

TOWNSHIP OF MARTIC

Lancaster County, Pennsylvania

ORDINANCE NO. AZ-5-92

AN ORDINANCE OF THE TOWNSHIP OF MARTIC, LANCASTER COUNTY, PENNSYLVANIA, REQUIRING ALL PERSONS CONNECTING DRIVEWAYS TO TOWNSHIP ROADS TO OBTAIN PERMITS THEREFOR; REQUIRING THE SUBMISSION OF APPLICATIONS PRIOR TO THE ISSUANCE OF SAID PERMITS; PROVIDING SPECIFICATIONS FOR INSTALLATION; AUTHORIZING DISAPPROVAL WHERE THE CONNECTION WOULD RESULT IN DRAINAGE OR OTHER PROBLEMS; REQUIRING THE PAYMENT OF FEES FOR THE ISSUANCE OF SUCH PERMITS; AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Township of Martic has suffered damage to the roads and other property owned and/or maintained by the Township as a result of the improper connection of driveways to the Township roads, which improper connections have caused poor drainage and hazardous driving conditions; and

WHEREAS, the Township deems it necessary for the proper management, care and control of its public road system to regulate the connection of driveways to Township roads.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, as follows:

Section 1. Definitions and Word Usage. For the purpose of this Ordinance, the following terms shall have the meaning ascribed thereto, except where the context thereof clearly indicates another meaning:

BOARD - the Board of Supervisors of Martic Township, Lancaster County, Pennsylvania.

CARTWAY - the traveled portion of any road.

CODE ENFORCEMENT OFFICER - the official designated by the Board to enforce the provisions of this Ordinance.

CONTRACTOR - the person who or which installs a driveway, including all agents, officers or employees of said person.

DRIVEWAY - any lane, path or other area of land used by the owner or occupant of property within the Township as a means of access to and from the cartway of a public road.

MINIMUM USE - a driveway that will generate up to twenty-five (25) trips per day.

LOW VOLUME - a driveway that will generate from twenty-six (26) to seven hundred fifty (750) trips per day.

MEDIUM VOLUME - a driveway that will generate from seven hundred fifty-one (751) to fifteen hundred (1,500) trips per day.

HIGH VOLUME - a driveway that will generate more than fifteen hundred (1,500) trips per day.

OWNER - the owner, his heirs and assigns, of the land upon which the driveway is located.

PENNDOT - the Department of Transportation of the Commonwealth of Pennsylvania and any successor agency.

PERSON - an individual, group of individuals, partnership, corporation or association, whether incorporated or otherwise, and any other legally recognized entity and the officers of such corporation and the members of such partnership or association.

RIGHT-OF-WAY - the total width, including the cartway, of a road.

ROAD - any road, street, alley paved or unpaved or other thoroughfare owned or maintained by the Township as part of its public road system or offered for dedication to the Township.

TOWNSHIP - the Township of Martic, Lancaster County, Pennsylvania.

Section 2. Permit Required.

(A) No person, owner and/or contractor shall hereafter install a driveway or any portion thereof without first obtaining a permit from the Township.

(B) No person, owner and/or contractor shall hereafter reconstruct, repair or resurface (excluding adding stone to an existing unpaved driveway and application of liquid sealers to an existing driveway) a driveway or portion thereof on or within any Township right-of-way in a manner that will increase the area, intensity of use, or change the use, without first obtaining a permit from the Township.

Section 3. Design Requirements.

(A) All driveways shall be constructed in a manner that will not impede or divert the normal flow of surface drainage. The grade and construction of all driveways shall be in accordance with the standards and specifications which are attached hereto, marked Exhibit "A" and incorporated herein by reference thereto. Where the driveway grade exceeds eight (8%) percent, a level area of sufficient size to provide two (2) off-street parking spaces shall be provided adjacent to the roadway to allow safe ingress and egress during wet and/or slippery driving conditions.

(B) The sight distance for all driveways shall comply with the requirements for state highways prescribed by the Pennsylvania Department of Transportation as codified at 67 Pa. Code §441.8, any amendments and addenda thereto.

