

TOWNSHIP OF PROVIDENCE,
LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 20-05

AN ORDINANCE OF THE TOWNSHIP OF PROVIDENCE, COUNTY OF LANCASTER, COMMONWEALTH OF PENNSYLVANIA REQUIRING ALL PERSONS TO OBTAIN PERMITS PRIOR TO CONNECTING OR PAVING DRIVEWAYS TO PUBLIC ROADS; REQUIRING THE SUBMISSION OF PLANS IN COMPLIANCE WITH TOWNSHIP DESIGN REQUIREMENTS PRIOR TO THE ISSUANCE OF PERMITS; PROVIDING FOR THE DISAPPROVAL OF PLANS WHERE CONNECTION OR WORK WOULD RESULT IN IMPROPER DRAINAGE OR NONCOMPLIANCE WITH TOWNSHIP DESIGN AND CONSTRUCTION REQUIREMENTS; PROVIDING FOR THE PAYMENT OF PERMIT FEES; AND PROVIDING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED by the Board of Supervisors in and for the Township of Providence, Lancaster County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: SHORT TITLE

This Ordinance shall be known as the "Providence Township Driveway Ordinance."

SECTION 2: LEGISLATIVE INTENT AND APPLICABILITY

The background of this Ordinance and the legislative intention of the Board of Supervisors ("Board") in enacting it are as follows:

- A. The Township of Providence is a municipal township of the second class.
- B. The Township of Providence has suffered damage to its roads as a result of improper connection of driveways to Township roads and faulty drainage.
- C. Improper connections and faulty drainage have resulted in hazardous conditions.
- D. The Township deems it necessary for the proper management, maintenance and control of its public road system to regulate the connection of driveways to Township roads.
- E. The Township desires to require proper connection of driveways and repair of roadway excavations to minimize damage to Township roads.

SECTION 3: DEFINITIONS

For the purposes of this Ordinance, the following terms shall be defined as follows:

Board - The Board of Supervisors of Providence Township, Lancaster County, Pennsylvania.

Contractor -The person who installs a driveway on a Township roadway, including all agents, subcontractors, officers or employees of that person or business entity.

Driveway – An improved cartway designed and constructed to accommodate vehicular movement between a public or private road and a tract of land serving not more than two (2) single family dwellings.

Farm Lane - An unimproved cartway used solely for farm animals and farm equipment on a property that is actively used for an agricultural use.

Owner -The owner of the land upon which the driveway is located and his successors or assigns.

PENNDOT -Pennsylvania Department of Transportation

Person - Any natural person, firm, partnership, corporation, entity, association or other group of persons. The singular shall include the plural and the masculine shall include the feminine and the neuter.

Permit - A driveway permit issued by the Board or its duly appointed representative pursuant to this Ordinance.

Permittee -The holder of a duly issued permit.

Right-of-way - The area which has been or will be acquired by the Township for highway purposes.

Township - Providence Township, Lancaster County, Pennsylvania, or its duly appointed representative.

SECTION 4: REQUIREMENT OF PERMIT

A. Permit required. No person shall hereafter install or alter an existing driveway or allow any work incidental to the alteration or installation of a driveway, excluding farm lanes, including the alteration of existing drainage characteristics without first obtaining a permit from the Township.

B. No combined permits. Each driveway, whether or not serving the same premises, shall require an individual permit.

SECTION 5: APPLICATION PROCEDURES

Any owner shall, prior to obtaining a permit for a driveway connection, file an application with the Board, on a form furnished by the Board. The application shall be accompanied by such permit issuance fees and general inspection fees as determined by resolution from time to time by the Board. Issuance fees are used to defray costs incurred by the Township in reviewing and processing the application and plan(s), including the preliminary review of the site location identified in the application, and issuing and processing the permit. General inspection fees are used to defray costs incurred by the Township in spot inspection(s) during the progress of the work and after it has been completed to ensure compliance with the permit and these regulations.

