

FAWN GROVE BOROUGH
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO.: 2003-_____

AN ORDINANCE REQUIRING A PERMIT TO INSTALL, REPLACE OR ALTER THE LOCATION OF ANY DRIVEWAY WITHIN AN EXISTING STREET RIGHT-OF-WAY OR EASEMENT AREA, OR RIGHT-OF-WAY OR EASEMENT AREA WHICH HAS BEEN OFFERED FOR DEDICATION TO THE BOROUGH BY DOCUMENT, SUBDIVISION OF LAND DEVELOPMENT PLAN, WHETHER ACCEPTED OR NOT, AND PROVIDING FOR INSPECTIONS AND PENALTIES

IT IS HEREBY ENACTED AND ORDAINED by the Borough Council of Fawn Grove, York County, Pennsylvania, as follows:

SECTION 1: TITLE: This Ordinance shall be known as the Fawn Grove Borough Driveway Permit Ordinance.

SECTION 2: COMPLIANCE WITH OTHER REQUIREMENTS: Issuance a permit under these regulations does not relieve the permittee from any additional responsibility to secure other federal, state or local approvals or permits as may be required by law.

SECTION 3: DEFINITIONS: Unless the context specifically and clearly indicates otherwise, the meanings of the terms used in this article shall be as follows:

ACCESS DRIVE--A private minor vehicular right-of-way, other than a street, providing access from a street to a property or parking area within a lot.

BOROUGH--Fawn Grove Borough, York County, Pennsylvania.

CARTWAY--The portion of a street right-of-way which is paved, improved, designated or intended for vehicular traffic, exclusive of the sidewalk, curb or shoulder.

CLEAR SIGHT TRIANGLE--An area of unobstructed vision at street intersections defined by the center lines of the streets and a line of sight between points on their center lines at a given distance from the intersection of the center lines.

CORNER LOT--A lot abutting upon two streets at their intersection.

DRIVEWAY--An improved surface for vehicular travel which provides access between a street and a lot. For the purpose of this article, drives for all residential uses (except multifamily) and all agricultural uses shall be considered driveways.

ENGINEER--A professional engineer licensed as such in the Commonwealth of Pennsylvania.

GRADE--The slope expressed in a percent which indicates the rate change of elevation in feet per hundred feet.

IMPROVEMENTS--Pavements, curbs, sidewalks, water mains, sanitary sewers storm sewers, grading, street signs and plantings, and other items required for the welfare of the property owners and the public.

LANDOWNER--The legal or beneficial owner of owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lease if he is authorized under the lease to exercise the rights of the landowner of other person having a proprietary interest in land.

MAINTENANCE--Normal care and upkeep of structures such as driveways and stormwater conveyance systems. For the purposes of this article, maintenance shall not include work that results in widening or relocation of such structures, or in changing the type of surface material of a driveway (i.e. overlaying a stone driveway with blacktop).

MULTIFAMILY DWELLING--A building containing three or more dwelling units (such as apartment house and garden apartments). All dwelling units are located on a single lot and share with other units a common yard area.

OWNER--The owner of record of a parcel of land.

PERMIT OFFICER--That person appointed by the Borough Council of Fawn Grove Borough and given authority to issue building permits and other permits according to borough ordinances.

PERMITTEE--A person who has been issued a permit by Fawn Grove Borough under this article.

PERSON--Any natural person or persons, association, partnership, firm or corporation.

RIGHT-OF-WAY--A legal right of passage across land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipe •net water main, sanitary or storm sewer main, shade trees or for another special use. the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

STREET--A public way, excluding driveways and access drives, which affords the principal means of access to abutting properties, intended to be used by vehicular traffic or pedestrians. Includes street, avenue, boulevard, road, highway; freeway, lane, viaduct and any other dedicated and accepted public right-of-way.

STREET GRADE--The officially established grade of the street upon which a lot fronts or, in its absence, the established grade of other streets upon which the abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade voc the street at such midpoint shall be taken as the street grade.

STREET LINE--A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Commonly known as the "street right-of-way line".

STRUCTURE--Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SECTION 4: PERMIT REQUIRED

A. No driveway or access drive shall be constructed or altered within an existing street right-of-way or easement area, or right-of-way or easement area which has been offered for dedication to the Borough by document, subdivision or land development plan, whether or not accepted, within the Borough shall be altered or connected onto without first obtaining a permit from the Borough.

B. Applications for permits shall be submitted at least 10 working days prior to the anticipated start of work.

C. The provisions of this article shall not be applicable in those instances where the highway is maintained by the Pennsylvania Department of Transportation or its successor.

SECTION 5: PLANS REQUIRED: All applications for permits shall be submitted to the permit officer and shall be accompanied by two copies of a plan which illustrates, at a minimum, the following, including dimensions where applicable:

A. Existing roadway pavement, ditches, rights-of-way and relevant property lines, roadway appurtenances, utilities, medians and other significant features that may affect the location of the propose driveway.

B. Design features of existing and propose driveways, curbs, tapers, acceleration and deceleration lanes, including the following:

- (1) Driveway width.
- (2) Driveway radii and other points of curvature.
- (3) Driveway grade or profile and cross sections.
- (4) Driveway angle relative to the roadway.
- (5) Driveway surface material.

C. Distance from each existing and propose driveway to the following:

- (1) Nearest street intersection.
- (2) Nearest driveway on adjacent properties within the limits of the safe sight distance.
- (3) Locations of streets an driveways opposite the site and within the limits of safe sight distance.
- (4) Relevant property lines and properly lines extended to the driveway.

