

PIKE COUNTY - COMMONWEALTH OF PENNSYLVANIA
DRIVEWAY ORDINANCE
No. 84

AN ORDINANCE REPEALING SHOHOLA TOWNSHIP DRIVEWAY ORDINANCE NO. 38 AND ESTABLISHING RULES AND REGULATIONS FOR THE DESIGN CONSTRUCTION AND MAINTENANCE OF DRIVEWAYS, DRAINAGE FACILITIES AND OTHER CONSTRUCTION ON SHOHOLA TOWNSHIP ROADWAYS.

BE IT ORDAINED AND ENACTED by SHOHOLA Township, PIKE County, State of Pennsylvania as follows:

Section 1 - CONSTRUCTION ON AND ACCESS TO TOWNSHIP ROADWAYS

a. *Definitions:*

- i. **Draining Facility** - Any drain pipe, culvert, swale, ditch, or other construction designed to divert, channel or regulate the flow of water.
- ii. **Driveway** - Land designed and/or utilized as vehicular access from a Roadway to any portion of real property.
- iii. **Driveway Apron** - The flared portion of the driveway where it meets the Roadway.
- iv. **Headwall or Endwall** - An integrated wall located at either end of culvert. A wall built at a pipe inlet is a headwall. A wall built at a pipe outlet is an endwall.
- v. **Permit** - Written permission granted by the Township Roadmaster, pursuant to this Ordinance, to construct, establish, and use a Driveway.
- vi. **Permittee** - The person or entity to whom a Permit has been issued including their successor in interest to the land while the permit is active.

vii. **Roadway** - Every public road or street including existing or proposed streets, lanes, alleys, courts and ways in the Township. The Roadway includes all property within the Township right of way.

b. Purpose and Application.

- i. **General Rule.** The purpose of this Ordinance is to regulate vehicular access onto Roadways in order to promote the public safety, provide safe access for emergency vehicles, protect drainages and ditches, and to safeguard Roadways from damage. In accordance with the provisions of Section 2322 of Title 23 of the Second Class Township Code, as amended, no road or driveway shall hereafter be constructed upon any Township Roadway, nor shall any gas pipe, water pipe, electric conduits, sewage lines and Cable TV lines, or other piping be laid upon or in or under, nor shall any telephone, telegraph, or electric light or power poles, or any other obstructions be erected upon or in or under, any portion of a Township Roadway except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purposes.
- ii. **Other Requirements.** Issuance of a permit under these regulations 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.
- iii. **Permit application procedure**
 - (1) Permit applications shall be submitted to the Township Secretary and must be approved by the Township Roadmaster or Engineer.
 - (2) Permit applications should be submitted prior to the clearing of land and construction of any building which the proposed driveway will serve. This will ensure that the driveway can be constructed in accordance with this section.

(3) Application procedures and required information for Permit applications.

- (a) Applications shall be signed and submitted by the applicant.
 - (b) Applications shall be accompanied by a check or money order for Permit fees payable to Shohola Township.
 - (c) Applications should be submitted to the Township at least thirty (30) days prior to the anticipated start of work.
 - (d) Applicants shall call the Township the day work begins to inform the Roadmaster of commencement of work.
- (4) The Township reserves the right to reject any application that does not strictly comply with the provisions of this Ordinance.

iv. Permit fees:

Issuance fees are used to defray costs incurred by the Township in reviewing and processing the application and permit. Issuance fees shall be as set forth in the Shohola Township fee schedule.

v. Issuance of Permits.

- (1) General Rule - Upon application duly made in accordance with this Ordinance, a Permit will be issued subject to this Ordinance and conditions stated on the Permit. The Permit shall be the applicant's authority to proceed with the work and will also serve as receipt for the fees accompanying the application.
- (2) Permits will be issued only to the owner of record of the property. Permits will not be issued to contractors of the owner or to any person other than the owner of the property.

