

ORDINANCE NO. 2024-1

AN ORDINANCE OF THE TOWNSHIP OF UNION, UNION COUNTY, PENNSYLVANIA, REQUIRING PERMITS FOR THE CONSTRUCTION OF DRIVEWAYS WITHIN THE RIGHT-OF-WAY OF ANY PUBLIC TOWNSHIP STREET OR ROAD; ESTABLISHING GENERAL AND SPECIFIC STANDARDS FOR WORK PERFORMED WITHIN THE RIGHT-OF-WAY OF A PUBLIC STREET OR ROAD; AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

Be it enacted and ordained by the Board of Supervisors of the Township of Union, Union County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, as follows:

Section 1. Permit Required. No person, firm, corporation or other entity shall hereafter construct or reconstruct, build, establish or maintain any driveway or alter any grade, line or width of any shoulder, berm or drainage area within the right-of-way of any public street or road within Union Township, hereinafter referred to as the "Township," without having first obtained a written permit to do so from the Township.

Section 2. Application for Permit. In order to obtain the permit required in Section 1 of this Ordinance, an application therefor must be made in writing upon forms provided by the Township and submitted to the Township, together with the fee set forth in Section 3 of this Ordinance, at least thirty (30) days before the permit shall be issued. The said application, which shall be accompanied by a detailed drawing of the property, shall contain the name, address and phone number of the person, firm, corporation or other entity making the application; the name of the contractor or person who is to perform the construction; and the proposed location, dimensions and time of such construction and also any other pertinent information pertaining thereto.

Section 3. Fees. The fees to be paid to the Township upon submission of permit applications, which shall be such fees as shall be necessary and appropriate for the issuance of permits required hereby and the enforcement of this Ordinance, shall be established from time to time by resolution of the Township.

Section 4. General Standard. All work to be performed within the right-of-way of a public Township street or road shall comply with the design standards set forth in Section 5 of this Ordinance. All work to be performed within the right-of-way of a Commonwealth of

Pennsylvania street or road shall comply with the design standards established by the Commonwealth of Pennsylvania, but if no such standards exist, then with the standards set forth in said Section 5. Copies of all Commonwealth of Pennsylvania permits relative to work within the right-of-way shall be delivered to the Township and shall be utilized in the issuance of the Township permit herein required.

Section 5. Specific Standards. All work within the right-of-way of a public street or road shall be in accordance with the following standards:

A. Driveways –

1. Clear sight triangles shall be provided for each driveway entering a public street or road. No objects, except for approved mail boxes and newspaper receptacles, shall be installed or permitted within the clear sight triangle that are greater than 2 ½ feet in height. Notwithstanding anything herein to the contrary, nothing shall be permitted within the clear sight triangles that shall create an unsafe condition for entering the public street or road. The clear sight triangle shall be the area within a triangle whose corners are (1) the intersection of the centerline of the driveway and the centerline of the public street or road (2) a point on the centerline of the public street or road 150 feet from point (1) above and (3) a point on the centerline of the driveway 20 feet from the closest edge of the cartway of the public street or road. Exceptions may be granted to the size of the clear sight triangle where, in the opinion of the Township, the distance set forth herein cannot be achieved due to a condition beyond the applicant's control and the safe entrance into or exit from the public street or road is maintained.

2. The driveway shall be installed and maintained in such a manner as to insure proper drainage of storm water from and along the public street or road and said drainage may be provided as follows, subject to Township approval:

a. A drainage pipe of adequate size, but not less than 15 inches in diameter, may be installed under the driveway and within the drainage swale or underground drainage conveyance system servicing the said public street or road.

b. Where the drainage along the public street or road is by means of a swale the driveway may be constructed to permit the free flow of water across the driveway as a continuance of the swale.

c. By such other means as shall be approved by the Township.

d. Driveways shall be designed and constructed in such a manner as to prevent water run off from being discharged onto adjacent properties except through a storm water conveyance system approved by the Township.

3. All driveways entering or exiting Commonwealth of Pennsylvania streets or roads shall comply with the standards established by the Commonwealth of Pennsylvania, but if no such standards exist, then with the standards set forth in this Section.

4. The portion of a driveway within the right-of-way shall be installed to meet the existing edge of the public cartway and shall be sealed at said edge. For paved driveways only, the paving within the right-of-way shall be the same material as the street or road and shall be cut and sealed at the edge of the right-of-way.

5. Where possible, driveways shall intersect the right-of-way and cartway of the public street or road at a 90% angle, but in no event shall it intersect the right-of-way or cartway of the public street or road at less than a 60% angle. The angle of intersection is the acute angle where the centerline of the driveway intersects the edge of the right-of-way or edge of the cartway as the case may be.

B. Drainage Areas –

1. The area between the edge of the right-of-way and the edge of the cartway shall be utilized to drain water from and along the public street or road. It shall be graded and maintained in accordance with the elevations and standards established from time to time by the Township.

2. Other than mailboxes and newspaper receptacles approved by the Township, no obstructions shall be erected, installed or permitted within the said area designated by the Township for drainage, except upon the written consent of the Township.

Section 6. Penalties. Any person, firm, corporation or other entity who shall violate any provision of this Ordinance shall be guilty of a summary offense and, upon conviction thereof in a summary proceeding before a District Judge, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars, plus costs of prosecution, and/or be imprisoned for a period not to exceed ninety (90) days, or both.

Section 7. Severability. If any section, paragraph or provision of this Ordinance shall be judged by a court of competent jurisdiction to be invalid, void or unenforceable, such adjudication shall apply only to the section, paragraph or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 8. Repeal. All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

Section 9. Effective Date. This Ordinance shall become effective five (5) days after enactment.

ENACTED AND ORDAINED as an Ordinance of the Township of Union, Union County, Pennsylvania, this 7th day of May, 2024.

ATTEST:

Wendy J. Yoder
Wendy J. Yoder, Township Secretary

(SEAL)

TOWNSHIP OF UNION

By: Thomas S. Reitz
Thomas S. Reitz, Chairman

William R. Allred, Jr.
William R. Allred, Jr., Supervisor

Todd M. Wright
Todd M. Wright, Supervisor