

COPY

ORDINANCE NO. 225

AN ORDINANCE OF THE TOWNSHIP OF CAERNARVON, BERKS COUNTY, PENNSYLVANIA; REGULATING THE LOCATION, CONFIGURATION AND CONSTRUCTION OF DRIVEWAYS, ACCESS DRIVES, STREETS AND ROADS, AT THE POINT OF THEIR INTERSECTION WITH EXISTING TOWNSHIP ROADS; ESTABLISHING STANDARDS FOR INSTALLATION AND/OR CONSTRUCTION AND REQUIRING PERMITS FOR THE INSTALLATION, MODIFICATION AND MAINTENANCE OF THE SAME.

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:

A Highway Occupancy Permit shall be required before the installation, modification, or replacement of any existing or proposed Driveway, Access Drive, Street or Road within a public street or roadway right-of-way in the Township of Caernarvon.

No provision of this Ordinance shall relieve any person, firm or corporation from complying with the rules and regulations of the Commonwealth of Pennsylvania.

I. DEFINITIONS

Governing Body – the Board of Supervisors of Caernarvon Township, Berks County.

Engineer – the licensed, Professional Engineer, appointed annually by the Board of Supervisors.

Access Drive – A driveway providing vehicular access to and between parking areas for more than two parking spaces and/or any driveway servicing two or more units of occupancy on a single lot.

Driveway – A graded, surfaced strip providing vehicular access to an individual residence or commercial building.

Street or Road – a strip of land, including the entire right-of-way, cartway and other improvements, intended to provide access to more than one lot.

Cartway – The portion of a Street Right-of-Way paved or unpaved, intended for vehicular use.

Permit Application – a document submitted to the Township, prior to securing a permit for work governed by this Ordinance.

Permit – a document issued by the Township containing the terms and conditions governing installation of any facility governed by this Ordinance.

PADOT – The Commonwealth of Pennsylvania, Department of Transportation.

Roadmaster – The Supervisor or an employee of the Township in charge of Road Construction and Maintenance.

Level of Service – As defined by the Institute of Transportation Engineers

Any definition not specified, shall be in accordance with the Commonwealth of Pennsylvania, Pennsylvania Code, Title 67 – Transportation, Chapter 441 " Access to and Occupancy of Highways by Driveways and Local Roads"

II. PERMITS REQUIRED

A permit shall be secured from the Township before accessing any Township Road. Permits shall be required for the following:

- a. Construction of any new Driveway, Access Drive, Street or Road.
- b. Any construction or development that increases traffic on an existing driveway, access drive, street or road.
- c. Any construction that increases the width of an existing driveway.
- d. Any change of use that alters the character of or increases the traffic volume using an existing driveway.
- e. No permit shall be required for repair or resurfacing of an existing driveway, except as noted above.

III. CLASSIFICATION OF DRIVEWAYS AND ACCESS DRIVES

All permit applications shall be classified based on the volume of traffic using the proposed new or modified facility. These classifications are as follows:

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

Low Volume Driveway - A driveway, which is used or expected to be used by more than 25 but less than 750 vehicles per day.

Medium Volume Driveway - A driveway, which is used or expected to be used by more than 750 but less than 1500 vehicles per day.

High Volume Driveway - A driveway, which is used or expected to be used by more than 1500 vehicles per day.

For the purposes of classification, each proposal shall be considered as having only one access point.

IV. TRAFFIC IMPACT STUDIES

Traffic Impact Studies shall be required under any of the following conditions:

- a. The access is expected to generate traffic greater than or equal to 25-percent of the current average daily traffic of the existing, intersecting road.
- b. The access is expected to have an ADT of 3,000 or more.
- c. During any one-hour time period, the development is expected to generate 75-trips entering and/or exiting the development.
- d. In the opinion of the Township Engineer and/or Board of Supervisors, the development is expected to have a significant impact on highway safety or traffic flow even though it does not meet (a), (b) or (c) above.