SECTION 6: REQUIREMENTS FOR A DRIVEWAY CONNECTION

A. Required information. The application shall be accompanied by a sketch of the proposed driveway which at a minimum shall indicate:

- Geometric information such as width, radius, dimensions and location of the public road, right of way, slope and grades, length of driveway to residence or building, and distance to property lines and nearest driveway(s) and intersection(s). In conjunction with submission of the application, the applicant shall place a stake at the desired location which shall coincide with the submitted sketch.
- Safe sight distances shall be indicated on the sketch as obtained from actual field measurement. Measurement of sight distance shall be measured in accordance with the requirements of PENNDOT. Minimum sight distances shall be required to meet those provided in the attached table or as may be amended by PENNDOT. Signature of the application by the owner shall be an admission that the indicated sight distance is the result of actual field measurement.
- Drainage culvert (if applicable) or swale including related grades as may be required. The determination for installation of a culvert pipe or swale shall be made by the Township following initial review by the Township representative. The application must also include a long term drainage and erosion control plan which shall specify provisions for road side drainage and control and mitigation of surface water runoff created by installation or improvement of the driveway.

B. Review criteria. The application and accompanying sketch and drainage plan shall be reviewed by the Board or its duly appointed representative. Driveway design shall conform to the requirements and standards and specifications of this Ordinance. In no event shall a permit be issued for a proposed driveway under any of the following circumstances:

- It would create hazardous effects of storm water run-off.
- It would cause damage to a public road.
- It would increase hazardous driving conditions on the public road.
- It would be constructed in a manner which would obstruct it from view.

- The sight distance is inadequate to safely allow movement to be made into or out of the driveway.
- The free movement of highway or street traffic would be impaired.
- It would create an area of traffic congestion on the highway or street.
- It shall not be located at an interchange, ramp area or a location that would interfere with the placement, functioning or maintenance of a highway or street sign, detector, lighting or other device that affects traffic control.

All driveways shall be designed in accordance with the following criteria:

- Where the property abuts two or more streets or highways, ingress and egress may be restricted to only that highway or street which can more safely accommodate its traffic.
- No more than one driveway shall be permitted per lot. The Board of Supervisors may grant permission for additional driveways under exceptional circumstances.
- It shall not be located within sixty (60) feet of the right-of-way line of an intersecting street.
- It shall not be located within five (5) feet of a fire hydrant, catch basin or drain inlet.
- It shall not exceed a slope of eight (8%) percent within twenty-five (25) feet of the street right-of-way line nor fifteen (15%) percent at any point.
- It shall not be located within three (3) feet of a property line.
- It shall not require backing onto the street.
- It shall not connect with the street at an angle less than 60 degrees nor more than 120 degrees.
- It shall not be less than a width of ten (10) feet nor greater than a width of twenty (20) feet.
- It shall provide a radius which intersects the public roadway with a minimum of (5) feet and a maximum of twenty (20) feet.
- It shall provide a vertical clearance of greater than twelve (12) feet that is clear of obstructions and vegetation to facilitate emergency access.
- It shall provide a paved apron that extends from the street cartway to a minimum twenty (20) foot depth onto the subject property.
- It shall provide a dust free surface as determined by the Township Engineer.

C. Damage to public roads. The owner and/or contractor are responsible for damage to any portion of the public road caused by equipment en route or used at the work site.

D. Traffic protection and maintenance. Maintenance and protection of traffic shall be carried out in accordance with the requirements of the Pennsylvania Department of Transportation, as set forth in Publication No. 43 and Publication No. 90.

E. Drainage. All driveways which are installed on any public road will be required to install either a drainage pipe (culvert) or construct a drainage swale as directed by the Township representative. The dimension of the drainage swale shall be as directed by the Board. Drainage pipes shall only be installed upon written permission granted by the Board.

F. PENNDOT requirements. When a driveway accesses a state road, the owner shall comply with all PENNDOT requirements, including the requirement to obtain a permit from PENNDOT.

