

Part 2**Township Road Occupancy Permit****§21-201. Scope and Definitions.**

1. This Part shall apply to all driveways and private roads.
2. To the extent the word "driveway" is used in this Part, it shall be construed to mean the strip of land which is used to access a property from a State, Township or private street.

(*Ord. 2009-2, 1/5/2009, §I*)

§21-202. Permit Requirements.

1. No person, firm, corporation or other entity shall construct a new driveway, change the use of the driveway, improve an existing driveway or any other means of ingress or egress onto a Township road or a State road, or install storm drainage facilities or affect the discharge or passage of drainage water onto or along a Township road unless the Road Master or the Township representative appointed by the Board of Supervisors, grants a permit for such grading, construction and installation. In the case of access from a State road, two permits will be required. One from the State and the other from the Township for construction from the road right-of-way line.

2. A permit application shall be signed by the property owner and submitted prior to commencing work on any driveway. The application shall be on forms provided by the Township. A construction plan in accordance with this Part and a filing fee and escrow amount as established by resolution shall accompany the application. An approved driveway application shall be valid for 1 year at which time if the work is not completed No time extension will be granted. [*Ord. 2010-1*]

3. All work and procedures shall be performed in strict compliance with this Part and any other Township ordinances regulating the construction of a driveway.

(*Ord. 2009-2, 1/5/2009, §II; as amended by Ord. 2010-1, 4/8/2010*)

§21-203. Construction Plan.

1. The plan shall be drawn to scale showing property lines, lot size and a north arrow.
2. A distance to the nearest property line shall locate the driveway.
3. Show the centerline of the driveway, the edge of the existing road, the leveling area and the grade from the leveling area to the building.
4. Show the type of driveway construction within the road right-of-way and outside of the road right-of-way.
5. Show the location of any new and existing storm sewer facilities including drainage swales.
6. Show all erosion and sedimentation control devices.
7. Erosion and sedimentation controls must be provided for all construction. An erosion and sedimentation control plan must be submitted to the Lehigh County

Conservation District if the proposed earth disturbance activities result in a total earth disturbance of 5,000 square feet or more. No permit will be issued until the erosion and sedimentation plan is approved.

8. For driveway construction with a centerline grade of 11 percent, a plan must be provided showing grade stakes so the driveway grade can be verified in the field. No permit will be issued for driveway greater than 11 percent unless approved on the application.

(Ord. 2009-2, 1/5/2009, §III)

§21-204. Construction Standards.

1. Provision shall be made at all intersections of driveways with streets to ensure adequate stormwater drainage. All roadside swales, existing or proposed, must be maintained and continued across the driveway. Where this is not feasible, a drainage pipe, with a minimum pipe diameter of 15 inches must be installed under the driveway in the swale area. The cover over the pipe and length of the pipe will be determined in the field by the Road Master.

2. Driveway leveling area shall be paved with asphalt material, except driveways with access off of a dirt road. The term "asphalt" shall be that which is commonly known as "hot mix asphalt" and shall not include concrete, brick, cement, or alternative paving materials. The leveling area shall not have a center line grade greater than 4 percent for a distance of 20 feet measured from the shoulder of the road, not the right-of-way line.

3. Private driveways serving lots abutting both a proposed street and an existing public street shall access directly to the proposed street, and not to the existing public street.

4. Driveways shall be designed to provide access to one lot and be contained entirely on that lot. Common driveways, which are single driveways providing access to more than one lot, will not be permitted unless approved by the Board of Supervisors.

5. The minimum width of the driving surface of the driveway shall be 10 feet. The maximum width within the road right-of-way shall be 15 feet.

6. The minimum width of the clear area, which shall be clear of trees, tree branches and brush, shall be 5 feet on each side of the driveway along the straight sections and 10 feet on each side of the driveway along the curved sections. A height of 12 feet shall be cleared along the entire driveway.

7. A tangential arc shall round the edge of pavement intersections with a minimum radius of 10 feet and a maximum radius of 20 feet.

8. The inside turning edge of the driving surface of the driveway shall have a minimum radius of 40 feet.

9. The minimum distance between centerline of a driveway and the centerline nearest intersection shall be as follows:

Type of Development	Type of Street or Another Driveway			
	Arterial	Collector	Local	Driveway
Residential	150 feet	100 feet	75 feet	30 feet

Type of Development	Type of Street or Another Driveway			
	Arterial	Collector	Local	Driveway
Nonresidential	300 feet	200 feet	150 feet	30 feet

10. The minimum distance between edge of the driving surface of driveway and the nearest property line shall be 10 feet. The Road Master, or the Township representative appointed by the Board of Supervisors, may reduce this distance if the applicant shows an unreasonable hardship would be created by maintaining a 10-foot distance from the property line. If applicable, the adjoining property owner shall be notified.

