

SPRING BROOK TOWNSHIP, LACKAWANNA COUNTY, PENNSYLVANIA

ORDINANCE NUMBER #2008-2

AN ORDINANCE OF THE TOWNSHIP OF SPRING BROOK, COUNTY OF LACKAWANNA, AND COMMONWEALTH OF PENNSYLVANIA REQUIRING ALL PERSONS TO OBTAIN PERMITS PRIOR TO CONNECTING OR PAVING DRIVEWAYS TO PUBLIC ROADS OR PERFORMING EXCAVATING OR OTHER WORK IN 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 Spring Brook, Lackawanna County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION 100: SHORT TITLE

This Ordinance shall be known as the “Spring Brook Township Driveway and Street Excavation Ordinance.”

SECTION 200: DEFINITIONS

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

201. Board – The Board of Supervisors of Spring Brook Township, Lackawanna County, Pennsylvania.
202. CMP – Corrugated Metal Pipe
203. Contractor – The person who installs a driveway or excavates in a Township roadway, including all agents, subcontractors, officers or employees of that person or business entity.
204. Driveway – Every entrance or exit used by vehicular traffic to or from properties abutting a public road. The term includes proposed streets, lanes, alleys, courts and ways.
205. HDPE – High Density Polyethylene
206. Owner – The owner of the land upon which the driveway is located and his successors or assigns.
207. Permit – A driveway permit issued by the Board pursuant to this Ordinance.

208. Permittee – The holder of a duly issued permit.
209. Public Road – Any road, street, alley, bridge or public thoroughfare, including the entire area between right-of-way lines, either presently maintained by Spring Brook Township, or shown on a subdivision or land development plan and intended to be dedicated to Spring Brook Township in the future.
210. PENNDOT – Pennsylvania Department of Transportation.
211. Right-of-Way – The area which has been acquired by the Township for highway purposes.
212. Routine Maintenance – The care and servicing for the purpose of maintaining the driveway and its stormwater conveyance in operating condition by providing systematic inspection, detection, and correction of failures either before they occur or before they develop into major deficiencies. Routine maintenance shall include, but not be limited to, cleaning of stormwater conveyance components, crack sealing, resurfacing, and replacement of the existing surface course.
213. Township – Spring Brook Township, Lackawanna County, Pennsylvania

SECTION 300: PURPOSE

301. The purpose of this Ordinance is to require permits for proper connection of driveways to public roads to minimize damages to public and private properties, increased maintenance and repair costs, and hazards to the traveling public.

SECTION 400: PERMIT AND APPLICATION REQUIREMENTS

401. No person, firm, contractor, or corporation shall grade, construct, or install a new or existing drain, driveway or culvert affecting discharge or passage of drainage water into or along a roadway until the Township grants a permit.

402. Any improvement to a lot or driveway requires an inspection by the township zoning officer or other township official, as determined by the Spring Brook Board of Supervisors, to decide whether a permit is required. A permit is required if an initial inspection concludes there will be unwarranted damages to public and/or private properties, increased maintenance and repair costs to the township or state, and hazards to the traveling public. If a permit is not required, the owner will be notified in writing that no such permit is needed.

403. A permit is required for each driveway, whether it is serving the same premises or not. A permit is not required for routine maintenance.

404. Issuance of this permit does not relieve permittee from any additional required permits.

405. Applications for a permit shall be submitted on a form furnished by the Township, in the name of the owner, to the Township Secretary, no less than 10 days before work begins.

406. All applications will include a plan detailing the location and pertinent dimensions of the driveway and drainage facilities, approximate size and depth of excavation, the proposed installation and related street features (width of traveled roadway, right-of-way lines, distance to the nearest intersecting street, driveway, and side property lines).

407. A permit is required for a permanent or temporary driveway.

408. Permits are not transferable without approval of Township.

409. In the case of any emergency related to subsurface pipe, conduit, construction, or apparatus, the owner can commence work to remedy said problem before securing permit. Application for permit of above mentioned situation must be submitted no later than 5 business days after work begins. If any emergency matter can not be immediately dealt with by owner, the Township may, if deemed necessary, perform work and charge the cost thereof to such owner.