G. Re-inspections. The Township may re-inspect the work not more than two years after its completion, and if there is settlement of the connection or any other defects appear in the work contrary to the conditions, restrictions and regulations of this Ordinance, the Township may enforce compliance therewith. If the owner fails to rectify a defect which presents an immediate or imminent safety or health problem within forty- eight (48) hours or any other defect within sixty (60) days after written notice from the Board of Supervisors to do so, the Township may do the work and impose upon the owner the cost thereof, together with an additional twenty (20%) percent of the costs, which may be recovered by the Township.

H. Owner's responsibility. As part of obtaining a driveway permit, all property owners shall be responsible for long-term maintenance of the driveway and related drainage. In the event that excess stormwater runoff or sediment is diverted onto public roads the owner will be given notice and required to make necessary corrections to bring the driveway and drainage into compliance. In the event that a driveway culvert pipe becomes crushed or blocked it may be replaced at the owner's expense. The Township reserves the right to require the owner to make repairs, to make the repair at the owner's expense or to contract with a third party at owner's expense to perform the needed repairs. All property owners shall be responsible for any and all costs for maintenance to public roadways resulting from water runoff caused by improperly maintained driveway pipes.

I. Sight distance. Adequate sight distance is to be provided according to the following:

1. Calculation of Safe Stopping Sight Distance (SSSD).

- (a) For each intersection, the available sight distance for each direction shall equal or exceed the SSSD computed from the following formula:

$$SSSD = 1.47Vt + \{V^2 / [30 \times (f+G)]\}$$

WHERE:

SSSD = Safe stopping sight distance (feet).

V = Speed limit, or 85th percentile speed or safe operating speed.

t = Perception time of driver (2.5 seconds).

f = Wet friction of pavement as follows:

G= Percent grade of roadway divided by 100.

<u>Speed</u>	<u>f</u>
25 mph	0.38
30 mph	0.35
35 mph	0.34
40mph	0.32
45mph	0.31
50 mph	0.30
55 mpg	0.30

- (b) If the 85th percentile speed varies by more than ten (10) miles per hour from the speed limit, the Township may require the 85th percentile speed to be used to determine stopping distance.
- (c) Table 1 depicts stopping sight distance for selected speeds. The sight distances in Table 1 apply for roadway grades in whole numbers from +13% to -13% along with speeds from 15 to 60 miles per hour in increments of 5 miles per hour. The designer may use this table in lieu of the above formula

2. Measurement of Sight Distance.

- (a) The correct measurement of available sight distance at each proposed intersection shall be the responsibility of the applicant.
- (b) For the purpose of measuring available sight distance, the height of each driver's eyes shall be 3.50 feet above the road surface, and the height of each vehicle shall be 3.5 feet above the road surface. The lateral placement of vehicles on the roadway and at the proposed access point shall be consistent with the operation of the access and roadway.

3. Available Sight Distance

For each direction, the shortest of the following measurements shall be considered the available sight distance for that direction:

- (a) The maximum length of roadway along which a driver at the proposed street intersection can continuously see another vehicle approaching on the roadway. The driver's eyes at the proposed point of access shall be ten (10) feet back from the near edge of the closest travel lane.
- (b) The maximum length of roadway along which a driver on the roadway can continuously see a vehicle which is located in his travel lane on the roadway in order to make a left turn into the proposed access or as a result of a left or right turn out of the proposed access.
- (c) The maximum length of roadway along which the driver of a vehicle intending to make a left turn into the proposed access can continuously see vehicles approaching from the other direction. This is measured from the point where the left turning vehicle stops.

4. Inadequate sight distance remedies. If it is impossible to achieve required stopping sight distance, in both directions the Township may:

- (a) Prohibit left turns by entering or exiting vehicles.
- (b) Require alteration of the horizontal or vertical geometry of the roadway or access; all such work shall be at the expense of the applicant.

- (c) Require removal of physical obstruction from the line of sight, at the expense of the applicant.
- (d) Deny access to the roadway.

