

FOSTER TOWNSHIP
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 2-2006

AN ORDINANCE OF THE TOWNSHIP OF FOSTER, A SECOND CLASS TOWNSHIP, IN THE COUNTY OF SCHUYLKILL AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING GUIDELINES FOR DRIVEWAY OCCUPANCY PERMITS; REQUIRING CONSTRUCTION STANDARDS FOR ALL DRIVEWAYS, ALLEYWAYS, PRIVATE OR PUBLIC ROAD ACCESS; ESTABLISHING ESCROW REQUIREMENTS, FEES, AND INSURANCE; AND DETAILING CONSTRUCTION REQUIREMENTS.

This Ordinance shall be known and cited as the "Foster Township Driveway Ordinance".

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, after Public Hearing and in accordance with the general powers permitted by the Second Class Township Code (53 P.S. §65101, et seq.), as follows:

DEFINITIONS:

"Driveway" – Every entrance or exit used by vehicular traffic to or from properties abutting a roadway.

"Roadway" – Every public road or street including existing or proposed streets, lanes, alleys, courts and ways.

"High Volume Driveway" – A driveway used or expected to be used by more than 1,500 vehicles per day.

“Medium Volume Driveway” – A driveway used or expected to be used by more than 750 but less than 1,500 vehicles per day.

“Low Volume Driveway” – A driveway used or expected to be used by more than 25 but less than 750 vehicles per day.

“Minimum Use Driveway” – A residential or other driveway which is used or expected to be used by not more than 25 vehicles per day.

Section I. This Ordinance shall regulate all activity by any person or entity involving the construction, reconstruction, or modification (i.e. paving, repaving, resurfacing, grading, regrading) of driveways, alleyways, private or public road access as defined and enumerated in this Ordinance.

Section II. The application procedure to be followed including fees and escrow required shall be set and may be revised by the Supervisors through Resolution of the Board, from time to time, as required.

Section III. The attached document entitled “SCHEDULE A; INSURANCE FEE, ESCROW AND DEPOSIT REQUIREMENTS” shall be incorporated herein and be made a part of this Ordinance and sets forth the particular fee schedule, escrow, inspection, security deposit and insurance requirements for activities within the purview of this Ordinance. Any changes, modifications, or alterations of Schedule A shall and may be revised by the Supervisors through Resolution of the Board, from time to time, as required.

Section IV. The attached document entitled “SCHEDULE B; MINIMUM USE DRIVEWAY CONSTRUCTION STANDARDS” shall be incorporated herein and be made a part of this Ordinance and sets forth the construction standards to be followed and employed for all minimum use driveways in the Township, whether new construction, repair, repaving,

regrading, resurfacing or relocating same. Any changes, modifications, or alterations of Schedule B shall and may be revised by the Supervisors through Resolution of the Board, from time to time, as required.

Section V. The attached document entitled "APPLICATION FOR DRIVEWAY PERMIT" shall be incorporated herein and be made a part of this Ordinance and shall be used as the standard application form/permit for all activity enumerated and encompassed in this Ordinance. Any changes, modifications or alterations of these instructions shall and may be revised by the Supervisors through Resolution of the Board, from time to time, as required.

Section VI. Any person or entity who shall violate or fail to comply with any of the provisions of this Ordinance, shall be guilty of a summary offense, and upon conviction thereof, be sentenced to pay a fine of up to three hundred (\$300.00) dollars and costs of prosecution, provided, further, that each day's continuance of a violation shall constitute a separate offense.

The Board of Supervisors may direct the removal, repair or alterations, which constitute a violation, as the case may be, to be done by the Township and to certify the costs thereof to the Township Solicitor, the cost of such removal, repairs, or alterations shall be a lien upon such premises from the time of such removal, repair, and alteration which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary.

The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation such as making required modifications, or seek any such other relief as any such court or competent jurisdiction is empowered to afford.

Section VII. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason, held to be invalid or unconstitutional by any court of

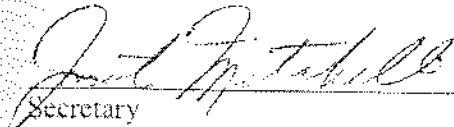
competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

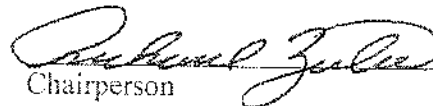
Section VIII. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the adoption hereof.

