which provides at least the minimum sight distance listed in the appropriate following table:

**Table 1--** Safe Sight Distance for passenger cars and single unit trucks exiting from driveways onto two-lane roads.

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

\* Measured from a vehicle ten feet back of the pavement edge.

**Table 2--** Safe Sight Distance for buses and combinations exiting from driveways onto two-lane roads.

Posted Speed (mph)	Safe Sight Distance - Left* (feet)	Safe Sight Distance - Right* (feet)
25	400	300
35	675	625
45	1225	1225
55	2050	2050

\* Measured from a vehicle ten feet back of the pavement edge.

**Table 3--** Safe Sight Distance for (A) passenger cars and single unit trucks; and for (B) buses and combinations - entering driveways by left turns from two-lane highways.

Posted Speed	passenger cars and single unit trucks	buses and combinations
--------------	--	---------------------------

(mph)	(feet)*	(Feet)*
25	190	330
35	300	485
45	445	690
55	610	905

\* Measured from the point where a left-turning vehicle stops to a vehicle in the other lane.

(i) Sight Distance for buses and combinations shall be used only when combination traffic exceeds 5.0% of the total traffic using the proposed driveway.

(ii) Posted speeds shall be used unless operating speeds vary from the posted speed by more than ten miles per hour in which case the Township may require that operating speeds be used.

(iii) The sight distances in Tables 1 through 3 apply only when highway grades are zero to 3.0%, either up or down.

(A) When the highway grade in the section to be used for acceleration after leaving the driveway ascends at 3.0 - 5.0%, the sight distances in the direction of approaching ascending traffic may be increased by a factor of 1.4.

(B) When the highway grade ascends at greater than 5.0%, sight distance may be increased by a factor of 1.7.

(C) When the highway grade in the section to be used for acceleration after leaving the driveway descends at 3.0 - 5.0% sight distance in the direction of approaching descending highway traffic may be reduced by a factor of 0.6.

(D) When the road descends at greater than 5.0%, sight distance may be reduced by a factor of 0.5.

(iv) The distance values in Tables 1 through 3 are desirable for safe operation of the driveway. A variance for sight distance values less than desirable may, in the Township's discretion, be granted only if it is impossible to achieve the desirable value by locating the driveway at any point within the property frontage boundaries. To the extent that any driveway or private road does not meet the minimum sight distances for the granting of a variance as set forth herein, such driveway or private road shall be conclusively deemed to constitute a threat to public safety and a hazard to traffic. The minimum acceptable sight distance values granted in any variance shall be computed from the following formula or taken from the following table at the discretion of the Township:



$$SSSD = 1.47 Vt + v^2$$

$$\frac{(30 + g)}{}$$

SSSD = Minimum safe stopping sight distance (ft).

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 divided by 100

**Table 4--**Minimum safe Sight Distance for Granting of Variance.

Posted Speed (mph)	Safe Sight Distance Exiting*	Safe Sight Distance Entering*
-----------------------	---------------------------------	----------------------------------

\* Measured from a vehicle ten feet back of the pavement edge to right and left.

\*\*Measured from the point where a left-turning vehicle stops to a vehicle in the other lane.

(3) If sight distance requirements as specified in this Ordinance cannot be met, the Township may, after notice and hearing:

(i) prohibit left turns by exiting vehicles;

(ii) restrict turning movements to right turns in and out of a driveway;

(iii) require installation of a right turn acceleration lane or deceleration lane;

(iv) require installation of a separate left turn standby lane;

(v) alter the horizontal or vertical geometry of the roadway; or

(vi) deny access to the highway.

(h) Grade of access roadway. Grade of access driveway shall be constructed in the following manner:

(1) All driveways shall be constructed so as not to impair drainage within the right of way, alter the stability of the improved area or change the drainage of adjacent areas.

(2) where a drainage ditch or wale exists, the permittee shall install adequate pipe under the driveway in accordance with instructions from Township. Drainage pipe installed under driveways shall be at least 15 inches in diameter.

(3) the side slopes for driveway embankments within the right of way shall not be

steeper than ten to one and shall comply with the specifications of figure 6.

(4) Grade requirement in uncurbed shoulders within the right of way shall conform to Figure 1. More specifically, all driveways shall conform to all grade requirements and conditions of figure 1, including but not limited to a 10 foot Length A with a maximum 8% grade and Grade g-2 with a maximum of 15%. All private roads shall conform to all grade requirements and conditions of Figure 1, including but not limited to a 40 foot Length A with a maximum 8% grade and Grade G -2 with a maximum of 8%.

#### (1) Right of Way Required for Compliance with Ordinance.

Where the width of the highway right of way is insufficient to permit the construction of a driveway or private road which meets the requirements of this Ordinance, the permittee may offer to the Township any necessary additional right of way as a part of its application. Nothing contained herein shall create any duty on the part of the Township to accept an additional right of way offered and the Township may reject any application which can not meet the requirements of this Ordinance within existing right of way of the Township.

(j) Access driveway pavement. Access driveways shall be appropriately surfaced with a stabilized material between the traveled way and the right of way line unless a higher type material is specified by the permit. Driveways which provide access to paved highways shall be paved within the right-of-way.

### **9. PENALTIES AND ENFORCEMENT**

(a) Civil Enforcement -General rule. Any violation of this Ordinance or the permit requirements shall constitute grounds for imposition of any or all of the following penalties:

(1) Upon receipt of oral or written notice of any violation from the Township code officer or a police officer whose jurisdiction includes the permitted work area, the permittee shall cease to perform any further work in the permitted area except to restore the area to a safe condition. No further work shall commence in the permitted area until the violation has been remedied. Where the permittee has received oral notice of the violation, written notice shall be sent to the permittee within ten (10) days of receipt of the oral notice.

