

## ORDINANCE NO. 01 OF 2023

### AN ORDINANCE OF THE TOWNSHIP OF TYRONE, ADAMS COUNTY, PENNSYLVANIA, CREATING THE TYRONE TOWNSHIP DRIVEWAY ORDINANCE

**BE IT ENACTED, ADOPTED, AND ORDAINED** by the Township of Tyrone, Adams County, Pennsylvania, by the Tyrone Township Board of Supervisors, and it is hereby **ENACTED, ADOPTED, AND ORDAINED** by the authority of the same as follows:

#### SECTION 1: ORDINANCE ADOPTION

Chapter 13 is hereby created as the Tyrone Township Driveway Ordinance as shall read as follows:

##### **§ 13-1. Title and applicability.**

- A. This chapter shall be known as "The Tyrone Township Driveway Ordinance."
- B. This chapter shall apply to all new driveways constructed after the effective date of this chapter. The provisions of this chapter shall also apply to existing driveways that are improved after the effective date of this chapter. Driveway improvements subject to this chapter include paving, repaving, widening for the purpose of adding additional lanes, and constructing, changing or modifying a driveway entrance. Normal repairs and maintenance shall not be subject to this chapter.
- C. This chapter shall also apply to the change in use of any existing driveway, whether previously permitted or unpermitted. The change in use of any existing driveway (ie. from an agricultural access to a residential access) will require application for a new driveway permit and the driveway must be constructed or altered to be in compliance with this chapter.
- D. New driveways accessing state roads are subject to the provisions of this chapter for those portions of the driveway outside of the state right-of-way; State HOP required.

##### **§ 13-2. Definitions and interpretation.**

The following words, when used in this chapter, shall have the meanings ascribed to them in this section, except in those instances where the context clearly indicates otherwise:

###### **APPLICANT**

Any person who applies for a permit.

###### **APPROACH**

Also known as the apron or landing, the part of the driveway closest to the road.

###### **CONTRACTOR**

The party, person, firm, partnership, and/or corporation who or which installs a driveway, including all agents, officers, or employees of said party, person, firm, partnership or corporation.

**DRIVEWAY**

Any area of land designated or to be used as a means of ingress or egress for either vehicles or pedestrian traffic from a public road to a parcel of land.

**OWNER**

The owner of land upon which the driveway is located whether that be a person, partnership or corporation.

**PERSON**

Any natural person, partnership, firm, association, organization, company, corporation or municipal authority.

**PUBLIC ROAD**

Any road, street, alley or public thoroughfare whether actually maintained by the Township as part of its road system or whether shown on a subdivision or land development plan and intended to be offered or dedicated to the Township in the future.

**TOWNSHIP**

The Township of Tyrone, Adams County, Pennsylvania, or any agent assigned authority by the Board of Supervisors.

**§ 13-3. Permit requirements.**

- A. No person, firm, corporation or other entity shall perform or allow any construction, excavation or other work in connection with any driveway or perform any work within the Township affecting stormwater flow or discharge within the right-of-way of any road until a permit has been issued by the Township for such work.
- B. A permit application shall be submitted to the Township by the owner or authorized representative of the owner prior to the issuance of a driveway permit. The application shall be on a form provided by the Township and shall be accompanied by the fee. Such fees and charges shall be set, adopted and may be subsequently modified from time to time by resolution of the Township Board of Supervisors.
- C. The Township shall review the application and either issue a permit or provide written comments as to why the permit cannot be issued as applied for.
- D. Should the Township not act on an application submitted hereunder within 30 days after receipt of the application, the application shall be deemed approved.
- E. A certificate of liability insurance with the Township of Tyrone listed as additional insured must be received prior to any access upon Tyrone Township roadways.
- F. Any driveway intersecting with a state-owned road shall require the obtainment of a driveway permit from the Pennsylvania Department of Transportation.

