

**BOARD OF SUPERVISORS
TOWNSHIP OF WASHINGTON
FAYETTE COUNTY, PENNSYLVANIA**

DRIVEWAY ORDINANCE

ORDINANCE NO. 03-16

AN ORDINANCE OF THE TOWNSHIP OF WASHINGTON, A SECOND CLASS TOWNSHIP, IN THE COUNTY OF FAYETTE AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING GUIDELINES FOR RIGHT-OF-WAY OCCUPANCY/ROAD OPENING PERMITS; DETAILING CRITERIA FOR PLACEMENT OF STRUCTURES WITHIN TOWNSHIP RIGHTS-OF-WAY AND ACTIVITIES WITHIN RIGHTS-OF-WAY, EITHER ABOVE OR BELOW THE GROUND; ESTABLISHING TEMPORARY ROAD CLOSING PROCEDURES; REQUIRING CONSTRUCTION STANDARDS FOR ALL DRIVEWAYS, ALLEYWAYS, PRIVATE OR PUBLIC ROAD ACCESS; ESTABLISHING ESCROW REQUIREMENTS, FEES, AND INSURANCE; AND DETAILING RESTORATION REQUIREMENTS.

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

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE Board of Supervisors of Washington Township, Fayette 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:

SECTION I: This Ordinance shall regulate all activity by any person or entity involving the construction, reconstruction, paving, re-paving, resurfacing, grading, re-grading, of driveways, alleyways, private or public road access, and the installation of new structures above ground, within any Township or State right-of-way, roadway, alleyway, highway as defined and enumerated in this Ordinance.

SECTION II: The attached document entitled "INSTRUCTIONS; APPLICATION FOR RIGHT-OF-WAY OCCUPANCY/ROAD OPENING PERMIT" shall be incorporated herein and be made a part of this Ordinance, and sets forth the activities covered under this Ordinance, the procedure to be followed; fees, permits and escrow required. Any changes, modifications, or alterations of these instructions shall and may be revised by the Supervisors through Resolution of the 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, re-paving, re-grading, 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 “**EXCAVATING/BACKFILL/PAVEMENT RESTORATION STANDARDS**” shall be incorporated herein and be made a part of this Ordinance and sets forth the requirements for restoration of street and roadway excavation. 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: The attached documents entitled “**APPLICATION FOR RIGHT-OF-WAY OCCUPANCY/ROAD OPENING 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 VII: 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 **ONE THOUSAND (\$1,000.00) DOLLARS** and costs of prosecution and/or undergo imprisonment of not more than ten (10) days, 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.

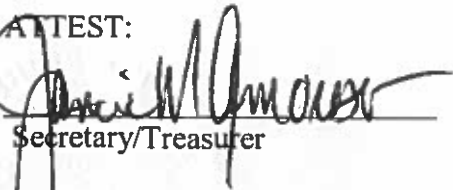
The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation, or seek any such other relief as any such court or competent jurisdiction is empowered to afford.


SECTION VIII: 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 provisions, and such holding shall not affect the validity of the remaining portions hereof.

SECTION IX: All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.


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

ENACTED AND ORDAINED into law by the Township of Washington, Fayette County, Pennsylvania, this 10 day of August, 2016.

ATTEST:

Secretary/Treasurer
(SEAL)

TOWNSHIP OF WASHINGTON
BY: 
Chairman

BY: 
Supervisor

BY: 
Supervisor

INSTRUCTIONS

APPLICATION FOR RIGHT-OF-WAY OCCUPANCY/ ROAD OPENING PERMIT

1. The purpose of this permit program is to regulate the placement of certain structures within Township road rights-of-way and activities conducted within the right-of-way.
2. A Right-of-way Occupancy Permit is required for installing new structures above or below ground within the road right-of-way such as, but not limited to, driveways, utility poles, guy wires, guide rails, gas, electric, sewer, water, telephone, cable TV, storm and culvert swales, and any other conduit or cable installations including their associated appurtenances. The installation of mailboxes are not regulated by this Ordinance.
3. A Road Opening Permit is required for any activity in the right-of-way that obstructs the travelways or the right-of-way drainage. Activities requiring a permit include, but are not limited to, repair, modifications, or removal of aboveground or underground utilities or structures, conduit or cable, or associates appurtenances within the right-of-way. Any activities that require the obstruction of the travelway or drainageway require a permit. Cutting of trees and vegetation or coating/repair of private driveways within the limits of right-of-way are not regulated by this Ordinance.
4. A Right-of-way Occupancy Permit for a driveway must be obtained prior to the issuance of a Building Permit. A Building Occupancy Permit will not be issued until the requirements of the Right-of-way Occupancy Permit are met.
5. For proposed minimum use driveways, a sketch shall be attached to the application for Right-of-way Occupancy Permit. All other applications for Right-of-way Occupancy or Road Opening Permits shall be accompanied by a scaled drawing locating and describing the occupancy and proposed construction in relation to the Township road right-of-way line.
6. Driveways accessing State roads require a Highway Occupancy Permit from the Pennsylvania Department of Transportation.
7. Temporary road closing requests should be accompanied by information as to the duration of the closing and timing, as well as, a Route and Signing Plan (PennDOT Publications 203 Construction Traffic Control Requirements) subject to approval by the Township. Proper notification of emergency services, the Township Supervisors, and others identified by the review of this application will be the responsibility of the permittee.
8. During construction, a tire-cleaning mat must be installed at the driveway entrance in accordance with the Fayette County Conservation District Soil and Erosion Control Standards. No other entrance/exit to the property may be utilized.