(C) The Township will only permit the use of drainage pipes under a driveway if all of the following conditions are met:

(1) It is impossible or impractical to maintain drainage flow without a pipe.

(2) Calculations are submitted to the Township showing that the proposed pipe will have a capacity equal to or greater than the existing gutter, or that such pipe will pass a ten (10) year storm from the drainage area without flooding the roadway. Runoff calculations shall be based upon the United States Department of Agriculture Soil Conservation Service Soil-Cover-Complex method, the Rational Formula of $Q=CIA$, or any other method acceptable to the Township Engineer.

(3) The owner agrees in writing to maintain the pipe in good condition free of debris and siltation.

(4) The owner agrees in writing to relocate and/or replace the pipe if at some future date the Township improves or widens the public road requiring such relocation and/or replacement.

D. As part of the driveway construction the owner shall provide bituminous paving extending for a minimum distance of eight (8) feet from the edge of any paved cartway to the owner's property. The paving shall consist of a minimum of eight (8) inch stone base course and a two and one half (2½) inch bituminous course or equal paving approved by the Township. The swale should be maintained or the pipe should be located four (4) feet from the edge of the cartway or as otherwise directed by the Code Enforcement Officer.

Section 4. Application Procedure.

(A) Any person, owner and/or contractor shall, prior to obtaining a driveway permit, file an application, on an application form supplied and approved by the Township, reflecting and showing the location of the driveway relative to the premises and designated the course, grade, structure, materials and drainage facilities, if any, involved in the construction of the driveway.

(B) The application shall be reviewed by the Code Enforcement Officer and may be reviewed by the Township Engineer or Road Foreman. The Code Enforcement Officer may consult with the Township Engineer or Road Foreman to determine if the proposed method of constructing or making said connection, as reflected on the application, is such that it will (i) minimize the adverse impact of storm water runoff or surface drainage resulting from said connection, (ii) not cause damage to the road to which the driveway is to be connected, and (iii) not create or increase hazardous driving conditions for those persons using the road to which the driveway is to be connected. If found satisfactory by the Code Enforcement Officer, Road Foreman or Township Engineer, the Code Enforcement Officer will issue, or cause to be issued, the permit.

(C) If the plan is found deficient, or if in the opinion of the Code Enforcement Officer, Road Foreman, or Township Engineer the plan could be modified so as to (i) minimize the adverse effect of storm water runoff, (ii) lessen drainage to the public road to which the driveway is to be connected, or (iii) lessen hazardous driving conditions on the road to which the driveway is to be connected, the Code Enforcement Officer, Road Foreman, or Township Engineer shall, by written communication to the owner, notify him of the changes and to be made. The applicant shall make such changes and return the revised plan to the Township. When such plan is in acceptable form, the Code Enforcement Officer shall approve the plan and will issue, or cause to be issued, the permit. If the applicant refuses to make such changes, the application shall be deemed denied for the reasons set forth in the written communication, and the date of the written communication shall be the date of the denial of the application.

(D) The applicant may appeal a denial of an application to the Board. The appeal shall be made within ten (10) days to the Board by filing written notice of the appeal with the Secretary of the Township. The Board shall thereafter hold a hearing and render a decision on the refusal to issue a permit pursuant to the provisions of the Local Agency Law, Section 5, 2 Pa. C.S. §551 et seq.

Section 5. Payment of Fees. The application shall be accompanied by such fee or fees as the Board shall prescribe from time to time by resolution or ordinance not exceeding the approximate reasonable cost of processing reviewing the application and making and necessary inspections.

Section 6. Relationship to Zoning Permit. A permit under this Ordinance shall be applied for and obtained prior to the application for a permit to commence the excavation for or the construction or erection of any structure regulated by the Zoning Ordinance of Martic Township, as amended.

Section 7. Installation or Repair of Driveway.

(A) All construction in any way incidental to the installation of the driveway or for the repair of a driveway for which a permit is required under this Ordinance shall be performed in strict conformance with the approved plans. After the proposed driveway has been stoned in, but before the driveway has received final surfacing, the person to whom the permit has been issued shall notify the Code Enforcement Officer or Road Foreman. The driveway shall not be final surfaced until the stoned in area has been inspected and approved by the Code Enforcement Officer or Road Foreman or their designated representative. In the event the owner and/or contractor fails to notify the Code Enforcement Officer or Road Foreman prior to placing the final surface, the Township may direct the owner and/or contractor to remove the final surface in order that the inspection may be completed. Such removal shall be at no expense to the Township. After the driveway has received final surfacing, the person to whom the permit has been issued shall notify the Code Enforcement Officer or Road Foreman.

(B) The contractor shall utilize procedures and/or traffic control devices as necessary for the maintenance and protection of traffic in strict accordance with PennDOT publication 203, "Work Zone Traffic Control", unless otherwise directed in writing by the Code Enforcement Officer.

Section 8. Permit Required for all Driveways. Each driveway, whether serving the same premises or not, shall require an individual permit.

Section 9. Minimum Requirements. The provisions of this Ordinance relating to driveways are intended as a minimum standard for the protection of public health, safety and welfare. If the literal compliance with any mandatory provision of this Ordinance relating to driveways is shown by the applicant, to the satisfaction of the Board, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the

Board may grant a waiver from such mandatory provisions so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver shall not have the effect of making null and void the intent and purpose of this Ordinance. In granting waivers, the Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

Section 10. Waiver of Liability. The grant of a permit under this Ordinance shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed driveway and shall create no liability upon the Township, its officials, or employees.

Section 11. Expiration of Permits. A permit issued under this Ordinance shall be valid for twelve (12) months from the date of issuance. The Code Enforcement Officer may at his discretion grant one extension of the permit for up to six (6) months upon written application of the person to whom the permit was issued prior to the expiration of the permit. The application for extension must indicate good cause for the failure to complete work within the twelve (12) month time period. A permit shall not expire while a request for an extension is pending.

Section 12. Posting of Permit. The permit granted under this Ordinance shall be posted at the right-of-way line so as to be visible from the roadway. The permit shall remain posted until final approval of the work has been given.

Section 13. Penalties for Violation. Any owner, person and/or contractor who or which shall violate any of the provisions of this Ordinance shall, upon conviction thereof by summary proceeding before a district justice, be sentenced to pay a fine of not more than Six Hundred (\$600.00) Dollars. If a defendant sentenced to pay a fine or costs after a finding of guilt in a summary case defaults in such payment, the defendant may be sentenced and committed to the Lancaster County Prison for a period not exceeding thirty (30) days. All fines collected for the violation of this Ordinance shall be paid to the Treasurer of the Township for the general use of the Township.

Section 14. Remedies. In addition or in lieu of the penalties provided in Section 13, violations of this Ordinance may be abated by the Township proceeding against the violator in a court of equity to obtain injunctive relief.

Section 15. Severability. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the

court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

Section 16. Repeals. Ordinance No. 4C88 and all other ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 17. Construction. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any permit issued or approval granted or any cause or causes of action arising prior to the enactment of this Ordinance.

Section 18. Effective Date. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Martic as provided by law.

DULY ORDAINED AND ENACTED the 18th day of MAY, 1992, by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, in lawful session duly assembled.