- (3) Waiver of design requirements. If any design requirement set forth in this Ordinance cannot be met, the Board Supervisors may, in their sole discretion upon request made at a public meeting, waive said Ordinance requirement. All waivers so approved shall not in any way be detrimental to access, road maintenance or drainage within the Township roadways.
- (4) Permits are valid for two (2) years from the date of issuance, or for the duration of an active building permit for construction of a principal structure upon the land to be serviced by the permitted driveway, whichever is longer. Provided that construction of the driveway has commenced prior to expiration of the permit, as confirmed by the Roadmaster's inspection prior to the aforesaid expiration, the permit shall be extended for an additional ninety (90) days to allow completion. A Permit shall continue to be valid upon a change of ownership of the property, and shall transfer automatically to the new owner subject to all of its terms, conditions, and expiration date.

vi. General Conditions. The following conditions shall apply to Permits issued under these regulations:

- (1) Scope of Permit. The permit shall be binding upon the Permittee, its agents, contractors, successors and assigns.
- (2) The Permittee shall be responsible for insuring compliance with all terms and conditions of the Permit by its employee, agents, and contractors.
- (3) Responsibility for compliance with the terms and conditions of the Permit shall transfer with the title of the land for the remaining term of the permit.

- (4) 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.
- (5) The Township in granting a Permit, waives none of its powers or rights to require the future change in operation, removal, relocation, or proper maintenance of any access within the Roadway right of way.

Section 2 - PERMITTEE RESPONSIBILITIES

- a. A Permittee is required, after making an opening in the Roadway surface for purposes of placing or repairing a drainage facility or otherwise, to restore the Roadway to conform with Township specifications. If the Permittee fails to immediately restore the Roadway upon notice from the Township to do so, the Township may perform the work and the Permittee shall reimburse the Township for the cost of said work within thirty (30) days following receipt of the Township's invoice.
- b. A Permittee shall implement traffic control protocols as set forth in PennDOT Publication 203 (WorkZone Traffic Control) whenever work is being done within a Roadway.
- c. The owner of the property must call PA ONE CALL (811) before beginning any work in the roadway.
- d. All disturbed slopes or earthen areas shall be restored to their original condition or in a manner approved by the Township.
- e. Unless specifically authorized by the permit, the permittee shall not alter drainage structures or the existing drainage pattern or existing flow of drainage water.

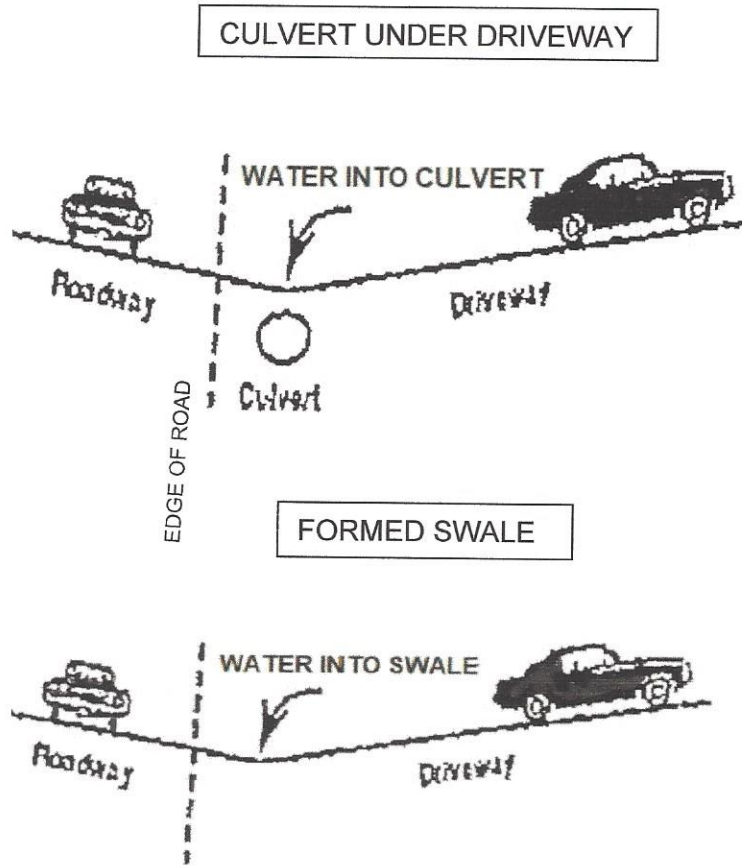
Section 3 - DRIVEWAY DESIGN REQUIREMENTS