410. The permittee shall fully indemnify and save harmless the Township of and from all liability for damages or injury to persons or property throughout construction by any act or omissions by any person engaged or employed by agents of or permittee themselves. The permit shall include a statement, signed by the applicant, to the effect that the applicant will comply with all relevant ordinances of the Township and laws of the State and the applicant will protect and save harmless the Township and its officers, agents, and employees from all losses and liability in accordance with the Ordinance.

SECTION 500: PERMIT FEES

501. The application shall be accompanied by fees established by the Board. The fees shall cover the cost of processing the application and inspection of the work. Fees for additional inspections will be based on the cost of making the inspections.

502. Fees to cover processing the application and inspection of the work shall be established by resolution of the Board of Supervisors.

SECTION 600: PERMIT CONDITIONS AND REQUIRMENTS

601. General Requirements

- A. All driveways shall be located, designed, constructed, and maintained so as not to interfere with the design, maintenance, and drainage of the street being intersected.
- B. All proposed and existing driveways shall not create a hazardous driving condition on a public road, create a hazardous effect of stormwater run-off, cause damage to a public road, create congestion on intersecting streets, be located on any highway interchange or ramp, or interfere with a traffic control device.
- C. Driveways shall be permitted only at locations with an unobstructed, minimum sight distance of 150 feet. 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 roadway at the centerline of driveway and the driver height is to be 3.5 feet, measured to an object 0.5 feet in height.
- D. At each driveway and public road intersection, a clear-sight triangle of 10 feet, (measured from the driveway and intersecting street edge), shall be maintained for the life of the driveway by the owner. Within the clear sight triangle, no vegetation or visual obstruction may exceed 2 feet in height above the centerline grade.
- E. No driveway is to be located within 40 feet of the intersecting street's right-of way.
- F. No driveway is to be located within 5 feet of a fire hydrant, catch basin or storm inlet.
- G. No driveway is to be located within 10 feet of a property line.
- H. The minimum spacing between driveways located on the same property shall be 150 feet, measured centerline to centerline of the driveways.
- I. Altering existing vegetation within the Township right-of-way or adjacent neighboring properties is prohibited without prior Township approval.
- J. No driveway shall exceed a slope of 7% within 15 feet of the street right-of-way.

602. Drainage Requirements

- A. A stormwater management plan may need to be submitted, as determined by the Township.
- B. No negative impact of water into adjacent roadways or properties, public or private, is permitted. Negative impacts shall include, but are not limited to: damage occurring to adjacent property, creation of hazardous condition, directing of additional drainage onto road right-of-ways.
- C. No altering of existing drainage patterns is permitted.
- D. Do not direct additional drainage of surface waters onto or into roadway.
- E. As determined by a township official, all driveways shall have either a drainage pipe or swale to convey stormwater.
- F. Wherever the slope of the driveway interferes with shoulder drainage, a culvert or low point of adequate size must be installed to sufficiently facilitate drainage. The size and specification will be approved by the Township.
- G. The minimum cover over any pipe or culvert shall be 1 foot.
- H. The minimum size of any pipe or culvert used will be 12 inches.
- I. All lifts of pipe backfill shall be placed 4 inches thick and compacted with approved vibratory compaction machinery.
- J. All pipes shall be made of HDPE, concrete, or CMP materials.
- K. All trenches shall be backfilled with PENNDOT 2A or 2RC coarse aggregate to height of not less than 1 foot above the top of pipe or culvert. The remaining backfill will be with suitable material.

603. Work Schedule

- A. All work involving excavation into traveled portions of the road must be started within 90 days of permit issuance.
- B. All work must be completed within 30 days of commencement unless a written extension is submitted and granted by the Township.

- C. No work impacting the general public's travel will be allowed on the days preceding, following, or on holidays themselves.