**§ 13-4. Inspections.**

- A. The Township shall inspect each driveway being constructed pursuant to a permit to determine whether it is being or has been constructed in accordance with the permit. The permittee shall contact the Township to request an inspection at least three days prior to completion of the work.

- B. Upon satisfactory completion of the work, the Township shall sign the permit indicating approval of the driveway as constructed or reconstructed.

**§ 13-5. Driveway standards.**

- A. All driveways and related improvements shall be located and constructed in such a manner as to not impair drainage or normal maintenance within road rights-of-way, alter the stability of a roadway, subgrade, or roadway embankment, change the drainage of adjacent areas, or interfere with the traveling public. All driveways shall be constructed in a manner which will prevent mud, stones and other debris from being deposited on the right of way of any public road.
- B. Repairs to a driveway, a driveway entrance, drain, culvert or swale shall be performed in such a manner that the repairs shall not change the original design or existing conditions unless a new design and specifications are submitted for approval.
- C. Pipes under driveways shall be sized based on the ten-year storm event runoff, but shall not be less than 15 inches in diameter in any case. Roadmaster to determine pipe required.
- D. Driveway entrances shall be located so as to provide safe access to the intersecting road. To accomplish this, Pennsylvania Code, Title 67, Transportation, Department of Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, shall be used as a guide, and the requirements therein shall be followed as closely as reasonably possible, subject to the review of the Township.
- E. A fifteen-foot approach shall be paved to the intersection of the roadway.
- F. Shared driveways, which provide access to more than one property, are not permitted.
- G. Not more than one driveway entrance shall be permitted for a residential property.
- H. Not more than two driveway entrances shall be permitted for a nonresidential property. Driveway entrances and exits shall be clearly delineated by physical means. Such physical means shall not be located within the Township right-of-way. Line painting may also be required.
- I. Driveways shall intersect roads as nearly as possible to 90°, but not less than 60° nor greater than 120°.
- J. On those portions of the driveway with slopes greater than 8% that are within 100 feet of the intersecting roadway, the driveway surface shall be paved with a bituminous surface treatment (i.e., oil and chip) at a minimum.
- K. No driveway permits will be approved without approval of a stormwater management application. All driveways shall have a plan for controlling stormwater runoff and erosion and sedimentation. A driveway shall not be used as a means of conveying stormwater runoff away from the physical improvements on the property. Stormwater runoff shall be directed to stable, pervious areas whenever possible.
- L. All driveways proposed in areas of steep slopes must be designed in accordance with the Zoning Ordinance and shall be subject to approval by the Zoning Officer.
- M. Driveways in areas of steep slopes shall be laid out to run parallel to the contour as much as possible to reduce the driveway slope within the property. At no point shall any driveway exceed 10% slope unless the first responding fire department has reviewed the driveway for accessibility of emergency response equipment and any access recommendations implemented.

- N. No driveway shall be located closer than five feet to a property line.
- O. In the preparation of land development and subdivision plans, evidence shall be submitted to show that the requirements set forth herein can be met for each proposed building lot. A note shall be placed on the plan, before it is recorded, stating that each individual lot owner will be responsible for obtaining a driveway permit as required by this chapter. The note shall make specific reference to the number and name of this chapter.

#### **§ 13-6. Temporary driveways.**

Temporary driveways are within the scope of these regulations and, as such, are required to complete a driveway permit. Temporary permits shall have a stipulated time limit of 60 days. Temporary driveways shall follow permanent driveway standards, but may be required to be removed at completion of the activity. In addition:

- A. A forty-foot length by twelve-foot width by five-inch depth of stone approach shall be installed to clean mud and debris from tires entering the roadway. Additional stone length may be permitted for a stabilized rock construction entrance if recommended by the Adams County Conservation District.
- B. Proof of insurance and a cash bond shall be required from logging/construction operations. The bond shall be determined by the Board of Supervisors in consultation with the Township Engineer but in no event shall be less than:
  - 1) \$1,000 for driveways entering paved streets or roads.
  - 2) \$500 for driveways entering gravel streets or roads.
- C. The Township shall determine required size and location of drainage culvert within the ditch line.
- D. Any debris left on the road (i.e., mud, rock, bark, limbs) shall be cleaned from the roadway each day after operations.
- E. Safety. Signage stating "Logging Ahead, Watch for Entering Trucks, Construction Site" shall be placed 400 feet on either side of the driveway entrance.