- a. The intersection of a Driveway with a Roadway shall be as nearly perpendicular to the road as conditions of the terrain permit. Driveways should be slightly flared at the point of intersection.
- b. The width of the Driveway shall be proposed by the applicant subject to approval by the Township. The driveway apron shall be no less than thirty (30) feet wide to allow for access and use by emergency vehicles.
- c. Driveway criteria must meet the applicable standards in both Shohola Township's SALDO and Zoning Ordinance that is in effect at the time of application.
- d. Unless conditions or terrain preclude, the driveway shall be flat or gently sloped downward (at least 1% but not greater than 2%) from the apron for a distance of at least 20 feet from the Roadway.
- e. Driveways shall have a minimum sight distance measured from a vehicle situated ten feet from the edge of the Roadway in accordance with the following:

<i>Posted Speed (mph)</i>	<i>Safe Sight Distance Left (feet)</i>	<i>Safe Sight Distance Right (feet)</i>
25	250	195
35	440	350

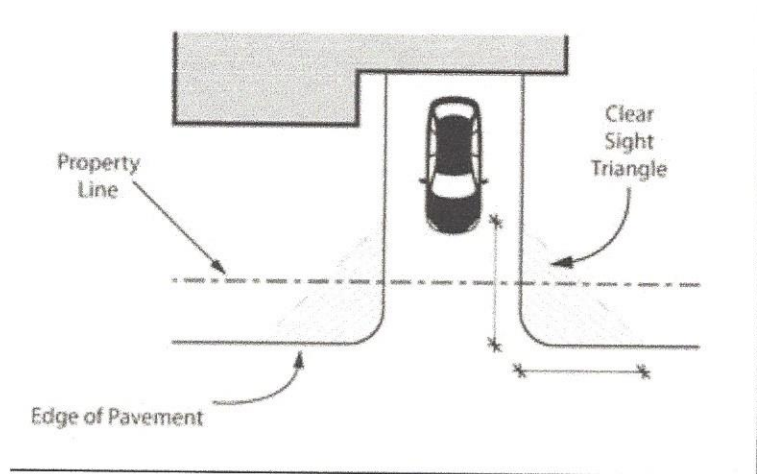
- f. Driveways shall be constructed as not to impede the natural lateral flow of water. A Driveway must incorporate a drainage structure that allows the free flow of water running within the Township Road's R-O-W from one side of the driveway to the other. The method or structure employed shall have a flow capacity proportional to the volume of water flowing in the R-O-W.

Example Methods



- g. Culverts (if employed in the Permittee's design and approved by the Township) shall have a smooth interior and be constructed of double wall HDPE, reinforced concrete pipe or an approved equivalent. The end of the pipe must match the flow line of the existing Roadway ditch to properly drain on each end, unless more depth is required to obtain adequate cover over the pipe. Both a Headwall and Endwall must be constructed or installed on the ends of the culvert. This pipe shall be installed and maintained by the property owner.
- h. Swales may be installed across driveway for areas of low flow drainage.
- i. No water shall discharge onto the Roadway.
- j. Driveway aprons shall be rounded at its intersection with the Roadway.
- k. The driveway surface within the Township Right-Of-Way shall be stabilized with a topcoat of modified stone or pavement sufficient to prevent damage to the Roadway.

- l. For activities that involve commercial truck access additional conditions may be required for the placement of truck entrance signage, and the use of aggregate stone in the entrance area that is sufficient to support the Roadway edge and to prevent the tracking of mud onto the Roadway.
- m. The Driveway will have a minimum fifteen-foot (15') setback from each edge of the Driveway to the property line. Where the 15' setback is not feasible due to land constraints, a lesser distance may be permitted at the sole discretion of the Township Roadmaster.
- n. Clear sight triangles shall be provided and maintained at the intersection of any driveway and public roadway.



- o. Driveway surfaces shall be lower than road surface to prevent damage to driveway from snow removal or other road maintenance activities and to prevent water or loose material from washing out onto the Roadway.
- p. Driveways shall provide for all season fire truck and emergency vehicle access. It is recommended that driveway plans be reviewed by the Township Volunteer Fire Department Chief or his designee to assure compliance with this provision.