DULY ENACTED AND ORDAINED by the Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, this 4th day of October, 2006, in lawful session duly assembled.

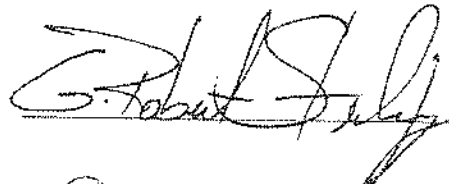
ATTEST:

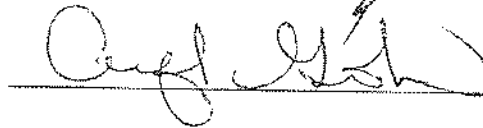
FOSTER TOWNSHIP BOARD OF
SUPERVISORS, FOSTER TOWNSHIP,
SCHUYLKILL COUNTY, PENNSYLVANIA


Secretary


Chairperson

(SEAL)



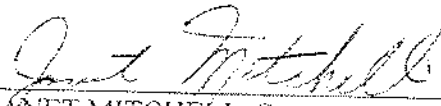


IN RE: AN ORDINANCE OF THE TOWNSHIP OF FOSTER, A SECOND CLASS TOWNSHIP, IN THE COUNTY OF SCHUYLKILL AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING GUIDELINES FOR DRIVEWAY OCCUPANCY PERMITS; REQUIRING CONSTRUCTION STANDARDS FOR ALL DRIVEWAYS, ALLEYWAYS, PRIVATE OR PUBLIC ROAD ACCESS; ESTABLISHING ESCROW REQUIREMENTS, FEES, AND INSURANCE; AND DETAILING CONSTRUCTION REQUIREMENTS.

CERTIFICATION

I hereby certify that the within Ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Foster Township, Schuylkill County, Pennsylvania, on the 4th day of October, 2006.

TOWNSHIP SEAL



JANET MITCHELL, Secretary
Foster Township
1540 Sunbury Road
Pottsville, PA 17901
Telephone No. (570) 544-4137

SCHEDULE "A"

INSURANCE FEE, ESCROW, AND DEPOSIT REQUIREMENTS
DRIVEWAY PERMIT APPLICATIONS

1. The following Application Fees shall apply:

Driveway Application Fee	\$ 50.00
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2. The following Engineering Review Escrow requirements apply:

If a review of the application or site or inspection of the work by the Township Engineer is deemed to be necessary by the Township, the fees for such work will be charged against a review and inspection escrow account in accordance with the Township's Schedule of Rates for Professional Engineering Services. If an escrow deposit is required, a minimum of \$250.00 for old construction and \$500.00 for new construction, shall be provided by the applicant to offset anticipated review or inspection fees. Unused escrow balance will be refunded to the applicant following satisfactory completion of the work.

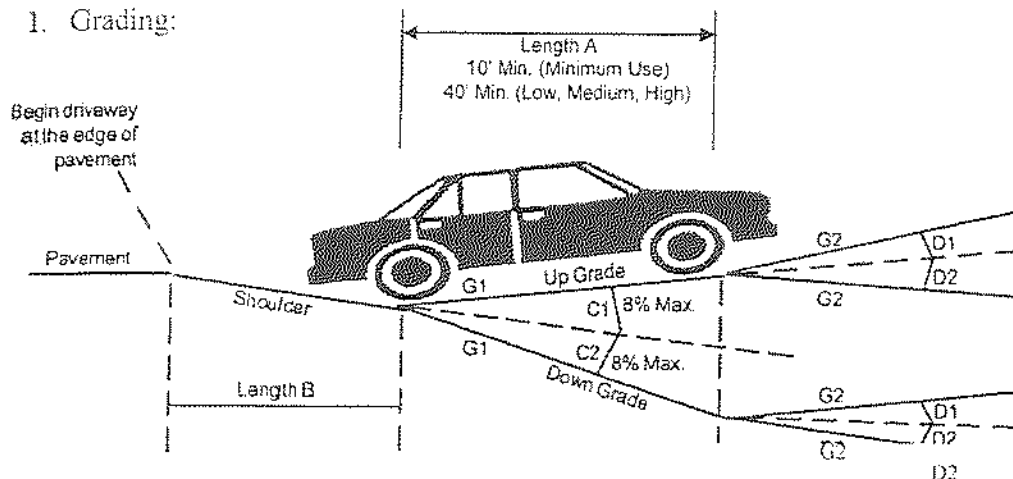
3. Contractors shall provide evidence of general liability coverage in an amount not less than \$1,000,000.00.
4. If the proposed occupancy is covered by an Improvements Agreement through the Subdivision and Land Development approval process, the escrow and security deposit are waived.

