

POCONO TOWNSHIP
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 136

AN ORDINANCE TO REGULATE THE CONSTRUCTION OF ANY DRIVEWAY FOR A SINGLE-FAMILY OR TWO-FAMILY DWELLING, DRAINAGE FACILITY, UTILITY STRUCTURE, OR OTHER SUCH CONSTRUCTION WITHIN ANY TOWNSHIP ROAD RIGHT-OF-WAY; TO PROVIDE FOR PERMITS FOR SUCH ACTIVITIES; AND TO PROVIDE FOR VIOLATIONS AND PENAL TIES.

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AUTHORITY

This Ordinance is adopted under the authority provided to Pocono Township by the Commonwealth of Pennsylvania pursuant to the Second Class Township Code, as amended, and including, but not limited to, §2320, §2322, §2325 and §2326, of the said Act.

PURPOSE

The purpose of this Ordinance is to require permits for access to the right-of-way of Township roads for railways, driveways for single-family and two-family dwellings, electricity, telephone and cable television poles and conduits, culverts and drainage facilities, utilities (such as gas, water and sewer lines), and similar encroachments and obstructions, and any other structures; it being in the public interest to regulate:

- A. The location and construction of utility facilities and other such structures within the Township's right-of-way, and
- B. The location, design, construction, maintenance and drainage of driveways for single-family and two-family dwellings within the Township's rights-of-way, to ensure the structural integrity of streets, economy of maintenance, preservation of proper drainage, and safe and convenient passage of traffic.

SHORT TITLE

This Ordinance shall be known and may be cited as *THE POCONO TOWNSHIP ROAD ENCROACHMENT ORDINANCE*.

**ARTICLE I
DRIVEWAYS AND OTHER FACILITIES**

§1. Purpose and Application.

- A. General rule - It is in the public interest for Pocono Township to regulate the location, design, construction, maintenance and drainage of driveways for single-family and two-family dwellings and electricity, telephone and cable television poles and conduits, utilities (such as gas, water and sewer lines), and similar encroachments and obstructions within Township road rights-of-way (hereinafter referred to as *facility*) for the purpose of security, economy of maintenance, preservation of proper drainage and safe and reasonable access.
- B. Driveways for single-family and two-family dwellings - The installation of a driveway for single-family and two-family dwellings shall comply with this Ordinance.
- C. Driveways for nonresidential uses, major subdivisions and land developments - Any driveway or access road which is intended to serve any proposed use which is considered a major subdivision or a land development, or is intended to serve an existing or proposed nonresidential use, shall comply with the requirements of the Township Subdivision and Land Development Ordinance for driveways and roads.
- D. Other requirements - Issuance of a permit under these regulations does not relieve the permittee from any additional responsibility to secure other federal, state or local permits as may be required by law.

§2. Permit Application Procedures.

- A. General rule - No facility shall be constructed or altered within any Township road right-of-way without first obtaining a permit from the Township. A permit shall not be required for maintenance, except for paving or repaving.
- B. Who may execute applications - Permit applications shall be submitted in the name of and executed by the owner(s) of the property or an authorized representative.
- C. Where applications must be submitted - Permit applications shall be submitted to the Township Office.
- D. When to submit applications - Permit applications shall be submitted prior to the issuance of a zoning permit for the construction of any use which a proposed driveway will serve to ensure that the driveway can be constructed in accordance with this Ordinance. Permits for other facilities shall be submitted prior to the initiation of

construction of such facilities.

E. Application procedure - Permit applications shall:

1. Be submitted in person and/or by mail on a properly completed Township form.
2. Be signed by the applicant(s) or an authorized representative.
3. Include a plan detailing the location or dimensions of both the proposed installation and related roadway features.
4. Be accompanied by a check or money order payable to the Township, in the appropriate amount, as set forth in §3 hereunder.
5. Be submitted to and acted upon by the Township within 30 days after submission.
6. Contain proof of ownership or right to use the proposed facility.

F. Plan required - Permit applications shall be accompanied by a plan showing the information listed below:

1. Facility location in relation to side property lines.
2. Township road right-of-way line.
3. All related Township road facilities (pavement, shoulders, culverts, ditches, etc.).
4. Sight distances along the Township road.
5. Type of surface proposed.
6. Grade of facility within and beyond the Township road right-of-way.
7. All drainage facilities proposed (culverts, ditches, swales, endwalls, etc.).