Section 4 – LIGHT DUTY TEMPORARY ACCESS PERMITS

The Township may issue a temporary permit allowing for the access to a Roadway for temporary light use activities such as natural resource retrieval (firewood, stone etc.). The following criteria shall apply:

1. The method of access is at the sole discretion of the Township Roadmaster.

2. The permit is valid for 90 days and may not be extended.
3. The maximum gross weight of any individual vehicle utilizing a Light Duty Temporary Access shall be 20,000 lbs.

Section 5 – UTILITY ENCROACHMENT PERMIT

Any Public Utility or contractor acting on behalf of a Public Utility that desires to conduct any of the activities outlined in Section 1(b)(i) of this ordinance shall obtain a “Road Encroachment Permit for Excavations and Utility Construction” from the Township prior to conducting the activities within the Shohola Township Right-of-Way. Application for a road encroachment permit shall be made in the form of a narrative with a site plan map that describes all of the information pertaining to the scope-of-work. The information required may include, but not be limited to, the following:

- contact information with the address of the person applying for the permit,
- activity location, location of approximate property boundaries, location of Township Right-of-Way, location of other existing utilities in the area, location of the new utility,
- road construction details, restoration details for roads, restoration details for any ditches, culverts, or other stormwater facilities affected within the right-of-way, location of any erosion protection and sediment control best management practice (BMP) used for associated activities, and temporary traffic control plan and signage for lane and road closures.

A Utility Encroachment Permit shall expire within ninety (90) days, or as otherwise stated in the permit, unless extended by the Township prior to expiration. After the specified expiration date, or extension date, if the activities have not been completed, a new encroachment permit application shall be submitted.

Section 6 - APPEAL

Where an application is denied by the Township Roadmaster, the Applicant shall have a right to appeal to the Board of Supervisors for review within thirty (30) days of denial. The Applicant shall bear the burden of proof in all appeal issues. Where the denial was based upon a location and/or design rejected by the Roadmaster, the Applicant shall bear the burden of proving that the proposed location and design are reasonable, safe, and of proper construction. All appeals shall be heard at regularly scheduled meetings of the Board of Supervisors and do not require additional public notice. An appeal hearing shall be requested in writing to the Secretary within thirty (30) days of the denial, and shall be scheduled for hearing at the next regular meeting of the Board of Supervisors (but in no event less than seven days after the appeal is filed). The hearing may be adjourned by the Board of Supervisors at its sole discretion. There shall be no further appeal from the decision of the Board of Supervisors.

Section 7 - ENFORCEMENT AND PENALTIES

Anyone who constructs, reconstructs, alters or resurfaces a driveway, drainage facility or other structure within any Roadway without first obtaining the Permit required by this Ordinance, or anyone who constructs, reconstructs, alters or resurfaces a Driveway, drainage facility or other structure not in accordance with the provisions of this Ordinance shall, in addition to other sanctions and remedies provided for in this Ordinance and otherwise, be subject to a fine of \$100 for each offense and a separate offense shall be deemed committed on each day which a violation occurs or continues. In addition to said penalties, the Township shall have the right to enforce all provisions of this Ordinance through the issuance of a stop work order or through a suit for an injunction in the Court of Common Pleas of Pike County.

Section 8 - REPEALER

Shohola Township Driveway Ordinance No. 38 and all other Township Ordinances inconsistent herewith are hereby repealed.

Section 9 - EFFECTIVE DATE

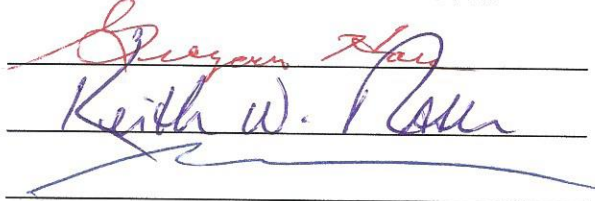
This Ordinance shall be effective five (5) days after adoption by the Supervisors of Shohola Township.

Section 10 - ENACTMENT

ENACTED AND ORDAINED INTO LAW BY the Supervisors of Shohola

Township at their regularly scheduled meeting on the 13 day of
April 2023.

SHOHOLA TOWNSHIP SUPERVISORS



ATTEST:

