

ORDINANCE NO. 263

AN ORDINANCE REVOKING ORDINANCE NO. 236 AND REGULATING, THE ESTABLISHMENT, ALTERATION, IMPROVEMENT, OR REPAIR OF PRIVATE DRIVEWAYS AND ENTRANCES TO AND UPON PUBLIC ROADS OF CONEWAGO TOWNSHIP AND PROVIDING PENALTIES FOR FAILURE TO COMPLY WITH THE PROVISIONS HEREIN

BE IT ENACTED AND ORDAINED by the Board of Township Supervisors of Conewago Township, York County, Pennsylvania, as follows:

Section 1. Title.

This Ordinance shall be known as the Conewago Township Street Access Ordinance.

Section 2. Purpose.

The purpose of this Ordinance is to establish procedures to regulate the location, design, construction, maintenance, and drainage of driveways within Conewago Township street rights-of-way to ensure the security, economy of maintenance, preservation of proper drainage, and the safe, reasonable access of Township streets.

Section 3. Compliance with 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.

Section 4. Definitions.

Unless the context specifically and clearly indicates otherwise, the meanings of the terms used in this Ordinance shall be as follows:

CARTWAY – The portion of a street right-of-way which is paved, improved, designated or intended for vehicular traffic, exclusive of the sidewalk, curb, or shoulder.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at street intersections defined by the centerlines of the streets and by a line of sight between points on their centerlines at a given distance from the intersection of the centerlines.

DRIVEWAY – An improved surface for vehicular travel which provides access between a street and a lot.

A. MINIMUM USE DRIVEWAY – A driveway normally used for not more than 25 vehicle trips per day, serving such uses as single-family dwellings, duplex houses, or apartments with four units or less.

B. LOW-VOLUME DRIVEWAY – A driveway normally used for more than 25 but fewer than 750 vehicle trips per day, serving such uses as office buildings, schools, or car washes.

C. MEDIUM-VOLUME DRIVEWAY – A driveway normally used for more than 750 but fewer than 1,500 vehicle trips per day, normally not requiring traffic signalization, servicing such uses as motels, fast-food restaurants, service stations, or small shopping centers or plazas.

D. HIGH-VOLUME DRIVEWAY – A driveway normally used for more than 1,500 vehicles per day, often requiring traffic signalization, serving such uses as large shopping centers, multi-building apartment or office complexes, and large motels.

ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania.

GRADE – The slope expressed in a percent, which indicates the rate of change of elevation in feet per hundred feet.

IMPROVEMENTS – Pavements, curbs, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, plantings, and other items required for the welfare of the property owners and the public.

LANDOWNER – The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to

any condition), or a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.

MAINTENANCE – Normal care and upkeep of structures such as driveways and stormwater conveyance systems. For the purposes of this Ordinance, maintenance shall not include work that results in widening or relocation of such structures, or in changing the type of surface material of a driveway (i.e. overlaying a stone driveway with blacktop).

OWNER OF RECORD – The owner of record of a parcel of land.

PERMIT OFFICER – That person appointed by the Conewago Township Board of Supervisors and given authority to issue permits pursuant to this Ordinance.

PERMITTEE – A person who has been issued a permit by Conewago Township under this Ordinance.

RIGHT-OF-WAY – A legal right of passage across land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

ROADS – Roads are grouped in the following four categories:

- A. **ARTERIAL** – A highway primarily for fast or heavy traffic between major population centers.
- B. **COLLECTOR** – A street which provides traffic movement between major arterials and minor or local street.
- C. **MINOR** – A local street that has little through traffic but which is primarily intended to provide direct access to abutting properties.
- D. **SERVICE DRIVE or ALLEY** – A minor street which is used primarily for vehicle access to the back or side of properties otherwise abutting a street.

STREET – A public way intended to be used by vehicular traffic or pedestrians. Includes avenues, boulevards, roads, highways, freeways, lanes, viaducts, and any other dedicated and accepted public right-of-way.

STREET GRADE – The officially established grade of the street upon which a lot fronts or, in its absence, the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE – A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the “street right-of-way line.”

STRUCTURE – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

TOWNSHIP – Conewago township, York County, Pennsylvania

Section 5. Permit required.

A. No driveway, street, drainage facility, or structure shall be constructed or altered within an existing Township street right-of-way or easement area, or right-of-way or easement area that has been offered for dedication to the Township by document, subdivision or land development plan, whether or not accepted, and no drainage facility of the Township shall be altered or connected onto without first obtaining a permit from the Township.