G. Traffic control plan - Submission of a traffic control plan for approval by the Township shall be as follows:

1. When the applicant(s) anticipate that it will be necessary to close a portion of a lane to vehicular traffic in order to perform the permitted work, the applicant(s) shall submit a traffic control plan with the application.
2. The Township may require the applicant(s) to submit a traffic control plan if it is anticipated that a potential hazard and/or interference to vehicular or pedestrian traffic will result from performance of the work.
3. The traffic control plan shall be a detailed drawing, showing all traffic control devices and shall, at a minimum, comply with PennDOT standards.

H. Centerline stake - The Applicant shall, immediately following the submission of an application, place a wooden stake or other suitable marker at the centerline of the proposed facility where it intersects with the Township road right-of-way.

I. Drainage plan - If it can reasonably be anticipated that there will be an increase in the flow of water onto the Township road or into Township drainage facilities, or that there will be an increase in the flow of water onto the property of some other person as a result of the activity authorized by the permit, the Township may require a

drainage control plan containing at least the following information for approval by the Township in compliance with Township stormwater management regulations:

1. Source of stormwater runoff.
 2. Existing peak runoff in cubic feet per second.
 3. Predicted peak runoff in cubic feet per second.
 4. Where drainage currently flows.
 5. Where drainage ultimately outlets.
 6. Hydraulic computations showing effect of additional flow on existing Township road drainage system.
- J. Drainage release - If it can be reasonably anticipated that there will be an increase in the flow of stormwater runoff onto the property of some other person as a result of the activity authorized by the permit, a drainage release that contains an indemnification agreement acceptable to the Township shall be submitted with the application.

§3. Permit Fees.

- A. Permit issuance fee - Issuance fees shall be used to defray costs incurred by the Township in reviewing and processing the application and plan, including the preliminary review of the site location identified in the application and issuing and processing the permit and a final inspection.
- B. Fee schedule - Issuance fees shall be in accordance with the comprehensive fee schedule adopted by resolution of the Board of Supervisors.

§4. Issuance of permits.

- A. General rule - Upon application duly made in accordance with this Ordinance, a permit will be issued by the Township, subject to this Ordinance and the conditions contained on the permit and its attachments and supplements. The permit will authorize the applicant(s) to proceed with the work and will also serve as a receipt for the fees accompanying the application.
- B. Permit issued only to property owner - Permits will be issued only to the owner(s) of the property. Permits will not be issued to contractor(s) or to any person(s) other than the owner(s) of the property.
- C. Waiver of design requirements - If any design requirements set forth in this Ordinance cannot be met, the Board of Supervisors may waive the requirements if all of the following conditions are satisfied:
1. No other reasonable access is available;
 2. The applicant(s) have done all that can reasonably be done to satisfy the design requirements;
 3. If additional land is required, the applicant(s) must provide satisfactory evidence that it cannot be purchased at a reasonable price; and,
 4. No traffic problem will be created.
- D. Requesting permit time extension - A permit shall be valid for one-year as specified on the permit. If the

permittee(s) have not completed all authorized work by the completion date specified on the permit, an application shall be submitted requesting time extension. If approved, a supplement may be issued by the Township authorizing work to continue for an additional six-month period.

- E. Work completion notification - When all permitted work has been completed, the Township office must be notified in writing.
- F. General conditions - The following conditions shall apply to permits issued under the provisions of this Ordinance:
1. Scope of permit - The permit shall be binding upon the permittee(s) and his, her or their agents, contractors, heirs, successors and assigns.
 - a. The permittee(s) shall be responsible for causing compliance with all terms and conditions of the permit by his, her or their employees, agents and contractors.
 - b. The permit shall be located at the work site.
 - c. The permit shall be maintained by the permittee(s) as a permanent record and remain in effect, subject to the permit conditions and this Ordinance, as long as the driveway or the facility authorized by the permit exists.
 - d. Responsibility for compliance with the terms of the permit cannot be assigned or transferred by the permittee(s) without first obtaining approval from the Township.
 - e. The permittee(s) shall be principally liable to the Township for any failure to comply with the permit and this Ordinance. The principal liability of the permittee(s) to the Township shall not preclude the permittee(s) or the Township from bringing any action against the permittees' contractor, subcontractor, engineer, architect or any other person.
 - f. The permittee(s) shall be the only party in interest in any action against the Township involving disputes arising from the permit.
 - g. A permit for a driveway shall be valid only as long as the traffic volume of the driveway does not exceed the approved driveway classification.
 - h. The Township, in granting a permit, shall waive none of its powers or rights to require a change in operation, the removal, the relocation or the proper maintenance of any driveway or facility within a Township road right-of-way.
 2. Work to conform to Township standards - The work shall be done at such time and in such a manner to be consistent with the safety of the public and shall conform to all requirements and standards of the Township. If at any time it shall be found by the Township that the work is not being done or has not been properly performed, the permittee(s), upon being notified in writing by the Township, shall immediately take the necessary steps, at his, her or their own expense, to place the work in condition to conform to such requirements or standards. In case any dispute arises between the permittee(s) and the Township designated enforcement official, the enforcement official shall have the authority to suspend work until the question at issue can be referred to and be decided by the Board of Supervisors.
 3. Permittee(s) responsibilities - Permittee(s) responsibilities shall be as follows:
 - a. Fees, costs and expenses - The permittee(s) shall pay all fees, costs and expenses incident to or arising