(2) Any police officer or authorized representative of the Township, including but not limited to the Township code officer may confiscate the applicant's permit.

(3) The Township may revoke the applicant's permit.

(4) The Township may block driveways or sever, remove or block drainage facilities without a permit or in violation of this Ordinance.

(5) Such other action as may be deemed necessary or proper after consultation with the Township Solicitor.

(b) Additional Grounds for Revocation of Permit

(1) The Township may, after notice and hearing, revoke a permit whenever it determines that the driveway, private road or approaches or their use constitute a hazard to traffic or interferes with the proper use of the highway by the public.

(2) The Township Supervisors may, without hearing, revoke a permit for nonpayment of any fee required under this Ordinance relating to permit fees including default of any check submitted for such payment.

(c) Civil Enforcement Procedure. Prior to revocation or other civil enforcement of any permit (except for nonpayment as specified in paragraph (b) (2) of this subsection), the applicant shall be given notice and an opportunity for a hearing before the Township Supervisors in accordance with the provisions of "Local Agency law" (2 Pa. C.S.A. 551-555) and shall further have a right of appeal as set forth in 2 Pa. C.S.A. 741-754.

(d) Civil Enforcement and Fines. Any person who violates any provision of this Ordinance shall be subject to a fine not exceeding \$300.00 and imprisonment for a period not exceeding thirty (30) days. Each day that a violation of this Ordinance continues to exist shall constitute a separate offense. Criminal enforcement of this Ordinance shall be in accordance with the provisions of 53 P.S. 65741.

**11. SAVINGS CLAUSE**

In the event that any of the terms, conditions, sections, paragraphs, sentences or phrases of the Ordinance is finally determined by court of competent jurisdiction to be invalid, illegal or unenforceable, the remaining terms, conditions, sections, paragraphs, sentences or phrases of the Ordinance shall remain in full force and effect to the fullest extent allowable by applicable law.

Ordained and Enacted into lay by the Board of Supervisors of the  
Township of West Mahanoy on the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

TOWNSHIP OF WEST MAHANAY

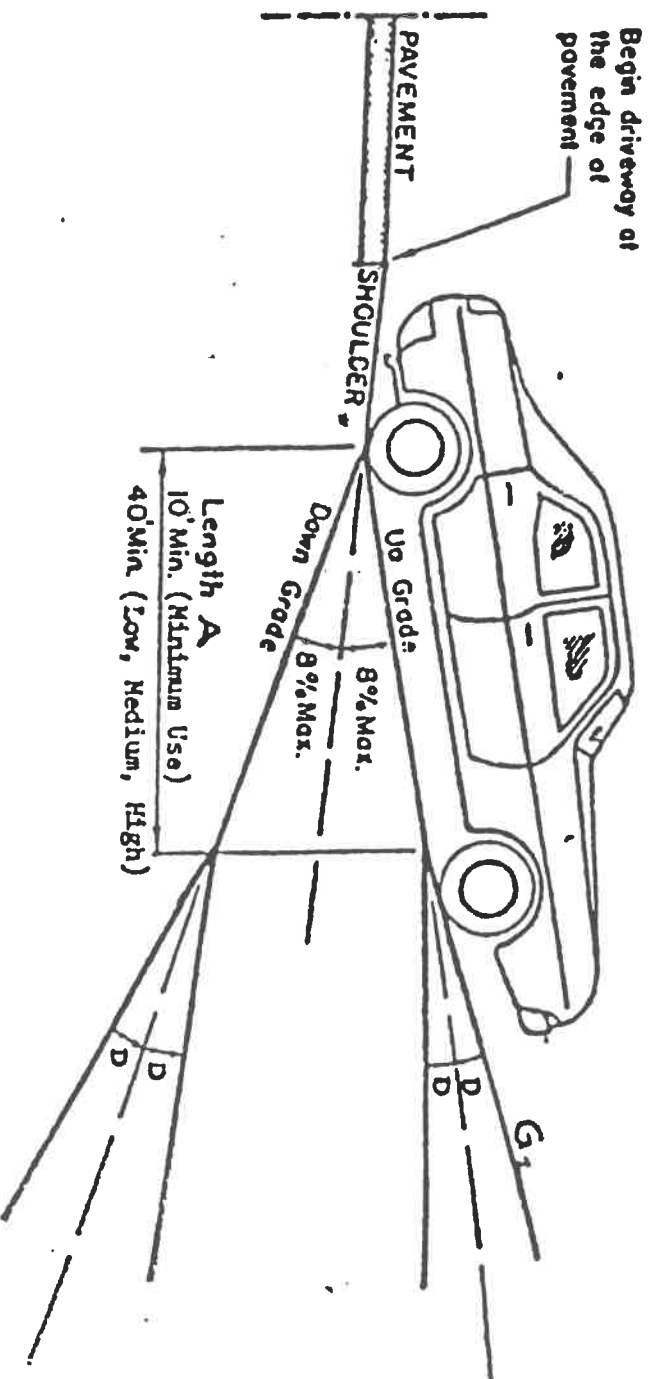
\_\_\_\_\_  
Regina J. Kurtz, Chairperson

\_\_\_\_\_  
Evelyn Andrews, Supervisor

\_\_\_\_\_  
William E. O'Donnell, Supervisor

ATTEST:

\_\_\_\_\_  
Michael Michalik, Secretary



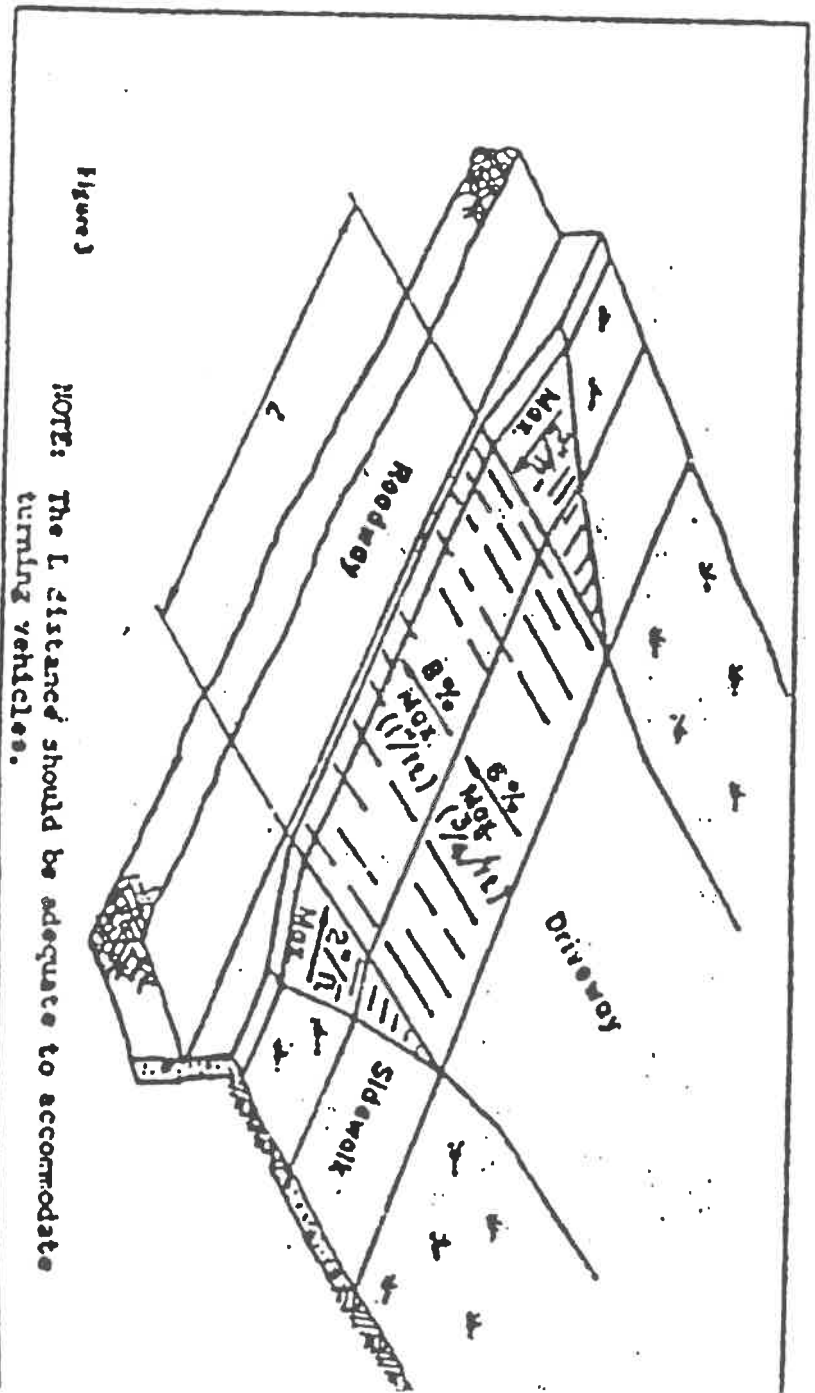
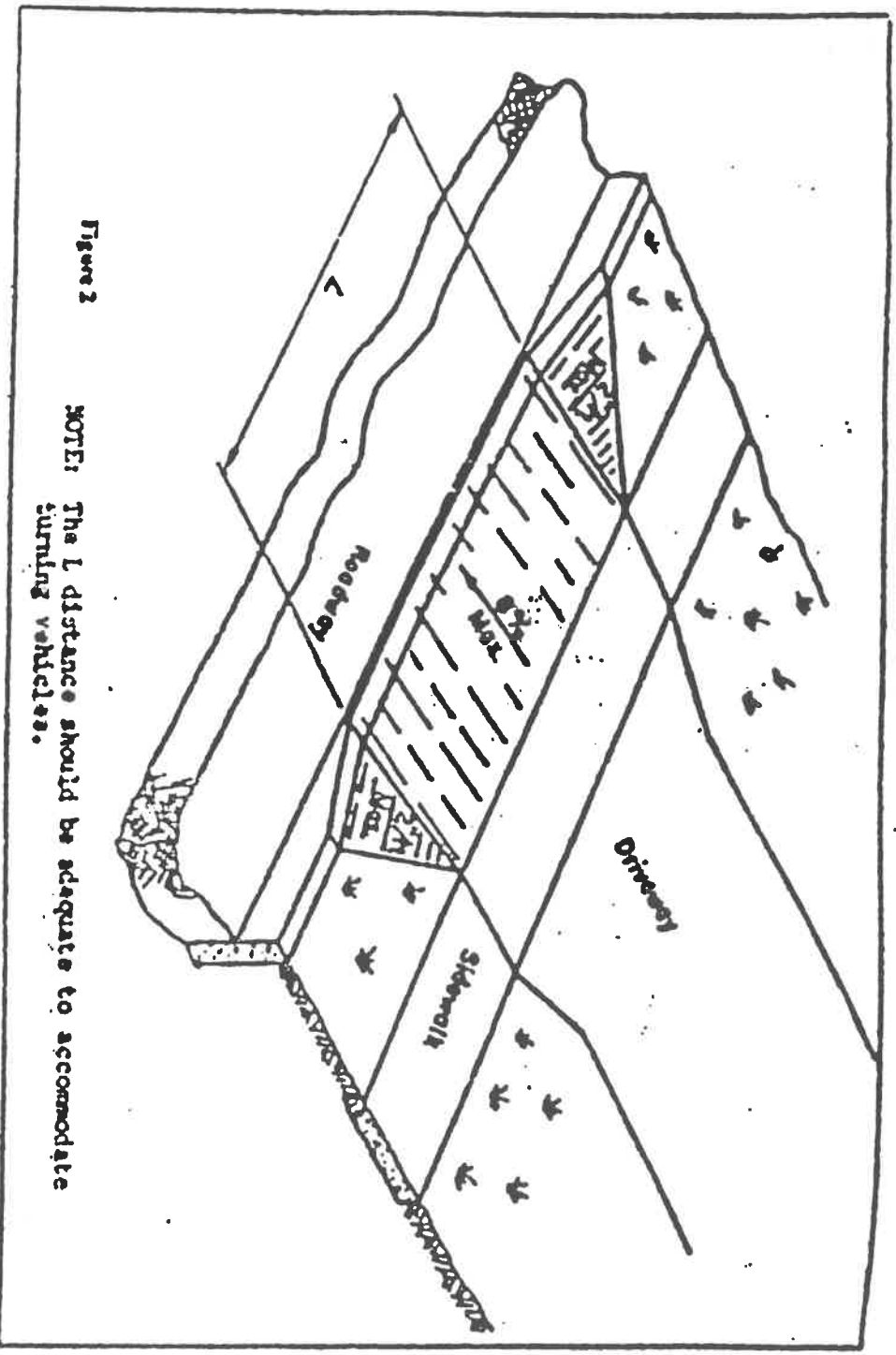
• The shoulder slope usually varies from  $\frac{1}{2}$ "/ft. (4%) to  $\frac{3}{2}$ "/ft. (6%). However, the shoulder slope should be maintained when constructing the driveway.

For grade changes greater than those shown in Figure 1, vertical curves at least 10 feet long shall be constructed and length "A" shall be increased.

Grades (G<sub>1</sub>) shall be limited to 15% for minimum use driveways and from five percent to eight percent for low, medium or high volume driveways within the right-of-way.

	<u>Maximum Grade Change (D)</u>	
	<u>Desirable</u>	<u>Maximum</u>
High Volume Driveway	0%	+3%
Medium Volume Driveway	+1%	+5%
Low Volume Driveway	+3%	Controlled by Vehicle Clearance

Figure 1



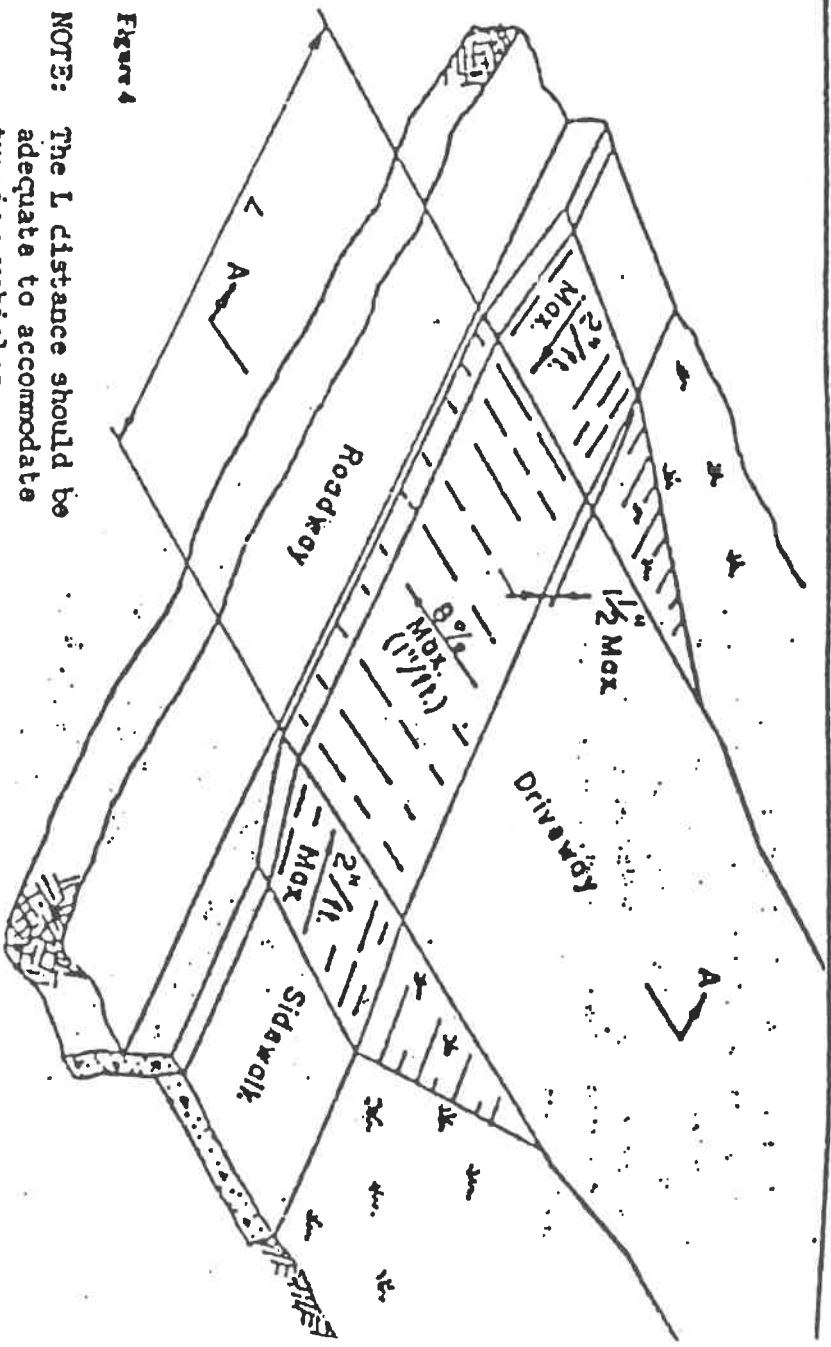


Figure 4

NOTE: The L distance should be adequate to accommodate turning vehicles.

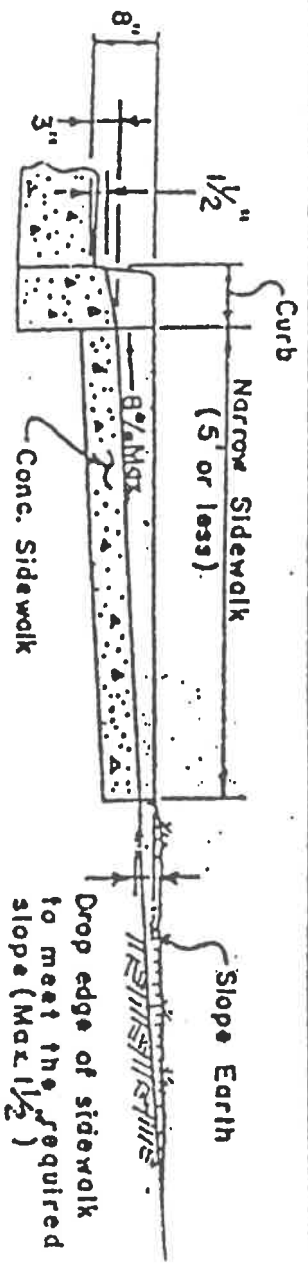
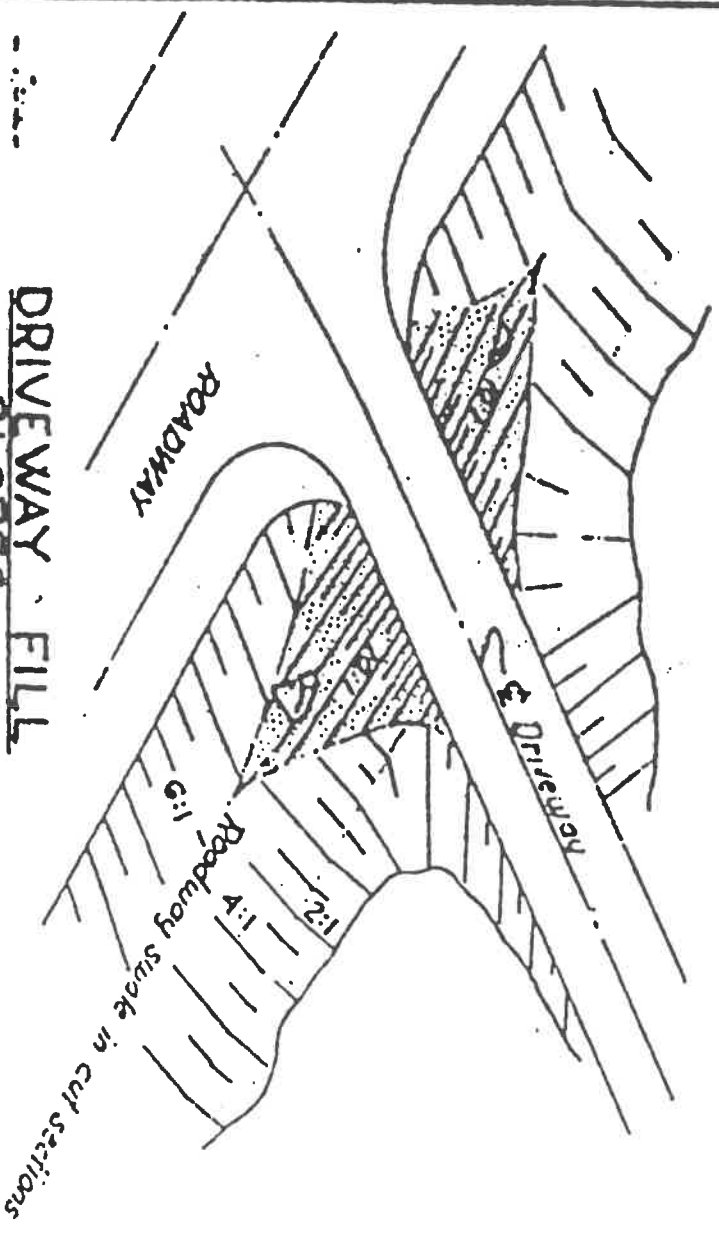
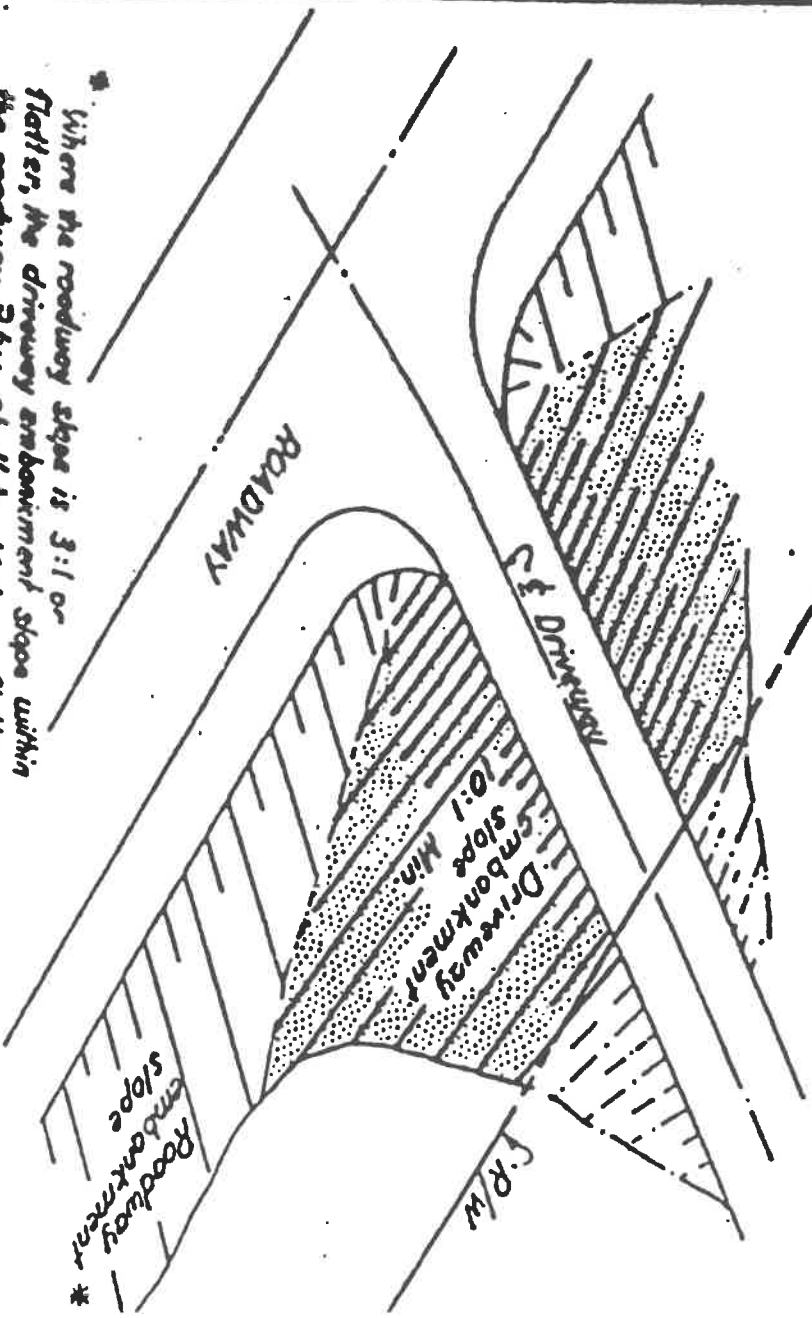