J. Clear Sight Triangle. Driveways shall be located so that a clear sight triangle as depicted in Figure A attached is provided. Two apexes of the triangle shall be located in both directions along the street centerline, seventy-five (75) feet from a point where the centerline of the driveway and street intersect. The vertex of the triangle shall be located along the centerline of the driveway and five (5) feet from the property line/street right of way line. No permanent obstructions and/or plant materials over three (3) feet high shall be placed within the clear sight triangle.

K. Permit issuance. If the plans meet the criteria above, the Township shall issue the permit. If the application is found to be deficient, or if in the opinion of the Township the plan should be revised in order to meet the criteria above, the Township shall notify the owner of the changes to be made, whereupon the applicant shall make such changes and return the revised plans to the Township. When the application is acceptable to the Township the permit shall be issued.

L. Altering drainage prohibited.

1. Unless specifically authorized by the permit, the Permittee shall not:

- Alter the existing drainage pattern or the existing flow of drainage water.
- Direct the additional drainage of surface water toward, onto or into or in any way affect the highway right-of-way or highway facilities.

2. The permit does not authorize the Permittee to direct, divert or otherwise drain surface waters over the property of any other property owner.

- The permit does not in any way relieve the Permittee from acquiring the consent, permission or other authorization from any property owner which the Township determines may be adversely affected by drainage alterations.
- The Permittee is responsible for any damage caused to any property owners as a result of work done under the permit.

M. Indemnification. The Permittee shall fully indemnify and save harmless and defend the Township 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 these regulations; and, for a period of two (2) years after completion of the permitted 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 roadway beyond the area adjacent to the area of the permitted work.

SECTION 7. ADDITIONAL SPECIFICATIONS BY RESOLUTION

From time to time, the Board of Supervisors may adopt, by resolution, such additional driveway specifications and requirements, and may supplement or modify the driveway specifications set forth in this Ordinance. Any violation of the additional requirements or specifications, modifications and supplements, as duly adopted, shall be subject to the penalties set forth in Section 10 of this Ordinance.

SECTION 8. INSPECTION

It shall be the duty of the Township to inspect all work for conformity with all of the ordinances of the Township. Notice must be given by the owner and/or contractor to the Township when the work is sufficiently advanced for inspection, when it shall be the duty of the proper officer to inspect the same after receipt of said notification.

SECTION 9. WAIVER PROCEDURE

A. The provisions of this ordinance are the minimum standards for the protection of the public welfare. The Supervisors may grant a waiver from literal compliance with the mandatory provisions of this Ordinance if the applicant can demonstrate either (1) that compliance would cause undue hardship as it applies to the particular property, or (2) that an alternative proposal will allow for equal or better results.

B. The approval of a waiver shall not have the effect of making null and void the intent and purpose of this ordinance. In approval of a waiver, the Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of the ordinance.

C. Procedure for Waiver Request

1. A request for waiver shall be submitted to the Township office on any business day. The request shall be made in writing and identify (a) the specific section of the ordinance which is requested for waiver; (b) the proposed alternative to the requirement; (c) justifications for an approval of the waiver.
2. The request shall be considered by the Board within 45 days of such request.
3. The Board shall, following the consideration of the request, take such public action as it shall deem advisable.

SECTION 10: PENALTIES

Any owner or contractor who violates any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding pay a fine not exceeding F i v e H u n d r e d (\$500.00) Dollars plus all court costs including reasonable attorney's or consultant fees incurred by Providence Township. Each day of violation shall constitute a separate offense and be subject to the penalty set forth herein.

SECTION 11: SEVERABILITY

If any sentence, clause, phrase or section of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, phrases, sections or parts of this Ordinance.

It is hereby declared as the intention of the Board of Supervisors of this Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

SECTION 12: REPEALER


Any other Ordinance or parts thereof inconsistent with this Ordinance be and are hereby expressly repealed.

SECTION 13: EFFECTIVE DATE

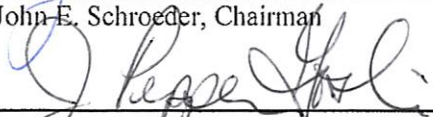
This Ordinance shall become effective five days after adoption by the Board of Supervisors.