Upon passing of this Ordinance, the Township Engineer in conjunction with the Chief of Police shall complete an inventory of existing, unsafe or hazardous highway conditions based on both physical features and traffic accident statistics.

Existing Traffic Impact Studies may be utilized to determine if a development proposal meets or exceeds the criteria on (a) above, provided the study is less than 2-years old at the time of the current Permit Application. Content and organization of Traffic Impact Studies shall be in accordance with Section 516 of the Township's Subdivision and Land Development Ordinance.

V. MITIGATION OF IMPACTS

Applicants shall mitigate all impacts associated with new or improved driveways, access drives or streets. Improvements must be made to provide a Level of Service (LOS) "C" for both the new driveway/access drive/street and the through street intersection, as well as the abutting through street segments on the approaches to the intersection. For phased projects, this level of service must be provided at both the initial opening of a project and at full build-out.

Design and Construction of all improvements, required to mitigate the impacts of new proposals shall be in accordance with (a) The standards listed below, (b) the Township's Subdivision and Land Development Ordinance and (c) the standard specifications of PA DOT, as listed in their Design Manuals, Publication 408 and supplements.

Mitigation of Impacts shall include upgrading of existing, substandard or hazardous road conditions, on roadway segments providing access to any proposed improvement. The

required level of mitigation of existing conditions shall be proportional to the volume of traffic using the proposed Driveway/Access Drive/Street.

Should the improvement to any intersection or roadway segment require the acquisition of additional right-of-way, the applicant shall first try to re-configure the alignment of the existing roadway to shift the improvements onto the property of the applicant. If this is not possible, the applicant shall reimburse the Township for any and all costs associated with the condemnation and acquisition of real property for the additional Right-of-Way.

VI. MINIMUM IMPROVEMENTS REQUIRED

For any Commercial Driveway, with a traffic volume exceeding that of a Minimum Use Driveway, Access Drive, Street or Roadway, the following shall constitute the minimum level of improvements constructed by the applicant, at the point of intersection between the proposed improvement and an existing Township road or street.

1. Paved Shoulder – For any existing street or roadway with a cartway width of 20-feet or greater, the applicant shall provide paved shoulders with a minimum width of 3-feet and a maximum width of 8-feet for a distance of 200-feet on each approach to the proposed intersection. The shoulder shall be constructed on both sides of the existing street or roadway regardless of whether or not the proposed driveway and/or access drive borders both sides of the street. Where curbs exist at the time of passage of this Ordinance, paved shoulders shall not be required.
2. Curbing – Where curbing exists within 200-feet of any proposed intersection, the applicant shall extend the existing curbing to any proposed intersection and past the intersection for a distance of 150-feet. The width of the existing street or roadway shall be maintained or widened as conditions dictate. Under no circumstances, shall the existing street width be decreased by the installation of curbing.
3. Pavement Widening – Where the existing street or roadway at a proposed intersection has an existing cartway width of less than 20-feet, the applicant shall widen the cartway to 20-feet or greater, for a minimum distance of 200-feet, excluding width transitions or tapers on each approach to the proposed intersection.
4. Pavement Markings – The applicant shall submit a plan, with each application, indicating any existing pavement markings at each proposed access point. It shall be the responsibility of the applicant to remove any existing, conflicting pavement markings and install new pavement markings meeting the current requirements of the Manual of Uniform Traffic Control Devices (MUTCD).

VII. APPLICATION REQUIREMENTS

In addition to the Permit Application Form, persons submitting an application for any Commercial Driveway, Access Drive, Street or Roadway shall submit the following documentation with each application.