B. Applications for permits shall be submitted at least ten working days prior to the anticipated start of work.

C. The provisions of this Ordinance shall not be applicable where the landowner is only undertaking maintenance of the driveway, street, drainage facility, or structure.

D. The provisions of this Ordinance shall not be applicable in those instances where the highway is maintained by the Pennsylvania Department of Transportation or its successor.

Section 6. Plans required.

All applications for permits shall be submitted to the permit officer and shall be accompanied by two copies of a plan which illustrates, at a minimum, the following, including dimensions where applicable:

A. Existing roadway pavement, ditches, rights-of-way and relevant property lines, roadway appurtenances, utilities, medians, and other significant features that may affect the location of the proposed driveway.

B. Design features of existing and proposed driveways, curbs, tapers, acceleration and deceleration lanes, including the following:

- (1) Driveway width,
- (2) Driveway radii and other points of curvature,
- (3) Driveway grade or profile and cross-sections,
- (4) Driveway angle relative to the roadway, and
- (5) Driveway surface material.

C. Distance from each existing and proposed driveway to the following:

- (1) Nearest street intersection,
- (2) Nearest driveway on adjacent properties within the limits of the safe sight distance,
- (3) Locations of streets and driveways opposite the site and within the limits of safe sight distance, and
- (4) Relevant property lines and property lines extended to the driveway.

D. Sight distances in each direction from each proposed driveway.

E. Existing roadside gutters, ditches, swales, or stormwater conveyance structures located between the applicant's property lines that intersect the street.

F. Location, depth, and size of proposed stormwater swales, pipes, or other appurtenances which will be used to convey stormwater issuing from, or passing by, the proposed driveway.

- G. Owner of record's name, address and phone number.
- H. Applicant's name, address and phone number, if not the record owner.
- I. Contractor's name, address and phone number.

Section 7. Review of plans.

A. Minimum use driveways. All plans for minimum use driveways shall be reviewed by the Township Roadmaster or his designee for compliance with the standards and requirements of this Ordinance. In addition, the Township Engineer shall review all plans involving curbing or piping.

B. All other driveways. The Township Engineer shall review all plans for low-, medium- and high-volume driveways.

Section 8. Permit fees.

The applicant shall pay to the Township an applications fee, as established from time to time by Resolution of the Township Board of Supervisors.

Section 9. Permit issuance.

A. A permit will be issued by the Township if the application is in compliance with this Ordinance and other applicable laws and ordinances. When appropriate, the permit may be issued subject to specified conditions.

B. Driveway permits shall be issued in the name of the applicant/landowner.

C. The Township may alter plans filed with the application and specify changes or modifications of any kind which is deemed necessary and may make its approval of the granting of any permits subject to any such alterations, changes, or modifications.

Section 10. Performance of work.

All grading, construction, installation, and erection shall be in strict compliance with the plans and specifications on the basis of which the permit is granted.

Section 11. Permits requiring improvements. construction guaranty.

When the applicant proposes construction or restoration of improvements within the Township right-of-way or that will be dedicated to the Township, the Township may require the applicant to deposit with the Township financial security in the form of a corporate bond or a letter for credit acceptable to the Township solicitor in an amount sufficient to cover the costs of any improvements which may be required for dedication to the Township. Such bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within this Ordinance.

Section 12. Work to conform to Township standards.

All work performed within the Township right-of-way shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to any applicable Conewago Township ordinances. 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 written

notification by the Township, shall, at his own expense, immediately take the necessary steps to place the work into conformance with such requirements or standards.

Section 13. Time limit for commencement of work.

If any work authorized by any permit under this Ordinance shall not have been commenced within six months after the issuance of such permit; subject, nevertheless, to an extension granted by the Township Board of Supervisors due to truly extraordinary circumstances, including but not limited to extended inclement weather making work impractical or impossible. The permit holder must relinquish such unused permit, which shall thereupon become invalid. The permit fee under these circumstances will not be returned or applied toward any future permit.

Section 14. Inspection required prior to completion of work.

Within seven days of the completion of the rough grading or any such improvements and prior to the paving or installation of any stone, the applicant shall notify the Township Roadmaster or his designee that said rough grading has been accomplished. Within seven days of the date of notice, the Township Roadmaster or his designee shall inspect the premises to determine the compliance with the plans and the grades existing on the driveway. No further construction activities shall be performed on the driveway prior to inspection and approval by the Township Roadmaster or his designee.

Section 15. Time limit for completion of work.