ENACTED AND ORDAINED by the Board of Supervisors of Providence Township, Lancaster County, Pennsylvania, this 14th day of September, 2020.

BOARD OF SUPERVISORS
PROVIDENCE TOWNSHIP



John E. Schroeder, Chairman



J. Pepper Goslin, Vice Chairman



Lori L. Crossen, Member

Attest:

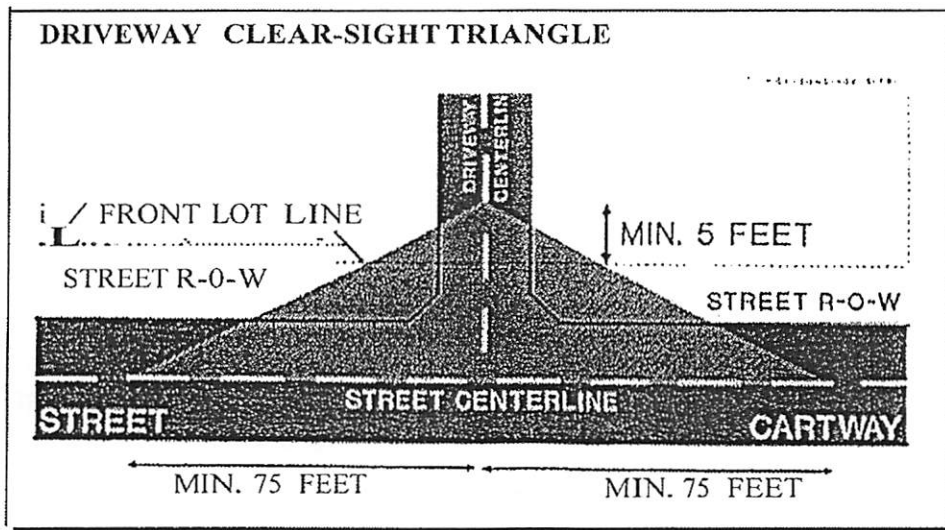


MUNICIPAL SECRETARY

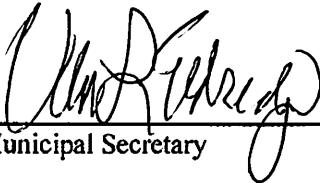
Table 1.

Speed (V) (Miles Per Hour)	FORMULA SIGHT DISTANCE TABLE Average Grade (G) (Percent)											
	0.0	+1.0	+2.0	+3.0	+4.0	+5.0	+6.0	+7.0	+8.0	+9.0	+10.0	
25	147	145	144	143	142	140	139	138	137	136	135	
30	196	194	191	189	187	185	183	182	180	178	177	
35	249	245	242	239	236	233	231	228	226	224	221	
40	314	309	304	299	295	291	287	284	280	277	274	
45	383	376	370	364	358	353	348	343	339	334	330	
50	462	453	444	436	429	422	415	409	403	397	392	
55	538	527	517	508	499	490	482	475	468	461	454	
	0.0	-1.0	-2.0	-3.0	-4.0	-5.0	-6.0	-7.0	-8.0	-9.0	-10.0	
25	147	148	150	151	153	155	157	159	161	164	166	
30	196	199	201	204	207	210	214	217	221	226	230	
35	249	252	256	260	265	269	275	280	286	292	299	
40	314	319	325	331	338	345	352	360	369	379	389	
45	383	390	398	406	415	425	435	447	459	472	487	
50	462	471	481	492	504	517	531	546	563	581	600	
55	538	550	562	576	590	606	622	641	661	682	706	

Figure A.



I, Vicki L. Eldridge, Secretary of the Board of Supervisors of Providence Township, Lancaster County, Pennsylvania, certify that the foregoing is a true and correct copy of an ordinance duly adopted at a legally constituted meeting of the Board of Supervisors of Providence Township held on Monday, September 14, 2020 at which a quorum was present and voted in favor thereof.



Municipal Secretary