Figure 5

Section A-A of Figure 4

\* Where the roadway slope is 3:1 or flatter, the driveway embankment slope within the roadway R/W shall be 10:1 or flatter. Where the roadway slope is steeper than 3:1, guardrail is usually installed at the top of the roadway slope and steeper slopes are permissible on the driveway within the R/W.



## DRIVEWAY FILL SLOPES



## Figure 7

SINGLE UNIT TRUCKS		BUSES & COMBINATION TRUCKS	
ROADWAY SPEED	ROADWAY SPEED	ROADWAY SPEED	ROADWAY SPEED
<45 MPH 45 MPH AND GREATER	<45 MPH 45 MPH AND GREATER	<45 MPH 45 MPH AND GREATER	<45 MPH 45 MPH AND GREATER
Min. Max.	Min. Max.	Min. Max.	Min. Max.
10', 20'	10', 20'	12', 15'	12', 15'
5', 15'	10', 25'	35'	50'
W	R		

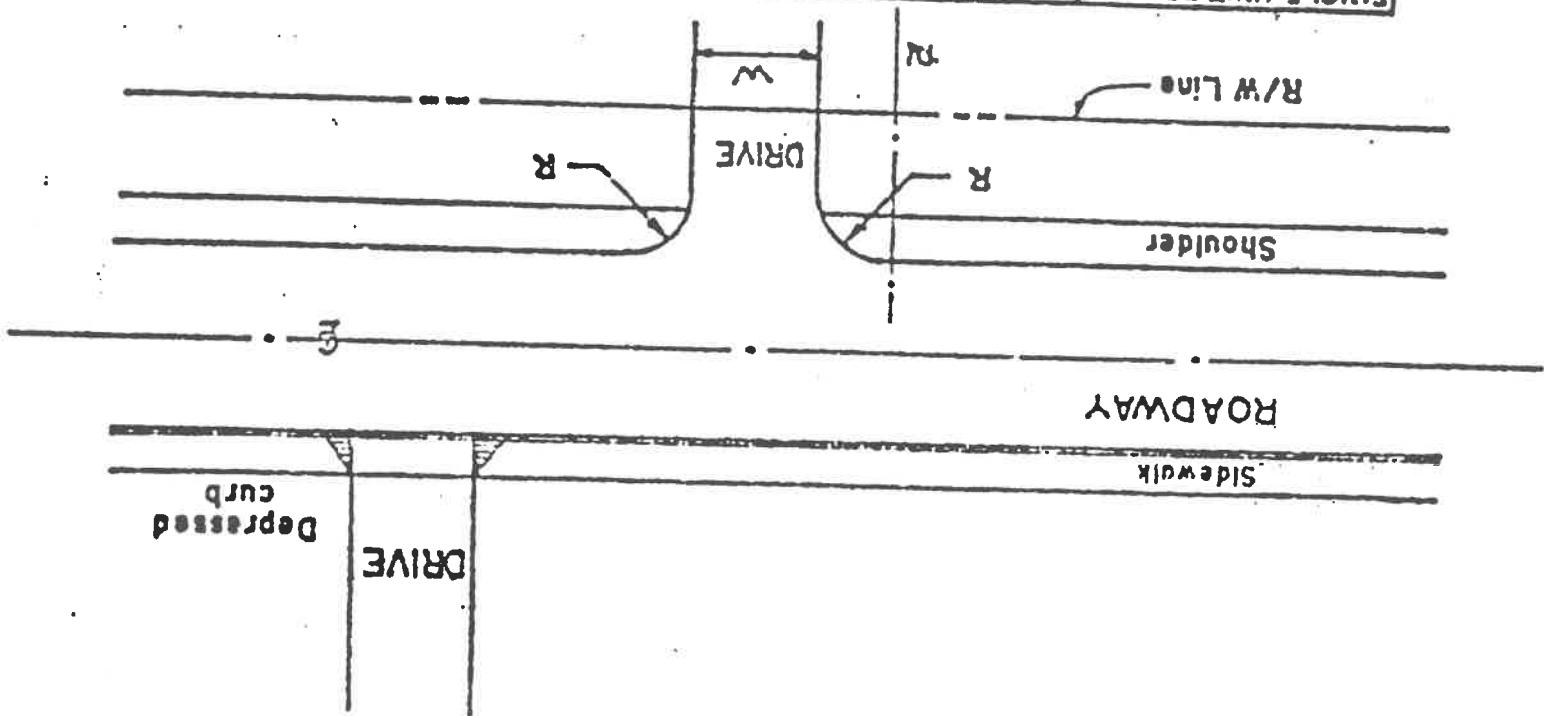
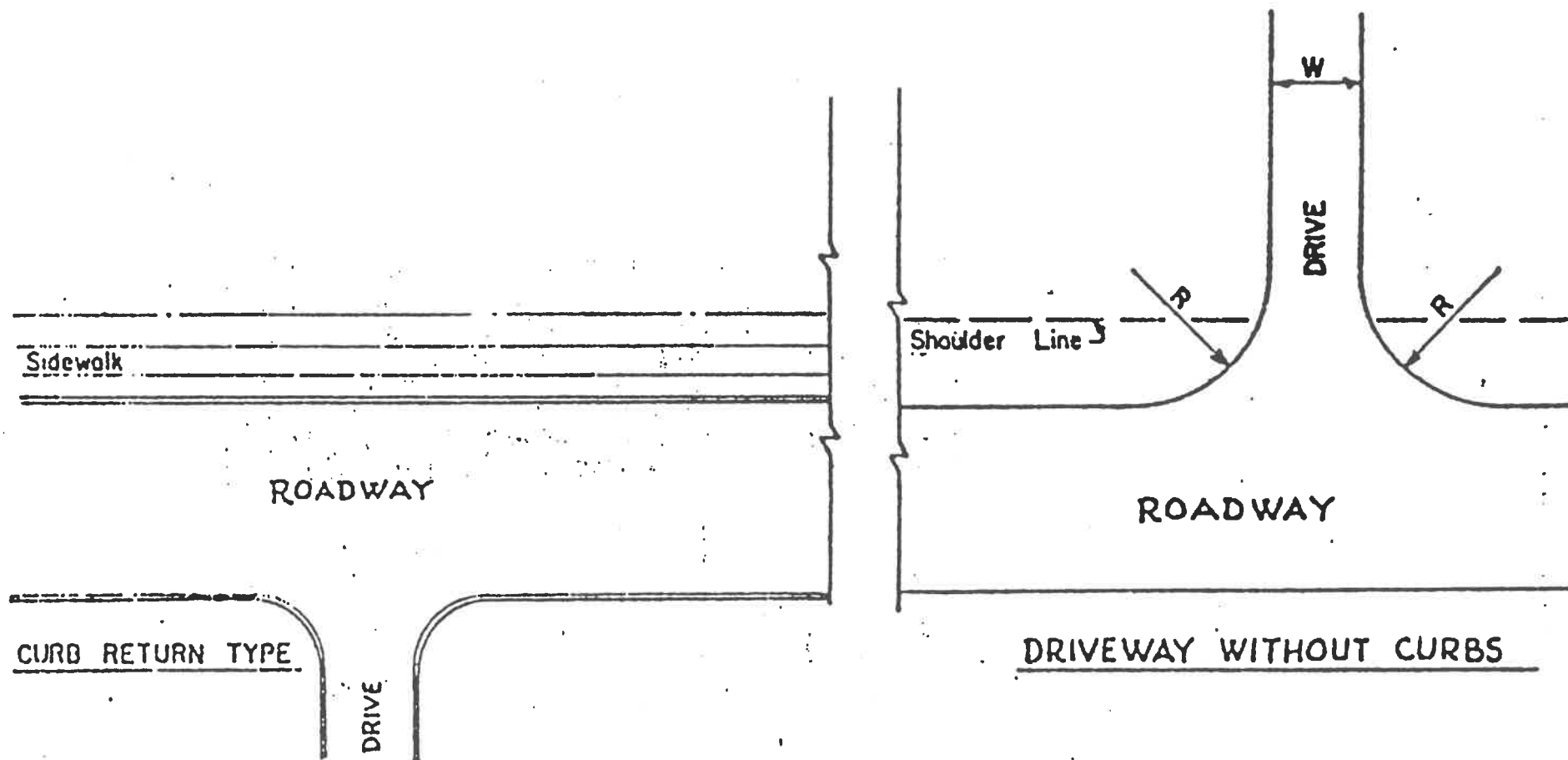