All driveway improvements shall be completed within 90 days of the approval of the rough graded driveway by the Township Roadmaster or his designee; subject, nevertheless, to an extension granted by the Township Board of Supervisors due to truly extraordinary circumstances, including but not limited to extended inclement weather making work impractical or impossible. The permit holder must relinquish such unused permit, which shall thereupon become invalid. The permit fee under these circumstances will not be returned or applied toward any future permit.

Section 16. Notification of completion of work.

Upon completion of any work authorized by the permit, the holder of such permit shall report to the Township Roadmaster or his designee, in writing, within 10 days of the date of completion. The Township Roadmaster or his designee shall make a final inspection within seven days of notification to determine compliance with permit specifications.

Section 17. Design standards.

A. Angle of driveway approaches. Driveway approaches used for two-way operation shall be positioned at right angles (90°) to the street or as near thereto as site conditions permit. (See Figure Nos. 3 and 4.)

B. Driveways adjacent to intersections.

(1) There shall be a minimum forty-foot distance between the street right-of-way line of the intersecting street and the beginning of the radius of the first permitted driveway. (See Figure No. 6.)

(2) This offset distance shall be considered the minimum distance; in case of medium- and high-volume driveways, the Township Engineer may require additional offset distance as needed to preserve safe sight distance and traffic flow.

C. Additional offsets.

(1) Driveways may not enter a public street:

- (a) Within five feet of a fire hydrant,
- (b) Within twenty-five feet of another driveway on the same property,
- (c) Within three feet of an adjoining property line.

(2) All distances shall be measured beginning where the driveway radius meets the cartway.

D. Curbing. The Township may require the landowner to install curbing to facilitate drainage, or to prohibit vehicle encroachment upon the sidewalk area, or as otherwise deemed necessary by the Township. Where curb installation is required, the Township Engineer shall review and approve both curblines and grade prior to construction.

E. Sight distance. Driveways shall be located at a point within the property frontage limits which provides at least the minimum sight distance computed in accordance with the criteria listed in the Conewago Township Required Sight Distance Table (Appendix A). The sight distance shall be measured along the centerline of the street cartway, from a height of 3.75 feet to the height of an object that is 0.5 foot above the street cartway. The point shall be 15 feet from the edge of the paving on the intersected street. If sight distance requirements, as specified in Appendix A, cannot be met from any location on the property, the Township may:

(1) Prohibit left turns by existing vehicles,

- (2) Restrict turning movements to right turns in and out of a driveway,
- (3) Require installation of a right turn acceleration lane or deceleration lane,
- (4) Require installation of a separate left turn standby lane,
- (5) Require alteration of the horizontal or vertical geometry of the street,
and/or
- (6) Attach any other reasonable condition that the Township may deem reasonably necessary for the health, safety, and welfare of its citizens.

F. Clear sight triangle. Proper sight lines must be maintained at all street intersections. Clear sight measured along street centerlines from their point of junction shall be provided at all intersections, and no building, structure, grade or planting higher than three feet above the centerline of the street shall be permitted within such sight triangle. The following clear sight distances shall apply:

<u>Class of Street</u>	<u>Distance Along Major (feet)</u>	<u>Distance Along Minor (feet)</u>
Arterial	150	150
Collector	150	150
Minor	75	75
Driveway	75	25

G. **Grade of driveway.**

- (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 deeper than 10 inches, the permittee shall install a pipe of adequate size under the driveway, as approved by the Township Engineer. Wherever possible, pipes under driveways shall be located outside the Township right-of-way.

(3) No driveway shall be permitted to discharge stormwater directly to the street, nor shall any driveway obstruct the roadside swale. In lieu of a pipe, the permittee may be required to construct a swale across the driveway to permit the unimpeded flow of stormwater past the driveway.

(4) Cuts. Where a driveway enters a bank through a cut, unless a retaining wall is used, the slope of the cut may not exceed 50% within 25 feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed three feet within 10 feet of the roadway. (See Figure No. 2.)

(5) Grade requirements in curbed and uncurbed streets shall conform to Figure No. 1.

H. Paving. The portion of a driveway within a street right-of-way, and for a distance of 25 feet beyond that right-of-way, shall be paved with a concrete, bituminous, or other paving material acceptable to the Township Engineer to prevent gravel or other loose material from being carried onto the street. Materials used in the construction of the driveways within the public right-of-way shall conform to the Conewago Township ordinances.

Section 18. Penalties for violation; enforcement.

A. Violation of this Ordinance shall be a civil offense, punishable by a fine of not more than Six Hundred Dollars (\$600.00). If a penalty for a violation of this Ordinance is not

timely paid, the offender shall be responsible for the penalty imposed, including additional daily penalties for continuing violations, plus court costs and reasonable attorneys fees incurred by the Township. Each day that a violation continues shall constitute a separate violation.

