

COPY ORDINANCE NO. 168

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY, PENNSYLVANIA, REGULATING THE GRADING OF SIDEWALK AREAS AND THE CONSTRUCTION, REPAIR OR REPLACEMENT OF SIDEWALKS, CURBS, DRIVEWAYS, AND DRIVEWAY ENTRANCES, REQUIRING PERMITS THEREFOR, PROVIDING FOR THE CONSTRUCTION, REPLACEMENT AND REPAIR OF CURBS, SIDEWALKS, AND DRIVEWAY ENTRANCES BY THE TOWNSHIP AT THE ABUTTING PROPERTY OWNER'S EXPENSE, DECLARING CERTAIN ACTS TO BE NUISANCES, REGULATING THE PLANTING OF TREES AND SHRUBBERY, PROVIDING PENALTIES AND REMEDIES FOR VIOLATION THEREOF

BE IT ENACTED AND ORDAINED by the Supervisors of Caernarvon Township, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same that:

SECTION I. Definitions and Interpretations. The following words when used in this Ordinance, unless the context clearly indicates otherwise, shall be defined as follows:

- a. Access Drive. A driveway providing vehicular access to and between parking areas for more than two parking spaces and any driveway servicing two or more units of occupancy on a single lot.
- b. Clear Sight Triangle. An area of unobstructed view at a street or access drive intersection.
- c. Driveway. A graded, surfaced strip providing vehicular access to individual residences, commercial buildings, parks, parking lots, or other uses of property.
- d. Driveway Entrance. The point at which a driveway intersects the abutting street or roadway. Where curbing exists, the location of the depressed curb, curb cut or break in the curbing.

- e. Engineer. Engineer shall mean the Engineer of the Township of Caernarvon.
- f. Sidewalk Area. Sidewalk Area shall mean the area between the street curb and the right of way line of a street as shown on recorded subdivision plans or as established by ordinance.
- g. Sight Distance. The length of road visible to the driver of a vehicle at any point in the road when viewing is unobstructed by traffic.
- h. Street. As defined in the Subdivision and Land Development Ordinance of the Township of Caernarvon. It includes streets, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. Included is all the land between the street right of way lines, whether improved or unimproved. Streets may comprise pavement, shoulders, gutters, sidewalks, division strips or other areas within the street right of way lines.
- i. Supervisors. Supervisors shall mean Supervisors of the Township of Caernarvon.
- j. Township. Township shall mean the Township of Caernarvon.

SECTION II. Grading of Sidewalk Areas and Construction and Repair of Sidewalks, Curbs, Driveways, and Driveway Entrances, and Permits Therefor.

(a) The grading of sidewalk areas and the construction and repairing of sidewalks, curbs, driveways, driveway entrances along and in the streets of the Township

shall be done by the owner or owners of the lot or lots abutting thereon in accordance with the lines and grades as established by ordinance or shown on recorded subdivision plans and in accordance with the provisions of this Ordinance.

(b) It is hereby declared unlawful for any person, firm, corporation or other entity to grade any sidewalk area, construct or repair any sidewalk, curb, driveway or driveway entrance within the Township except in compliance with the provisions of this Ordinance.

(c) Any person, firm, corporation or other entity desiring to grade any sidewalk area or to construct or repair any sidewalk, curb, driveway, or driveway entrance shall first obtain a permit therefor from the proper official of the Township for the issuing of the aforesaid permit only after the following conditions have been satisfied:

(1) the filing of a written application with said Township official upon such form as approved by the Supervisors setting forth the location, purpose and description of the improvement;

(2) the approval of said application by the Township Code Enforcement Officer or Township Engineer;

(3) the payment of an established fee, in accordance with a fee schedule adopted by resolution, to the aforesaid Township official at the time of filing the written application;

(4) in all cases of new construction of sidewalks, curbs, driveways, or driveway entrances or resetting any sidewalk, curb, or driveway entrance in excess of ten (10') feet in length, and in the case of any other type work as specifically requested by the applicant, the Township Engineer shall furnish applicant with necessary lines and/or

grades, the cost of which, in accordance with a fee schedule adopted by resolution, shall be paid by applicant to the proper Township official at the time of filing the written application;

(5) all driveways constructed after the effective date of this Ordinance shall conform to the standards set forth in Section III of this Ordinance. The property owner or contractor constructing the driveway shall secure the permits required from the Township office prior to the start of construction. For any driveway involving the disturbance of a land area greater than or equal to 5,000 square feet, the application shall be accompanied by a letter from the Berks County Conservation District, indicating the filing of an adequate Erosion and Sedimentation Pollution Control Plan.