from the project, including the cost of related roadway improvements which increased traffic or surface drainage may necessitate at the facility location. The permittee(s) shall reimburse the Township for any and all inspection costs within thirty (30) days after receipt of the Township invoice.

- b. Failure or neglect - In the event of failure or neglect by the permittee(s) to perform and comply with the permit or the provisions of this Ordinance, the Township may immediately revoke or annul the permit and order and direct the permittee(s) to remove any and all structures, equipment or property belonging to the permittee(s) or his, her or their contractors from the legal limits of the right-of-way and to restore the right-of-way to its former condition. In the event that the Township determines that such structures, equipment or property pose a threat to the public safety and the permittee(s) fails to remove the same after notice from the Township to do so, any attorney of any court of record shall be authorized to appear for the permittee(s) and to enter an amicable action of ejectment and confess judgment against the permittee(s); and the attorney shall be authorized to issue forthwith a writ of possession without leave of court, all at the cost of the permittee(s).
 - c. Closing of open ditch or trench - If work is stopped on a project for any reason, other than at the end of any normal workday, and any ditch or trench, in the opinion of the Township, remains open for an unreasonable period, the permittee(s), if so directed, shall refill the ditch or trench and work shall not be resumed until the permittee(s) are prepared to proceed immediately with the work to its completion. In the event that the permittee(s) fail to refill the ditch or trench or proceed to completion of the work upon notice from the Township to do so, the Township may perform the necessary and required work and the permittee(s) shall reimburse the Township for the costs within thirty (30) days after receipt of the Township's invoice.
 - d. Trench plates - In lieu of closing of open ditches or trenches or project completion as required in §4,F,3,c, above, the Township may approve the use of trench plates of a type and installation in accord with PennDOT requirements.
4. Restoration of slopes - All disturbed slopes or earthen areas shall be restored to their original condition or in a manner approved by the Township.
 5. Altering drainage prohibited - Unless specifically authorized by the permit in compliance with Township stormwater management regulations, the permittee(s) shall not:
 - a. Alter the existing drainage pattern or their existing flow of drainage water; and
 - b. Direct additional drainage of surface water onto or into the roadway right-of-way or roadway drainage facilities in a way which would have a detrimental effect on the roadway drainage facilities.
 6. Disposition of materials - Disposition of materials shall comply with the following:
 - a. The permittee(s) shall keep the improved area free of all material which may be deposited by vehicles traveling upon or entering onto the roadway during the performance of work authorized by the permit.
 - b. The permittee(s) shall be responsible for controlling dust conditions created by the operations.
 - c. All excess material and material that is not suitable for backfill shall be removed and disposed of outside the right-of-way as the work progresses.
 - d. All retained suitable material shall be placed or stored outside the improved area and in such a manner that there will be no interference with the flow of water in any gutter, drain, pipe, culvert, ditch or waterway.