B. Any violation of this Ordinance may also be enforced by an equity suit for specific performance in the Court of Common Pleas. The landowner shall be responsible for all expenses, including but not limited to court costs and engineering and attorney's fees incurred by the Township.

ORDAINED AND ENACTED by the Board of Township Supervisors of Conewago Township, York County, Pennsylvania, on the 4th day of JUNE, 2001.

ATTEST:

CONEWAGO TOWNSHIP

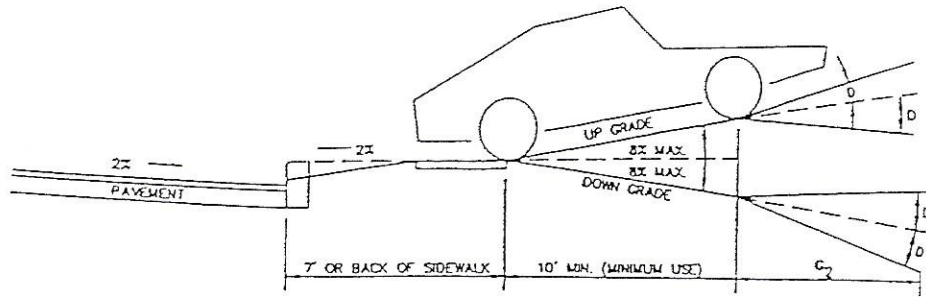
By: RouAnne Bustin F.N.

By: Rich Fink F.N.
Supervisor

By: Ray E. Hykes F.N.
Supervisor

By: Don R. Kew F.N.
Supervisor

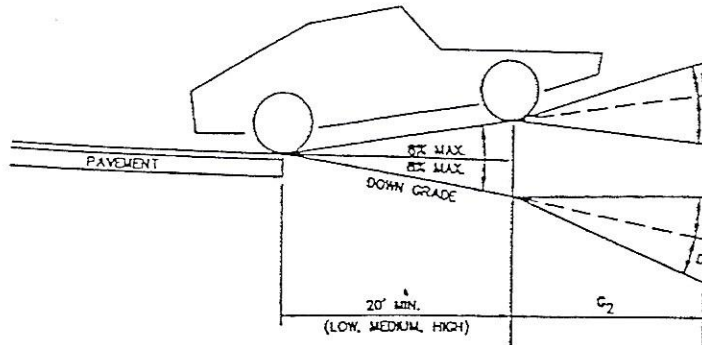
STREETS AND SIDEWALKS



MAXIMUM GRADE CHANGE (D)	DESIRABLE	MAXIMUM
MEDIUM VOLUME DRIVEWAY	± 6%	CONTROLLED BY VEHICLE CLEARANCE

GRADES (G₂) SHALL BE LIMITED TO 15% FOR MINIMUM USE DRIVEWAYS

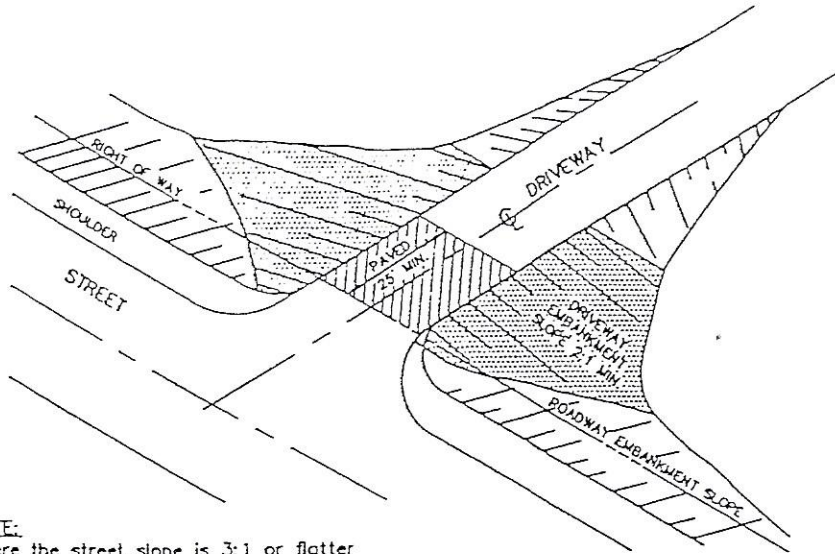
MAXIMUM DRIVEWAY GRADE



MAXIMUM GRADE CHANGE (D)	DESIRABLE	MAXIMUM
HIGH VOLUME DRIVEWAY	± 1%	± 3%
MEDIUM VOLUME DRIVEWAY	± 3%	± 6%
LOW VOLUME DRIVEWAY	± 6%	CONTROLLED BY VEHICLE CLEARANCE