9. The applicant shall make provisions to maintain uninterrupted parallel drainage along an existing roadway at the location of the proposed driveway.
10. Insurance requirements, fees, escrows, and required security deposits shall be in accordance with the Schedule "A" adopted by the Board of Supervisors for this Ordinance.
11. The Fees, Engineering Review Escrow, and Security Deposit will be collected at the time the application is submitted to the Township Engineer. The Security Deposit will be per Schedule "A". The Township Engineer shall issue a permit within fifteen (15) days of submission unless the application and supporting documentation is incomplete. Seventy-five (75%) percent of the Deposit will be refunded when the work is accepted by the Township Engineer. The refund will be no later than thirty (30) days upon notification that the work is completed. The remaining twenty-five (25%) percent of the deposit will be refunded one (1) year after the initial refund is made provided the condition of the pavement remains satisfactory. If unsatisfactory restoration is made or the permittee is not able to satisfy the Township or is unresponsive, action will be taken by the Township in accordance with the Ordinance.
12. All restoration work must be executed in accordance with this Ordinance.
13. An initial minimum Engineering Review Escrow (per Schedule "A") shall be posted by the applicant, if it is determined that review and/or inspection by the Township will be required. Additional deposits may be required depending on the complexity of the project.

SCHEDULE "A"

INSURANCE FEE, ESCROW, AND DEPOSIT REQUIREMENTS
RIGHT-OF-WAY OCCUPANCY/STREET OPENING PERMIT APPLICATIONS

1. The following Application Fees shall apply:

Township Residents	\$50.00
Non-Resident Right-of-way Occupancy Application Fee	\$100.00
Non-Resident Street Opening Application Fee	\$100.00
Non-Resident Detour Plan Review	\$100.00

2. The following Engineering Review Escrow requirements apply:

If a review by the Township Engineer or inspection of the work 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 or street opening 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. The initial twenty (20') feet from the edge of cartway shall not exceed:
6% for local and collector streets
4% for arterial streets
- The overall maximum slope shall not exceed 15%.
- 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. All other accessway width shall be pursuant to the Township requirements or PennDOT RR-441, Access to and Occupancy of Highways By Driveways and Local Roads.
- C. Paved driveways should consist of three (3") inches of 2A crushed aggregate and one and one-half (1 ½") inch of ID-2 wearing course bituminous pavement in the Township right-of-way.
- D. A "C"-Swale/Gutter cross section may be provided across the proposed paved driveway. The cross section geometry shall be maintained so as to allow for unimpeded stormwater flow.
- E. 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 fifteen (15) days prior to planned construction. Pipe material is to be RCP or HDPE, 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.
- F. 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.
- G. 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.
- H. The owner/applicant shall provide temporary traffic control devices and procedures in accordance with PennDOT Publication 203, Chapter 203, Section 131.
- I. Where the combination of a proposed driveway (including non-paved portions) or any other impervious surface exceeds 10,000 square feet, a Stormwater Management Plan must be submitted to the Fayette County Planning commission. The plan must be consistent with the Washington Township Act 167 Stormwater Management Plan.

EXCAVATION/BACKFILL/PAVEMENT RESTORATION STANDARDS

1. All street excavation and roadway restoration shall be in accordance with the following minimum standards (see also Trench and Restoration Details):

- A. **Trench Backfill**

Cut trench and excavate

Install granular bedding and initial backfill, as required by utility

2A crushed stone backfill; 8" lifts, tamped to surface

- B. **Temporary Roadway Replacement (required for 30-60 days)**

2A crushed stone, tamped

2" approved cold patch, compacted

Maintenance for 30 to 60 days

- C. **Permanent Hard Surfaced Roadway Replacement within 60 days**

Saw cut trench to cut back of 12 inches

Excavate to minimum depth required for placement of full Section or as directed

4" 2A crushed stone

4 ½" BCBC base course

1 ½" ID-2 wearing course

Joint or edge sealing

- D. **Permanent Gravel Surfaced or Unsurfaced Roadway/Shoulder Replacement**

Replace existing surface material in kind and compact

2. Minimum use driveway construction shall be in accordance with Minimum Use Driveway Construction Standards (Schedule "B") and the Minimum Use Driveway Details

Areas outside the roadway shall be properly restored, graded, topsoiled, seeded and mulched, industrial driveway restoration included. Roadside swales and ditches and drainage facilities shall be restored to original design grades. All disturbed areas shall be stabilized in accordance with acceptable practices for soil erosion and sedimentation control. NOTE: Disturbed areas exceeding one acre require County Conservation District review. Pavement construction and restoration work shall be in accordance with the latest edition of the Department of Transportation's Form 408, except as specified by Township Ordinance.