7. Equipment damaging roadway - Equipment using the roadway shall conform with the following conditions:
 - a. To protect the pavement and shoulders, all equipment shall have rubber wheels or runners and shall have rubber, wood or similar protective pads between the outriggers and the surface, unless otherwise authorized by the permit.
 - b. In the event that other than rubber equipped machinery is authorized for use, the pavement and shoulders shall be protected by the use of matting, wood or other suitable protective material having a minimum thickness of four inches.
 - c. If the equipment damages the pavement or shoulders, the permittee(s) shall restore the pavement or shoulders to their former condition, at the expense of the permittee(s).
8. Traffic protection and maintenance - Maintenance and protection of traffic shall be carried out in accordance with the following requirements:
 - a. The permittee(s) shall provide and maintain all necessary precautions to prevent injury or damage to persons and property. A traffic control plan shall be submitted to and approved by the Township before closing any portion of a lane to vehicular traffic.
 - b. Any open trench or hole shall be adequately barricaded to prevent possible injury to pedestrians and the motoring public. All traffic control devices shall be of approved type.
 - c. Designated employees shall be assigned by the permittee(s) to direct one-lane traffic. Flagmen shall be provided as specified in the permit.
9. Restoration - All disturbed portions of the roadway, including slopes, and all appurtenances and structures, such as guide rail or drain pipes, shall be restored by the permittee(s) to a condition at least equal to that which existed before the start of any work authorized by the permit. This includes providing appropriate end treatments on guide rail systems where existing guide rail is being broken by the facility.
10. Approval by the Township - Approval by the Township of all or part of any permitted work shall not constitute acknowledgment that the work was performed in accordance with the permit, nor shall such approval of the Township act as a release of the permittee(s) or waiver by the Township of its right to seek performance or restitution by the permittee(s).
11. Maintenance - All facilities and adjacent areas within the road right-of-way shall be continually maintained, repaired or replaced as necessary by the owner so as to conform to the permit and so as not to interfere or be inconsistent with the design, maintenance and drainage of the roadway or the safe and convenient passage of traffic upon the roadway.
12. Indemnification - The permittee(s) shall fully indemnify and save harmless and defend the Township, its agents and employees of and from all liability for damages or injury occurring to any person or persons or property through or in consequence of any act or omission of the permittee as well as any contractor, agent, servant, employee or person engaged or employed in, about or upon the work, by, at the instance of or with the approval or consent of the permittee(s); from any failure of the permittee(s) or any such person to comply with the permit or this Ordinance; and, for a period of two (2) years after completion of the permitted work, from the failure of the roadway in the immediate area of the work performed under the permit where there is no similar failure of the roadway beyond the area adjacent to the area of the permitted work.
13. Road cut reconstruction requirements - The permittee(s) for any facility installation which involves the disturbance of any Township road surface, road shoulder or drainage facility shall be responsible to repair

and/or replace such disturbed improvement to the condition existing before the disturbance. However, in no case shall such improvement be repaired and/or replaced to less than the standards for the road as classified by the Township Subdivision and Land Development Ordinance.

14. Damage to roadway - Restoration of the roadway shall include the following:

- a. If there is a failure of the roadway, including slope or any other appurtenance thereto, in the immediate area of the permitted work within two (2) years after the completion of the permitted work and there is no similar failure of the roadway beyond the area adjacent to the area of the permitted work, the permittee(s) shall have absolute responsibility to make all temporary and permanent restoration including restoration of the adjacent area if it has also failed.
- b. If there is a failure of the roadway, including slope or any other appurtenance thereto, in the area adjacent to the immediate area of the permitted work within two (2) years after the completion of the permitted work and there is no similar failure of the roadway in the area of the permitted work or beyond the area adjacent to the area of the permitted work, it shall be presumed that the work done by the permittee(s) was the proximate cause of the failure and the permittee(s) shall be responsible to make all temporary and permanent restoration unless the presumption is rebutted by clear and convincing evidence.
- c. If the permitted work is the proximate cause of damage to the roadway, including slope or any other appurtenance thereto, beyond the adjacent area, the permittee(s) shall be responsible for all remedial work and shall make all temporary and permanent restoration.
- d. When the permittee(s) has the responsibility to restore the roadway, including slope or any other appurtenance thereto, under §4,F(14)(a) through (d), including instances where a presumption or responsibility has not been rebutted, the permittee(s) shall have the duty to restore the improved area in accordance with the permit. If the permittee(s) fail to restore the improved area properly, the Township will have the authority to do the work at the expense of the permittee(s). The permittee(s) shall reimburse the Township for the costs within thirty (30) days after receipt of the Township's invoice.

15. Restoration guarantee - In cases where the Township determines that the nature of the activity may result in damage to the Township roadway and/or any associated facilities, a financial guarantee in a form approved by the Board of Supervisors and in an amount based on an estimate of anticipated repairs prepared by the Township Engineer shall be required from the Applicant.

§5. General driveway requirements.

- A. General rule - All driveways shall be located, designed, constructed and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the roadway.
- B. General location restrictions - Driveways will be permitted at locations in which:
 1. Sight distance is adequate to safely allow each permitted movement to be made into or out of the driveway.
 2. The free movement of normal roadway traffic is not impaired.
 3. The driveway will not create a hazard.
 4. The driveway will not create an area of undue traffic congestion on the roadway.
- C. Specific location restriction - Specific location restrictions shall include the following:

1. Access to a property which abuts two (2) or more intersecting streets or roadway shall be restricted to only that roadway which can more safely accommodate its traffic.
 2. The Township may require the permittee(s) to locate a driveway directly across from the state roadway, Township road or driveway on the opposite side of the roadway if, in the Township's determination, the offset driveways will not permit left turns to be made safely or that access across the roadway from one access to the other will create a safety hazard.
- D. Number of driveways - The number and location of entrances which may be granted will be based on usage, interior and exterior traffic patterns and current design policy of the Township.
1. Normally, only one (1) driveway entrance will be permitted for a residential property.
 2. If the property frontage exceeds three hundred (300) feet and meets all other design criteria, the permit may authorize an additional driveway entrance.
- E. Approaches to driveways - Driveway approaches shall conform to the following standards:
1. The location and angle of a driveway approach in relation to the intersection shall be such that a vehicle entering or leaving the driveway may do so in an orderly and safe manner and with a minimum in interference to Township traffic.
 2. Where the driveway approach and roadway pavement meet, flaring of the approach may be necessary to allow safe, easy turning of vehicular traffic.

§6. Driveway design requirements.

- A. General - General requirements shall be as follows:
1. The design features described in this section are to be used by the applicants in designing the driveway plans which accompany the application. Dimensions shall be selected from the range of value shown on the appropriate figure, unless site conditions warrant a deviation.
 2. The applicants(s) shall design the driveway using the values appropriate for the posted speed of the roadway being accessed.
- B. Angle of driveway - Driveways shall be positioned at right angles, that is, ninety (90) degrees, to the roadway or as near thereto as site conditions permit.
- C. Driveways adjacent to intersection - Driveways serving properties located adjacent to a roadway intersection shall be subject to the following:
1. There shall be a minimum tangent distance of ten (10) feet between the intersection roadway radius and the radius of the first permitted driveway.
 2. This Subsection C may be waived only if the intersecting roadway radius extends along the property frontage to the extent that compliance is physically impossible.
- D. Property line clearance - Except for joint-use driveways, no portion of any driveway shall be located less than ten (10) feet from any adjoining property line (not including the right-of-way line).
- E. Sight distance - Conditions for sight distance for driveways for one-family and two-family dwellings shall comply

with this §6,E. Driveways accessing roads with more than two (2) lanes shall comply with Pennsylvania Code, Title 67, Chapter 441 - Access to and Occupancy of Highways by Driveways and Local Road. (See §1,C for nonresidential uses, major subdivisions and land developments.)

1. Driveways shall be located at a point within the property frontage limits which provides at least the minimum sight distance listed in the appropriate following table:

TABLE 1 Safe Site Distance for Single-Family and Two-Family Dwelling Access to Two-Lane Roads						
Posted Speed (mph)	Required Sight Distance in Feet (measured from a vehicle 10 feet back from pavement edge)					
	Grade of Road 0 to 3% Up or Down		Increased Sight Distance for Ascending Grade After Turning +3% to +5%		Decreased Sight Distance for Descending Grade After Turning -3% to -5%	
	LEFT	RIGHT	LEFT	RIGHT	LEFT	RIGHT
25	250	195	350	273	150	117
35	440	350	616	490	264	210
45	635	570	889	798	381	342
55	845	875	1,183	1,225	507	525

2. In using Table 1, the following additional requirements shall apply:
 - a. Posted speeds shall be used unless operation speeds vary from the posted speed by more than ten (10) miles per hour, in which case the Township, in consultation with the Township Engineer, may require that operating speeds be used.
 - b. The sight distances in Table 1 apply only when roadway grades are zero (0) percent to five (5) percent either plus up or down.
 - 1) When the roadway grade ascends at greater than five (5) percent, sight distance requirements shall be increased by a factor of 1.7.
 - 2) When the road descends at greater than five (5) percent, sight distance requirements be reduced by a factor of 0.5.
 - c. The sight distance values in Table 1 are desirable for safe operation of the driveway. Sight distance values less than desirable will be accepted only if it is impossible to achieve the desirable value by locating the driveway at any point within the property frontage boundaries. The minimum acceptable sight distance values shall be computed from the following formula:

$$SSSD = 1.47 VT + V^2 30 (f+g)$$

SSSD = Minimum safe stopping sight distance (feet)
 V = Velocity of vehicle (miles per hour)
 T = Perception time of motorist (average 2.5 seconds)
 f = Set friction of pavement (average 0.30)
 g = Percent grade of roadway divided by 100

3. If sight distance requirements as specified in this Ordinance cannot be met, the Township may:

- a. Prohibit left turns by exiting vehicles;
- b. Restrict turning movements to right turns in and out of a driveway;
- c. Require installation of a right turn acceleration lane or deceleration lane;
- d. Require installation of a separate left turn standby lane;
- e. Alter the horizontal or vertical geometry of the roadway; or
- f. Deny access to the roadway.