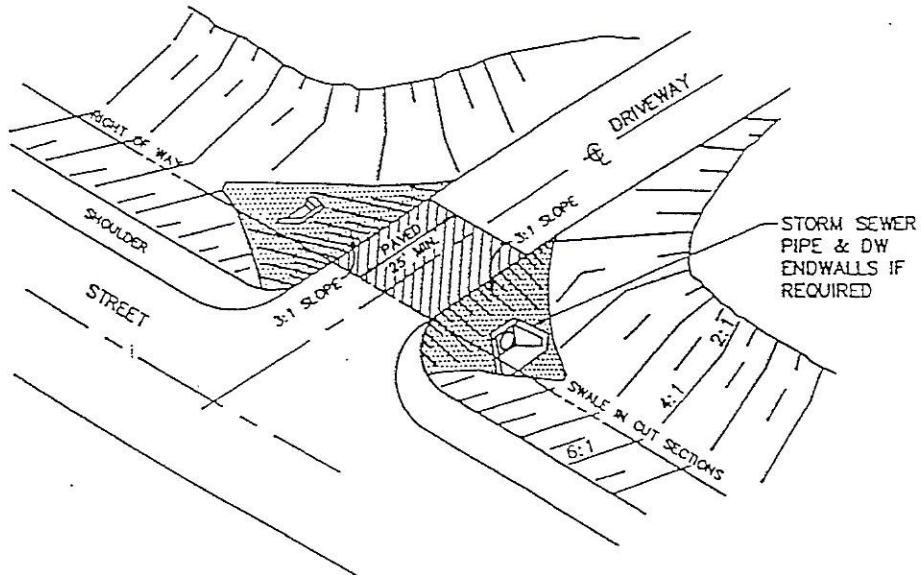
GRADES (G₂) SHALL BE LIMITED FROM 5% TO 8% FOR LOW, MEDIUM OR HIGH VOLUME DRIVEWAYS.

CONEWAGO TOWNSHIP

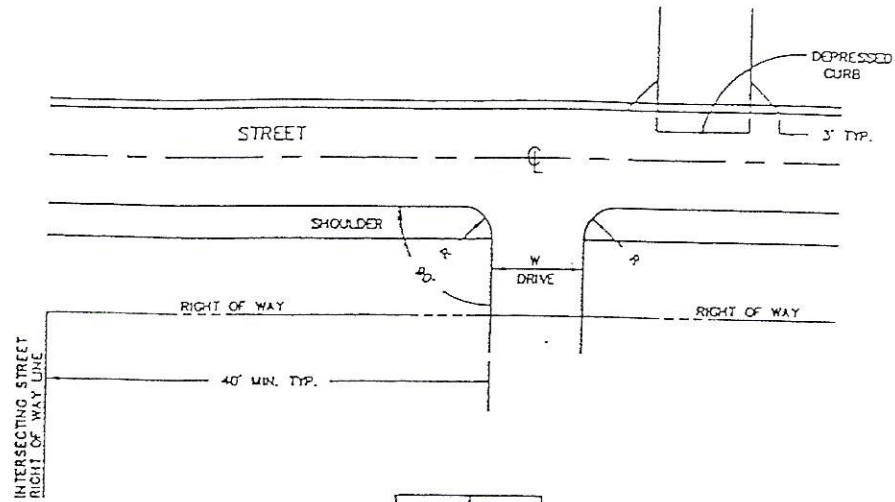


NOTE:
 Where the street slope is 3:1 or flatter the driveway embankment slope within the street R.O.W. shall be 3:1 or flatter.
 Where the street slope is steeper than 3:1 guiderail is usually installed at the top of the slope and steeper slopes are permissible on the driveway within the R.O.W.

DRIVEWAY FILL SLOPES



STREETS AND SIDEWALKS



	MIN.	MAX.
W	12'	20'
R	5'	55'

FIGURE 3: MINIMUM USE DRIVEWAY

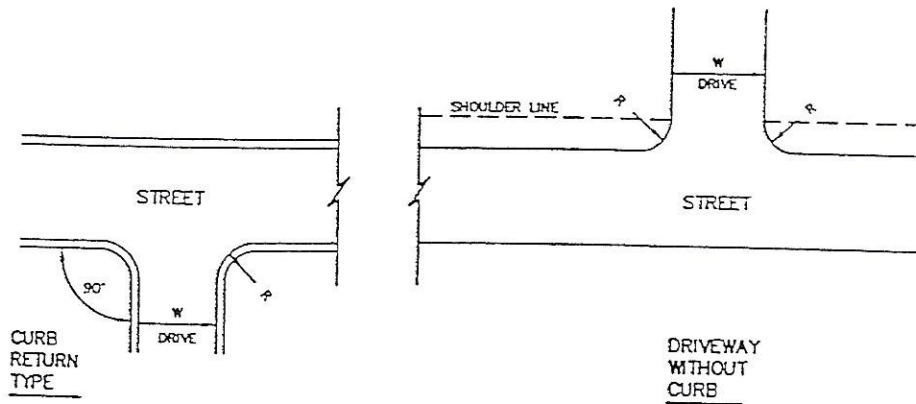
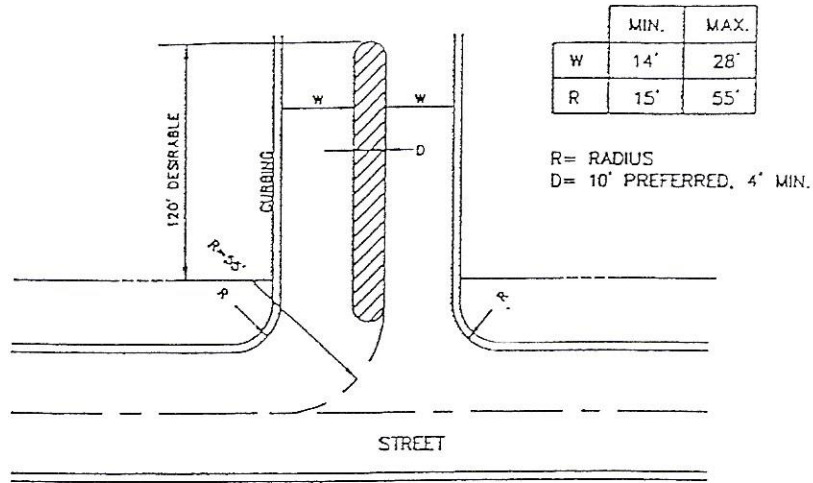


