

TOWNSHIP OF WEST COCALICO

Lancaster County, Pennsylvania

ORDINANCE NO. 152

AN ORDINANCE TO AMEND THE WEST COCALICO TOWNSHIP CODE OF ORDINANCES, CHAPTER 21, STREETS AND SIDEWALKS, TO REVISE AND RESTATE PROVISIONS GOVERNING DRIVEWAYS.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of West Cocalico, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of West Cocalico Township, Chapter 21, Streets and Sidewalks, Part 2, Private Driveways, shall be deleted in its entirety and a new Part 2, Driveways, shall be inserted which shall provide as follows:

**Part 2
Driveways**

§21-201. Short Title.

This Part shall be known and may be cited as the West Cocalico Township Driveway Ordinance.

§21-202. Definitions And Word Usage:

For the purpose of this Part, the following terms shall have the meanings ascribed thereto, except where the context thereof clearly indicates another meaning:

Board – The Board of Supervisors of West Cocalico Township, Lancaster County, Pennsylvania, or its designated representative.

Cartway – The traveled portion of any 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 and/or corporation.

Driveway – A private drive providing access between a public or private street or access drive and a parking area for a single unit of occupancy, a farm, or land development, which shall comply in all respects with Chapter 27, Zoning, Chapter 21, Streets and Sidewalks, Chapter 22, Subdivision and Land Development, and any other Ordinance regulating the placement and/or

construction of driveways which may be enacted by the Board of Supervisors.

Owner – The owner, his, her or its heirs and assigns, of the land upon which the driveway is or proposed to be located.

PennDOT – The Department of Transportation of the Commonwealth of Pennsylvania and any successor agency.

Person – An individual, group of individuals, partnership, corporation or association, whether incorporated, unincorporated or otherwise.

Right-of-Way – The total width, including the cartway, of a road.

Road – Any road, street, alley, or other thoroughfare, paved or unpaved, owned or maintained by the Township as part of its public road system or offered or to be offered for dedication to the Township.

Township – The Township of West Cocalico Township, Lancaster County, Pennsylvania.

§21-203. Permit Required.

No person, owner and/or contractor shall hereafter install a driveway, or any portion thereof, without first obtaining a permit from the Township.

§21-204. Design Requirements.

- A. The sight distance for driveways requiring permits pursuant to §21-203 of this Part shall comply with the requirements for state highways prescribed by the PennDOT as codified at 67 PA. Code 441.8 and any amendments and addenda thereto. The sight distance for driveways requiring permits for Township roads shall also comply with the requirements of the Chapter 22, Subdivision and Land Development.
- B. The grade and construction of all driveways shall be in accordance with the standards and specifications of this Part, the application for driveway permit and incorporated herein by reference thereto, and the Chapter 22, Subdivision and Land Development.
- C. Driveways for agricultural uses shall be designed in accordance with access drive requirements per the Chapter 22, Subdivision and Land Development.
- D. As part of the driveway construction, the owner shall provide bituminous paving extending for a minimum distance of 25' from the edge of the paved cartway. The paving shall consist of a minimum Superpave Base Course, PG 64-22, 0.0/0.3 ESALs, 4" of 25.0 mm Mix or 19.0 mm Mix and Superpave Wearing Course, PG 64-22, 0.0/0.3 ESALs, 1.5" of 9.5 mm Mix or equal paving approved by the Township.
- E. Pavers, bricks, cobblestones, or similar materials shall not be used within the road right-of-way.
- F. All driveways shall be constructed in a manner that will not impede or divert the normal

flow of surface drainage. A driveway swale shall be constructed to maintain the existing drainage pattern along the street and shall not cause runoff to encroach upon the cartway. The flow channel of the swale shall be setback a minimum of four (4) feet from the edge of the cartway, or as directed by the Township.