F. Grade of driveway - Grade of driveway shall be constructed in the following manner:

- 1. All driveways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area or change the drainage of adjacent areas.
- 2. Where a drainage ditch or swale exists, the permittee(s) may be required to install adequate pipe under the driveway or to swale the driveway to conform to the existing drainage swale as determined by the Board of Supervisors or designated enforcement official.
- 3. The side slopes from the driveway embankments within the right-of-way shall not be steeper than two to one.
- 4. Grade requirements in uncurbed shoulders within the right-of-way shall conform to *Figure A* which follows.

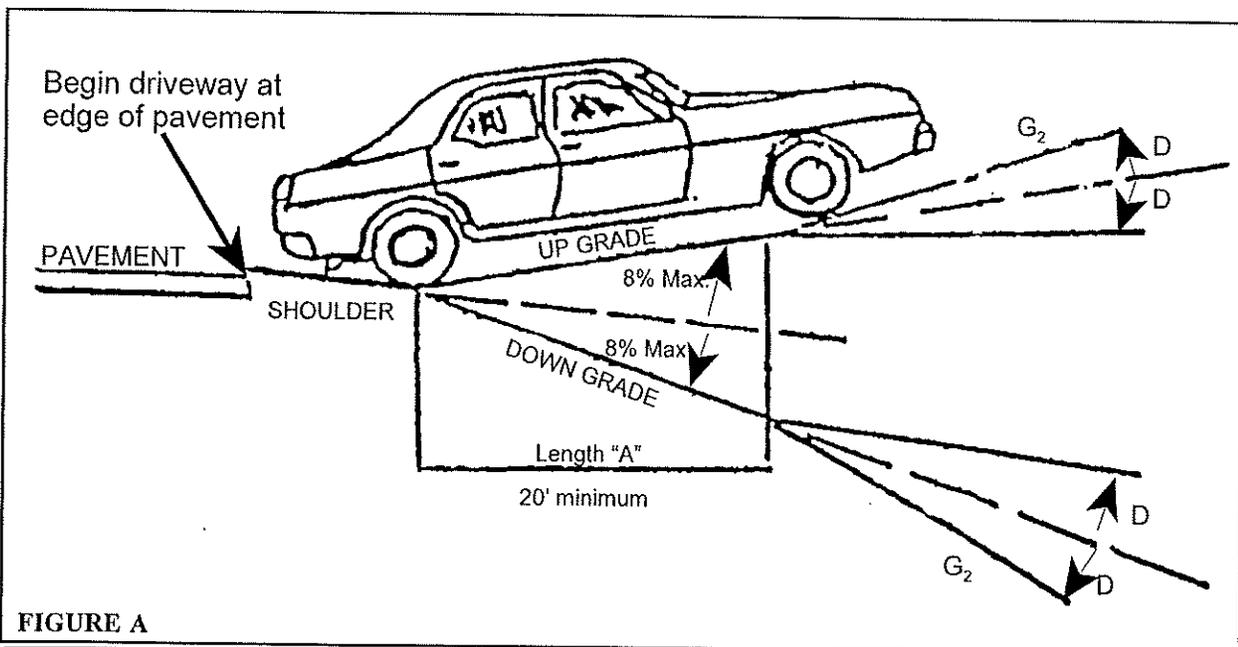
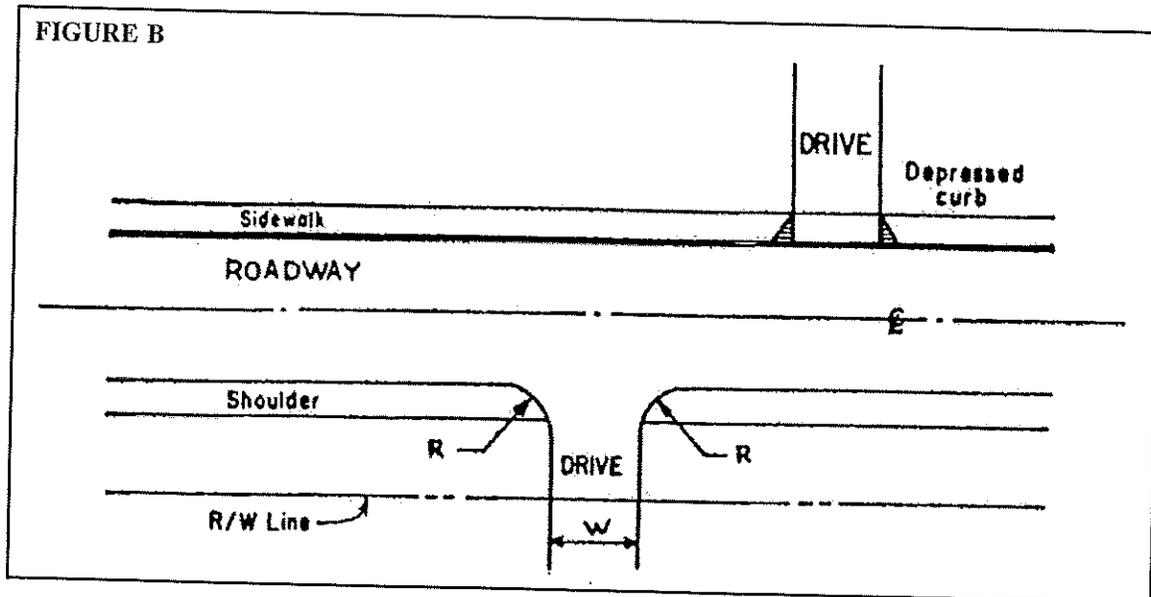