1. Traffic Impact Studies when required.
2. A Drawing showing the proposed improvements as well as the approach roadways for a minimum distance of 100-feet beyond each limit of work. Drawings shall be prepared at a generally accepted scale no smaller than 1-inch equals 50-feet.
3. Profile drawings for each approach as well as the proposed improvements. Vertical scale shall be either one-tenth or one-fifth of the horizontal scale.
4. An estimate of the costs for construction for all required improvements, including 10-percent for contingencies, and the costs of Municipal Inspection.
5. Upon acceptance of the Construction Cost Estimate by the Township, the applicant shall furnish an improvements guarantee in a form approved by the Township's Solicitor.
6. A Certificate of Insurance, naming Caernarvon Township as an additional insured. Minimum coverage shall be in the amounts set forth below.
 - a. Workmen's compensation – Statutory Limit.
 - b. General Liability – Bodily Injury- \$1,000,000.00 per occurrence.
Property Damage- \$ 500,000.00 per occurrence.
 - c. Automotive Liability - \$1,000,000.00 combined single limit.
 - d. Excess Liability – Umbrella Form \$1,000,000.00 per occurrence and aggregate.
7. All Plans, Drawings and Details furnished with an application shall be prepared in accordance with the Pennsylvania Department of Transportation, Publication Number 282 "*Highway Occupancy Permit Guidelines*".

VIII. DESIGN AND CONSTRUCTION STANDARDS

A. DESIGN STANDARDS

The following standards shall be applied to the design of Driveways and Access Drives for all use classifications. Minimum Use, Residential Driveways shall be designed and constructed in accordance with the provisions of Ordinance 168, Section III (a).

1. Access Drives shall be considered as Minor Streets, as defined in the Subdivision and Land Development Ordinance (SALDO).
2. Right-of-Way shall not be required for Access Drives.
3. Minimum Right-of-Way widths and Cartway widths shall be as specified in the SALDO, Article V, Section 502.
4. The provisions of Section 502.10 (f) shall be modified as outline in the Table below.

Street Classification	Curb Radii (Ft.)
Minor (includes Access Drives)	35
Collector	45
Arterial	50

5. Clear Sight Triangles as required in SALDO Section 502.11 shall be applied as follows:
 - a. 75-feet for streets with a Posted Speed of 35 miles per hour or less.
 - b. 150-feet for all other streets.
6. Sight Distance at all intersections shall be available and maintained as specified in Pennsylvania Department of Transportation, Design Manual Part 2, Table 2.2.4 for the posted speed of the intersecting roadway, using the Rounded Stopping Sight Distance.

B. CONSTRUCTION STANDARDS

Materials and Workmanship shall be in accordance with the referenced standards of the Pennsylvania Department of Transportation. Materials from suppliers not approved by PennDOT shall not be accepted.

Minimum Pavement thicknesses shall be equal to the existing, abutting road or street provided the following standard is met.

- a. Crushed Aggregate Base and/or Subbase courses – 6-inches.
- b. Bituminous Base Course – 4-inches for any roadway and 3-inches for any shoulder.
- c. Wearing Surface – 1-1/2-inches of plant mixed, bituminous wearing course material for any roadway. A bituminous seal coat may be utilized on shoulders.

For any proposed Driveway, Access Drive, Street or Road, with an average daily traffic (ADT) of 1,500 or greater, the applicant shall submit design calculations to verify the thicknesses of base and pavement meets minimum requirements for durability of the proposed pavement as indicated on the Drawings.

IX. PENALTY FOR VIOLATION

Any person violating any of the provisions of this Ordinance shall pay a civil penalty of \$600.00. Each day a violation continues shall be considered an additional violation. In the event the penalty is not paid, the Township is authorized to initiate civil enforcement proceedings before a District Justice wherein the violator may be found liable for not only the penalty stated above, but also additional penalties for continuing violations plus court costs and reasonable attorneys' fees incurred by the Township in the enforcement proceedings. In addition to these remedies, the Township is authorized to enforce the provisions

of the Ordinance or require compliance therewith by equitable proceedings in the Court of Common Pleas of Berks County.

X. REPEALER

The provisions of Ordinance 168, Section III (b) are hereby repealed.

XI. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after the date of enactment.

ENACTED AND ORDAINED by the Board of Supervisors of Caernarvon Township, Berks County, Pennsylvania, this 10th day of January, 2006 at a public meeting assembled.

**BOARD OF SUPERVISORS
CAERNARVON TOWNSHIP**