- G. No driveway shall discharge runoff on to any cartway, if in the sole opinion of the Township, the discharge will create a drainage or safety hazard.
- H. The Township will only permit the use of drainage pipes under a driveway if all the following conditions are met:
 - 1. It is impossible or impractical, in the sole opinion of the Township, to maintain drainage along the cartway without a pipe.
 - 2. Calculations are submitted with an application showing that the proposed pipe will have a capacity equal to or greater than the existing gutter, or that such pipe will pass the runoff generated by a 10-year storm from the drainage area without flooding the roadway. Runoff calculations shall be based upon the United States Department of Agriculture Soil Conservation Service Soil-Cover-Complex Method, the Rational Formula of $Q=CIA$, or any other method acceptable to the Township Engineer.
 - 3. The owner shall provide an agreement, in a recordable form acceptable to the Township, stating the owner's agreement to maintain the pipe in good condition, free of debris and siltation, and to relocate and/or replace the pipe if at some future date the Township improves or widens the public road requiring such relocation and/or replacement.
 - 4. Drainage pipes within the right-of-way shall be concrete or plastic.
 - 5. Drainage pipes shall be located a minimum of four (4) feet from the edge of the cartway, or as directed by the Township.
- I. Where the grade of a driveway to be constructed exceeds twelve percent (12%) within forty (40) feet of the right-of-way line, an area of sufficient size to provide 2 off-street parking spaces at a grade less than twelve percent (12%) shall be provided adjacent to the roadway to allow safe ingress and egress during wet and/or slippery driving conditions. Each space shall be at least ten (10) feet wide and twenty (20) feet long and shall be setback from the edge of the cartway at least three (3) feet.

§21-205. Application Procedure.

- A. Any person, owner and/or contractor shall, prior to obtaining a driveway permit, file an application, on an application form supplied and approved by the Board, reflecting and showing the location of the driveway relative to the premises and designating the course, grade, structure, materials and drainage facilities, if any, involved in the construction of the driveway.

- B. The application shall be reviewed by the Township who shall determine if the proposed method of constructing or making said connection as reflected on the application is such that it will (i) minimize the adverse impact of stormwater runoff or surface drainage resulting from said connection, (ii) not cause damage to the road to which the driveway is to be connected, and (iii) not create or increase hazardous driving conditions for those persons using the road to which the driveway is to be connected.

If the application is found deficient, or if in the opinion of the Township, the application needs to be modified to (i) minimize the adverse effect of stormwater runoff, (ii) lessen drainage to the public road to which the driveway is to be connected or (iii) lessen hazardous driving conditions on the road to which the driveway is to be connected, the Township shall, by written communication, notify the applicant of the deficiencies in the application.

- C. The applicant shall immediately make such changes and return the revised application to the Township. The revised application shall be reviewed by the Township who shall determine if the proposed method of constructing or making said connection as reflected on the application, is such that it will (i) minimize the adverse impact of stormwater runoff or surface drainage resulting from said connection, (ii) not cause damage to the road to which the driveway is to be connected, and (iii) not create or increase hazardous driving conditions for those persons using the road to which the driveway is to be connected.
- D. If a revised application is not received within thirty (30) days of the date of the written communication, the application shall be deemed denied for the reasons set forth in the written communication. The date of the written communication shall be the date of the denial of the application.
- E. When the Township determines the initial or revised application is in acceptable, the Board shall approve the application or cause the same to be approved and the permit issued.
- F. The applicant may appeal the determination that the application is deficient or a subsequent denial of an application to the Board. The appeal shall be made within ten (10) days to the Board by filing written notice of the appeal with the Secretary of the Township. The Board shall hereafter hold a hearing and render a decision on the refusal to issue a permit pursuant to the provisions of the Local Agency Law, 2 Pa. C.S. §551 et seq.

§21-206. Payment of Fees

The application shall be accompanied by such fee or fees as the Board shall prescribe from time to time by resolution or ordinance.

§21-207. Relationship To Zoning Permit

A permit under this Part shall be applied for and obtained prior to, or in conjunction with, the application for any permit authorizing any excavation or construction of any building or structure

requiring access from any road as herein defined.

§21-208. Installation or Repair of Driveway.