FIGURE A

- The shoulder slope usually varies from 0.50 inches per foot (4%) to 0.75 inches per foot (6%). However, the shoulder slope should be maintained when constructing the driveway.
- For grade changes greater than $\pm 6\%$ (D), vertical curves at least 10 feet long shall be constructed and Length "A" shall be increased.
- Grades G_2 shall be limited to 12%.

- G. Traffic control devices - The permittee(s) shall, at permittee(s)' own expense, install and maintain all traffic control devices, as specified in the permit, which are required to provide for the safe and orderly movement of vehicular or pedestrian traffic or both. These devices shall include, but not be limited to, any required regulatory, warning or guide signs, delineators and pavement markings.
- H. Width - The minimum width of the driveway at the Township road right-of-way line shall be twelve (12) feet and the maximum shall be twenty (20) feet.
- I. Material - Driveways shall be constructed to a depth and of such material as to be durable and a durable and dustless surface, such as a gravel, concrete or bituminous concrete, shall be provided to preclude the deposit of any material on the Township roadway. The owner shall be responsible to remove any such deposit and the failure to do so shall constitute a violation of this Ordinance subject to the penalties prescribed in §7 and the payment of any township expense to remove the material.
- J. Drainage - Driveways shall be graded for proper drainage and, if required by the Township, a smooth-bore culvert (15-inch minium) meeting PennDOT requirements shall be installed by the Applicant.
- K. Curbs - Driveways constructed in areas where sidewalks are provided shall have a concrete apron between the curb and edge of the sidewalk toward the dwelling. This apron shall be constructed in accord with the most current specifications adopted by resolution of the Board of Supervisors.
- L. Backing into roadway - All driveways shall be designed and installed to prevent the need for backing of any vehicles onto the Township roadway.
- M. Driveway layout illustrations - Figure B, which follows, illustrates and supplements the minimum design requirements described in this Ordinance. Although site conditions may not allow strict adherence to the dimensions shown in this illustration, every effort shall be made to design and construct the safest and most efficient access onto the Township roadway.



	minimum	maximum
W - Width	8 feet	20 feet
R - Radius	5 feet	15 feet

§7. Violations and penalties; enforcement.

A. General rule - Any violation of this Ordinance or the permit requirements shall constitute grounds for imposition of any or all of the following penalties:

1. Upon receipt of oral or written notice of any violation from the Township or a police officer whose jurisdiction includes the permitted work area, the permittee(s) shall cease to perform any further work in the permitted area, except to restore the area to a safe condition. No further work shall commence in the permitted area until the violation has been remedied. Where the permittee(s) have received oral notice of the violation, written notice shall be sent to the permittee(s) within 10 days of receipt of the oral notice.
2. Revocation of the permit by the Township.
3. This Ordinance shall be enforced by action brought before a District Magisterial Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Ordinance shall, upon conviction in a summary proceeding, pay a fine of not less than \$500 nor more than \$1,000 per violation, plus all Court costs and reasonable attorneys fees incurred by Pocono Township in the enforcement proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Each section of this Ordinance that is violated shall also constitute a separate violation. Further, the appropriate officers or agents of Pocono Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to Pocono Township for its general use.

B. Additional grounds for revocation - Additional grounds for revocation shall be as follows:

1. The Township may revoke a permit whenever it is determined that the driveway or approaches or their use constitute a hazard to traffic or interferes with the proper use of the roadway by the Township or the public.
2. The Township may revoke a permit for nonpayment of any fee or reimbursement specified or referenced in this Ordinance relating to permit fees, including default of any check submitted for such payment.