SCHEDULE "B"

MINIMUM USE DRIVEWAY CONSTRUCTION STANDARDS

A. Driveway design and construction shall comply with the following standards:

1. Grading:



The shoulder slope usually varies from 1/8"/ft. (2%) to 3/4"/ft. (6%). However, the shoulder slope should be maintained when constructing the driveway.

For grade changes greater than those shown in the above diagram, vertical curves at least 10 feet long shall be constructed and length "A" shall be increased.

Grades (G) 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}	
	Desirable	Maximum
High Volume Driveway	0%	+/- 3%
Medium Volume Driveway	+/- 3%	+/- 6%
Low Volume Driveway (Minimum Use)	+/- 6%	Controlled by Vehicle Clearance

2. Sight Distance:

Driveways shall be located at a point within the property frontage limits which provides at least the minimum sight distance listed in the following table for passenger cars and single unit trucks existing from driveways onto roadways:

<u>Posted Speed (mph)</u>	<u>Safe Sight Distance (Left)*</u> (feet)	<u>Safe Sight Distance (Right)*</u> (feet)
25	250	195
35	440	350
45	635	570
55	845	875

* - measured from a vehicle ten feet back from the pavement edge at height of driver.

Note: for additional vehicle lane configurations – see Pennsylvania Code, Title 67, Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads.

Note: Obtaining the required sight distance may require clearing and or trimming of trees on applicant's property. Initial clearing and future maintenance shall be the responsibility of the property owner. No structures (permanent or temporary) may be installed if they obstruct the safe sight distance.

3. Driveways Adjacent to Intersections

- a. There shall be a minimum ten foot tangent distance between the intersecting roadway to the radius of the first permitted driveway.
 - b. The distance from the edge of pavement of the intersecting roadway to the radius of the first permitted driveway shall be a minimum of 20 feet on curbed roadways and 30 feet on uncurbed highways.
 - c. Sections 3a and 3b may be waived only if the intersecting highway radius extends along the property frontage to the extent that it is physically impossible.
- B. The minimum driveway width for minimum use driveways is ten (10') feet. The driveway is to intersect the existing roadway at ninety degrees and have a minimum five (5') foot return radius on each side. Alternate configurations of less than ninety degrees will be reviewed on a case by case basis. All other accessway width shall be pursuant to Pennsylvania Code, Title 67, Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads.

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- C. The minimum use driveway shall be paved for the initial twenty (20') feet. The applicant/owner shall maintain the initial twenty (20') feet in a paved condition. The minimum pavement requirements consist of four (4") inches of 2A crushed aggregate and two (2") inches of superpave wearing course bituminous pavement. The joint between the paved driveway and existing Township Road pavement shall be sealed 6" on each side with PG 64-22. Additional paving of a 3" superpave bituminous base course is recommended but not required.

- D. A "C"-Swale/Gutter cross section must be provided across the proposed paved driveway. The cross section geometry shall be maintained so as to allow for unimpeded longitudinal stormwater flow. Minimum swale width shall be 4 feet wide. Swale requirement shall be greater than or equal to existing up and down stream swale adjacent to driveway or property..

- E. Altering drainage prohibited. Unless specifically authorized by the permit, the permittee shall not:
 - 1. Alter the existing drainage pattern or the existing flow of drainage water.
 - 2. Direct additional drainage of surface water onto or into the road right of way.

- F. The owner/applicant shall control/mitigate increases in stormwater flow resulting from development as part of the building permit, erosion and sedimentation plan, subdivision regulations, and state regulations.