11. The centerline grade of any driveway shall not exceed 11 percent at any point from the end of the leveling area to any other point within the confines of the lot. A leveling area shall be provided having no greater than a 4 percent grade for a distance of 35 feet measured from the edge of the road, not the right-of-way line.

12. At the intersection with a street, a clear sight triangle shall be provided. The clear sight triangle shall be graded, cleared and kept clear of sight obstructions other than official signposts or utility poles for a height between 2 and 10 feet above the ground level. The clear sight triangle shall be determined by the intersecting street centerlines and a diagonal connecting two points, one point on each street centerline. The distance along the through street centerline shall be the stopping sight distance described in PennDOT Design Manual Part 2, Publication 13, latest revision, and included in Appendix 21-2-A of this Part. The distance along the centerline of the approach driveway shall be 10 feet plus the lane width of the through street.

13. Stopping sight distance represents the minimum length required for a vehicle traveling at a given speed to stop. Stopping sight distance is measured along the centerline of the through road from the intersection of the centerlines of the through road and the driveway. The minimum stopping distances for the various design speeds, including corrections for grade of the through road, are based on wet pavement conditions and are indicated in Appendix 21-2-A. The design speed governs. However, to reduce the speed limit, the Township may require the applicant to do a speed limit study to determine the sight distance based on the safe-running speed for the existing field conditions, based on the criteria outlined in PennDOT Publication 201, latest revision.

14. Every driveway shall intersect the adjacent public road in a perpendicular manner, unless the Township Administrator, or the Township representative appointed by the Board of Supervisors, approves a different angle of entry. In that case, all users and the owners and his agents, invitees, successors, heirs and assigns shall be allowed, but not required, to install and use such approved nonperpendicular driveway at their own risk.

15. The property owner may request a waiver of any Section of this Part from the Board of Supervisors. The Board of Supervisors may grant a waiver where provisions of this Part inflict unnecessary hardship upon the property owner. The Board shall follow procedures outlined in the Pennsylvania Municipalities Planning Code, §910.2, 53 P.S. §10910.2, for granting a waiver.

(Ord. 2009-2, 1/5/2009, §IV)

§21-205. Inspections and Fees.

1. The Road Master or the Township representative appointed by the Board of Supervisors shall inspect the driveway and confirm that the construction conforms to conditions set forth in the application.

2. No paving of any driveway shall be commenced until the Road Master, or the Township representative appointed by the Board of Supervisors, shall have inspected the site and approved the work performed. The applicant shall give the Township a minimum of 24 hours advance notice before any inspection.

3. The applicant shall notify the Road Master when the work is completed in accordance with the application and the condition set forth on the application. A final inspection of the work shall be performed by the Road Master or the Township representative appointed by the Board of Supervisors, prior to the issuance of the driveway permit.

4. The applicant shall pay all fees incurred in the review, processing and inspection of the driveway including cost incurred by the Township from the Township Engineer for consulting services.

5. When the property owner's application is approved they shall deliver to the Township cash or other security satisfactory to the Township in an amount equal to \$500. This security shall be retained by the Township until all conditions set forth in the application have been completed and accepted by the Road Master or the Township representative appointed by the Board of Supervisors. If there is any damage to the existing road the property owner shall at his or her expense repair the damage to the satisfaction of the Road Master, at which time the security shall be returned to the property owner within 21 days after the permit is issued.

6. Should the property owner fail or refuse to install the driveway in accordance with the condition set forth in the application, the Township shall not issue the driveway permit and the property owner understands and agrees that the Township has the right to physically block the access point from the Township road preventing access to the property. In addition, no other permits will be issued until the driveway is completed in accordance with the conditions set forth in the application.

7. The security will not be used for any corrective action or completing the construction or repairing any damage to the existing road or review fees. It may be used for blocking the access point as described in the above paragraph.

(Ord. 2009-2, 1/5/2009, §V)

§21-206. Preemption by Commonwealth of Pennsylvania.

1. This Part shall not regulate that portion of any driveway which is in a Commonwealth of Pennsylvania (PennDOT) right-of-way. That portion of any driveway which is in the PennDOT right-of-way shall be regulated by PennDOT pursuant to its regulations for highway occupancy permits. The PennDOT right-of-way shall be presumed to be 33 feet in width (16.5 feet from the center line of the road) unless PennDOT determines that a different right-of-way width is applicable.

2. All of the provisions of this Part shall apply to that portion of a driveway which enters onto a PennDOT road outside of the area of the PennDOT right-of-way.

(Ord. 2009-2, 1/5/2009, §VI)

§21-207. Enforcement.

Any person, firm, or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2009-2, 1/5/2009, §VII; as amended by Ord. 2010-1, 4/8/2010*)