- A. All construction in any way incidental to the installation of a driveway or for the repair of a driveway for which a permit is required under this Part shall be performed in strict conformance with the approved application. After the proposed driveway has been stoned in, but before the driveway has received final surfacing, the applicant shall notify the Township for an inspection.
- B. The driveway shall not be final surfaced until the stoned in area has been inspected and approved by the Township.
 - 1. In the event the applicant fails to notify the Township prior to placing the final surface, the Township may direct the applicant to remove the final surface in order that the inspection may be completed. Such removal shall be at no expense to the Township.
- C. After the driveway has received final surfacing, the applicant shall notify the Township to request a final inspection.
- D. The applicant shall utilize procedures and/or traffic control devices as necessary for the maintenance and protection of traffic in strict accordance with PennDOT Publication 213, Temporary Traffic Control Guidelines.

§21-209. Permit Required For All Driveways

Each driveway, whether serving the same premises or not, shall require an individual permit. The Township reserves the right to restrict the number of driveways per property.

§21-210. Minimum Requirements

The provisions of this Part relating to driveways are intended as a minimum standard for the protection of the public health, safety and welfare. If the literal compliance with any mandatory provision of this Part relating to driveways is shown by the applicant, to the satisfaction of the Board of Supervisors, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the Board of Supervisors may grant a waiver from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver shall not have the effect of making null and void the intent and purpose of this Part. In granting waivers, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Part.

§21-211. Waiver Of Liability

The grant of a permit under this Part shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety

of the proposed driveway and shall create no liability upon the Township, its officials, or employees.

§21-212. Expiration of Permits.

A permit issued under this Part shall be valid for twelve (12) months from the date of issuance. The Township may, in its sole discretion, grant one extension of the permit for up to six (6) months upon written application of the person to whom the permit was issued. Any request for a permit extension shall be submitted to the Township, in writing, prior to the expiration of the permit and shall indicate good cause for the failure to complete work within the initial twelve (12) month permit term.

§21-213. Posting of Permit

The permit granted under this Part shall be posted at the right-of-way line to be visible to the travelling public from the roadway. The permit shall remain posted until final approval of the work has been given by the Township.

§21-214. Penalties For Violation

Any owner, person and/or contractor who or which shall violate any of the provisions of this Part shall upon conviction hereof by summary proceeding before a magisterial district judge having jurisdiction, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars. All fines collected for the violation of this Part shall be paid to the Treasurer of the Township for the general use of the Township.

§21-215. Remedies

In addition to or in lieu of the penalties provided in Section 21-214, violation of this Part may be abated by the Township proceeding against the violator in a court of equity to obtain injunctive relief.

Section 2. All other sections, parts and provisions of the Code of Ordinances of the Township of West Cocalico shall remain in full force and effect as previously enacted and amended.

Section 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Supervisors that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 4. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of West Cocalico as provided by law.

DULY ORDAINED AND ENACTED this 19th day of June, 2022 by the Board of Supervisors of the Township of West Cocalico, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WEST COCALICO
Lancaster County, Pennsylvania

Attest:

Jeffrey R. Sauder
(Assistant) Secretary

By:

James J. Almer
(Vice) Chairman
Board of Supervisors

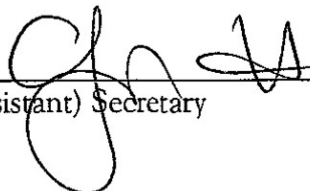
[TOWNSHIP SEAL]

CERTIFICATE

I, the undersigned, (Assistant) Secretary of the Township of West Cocalico, Lancaster County, Pennsylvania ("Township") certify that: The foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township which duly was enacted by affirmative vote of a majority of the members of the Board of Supervisors of the Township of West Cocalico at a meeting duly held on the 19th day of June, 2022; that such Ordinance has been duly recorded in the Ordinance Book of the Township; such Ordinance has been duly published as required by law; and such Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

I further certify that the Board of Supervisors of the Township of West Cocalico met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. §701 et seq., as amended, by advertising the date of said meeting, by posting prominently a notice of said meeting at the principal office of the Township of West Cocalico or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at said meeting prior to enacting such Ordinance.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township of West Cocalico, this 19th day of June, 2022.



(Assistant) Secretary

[TOWNSHIP SEAL]