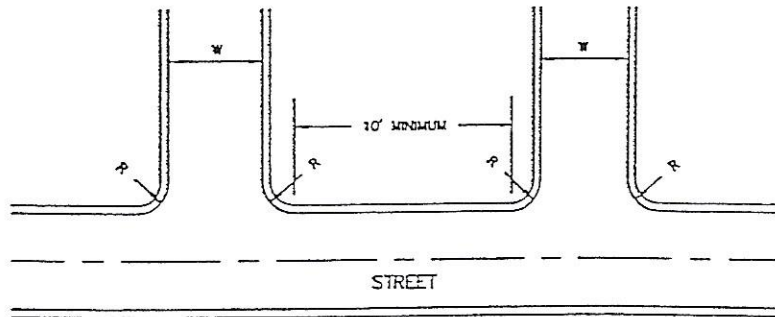
FIGURE 4: LOW VOLUME DRIVEWAY

MIN.	MAX.	
12'	20'	W - ONE WAY
22'	24'	W - TWO WAY
10'	55'	R

CONEWAGO TOWNSHIP

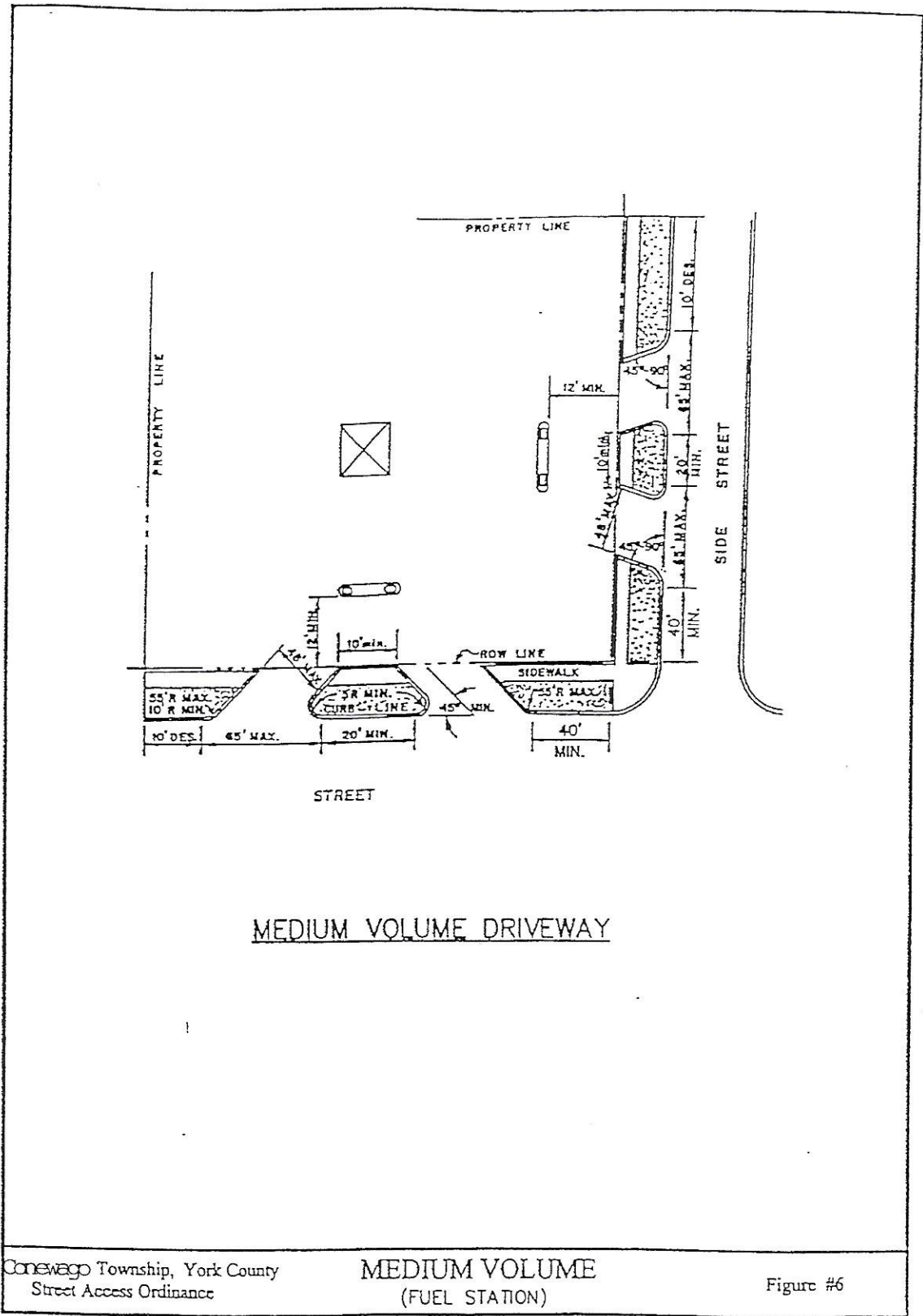


TWO WAY ENTRANCE WITH MEDIAN DIVIDER



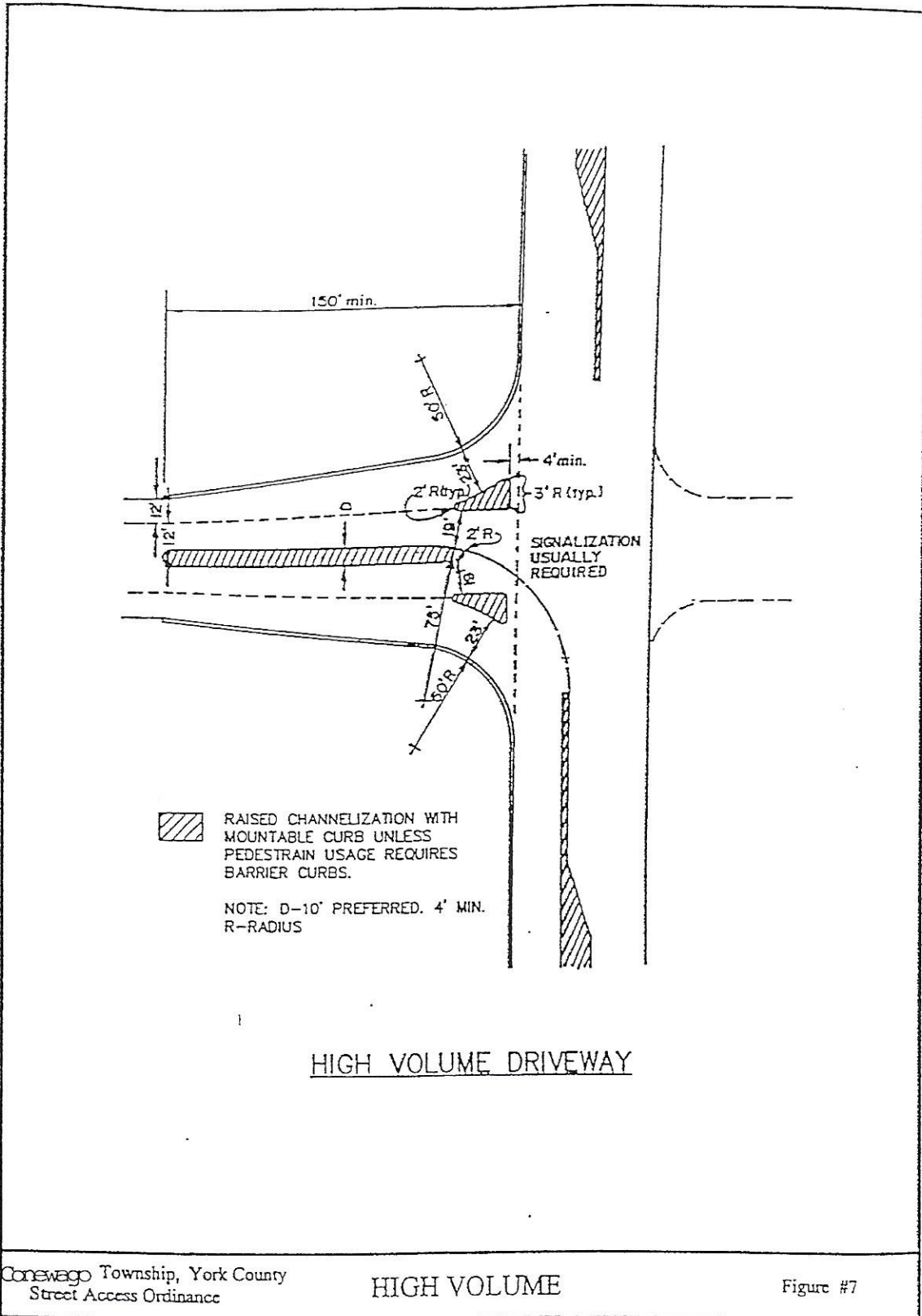
TWO WAY ENTRANCE - SEPARATED DRIVEWAYS

STREETS AND SIDEWALKS



MEDIUM VOLUME DRIVEWAY

CONEWAGO TOWNSHIP



HIGH VOLUME DRIVEWAY

CONEWAGO TOWNSHIP
REQUIRED SIGHT DISTANCE TABLE
 (distance in feet)

SPEED LIMIT	STREET GRADE IN PERCENT																										
	-13	-12	-11	-10	-9	-8	-7	-6	-5	-4	-3	-2	-1	0%	1	2	3	4	5	6	7	8	9	10	11	12	13
15 m.p.h.	85	84	83	82	81	80	79	79	78	77	77	76	75	75	74	73	73	73	73	72	72	71	71	71	70	70	70
20 m.p.h.	127	125	123	121	119	118	117	116	114	113	112	111	110	109	108	107	106	105	105	104	103	102	102	101	101	100	100
25 m.p.h.	175	172	169	166	164	161	159	157	155	153	151	150	148	147	145	144	143	142	140	139	138	137	136	135	134	134	133
30 m.p.h.	247	241	235	230	226	221	217	214	210	207	204	201	198	196	194	191	189	187	185	183	182	180	178	177	175	174	173