Figure 8



	SINGLE UNIT TRUCKS & PASSENGER CARS				BUSES & COMBINATION TRUCKS			
	ROADWAY SPEED				ROADWAY SPEED			
	<45 MPH		45 MPH AND GREATER		<45 MPH		45 MPH & GREATER	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
W - One Way	10'	20'	12'	20'	12'	15'	12'	20'
W - Two Way	20'	24'	20'	24'	22'	24'	22'	24'
R	10'	15'	15'	25'	35'	50'	45'	55'

R = Radius

LOW VOLUME DRIVEWAY (DRIVEWAY)

## TOWNSHIP ROAD OCCUPANCY PERMIT

All work under this permit to be completed  
on or before: \_\_\_\_\_

\* *Permit void after this date. Immediately upon completion  
of the work, permittee should notify the Township.*

Date Issued \_\_\_\_\_  
Total Fees \_\_\_\_\_

Permission is hereby granted to

PERMITTEE

ADDRESS

POST OFFICE

ZIP CODE

Township Route No., Road or Street (Where work is to be done)

Township \_\_\_\_\_

Co. \_\_\_\_\_

Under and subject to all the conditions, restrictions, and regulations prescribed by the Township and on the general provisions and specifications, a true copy whereof is attached and made a part hereof, with the same force and effect as if written or printed herein and under and subject to the special conditions, restrictions, and regulations hereinafter set forth.

(DESCRIPTION AND PURPOSE OF WORK)

The Township Board of Supervisors, may at any time revoke and annul this permit for non-performance of, or non-compliance with any of the conditions, restrictions, and regulations hereof.

APPROVED \_\_\_\_\_ Day \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

\_\_\_\_\_  
Township Signature or Seal

### IMPORTANT

The terms and conditions embodied in this permit require the permittee to complete this work by the date specified in the permit. Where permittee fails to comply with the condition as to completion of work by the time specified, the following rules will govern:

(a) **Failure to start work by date specified for completion.** Permit will be cancelled unless permittee desires an extension of time, in which case a supplemental permit may be issued.

(b) **Work started and not completed by specified date.** Permittee will notify Township, prior to expiration of allotted time, of inability to complete the work on or before the date specified and request an extension of time. Such request shall be accompanied by the prescribed fee.

(c) **Permittee not desirous of carrying out proposed work on account of change in conditions affecting it.** Permittee will notify the Township prior to the date specified for completion that work will not be carried forward, returning the permit with such notice. The fee for inspection of the work will be refunded by the Township, provided that they have been notified of cancellation prior to the expiration date.

The fees to be paid under the conditions in (a), (b), and (c) apply only to permits for which fees are collected in accordance with the fixed schedule.

All notices relative to time extensions or cancellations shall be forwarded to the Township which issued the original permit.

# APPLICATION FOR TOWNSHIP ROAD OCCUPANCY PERMIT

TOWNSHIP \_\_\_\_\_ CO. \_\_\_\_\_ Date \_\_\_\_\_ 19\_\_\_\_

USE MAILING ADDRESS OF TOWNSHIP

Issuing Permit Fee \$ \_\_\_\_\_

Township Inspection Fee \$ \_\_\_\_\_

Total \$ \_\_\_\_\_

Route No., Road or Street Name (Where work is to be done)

Application is hereby made by \_\_\_\_\_ NAME OF APPLICANT

of \_\_\_\_\_, Pennsylvania for permission to \_\_\_\_\_ (POST OFFICE ADDRESS)

(DESCRIPTION AND PURPOSE OF WORK)

Under and subject to all the conditions, restrictions, and regulations prescribed by the Township and on the general provisions and specifications, a true copy whereof is attached and made a part hereof, with the same force and effect as if written or printed herein and under and subject to the special conditions, restrictions, and regulations hereinafter set forth.

## Data Applicable To This Application

**General.** Approximate date when work will be started: \_\_\_\_\_. Approximate date when work will be completed: \_\_\_\_\_. The road surface is improved to a width of \_\_\_\_\_ feet. Distance from center of line to roadway to gutter or ditch: \_\_\_\_\_ feet. Distance from center line of road to Right-of-Way line: \_\_\_\_\_ feet.

**Poles and Tower.** Number of poles to be erected: \_\_\_\_\_. Nearest distance from center of road to structure: \_\_\_\_\_ feet. Distance of proposed work along the road: \_\_\_\_\_ feet.

**Pipe Lines and Conduits.** The improved surface of the road (will) (will not) be opened. Approximate area of openings in improved surface: \_\_\_\_\_ sq. yds. Approximate area of openings on unimproved part: \_\_\_\_\_ sq. yds. Length of trench along the road: \_\_\_\_\_ feet. Depth of trench below surface: \_\_\_\_\_ inches.

## TO BE COMPLETED BY TOWNSHIP

Schedule Item No.									
Unit Fee									
Number of Units									
Total Fee									

The applicant is (an individual) (a partnership) (a corporation incorporated under the law of \_\_\_\_\_)

(Corporate Seal)

\_\_\_\_\_  
(NAME OF APPLICANT)

BY \_\_\_\_\_  
(EXECUTIVE OFFICER OR AUTHORIZED REPRESENTATIVE)

## GENERAL INSTRUCTIONS

Any work performed within the right-of-way of a township road, requires submission of three (3) copies of this form along with three (3) copies of a sketch showing location and details of proposed work.

Any work performed on a township road over, under, or within, the limits of a limited access state highway, requires a state permit. The prescribed permit fee shall accompany the application and sketch. Schedules of fees are furnished on request.

THE FEE SHALL BE PAID BY CHECKS OR MONEY ORDERS, AND SHALL BE MADE PAYABLE TO THE TOWNSHIP AFFECTED.