- G. If the applicant/owner requests a culvert installation, appropriate sketches and calculations shall be submitted to the Township for review and approval a minimum of thirty (30) days prior to planned construction. Pipe material is to be reinforced concrete pipe or high density polyethylene, with flared end sections and a minimum fifteen (15") inch diameter. The crown of the pipe is to be set below the elevation of the edge of pavement.

- H. All disturbed areas within the Township right-of-way, but not including the paved driveway, shall be graded and stabilized according to approved Subdivision/Land Development Plans if applicable, or otherwise returned to preexisting conditions.

- I. The applicant/owners shall be responsible for incorporating standard erosion and sedimentation control practices during the driveway construction. Cleanup of offsite sediment or repair of offsite erosion will be at the applicant's/owner's responsibility.

- J. The owner/applicant shall provide temporary traffic control devices and procedures, such as signage and flaggers, in accordance with PennDOT Publication 203, Chapter 203, Section 131.

- K. Design features not specifically identified in this ordinance shall reference Pennsylvania Code, Title 67. Transportation, Chapter 441, Access to and Occupancy

of Highways by Driveways and Local Roads. If curb or sidewalk is adjacent and/or on your property. It must be repaired, replaced or extended along your property per PENNDOT road construction (RC) standards.

- L. The location of the proposed driveway shall be staked as part of the permit application. The initial stake shall be placed along the Township roadway with subsequent stakes spaced at 25' intervals.
- M. Any damage to a Township Road, signage, etc. must be repaired or improved in kind at no cost to the Township.
- N. Crossing of construction equipment on Township roads may require an overweight permit. The road must be protected from damage via boards, tires, earth, etc.

FOSTER TOWNSHIP

1540 Sunbury Road
Pottsville, PA 17901
Phone: 570.544.4137
Fax: 570.544.4113

APPLICATION FOR DRIVEWAY PERMIT

1. APPLICANTS NAME: _____ TELEPHONE #: _____
CONTACT PERSON: _____ TELEPHONE #: _____
ADDRESS: _____
2. CONTRACTORS NAME: _____ TELEPHONE #: _____
ADDRESS: _____
INSURANCE CARRIER: _____ POLICY #: _____
3. PURPOSE OF DRIVEWAY: _____
4. LOCATION OF DRIVEWAY: _____
5. START DATE: _____ DAYS FOR COMPLETION: _____
6. DESCRIPTION OF DRIVEWAY: LENGTH _____ WIDTH _____ DEPTH _____
7. METHOD OF CONSTRUCTION: _____ BITUMINOUS PAVING _____ OTHER _____
8. SKETCH OF PROPOSED WORK: (Use area below or attach separate sheet)

(SHOW LOCATION OF ROAD CUT, EDGE OF PAVEMENT, EDGE OF RIGHT-OF-WAY, STREET NAME, HOME LOCATION, EXISTING UTILITIES, PROPOSED UTILITY)

THE DIMENSIONS AND GRADES IN ACCORDANCE WITH THE FIGURE IN THE DRIVEWAY ORDINANCE WILL BE INSTALLED AS FOLLOWS:

1. LENGTH B (SHOULDER): _____ LENGTH A: _____
2. GRADE 1
(G 1): _____
(C1): _____ OR
(C2): _____
3. GRADE 2 Location Marked In Field: _____ Yes _____ No
(G2): _____
(D1): _____
(D2): _____
4. Sight Distance Provided: Distance Right _____ feet Distance Left _____ feet

I, _____ the applicant as listed above execute this application this _____ day of _____ 20____ and understand the requirements of Foster Township Ordinance Number _____ and driveway design/construction requirements imposed by said ordinance.

SIGNATURE: _____ **DATE:** _____

PERMIT FEES		DESIGN REQUIREMENTS /INSPECTIONS				
Permit Issuance	\$50.00	Vertical Grade		Sight Distance		Field Inspection
Escrow		YES	NO	YES	NO	
Inspection		Check by:	Check by:	Check by:	Check by:	Inspected by:
Total		Date:	Date:	Date:	Date:	Date:

PERMIT NUMBER: _____ **ISSUE DATE:** _____
Approved By: _____ **Title:** _____