

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:

1. Geometric information such as width, radius, dimensions and location of the proposed driveway, 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.
2. 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 and attested by the owner's signature on the application. Minimum sight distances shall be required to meet those provided in PENNDOT Chapter 441.8.
3. 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 roadside drainage and control and mitigation of surface water runoff created by installation or improvement of the driveway.
4. When determined by the Township, a Stormwater Management Plan shall be filed in accordance with the requirements of the Township Stormwater Management Ordinance, in which case approval of the Stormwater Management Plan shall precede issuance of a driveway permit.

B. Review criteria. The application, accompanying sketch, and drainage plan shall be reviewed by the Township. Driveway design shall conform to the requirements and standards and specifications of this Ordinance, PENNDOT Chapter 441, the Erie County Subdivision & Land Development Ordinance, the Wayne Township Stormwater Management Ordinance, and all related standards and specifications that are incorporated herein by reference. In no event shall a permit be issued for a proposed driveway under any of the following circumstances:

1. It would create hazardous effects of storm water run-off.
2. It would cause damage to a public road.
3. It would increase hazardous driving conditions on the public road.
4. It would be constructed in a manner that would obstruct it from view.
5. The sight distance is inadequate to safely allow movement to be made into or out of the driveway.

6. The free movement of highway or street traffic would be impaired.
7. It would create an area of traffic congestion on the highway or street.
8. It would be located at 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.
9. 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.
10. No more than one driveway shall be permitted per lot on any one highway or street frontage. The Board of Supervisors may grant permission for additional driveways under exceptional circumstances.
11. It would be located within forty (40) feet of the right-of-way line of an intersecting street. This dimension shall be increased for driveways to shopping centers and other commercial, industrial, public or institutional purposes.
12. It would be located within five (5) feet of a fire hydrant, catch basin or drain inlet.
13. It would exceed a slope of fifteen (15%) percent within fifteen (15) feet of the street right-of-way line.
14. It would be located within three (3) feet of a property line.
15. It would impair drainage within the right-of-way, alter the stability of the improved area, or change the drainage of adjacent area.
16. In the opinion of the township it would create a hazardous situation not otherwise anticipated.

C. Damage to public roads. The owner and contractor are responsible for damage to any portion of the public road caused by equipment en route to 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, Publication No. 90 and Publication 213.

1. The Permittee shall provide and maintain all necessary precautions to prevent injury or damage to persons and property in accordance with instructions furnished by the Township. A traffic control plan shall be submitted to and approved by the Township Engineer before detouring any traffic.

2. Warning signs shall be placed in advance of the actual operation in such a manner as to be visible to the traveling public, and substantial barricades with adequate illumination shall be provided and maintained for any open trench or hole in the improved area.
3. Designated employees shall be assigned by the Permittee to direct one-lane traffic. Flagmen shall be provided as specified in the permit and in accordance with Publication No. 43 and Publication No. 90.

E. Drainage. All driveways that 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. Where open shoulders or berms exist, the grade of the access driveway shall slope away from the roadway surface at the same rate as the existing shoulder (unless advised to the contrary by the Township) for the prevailing width of the shoulder. **The gradient of a driveway beyond this point (within the roadway right of way) shall be not more than 8%**

F. Stabilization of Driveway within the Right of Way. All driveways which are constructed and have access onto a public road shall be surfaced with a stabilized material between the cartway and the right of way line.

G. 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.

H. Re-inspections. The Township may re-inspect the at any time after 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 ten percent (10%) of the costs, which may be recovered by the Township.

I. Owner's Maintenance responsibility. All property owners shall be responsible for long-term maintenance of the driveway and related drainage or stormwater management plan. 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 an improperly maintained driveway.

All driveways, adjacent areas and areas between such driveways including channelization, paving, drainage, etc. installed by the property owner or his predecessor in title shall be maintained by the property owner in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the Township roadway or the safe and convenient passage of traffic upon the Township roadway. The term adjacent area shall apply only to that area within the property owner's property or that area of the Township right of way contiguous to the property owner's property.

J. Sight distance. Measurement of sight distance from a vehicle turning from a driveway shall be such that the position of the driver is taken to be 10 feet from the edge of the traveled cartway at the centerline of such driveway; the driver eye height is to be 3.5 feet; the vehicle height on traveled cartway is to be 4.25 feet. Adequate sight distance is to be provided to the right and to the left of the driveway.

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. If the approved installation is not completed within nine months of the permit issuance date, the permit shall expire.

L. Enforcement.

1. Upon determining that a driveway has not been installed or maintained in accordance with the provisions of this Ordinance and/or is unsafe, the authorized Township representative shall serve or cause to be served on the owner a written notice containing a description of the portion of the driveway deemed unsafe or in violation of the Ordinance, a statement of the particulars in which the driveway is unsafe or in violation of the Ordinance, and an order requiring the same to be made safe, brought into conformity with the Ordinance or removed, as may be deemed necessary by the Township. If the person to whom such notice or order is addressed cannot be found after diligent search, then such notice or order shall be sent by certified mail to the last known address of such person; and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service. Said notice shall require the owner or occupier of said land to commence the repair or removal, as the case may be, within ten days of such notice and to complete the repair or removal within thirty days thereof. The "Application Procedures" of Section 5 shall apply.

2. If the person served with a notice and order to remove or repair an unsafe driveway or portion thereof shall fail to comply with the notice or with the time limits contained therein, the Township shall have the right to proceed to either remove or repair the driveway as the case may be. The Township shall collect the cost of any removal or repair together with a penalty of ten per cent (10%) of such cost, and may file a municipal claim therefore or by an action in assumpsit or may seek relief by a bill in equity.
3. In case there shall be in the opinion of the appropriate Township official, actual immediate danger to users of the affected Township roadway, the Township may purchase such material and employ such labor and cause the necessary work to be done through rendering the driveway or portion thereof temporarily safe, without the necessity of resorting to the procedure as to notice prescribed herein. The Township shall collect the cost of any removal or repair together with a penalty of ten per cent (10%) of such cost, and may file a municipal claim therefore or by an action in assumpsit or may seek relief by a bill in equity.