(d) A permit shall be effective for a period of six (6) months from date of issuance and may, prior to expiration of the original or renewal period, be renewed by the proper Township official for an additional period of six (6) months upon written application and payment of Ten (\$10.00) Dollars, provided that reference points have not been disturbed or destroyed. When reference points have been disturbed, they shall be re-established at the applicant's expense.

(e) The form of application and permit shall be adopted from time to time by the Township Supervisors by resolution. A copy thereof shall remain on file at the office of the Township.

(f) From time to time the Township Supervisors shall by resolution adopt details and specifications for the construction and repair of curbs, sidewalks, handicapped ramps, driveways, and driveway entrances, which shall remain on file and available at the office of the Township.

(g) All sidewalk areas shall be graded and all sidewalks, curbs, handicapped ramps, driveways, and driveway entrances shall be constructed, reconstructed or repaired, all in conformance with the most recent details and specifications adopted by the Supervisors. On neglect or refusal by the owner or owners of the abutting lot or lots to grade any sidewalk areas, to construct, pave, re-pave or repair any sidewalk, to construct, set, re-set, or repair any curb, driveway, driveway entrance, within sixty (60) days after notice to do so from the Township through its proper officials, said Supervisors may cause the same to be done and shall collect from said owner or owners of the lot or lots the costs thereof.

(h) Straight curb shall be constructed in all areas where curbing is required.

(i) In areas where curb and sidewalks are required, all driveway entrances shall be of the radius curb ramp type. Where curb and adjacent sidewalk exist, depressed curb and sidewalk type entrances may be allowed.

(j) Sidewalk areas not graded, or sidewalks, curbs, driveways, and driveway entrances not laid in conformity with the provisions of this Ordinance and with established grades and lines shown on recorded subdivision plans, or as set forth in Township ordinances, are hereby declared to be nuisances and must be taken up and re-graded and/or re-laid according to the provisions of this Ordinance within sixty (60) days after notice to the owner or owners by the Township Supervisors. Upon failure of said owner or owners thereto to re-grade said sidewalk area and/or re-lay said sidewalk, curb, driveway, or driveway entrance within the time stipulated, the Township Supervisors may cause the same to be done in the manner herein provided, and shall collect the cost thereof from the owner or owners of the lot or lots.

(k) Sidewalks, curbs, driveways, and driveway entrances which do not comply with the most recently adopted details and specifications shall not be permitted to be repaired if:

(1) In the case of curbing, more than 20% of any section must be replaced, then the curb shall be sawed and the entire section replaced, with expansion joints placed at both ends of the section.

(2) In the case of concrete sidewalks, more than 20% of the area of any block requires replacement, then said concrete block shall be replaced in its entirety; provided, however, where a portion of such a concrete block is removed for installation or repairs to utilities then the entire block shall be replaced in its entirety.

(3) In the case of concrete driveway entrances, more than 20% of the total areas requires replacement, then the entire area shall be replaced.

(l) Should a sidewalk, curb, driveway, or driveway entrance become, in the opinion of the Township Supervisors, a dangerous condition, notice shall be given to the owner or owners of the lot or lots abutting thereon to replace the sidewalk, curb, driveway, and/or driveway entrance with the material prescribed in the then applicable details and specifications. Upon his, her, its or their failure to do so within sixty (60) days after notice from the Township, the Supervisors may cause the same to be done in the manner herein provided and shall collect the cost thereof from the owner or owners of the lot or lots.

(m) No surface gutters are permitted on newly constructed sidewalks. All drains shall be installed under sidewalk areas in conformance with the details and specifications adopted by the Supervisors.

(n) No material shall be placed in the cartway area adjacent to curbs, driveways, or driveway entrances which shall in any way impede the flow of storm water runoff in the cartway area of the street.

(o) When curbs, driveways, or driveway entrances are constructed or repaired and where no cartway paving exists, all areas of excavation within the cartway area shall be backfilled with Pennsylvania Department of Transportation No. 2RC aggregate material to the grade of the existing adjacent roadway. Where the cartway was paved, the excavation shall be backfilled with Pennsylvania Department of Transportation No. 2RC aggregate material and the base course and surface course of paving restored in kind.