35 m.p.h.	323	314	306	299	292	286	280	274	269	265	260	256	252	249	245	242	238	236	233	231	228	226	224	221	219	217	215
40 m.p.h.	428	414	401	389	379	369	360	352	345	337	331	325	319	314	309	309	299	295	291	287	284	280	277	274	271	268	266
45 m.p.h.	540	521	503	487	472	459	447	435	425	415	406	398	390	383	376	370	364	358	353	348	343	338	334	330	326	322	319
50 m.p.h.	674	647	622	600	581	563	547	531	517	504	492	481	471	462	453	444	436	429	421	415	409	403	397	392	388	382	378
55 m.p.h.	708	702	703	706	712	720	731	741	752	763	774	782	790	798	807	817	828	839	850	861	875	887	901	914	928	942	957
60 m.p.h.	926	887	852	821	792	766	742	721	701	682	665	649	634	621	608	596	584	573	563	554	545	536	528	521	513	506	500

STREETS AND SIDEWALKS

York Office

38 N. Duke St. • York, PA 17401
(717) 846-4805 • FAX (717) 846-5811

Gettysburg Office

50 W. Middle St. • Gettysburg, PA 17325
(717) 337-3021 • FAX (717) 337-0782

Client _____ Sheet _____ Of _____
Project _____ No. _____
Subject _____
Prepared By _____ Date _____
Reviewed By _____ Date _____
Approved By _____ Date _____