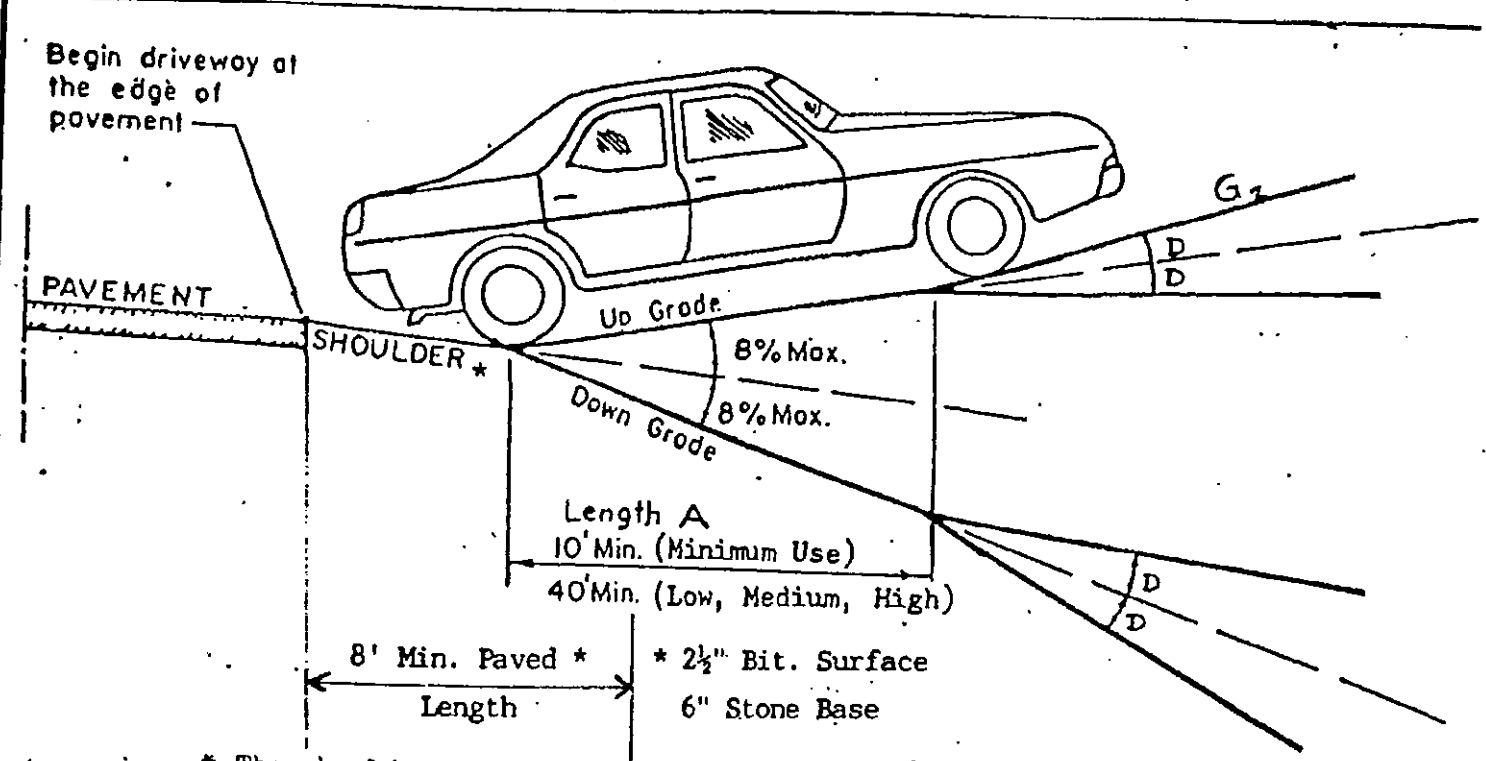
TOWNSHIP OF MARTIC
Lancaster County, Pennsylvania

By: *Joseph F. Duff*
(Vice) Chairman
Board of Supervisors

Attest: *James R. Caldwell*
(Assistant) Secretary

[TOWNSHIP SEAL]

- (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 swale exists, the permittee shall install adequate pipe under the driveway in accordance with Form 408. 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. See Figure 6.
- (4) Grade requirements in uncurbed shoulders within the right-of-way shall conform to Figure 1.



* The shoulder slope usually varies from 1/2"/ft. (4%) to 3/4"/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 (G₂) 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.

Maximum Grade Change (D)

	<u>Desirable</u>	<u>Maximum</u>
High Volume Driveway	0%	±3%
Medium Volume Driveway	±3%	±6%
Low Volume Driveway	±6%	Controlled by Vehicle Clearance

Figure 1

DULY ADOPTED the 18th day of MAY, 1992, by the Board of Supervisors of the Township of Martic, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF MARTIC
Lancaster County, Pennsylvania

By: Joseph T. Duff III
(Vice) Chairman
Board of Supervisors

Attest: James R. Callwell
(Assistant) Secretary

[TOWNSHIP SEAL]