#### **§ 13-7. Correction of improper work.**

In case any person shall construct a driveway and shall not conform to the requirements of this chapter, the Township may order such person to remove the improper work and replace same in compliance with this chapter. Notice to remove and replace improper work shall be given by certified mail, and shall state that compliance shall be made within 30 days from receipt of the notice.

#### **§ 13-8. Permittee responsibilities.**

- A. The landowner is under the obligation to know the boundaries of the property. The border of the right-of-way is a boundary line like any other.
- B. No provision of this chapter shall be construed as a responsibility of Tyrone Township to provide future maintenance of new or currently installed driveways and/or drainage structures.

- C. The owner shall retain all the risks and liabilities associated with encroaching on the Township's right-of-way.
- D. The Township shall not be responsible for any costs incurred by the owner to repair or replace the encroachment if it is damaged or destroyed by the Township.
- E. The owner shall hold harmless, indemnify and defend the Township from and against any and all liability, claims, demands, and causes of action arising out of or related to any loss, injury, death, or loss or damage to property resulting from the owner's construction of or use of the driveway apron or the Township's use of the right-of-way for any of its intended purposes.

**§ 13-9. Permitted and existing driveways.**

- A. All permitted and existing private driveways with access to a public road shall maintain the driveway, the driveway apron and any and all culverts so that the driveway does not cause a hazardous condition on the public road by diverting ice, snow, water or deposit debris onto the public cartway right-of-way.
- B. Upon notice to the owner, from Tyrone Township or any appointed representative of Tyrone Township, that a driveway is creating a road hazard condition; the owner shall rectify and remedy said hazardous condition within 60 days. Failure to do so shall result in a fine of \$500 with each continuing day the road hazard remains unabated following citation as a separate offense.

**§ 13-10. Waivers.**

Alternate proposals for driveway construction may be permitted on a case-by-case basis by the Township, provided the intent of this chapter is maintained.

**§ 13-11. Violations and penalties.**

Any person found to be in violation of this chapter shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of not more than \$1,000 for the first day of each offense. Each day that a violation continues shall constitute a separate offense. The second and subsequent days of each offense shall be punishable by a fine of not more than \$100.

**§ 13-12. Severability.**

If any sentence, clause, section, or part of this chapter is found to be invalid, such finding shall not affect or impair any of the remaining sections, sentences, clauses, or parts of this chapter. It is hereby declared as the intent of the Township that this chapter would have been adopted had all unconstitutional, illegal or invalid sentences, clauses, sections or parts hereof not been included herein.

**§ 13-13. Fees and costs for Processing Application.**

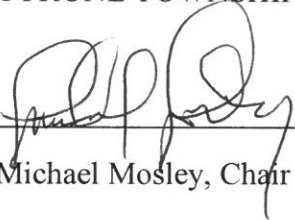
Such fee shall accompany the applications, as the Board of Supervisors shall prescribe from time to time to cover costs of processing and reviewing applications and making necessary inspections.

**SECTION 2: EFFECTIVE DATE**

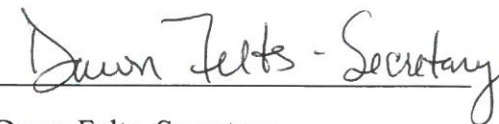
This Ordinance shall be effective on and as of July 12, 2023.

**ENACTED AND ORDAINED** into an Ordinance this 12 day of July, 2023.

BOARD OF SUPERVISORS  
TYRONE TOWNSHIP

  
\_\_\_\_\_  
Michael Mosley, Chair

ATTEST:

  
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Dawn Felts, Secretary