D. Sight distance in each direction from each proposed driveway.

E. Existing roadside gutters, ditches, swales or stormwater conveyance structures located between the applicant's property lines which intersect the roadway.

F. Location, depth and size o proposed stormwater swales, pipes or other appurtenances which will be used to convey storm2ater issuing {rom, or passing by, the proposed driveway.

G. Property owner's name, address and phone number.

H. Contractor's name, address and phone number.

SECTION 6: REVIEW OF PLANS: All plans for driveways or access drives shall be reviewed by the permit officer.

SECTION 7: PERMIT FEES: The applicant shall pay to the Borough an application fee, as established from time to time by resolution of the Borough Council.

SECTION 8: PERMIT ISSUANCE

A. General rule. A permit will be issued by the Borough if the application is in compliance with this article, the design standards for such driveways and access drives contained in the Subdivision and Land Development Ordinance and the Zoning Ordinance, as well as all other applicable laws. When appropriate, the permit may be issued subject to specified conditions.

B. Driveway permits shall be issued in the name of the property owner(s).

C. The Borough may alter plans filed with the application and specify any changes or modifications of any kind which it deems necessary and may make its approval of the granting of any permits subject to any such alterations, changes or modifications.

SECTION 9: PERFORMANCE OF WORK

All grading, construction, installation and erection shall be in strict compliance with the plans and specification on the basis of which the permit is granted.

SECTION 10: PERMITS REQUIRING IMPROVEMENTS CONSTRUCTION GUARANTY: when the applicant proposes construction or restoration of improvements within the Borough right-of-way or that will be dedicated to the Borough, the Borough may require the applicant to deposit the Borough financial security in the form of a corporate bond or letter of credit acceptable to the Borough Solicitor in an amount sufficient to cover the costs of any improvements which may be required for dedication to the Borough. such bond or other security shall provide for; an secure to the public, the completion of any improvements which may be required within this article.

SECTION 11: WORK TO CONFORM TO BOROUGH STANDARDS: All work performed within the Borough right-of-way shall be done at such time and in such manner as shall be consistent with the safety to the public. at any time it shall be found by the Borough that the work is not being done or has not been properly performed, permittee, upon written notification by the Borough, shall, at his own expense, immediately take the necessary steps to place the work into conformance with such requirements or standards.

SECTION 12: TIME LIMIT FOR COMMENCEMENT OF WORK: If any work authorized by any permit under this article shall not have been commenced within six months after the issuance of such permit, the permit holder must relinquish such unuse permit with shall thereupon become invalid. The permit fee under these circumstances will not be returned or applied toward any future permit.

SECTION 13: INSPECTION REQUIRED PRIOR TO COMPLETION OF WORK: Within several days of the completion of the rough grading of any such improvements and prior to the paving or installation of any stone, the applicant shall notify the permit officer or his designee that said rough grading has been accomplished. Within seven days of this date, the permit officer or his designee shall inspect the premises to determine the compliance with the plans and the grades existing on the driveway. No further construction activities shall be performed on the driveway prior to inspection and approval by the permit officer or his designee.

SECTION 14: TIME LIMIT FOR COMPLETION OF WORK: All driveway improvements shall be completed within 90 days of the approval of the rough graded driveway by the permit officer or his designee; subject, nevertheless, to extension granted by the Borough Council due to truly extraordinary circumstances, including but not limited to extended inclement weather making work impractical or impossible.

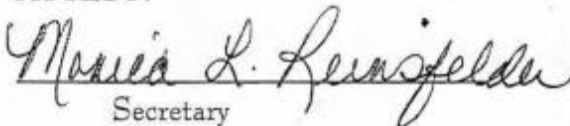
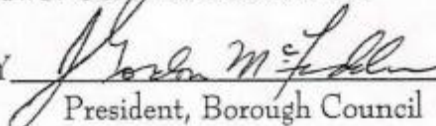
SECTION 15: NOTIFICATION OF COMPLETION OF WORK: Upon completion of any work authorized by the permit, the holder of such permit shall report to the permit officer or his designee, in writing, within 10 days of the date of completion. The permit officer or his designee shall make a final inspection within seven days of notification to determine compliance with permit specifications.

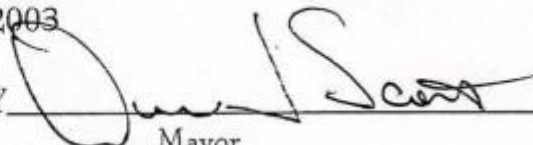
SECTION 16: DESIGN STANDARDS: All driveways and access driveways shall be designed in accordance with the design standards set forth in the Subdivision and Land Development Ordinance and the Zoning Ordinance.

SECTION 17: PENALTIES FOR VIOLATION: Any person who violates the provisions of this Ordinance shall upon conviction in proceedings commenced by the Borough before

any district justice, be subject to a fine of no less than Twenty-Five Dollars (\$25.00) and no more than Six Hundred Dollars (\$600.00). Upon judgment against any person by conviction or by proceedings by summons on default the fine imposed and costs, said person may be sentenced to the York County jail for a period not exceeding thirty (30) days. Each day's continuance of a violation of any of the provisions of this Ordinance shall constitute a separate offense.

ENACTED AND ORDAINED by the Borough Council of Fawn Grove Borough, York County, Pennsylvania on November 3, 2003.

ATTEST: FAWN GROVE BOROUGH
 BY 
Secretary President, Borough Council

APPROVED ON NOVEMBER 3, 2003
BY 
Mayor