

TOWNSHIP OF WASHINGTON
Schuylkill County, Pennsylvania

ORDINANCE NO. 2009-1

AN ORDINANCE REGARDING THE LOCATION AND CONSTRUCTION OF DRIVEWAYS IN THE TOWNSHIP REQUIRING PERMITS AND PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATION OF THE ORDINANCE.

WHEREAS, private driveways that abut and intersect with Township roads have been determined to cause drainage problems, traffic problems and other health and safety problems in Washington Township; and

WHEREAS, an increasing problem has developed because of the inadequate workmanship and improper placement of driveways prior to permit issuance; and

WHEREAS, to better protect the residents and property owners of Washington Township from the improper installation of driveways and to better provide for traffic control and drainage of stormwater, it is proper to further regulate private driveway access to Township streets.

NOW THEREFORE, be it **ORDAINED** this 3RD day of March, 2009, by the Washington Township Board of Supervisors as follows:

1. No owner or occupant of real property situate within Washington Township, nor any person in the care, custody or control of such real property, nor any contractor or agent of an owner shall permit or install, construct, repair or otherwise perform any work other than routine cleaning of a driveway that intersects with any Township road or ordained street or alley, unless that person, owner, occupant, agent or contractor has obtained a permit from the Township known as a "driveway permit". All permits shall be issued in the name of the land owner.

2. This Ordinance shall apply to any driveway constructed, designed, installed, reconstructed, widened or where the point of intersection of an existing driveway with a Township road is moved after the effective date of this Ordinance.
 - a. A “driveway” shall mean any passageway, whether paved or unpaved, situate upon private property which intersects with a Township road for the purpose of providing a parking area for vehicles or for providing ingress and egress of vehicular traffic from the said private property to the Township road.
 - b. Any driveway that has been approved or is in existence prior to the effective date of this Ordinance shall not be effected by this Ordinance unless the same is widened or the point of its intersection is changed by more than five (5) linear feet or more than fifty (50%) percent of the driveway is repaved or reconstructed.
 - c. A pre-existing driveway need not conform to the requirement regarding the setback from the property boundary line.
3. No driveway permit shall be issued by the Township unless and until a written application is made setting forth in a written narrative and accompanying sketch, providing the dimensions of the driveway, the materials to be used and the location of the driveway. Nothing shall prevent the Township from requiring further detail in the event that the proposed location of the driveway poses special difficulties with respect to drainage or visibility.
4. The Township shall issue no permit unless the driveway plans specified in Section 3 above include provisions for a swale or other appropriate construction to provide drainage from the Township road. To accomplish safe access, the Township hereby incorporates by reference the regulations set forth in Pennsylvania Code, Title 67 entitled “The Department of Transportation Chapter 441 Access to and Occupancy of Highways by Driveways and Local Roads”. Such regulations as set forth therein shall be used as a guide and followed as closely as reasonably possible. The Township may adopt, and revise from time to time, standard details, plans and/or specifications regarding the

installation of driveways. All residential driveways must be at least five (5) feet from the nearest boundary line of any neighboring property and commercial driveways must be twenty (20) feet from the nearest boundary line of any adjoining property. No more than two (2) driveways per residential property are permitted.

5. No work shall be performed on any driveway by any person unless:
 - a. the owner of the property, his agent, or contractor has obtained a driveway permit;
 - b. the owner of the property, his agent, or contractor has given notice of intent to begin work to the Township twenty-four (24) hours in advance of the start of work; and
 - c. the owner of the property, his agent, or contractor has posted the required security for the faithful construction of the driveway in accordance with the driveway permit and the approved application in the amount as established by the Township.
 - d. the driveway permit fee, as established by the Township, has been paid in full.

6. The security provided for above shall be released or refunded upon final inspection and approval of the driveway by the designated Township official or representative. The Township may at any time forfeit the security to reimburse the Township for costs (including attorney fees) incurred by the Township in correcting deficiencies in the construction of the driveway. The Township shall provide the owner of the property ten (10) days written notice of the Township's intent to forfeit the security posted with the Township.

7. Any person performing any work without a permit or without fulfilling the above conditions shall be notified by the Township to cease work and to obtain a permit or fulfill the other conditions set forth above before proceeding with any further work upon the driveway. Any driveway installed or connected to a Township road without fulfilling these conditions may be immediately blocked off by the Township at the point of intersection with the Township right-of-way and such barriers may remain until a driveway permit has been obtained. Removal of the barrier or use of the driveway

without a driveway permit shall be considered a violation of this Ordinance subject to penalties set forth herein at Section 9 hereof.

8. The Township shall act upon permit application within thirty (30) days. If the permit is denied, the designated Township official shall, if possible, instruct the applicant of the deficiencies of the application and if the deficiencies are corrected, shall issue the permit. A denial shall be delivered personally to the applicant or mailed to the address given by the applicant in the application by First Class Mail and shall be deemed to be received within two (2) days of the date of mailing. The reasons for the denial shall be set forth in writing which shall also indicate what the applicant needs to do to comply with this Ordinance. The applicant may appeal the denial by filing an appeal within (30) days of the date of the denial by submitted a written appeal to the Washington Township Board of Supervisors setting forth the reasons why the application should be granted. The Supervisors shall within forty-five (45) days thereafter hold a hearing on the application and all writings submitted by the applicant, and shall issue a written decision granting or denying the appeal within sixty (60) days of the last hearing.

9. Any person who violates this Ordinance or otherwise permits a private driveway to intersect with a Township road without obtaining a permit or begins construction without posting bond or security or giving notice as required in this Ordinance or fails to abide by any other provision of this Ordinance shall be, upon conviction thereof, be ordered to pay a fine of not more than One Thousand (\$1,000.00) Dollars and, in default of payment of a fine and cost, imprisoned for not more than thirty (30) days in the Schuylkill County Prison, and be liable for all costs incurred by the Township for prosecution, together with any cost of repair or reconstruction required for the driveway to meet the Township's regulations and specifications. Said person shall also be liable for any costs incurred by the Township including attorney's fees, court costs, witness fees, time of employees, materials and the like incurred in the enforcement of this Ordinance. Each day's violations shall constitute a separate offense.

10. Each application for a driveway permit shall be accompanied by a fee and bond which shall be set by resolution on an annual basis.


This Ordinance shall become effective at the earliest date permitted by law.

ADOPTED and **ORDAINED** the day and year first written above.

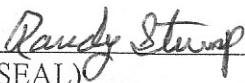
WASHINGTON TOWNSHIP SUPERVISORS







ATTEST:


_____, Secretary
(SEAL)