604. Construction Requirements

- A. All equipment used in construction of a permitted driveway, left at site overnight, shall be parked a minimum of 4 feet off of the road edge.
- B. No excavation may extend from the right-of-way line past the centerline of roadway before being restored to a condition of safe travel.
- C. Traffic control shall be in accordance with applicable PENNDOT standards.
- D. The placement of utilities underground shall be identified with permanent ground surface markers.
- E. The excavation required for the site work may not interfere with any utilities until permission of owners of such utilities is obtained. The locating and protecting of underground utilities is the responsibility of the owner or contractor.
- F. All trenches shall be benched or shored when required by OSHA or if there is a potential for damage to adjacent roadway.
- G. No more than 100 feet longitudinally shall be opened in any street at any one time.
- H. If work is stopped and any trench remains open for an unreasonable period, the owner or contractor, if directed by Township, must backfill trench until work can be resumed.
- I. All disturbed slopes or earthen areas shall be restored to their original condition or in a manner approved by Township.

605. Owner/Permittee Responsibilities

- A. The permittee shall restore all pavements and shoulders to their former condition and is responsible for repairing any failure or damage of roadway immediate or adjacent to work area within 1 year of completion of work.
- B. All property owners are responsible for the maintenance of driveway and related stormwater management.

- C. The owners or contractors must obtain written consent of neighbors for work affecting their property.
- D. The permittee is responsible for maintaining compliance with all terms and conditions of permit.
- E. The permit shall be located at the work site and shall be available for inspection by any Township representative.
- F. The permit shall be maintained by the permittee as a permanent record and remain in effect, as long as the driveway or facility exists.
- G. The permittee is responsible for all costs related to work and inspections of work.

SECTION 700: ENFORCEMENT

701. Liability

- A. The permittee shall be principally liable to the Township for any failure to comply with the permit.
- B. The Township in granting a permit, waives none of its powers or rights to require the future change in operation, removal, relocation, or proper maintenance of any access within the Township right-of-way.
- C. The permit shall be binding upon the permittee, its agents, contractors, successors, and assigns.

702. Violations of Permit

- A. Any work, deemed deficient or delayed, which is impacting a Township road, may be corrected or repaired by the Township at the cost of the owner.
- B. If the permittee, after beginning construction, fails to restore any portion of the right-of-way to conform to Township standards, the Township may perform and complete the work. The owner shall be responsible for all costs associated with said work.
- C. The Township may re-inspect the work up to 1 year after its completion. If a defect in the work is found, which causes immediate danger to the health or safety of the public, it is to be corrected within 48 hours. All other defects shall be repaired within 60 days.

703. Penalties

- A. Any owner or contractor who violates any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, be subject to a fine not to exceed Three hundred dollars (\$300.00) together with costs of prosecution and, in default of payment of such fine and costs, be committed to the County Prison for a period not exceeding thirty (30) days.
- B. All fines collected for the violation of this Ordinance shall be paid to the Township for the general use of the Township.
- C. Each day of violation shall constitute a separate offense and be subject to the penalty set forth herein. If, said owner and/or contractor does not comply with the provisions of this Ordinance within 30 days after the imposition of verdict by a District Magistrate or District Justice, a new and separate offense shall be deemed to have been committed for each day said violation exists, beginning 30 days after said original verdict.
- D. In default of payment for fines and court costs, imprisonment in the County jail for not more than 5 days will ensue.

SECTION 800: VALIDITY OF ORDINANCE

Any existing Spring Brook Township Ordinance or part of Ordinance inconsistent herewith is hereby repealed insofar as it is inconsistent herewith.

SECTION 900: SEVERABILITY

If any portion of this Ordinance shall be found by any court of competent jurisdiction to be invalid, or unconstitutional, or unenforceable, that determination shall not negate the remainder of same.

SECTION 1000: ENACTMENT

ORDAINED AND ENACTED INTO law this 13th day of March, 2008.

ATTEST: Tami B. Gullette, Secretary

SPRING BROOK TOWNSHIP
Board of Supervisors

John H. Gto Chairman
Chairman

Kenneth Senovese

Carl A. May Jr

Jeffrey A. Jones

Harry F. Blumer