C. Revocation procedure - Subsequent to revocation of any permit, except for nonpayment as specified in §7,B(2), the applicant(s) shall be given an opportunity to appeal to the Pocono Township Board of Supervisors.

§8. Definitions.

Except as defined in this Ordinance, all words shall carry the customary meaning.

Access - Any driveway, street or other means of passage of vehicles between a roadway and abutting property, including acceleration and deceleration lanes and such drainage structures as may be necessary for the proper construction and maintenance thereof.

Culvert - A pipe, conduit or similar enclosed structure, including appurtenant works which carries surface or stormwater.

Driveway - A privately owned and constructed vehicular access from a Township road into a lot or parcel having frontage on the road.

Grade - A slope, usually of a road, channel or natural ground; expressed in percent which indicates the rate of change of elevation in feet per hundred feet.

Lot - A unit into which land is divided or other parcel of land intended as a unit for transfer of ownership, lease, rent, improvement or development.

Right-of-Way - The total width of any land reserved or dedicated as a Township road.

Road or Roadway - A strip of land, including the entire right-of-way, designed to provide access by vehicular traffic or pedestrians.

Shoulder - The portion of the roadway, contiguous to the traffic lanes, for accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses and pavements.

Sight Distance - The required length of roadway visible to the driver of a vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made from a point 4½ feet above the center line of the road surface to a point ½ inch above the center line of the road surface.

Slope -The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. The change in elevation, measured in consistent units, from one point to another measured perpendicular to the contours (lines of equal elevation) of the land. Slope is generally expressed as a ratio based on the vertical difference in feet per one hundred (100) feet of horizontal distance or as a percentage.

ARTICLE II BLACKTOPPING OF DRIVEWAYS

§9. General policy.

From and after adoption of this Ordinance, no driveway joining any Township road shall be blacktopped without first obtaining a permit from the Board of Supervisors or its authorized representative.

§10. Permit application procedure.

Before blacktopping such driveway or resurfacing an existing driveway, the person for whose benefit said driveway is being blacktopped shall file with the Township an application on the form prescribed by the Supervisors, setting forth the name of the applicant, together with a sketch showing the location, size and road profile of the proposed blacktopped driveway and the type of drainage proposed. Such application shall be accompanied by payment of a permit fee in the amount set forth by resolution of the Board of Supervisors.

§11. Inspection of proposed blacktopping.

The Supervisors or their authorized representative shall make an inspection of the place of the proposed blacktopping of the driveway and determine the drainage facilities to be provided, if any. After the blacktopping is completed, an inspection will be made to assure the permit requirements were met, and if so, a driveway occupancy permit will be issued.

§12. Issuing of permit.

The Supervisors or their authorized representative, after ascertaining that the application is complete and satisfactory, shall issue a permit to the applicant authorizing such blacktopping to take place. The permit is good for one year from the day of issuance.

§13. Violations and penalties.

This Ordinance shall be enforced by action brought before a District Magisterial Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person, partnership, corporation or other entity who or which violates or permits a violation of the provisions of this Ordinance shall, upon conviction in a summary proceeding, pay a fine of not less than \$500 nor more than \$1,000 per violation, plus all Court costs and reasonable attorneys fees incurred by Pocono Township in the enforcement

proceedings, and/or be imprisoned to the extent allowed by law for the punishment of summary offenses. Each day or portion thereof that a violation exists or continues shall constitute a separate violation. Each section of this Ordinance that is violated shall also constitute a separate violation. Further, the appropriate officers or agents of Pocono Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this Ordinance. All fines, penalties, costs and reasonable attorney's fees collected for the violation of this Ordinance shall be paid to Pocono Township for its general use.

ARTICLE III
REPEALER, SEVERABILITY AND EFFECTIVE DATE

§14. Repealer.

All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

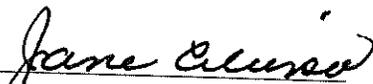
§15. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of Pocono Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

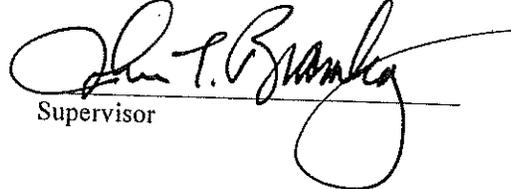
§16. Effective date.

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

ORDINANCE ORDAINED AND ENACTED this 2nd day of February, 2009, by the Board of Supervisors of Pocono Township, Monroe County, Pennsylvania.


Chairman


Vice-Chairman


Supervisor

ATTEST: 