(p) Curbs and sidewalks shall be constructed in any area where, in the opinion of the Township Supervisors, pedestrian traffic, inadequate sight distances or other potentially hazardous conditions indicate the need for public safety reasons.

(q) Handicapped ramps shall be provided at all intersections for all new sidewalks and when existing sidewalks must be replaced.

SECTION III. Additional Standards for Construction of Driveways.

(a) Design Standards.

(1) Driveways shall be constructed to the width and locations indicated on the approved Subdivision or Land Development Plan. In cases where a recorded plan does not exist or the applicant for a residential driveway permit desires to construct the driveway at an alternate location, the following standards shall apply:

A. a single lane driveway shall have a width no less than 10'0" and no greater than 12'0".

B. a double lane driveway shall have a width no less than 16'0" and no greater than 20'0".

(2) All driveways shall be paved with bituminous material for a distance of at least 20'0" from the point where the driveway intersects the adjoining street or roadway. Said paving shall be for the entire width of the driveway, including a radiused apron at the point where the driveway intersects an adjoining Township roadway if curbing is not present. Where curbing exists, the entrance shall consist of a depressed curb in accordance with Ordinance No. 105.

(3) Driveways shall be graded to maintain the existing roadway-shoulder profile. The flow of storm water runoff shall not be impeded or obstructed by the driveway. When the difference in elevation from the edge of the roadway to the surrounding land is 1'6" or greater, a pipe culvert may be constructed. The type and size of all culvert pipes shall be approved by the Township Engineer. The minimum allowable pipe size shall be 10 inches.

(4) The grade of the driveway shall not exceed six (6%) percent for a distance of 25' 0" measured from the road or street right-of-way line.

(5) The maximum driveway gradient shall be established as fifteen (15%) percent. Driveways with grades exceeding fifteen (15%) percent may be permitted by the Board of Supervisors. All applications for such driveways shall be accompanied by a Storm Water Management Plan meeting the requirements of the Subdivision and Land Development Ordinance. In addition, such driveways shall be paved for their entire length.

(6) Sight distance at driveways shall be available and maintained as specified in the Pennsylvania Department of Transportation Design Manual Part 2, Table 2.2.4 for the posted speed of the roadway, using the Rounded Stopping Sight Distance.

(b) Standards for Access Drives.

(1) Access Drives shall be designed in accordance with the Township's Subdivision and Land Development Ordinance (SALDO) Section 502 STREETS, with the following exceptions:

A. Access Drives shall be considered as Minor Streets.

B. Right-of-Way is not required.

C. Curbs shall be required as necessary for Storm Water Management only.

D. Intersection radii for curbed and un-curbed access drives shall be as follows:

1. 35 feet for access drives with less than five percent usage by trucks;

2. 45 feet for access drives with usage by greater than five percent trucks;

3. If the usage above cannot be substantiated, the applicable radius shall be approved by the Township Engineer.

E. Clear Sight Triangles in SALDO Section 502.11 shall be applied as follows:

1. 75 feet for streets with posted speeds of 35 miles per hour or less;

2. 150 feet for all other streets.

(2) Sight Distance shall be provided as per Section III(a)(6).

(3) Access Drive Intersections within any development shall conform to the requirements of SALDO Section 502.

(4) Construction specifications shall meet the minimum standards of this Ordinance for driveways.

(c) Construction Specifications.

(1) All materials used for driveway construction shall be in accordance with these specifications. Except where noted, materials shall be in accordance with the Commonwealth of Pennsylvania, Department of Transportation, Form 408 SPECIFICATIONS.

(2) That portion of the driveway located within the Township's right of way and the 20'0" paved section shall be constructed as follows:

A. A stone base course, consisting of eight (8") inches of 2A subbase or 3A modified stone shall be provided.

B. Bituminous paving shall consist of 2-1/2 inches of one of the following: ID-2 Wearing Course, ID-2 Binder Course or ID-3 Wearing Course. Superpave mixes of 12.5mm or 19mm may be used also.

(3) That portion of the driveway outside of the Township's right-of-way and the 20'0" minimum paved area may be constructed as follows:

A. A stone base course, consisting of six (6") inches of 2A subbase or 3A modified stone shall be provided.

B. The driveway surface shall consist of one of the paving materials in item 2A above or a Bituminous Surface Treatment or a 2-inch layer of one of the following aggregates: 2A Crushed Stone, No. 8 Crushed Stone, No. 57 Crushed Stone, or Recycled Asphalt Pavement (RAP).

C. Cement Concrete Paving, Cobblestones, Brick Pavers or similar surfaces may be constructed outside of the Township's right-of-way.

(d) Additional Permit and Application Requirements.

(1) Driveway Permit Applications shall be submitted on the form supplied by the Township. The prescribed fee shall be paid when the application is submitted.

(2) Along with the completed application and fee, two (2) copies of the required supporting documents shall be submitted. These documents include:

A. A plan drawn to a scale no smaller than 1-inch equals 50 feet showing the layout of the driveway. Along with the layout, the plan shall indicate the slopes of the proposed driveway and the direction of flow of water runoff. Approximate cuts or fills shall be indicated within the Township's Road Right-of-Way.

B. A typical cross-section of the driveway, indicating the width and depth of the various materials, cut or fill slopes and provisions for storm water runoff.

C. When required, two (2) copies of the Storm Water Management Plan.

(3) For all new driveways, the applicant shall place wooden stakes at either edge of the driveway at the point where the driveway intersects the Township Right-

of-Way. Stakes shall be clearly marked "driveway". This requirement shall be waived in an existing, depressed curb is present.

(e) Review and Approval. Completed applications shall be forwarded to the Township Engineer for review. Upon his (her) written authorization, the Engineer or Code Enforcement Officer shall issue the Permit.

SECTION IV. Planting of Trees and Shrubbery in or Near Sidewalk Areas.

(a) It is hereby declared unlawful for any trees or shrubbery of any nature to be planted by any person, firm or corporation within three (3') feet of the property side of the right of way line along any street, or for any trees, evergreens, hedges, plants or shrubbery to be planted by any person, firm, corporation or other entity in any sidewalk area which is defined as the area located between the curb line and the right of way as shown on recorded subdivision plans or as established by ordinance.

(b) No trees or shrubbery shall be planted along the right of way lines on a corner property in any manner that would not conform with sight distance requirements of the Subdivision and Land Development Ordinance of the Township.

(c) Any trees, evergreens, hedges, plants or shrubbery planted in violation of this Section are hereby declared to be nuisance by the Township Supervisors and must be removed within thirty (30) days after notice to the owner or owners of the respective lot or lots.

(d) Upon failure of said owner or owners to accomplish said removal, the Township Supervisors may cause the same to be done and shall collect from said owner or owners of the lot or lots the cost thereof.

SECTION IV. Miscellaneous.

(a) All subsurface rainwater conductors shall be placed in such a manner that the top of the pipe will be three (3") inches below the top of the curb.

(b) All utility lines affected by the work shall be raised and/or lowered to proper elevation. All legal requirements of the Commonwealth of Pennsylvania for notification to utility owners shall be complied with.

(c) All traffic signs and street name signs removed during construction of concrete curbs, sidewalks, driveways, and/or driveway entrances shall be replaced by the person, firm, corporation or other entity performing the construction.

SECTION V. Indemnification of Township.

Any person, firm, corporation or other entity applying for any permit under this Ordinance shall indemnify the Township against all liability of whatever nature arising during the performance of work for which a permit is granted whether or not the said liability arises as a result of the negligence of the person, firm, corporation or other entity to whom the permit was issued.

SECTION VI. Penalties and Remedies for Violations.

Any person, persons, firms, corporations or other entity violating any of the provisions of this Ordinance shall, upon conviction thereof, be fined a sum not in excess of Three Hundred (\$300.00) Dollars for each and every offense. In default of the payment of fine and costs, such person or persons shall be imprisoned for a period not exceeding thirty (30) days. After notice of violation has been given in writing, each day shall constitute an additional violation hereunder.

SECTION VII. Severability.

Notwithstanding anything hereinabove set forth, whenever the provisions of this Ordinance shall be inconsistent with the provisions of the Subdivision and Land Development Ordinance of the Township and the provisions of said latter ordinance are more restrictive or contain more stringent requirements than are set forth within this Ordinance, then in such event the provisions of said Subdivision and Land Development Ordinance shall prevail and be applicable.

SECTION VIII. Repeal of Ordinance.

Ordinance No. 45 and Ordinance No. 105 or part of an ordinance inconsistent with or conflicting with this Ordinance is hereby repealed to the extent of its conflict or inconsistency.

ENACTED AND ORDAINED this 11th day of JULY, 2000.

BOARD OF SUPERVISORS
CAERNARVON TOWNSHIP

James W. O'Brien
Randall T. McEwen
Nalini M. [Signature]