

**WEST PIKELAND TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2006-201**

The Board of Supervisors of the TOWNSHIP OF WEST PIKELAND , Chester County, Pennsylvania, pursuant to Section 2322 of the Second Class Township Code, hereby ENACTS and ORDAINS as follows:

**SECTION 1 - Street Excavations**

**Permits Required.**

In accordance with the provisions of Section 2322 of Article XXXIII of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any township road, nor shall any railroad or street railway crossing, nor any gas pipe, water pipe, electric conduits or other piping be laid upon or in, nor shall telephone, telegraph or electric light or power poles, or any coal tipples or any other obstructions be erected upon or in any portion of a township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof as may be prescribed in permits granted by the township for such purpose.

**Permit Application.**

The application for a permit shall be on a form prescribed by the township and submitted to the township in triplicate. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Pennsylvania Department of Transportation, for highway occupancy permits and restoration charges. In addition the applicant shall submit three copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

A permit shall be issued to the applicant within fourteen working days after all the aforementioned requirements have been filed.

**General Street Excavation Regulations**

The following general regulations shall be applicable to all street excavations:

1. The applicant shall comply with the regulations in PennDOT Publication 203, Work Zone Traffic Control Regulations.
2. The applicant shall provide notice to the West Pikeland Township office at least 24-hours prior to starting any work under this permit

3. The applicant shall not, when performing work under this permit, alter the existing storm water drainage flow.
4. All excavations within the cartway of a township road shall backfilled with clean aggregate, #57. Backfill shall be placed in layers of eight inches then compacted with vibratory compaction equipment.
5. Prior to replacement of the base course, one foot outside of each edge of the opening shall be sawed, in a neat straight line, to the top elevation of the existing aggregate subbase or stone base course; the detached material shall be removed.
6. The base, binder and wearing course shall consist of bituminous concrete material meeting the requirements of PennDOT Publication 408, latest edition,. The minimum depth of the base course material shall be 5 inches of BCBC, binder course, 2 inches and wearing course, 1-1/2 inches.
7. The edge of the restored opening shall be sealed under the regulations of PennDOT Publication 408, latest edition.
8. Additional restoration shall be required as follows:
  - a. If the opening is in a township road where the existing wearing surface is less than five years old and the longitudinal or traverse opening in the pavement is longer than 10 feet, the permittee shall overlay the traffic lanes for the entire length of the road that was opened, in a manner authorized by the township. This overlay shall be in addition restoration listed above.
  - b. Regardless of the age of the wearing surface, if more than 1,000 square of opening are made, the township may require the permittee to overlay all traffic lanes for a distance of not less than 100 feet from the opening, if the township office determines that the rideability or structural integrity of the pavement has been impaired by the openings.

**Notice to Township; inspection.**

Upon completion of the work, the applicant shall give written notice thereof to the township.

Upon completion of the work authorized by the permit, the township shall inspect the work and, when necessary for a period not exceeding two years after completion, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within 60 days after written notice from the township to do so, the township may do the work and shall impose upon the applicant the cost thereof, together with and additional 20% of such cost. If the settlement or defect is considered a safety hazard, the applicant shall make the necessary repairs within 24 hours of receipt

of the written notice.

**Violations and Penalties.**

This article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues, or is permitted to continue shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

**Emergencies.**

Nothing in this section shall be construed to require a permit in advance for emergency repairs necessary for the safety of the public or the restoration or continuance of public utility service or other public service, but application for the permit and the fees shall be submitted within five days after start of the work, after which time the remaining provisions of this section apply.

**SECTION 2 – Underground Utilities**

**Filing or plat or survey required.**

Before any public utility or cable television company shall install any underground facilities under or through a West Pikeland Township road right-of-way, a plat or survey showing the location of such location of such underground facilities with respect to West Pikeland Township road right-of-way shall be filed at the West Pikeland Township Municipal Office.

**Location to be marked.**

The location of each point where an underground public utility and/or cable television facility passes under or through a West Pikeland Township road right-of-way shall be marked, on site, by a suitable, easily identifiable marker.

**Violations and penalties.**

No person who violates or permits a violation of this Article, upon being found liable therefore in a civil enforcement proceeding, shall pay a fine of not more than \$600 plus all court costs, including

reasonable attorney's fees, incurred by the township in the enforcement of this Article. No judgment shall be imposed until the date of determination of the violation by the District Justice and/or court. If the defendant neither pays nor timely appeals the judgment, the township may enforce the judgment pursuant to applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the township are hereby authorized to seek equitable relief, including injunction, to enforce compliance herewith.

### **SECTION 3 – Driveway Standards**

#### **Permit required.**

No person, firm or corporation shall grade, construct, reconstruct, install, erect or replace a drain, culvert, drive or driveway, or other means of either affecting the discharge or passage of water or providing ingress or egress onto or along an official township road, or any road or street in a subdivision within the township which is to be dedicated for public purpose, unless and until such person, firm or corporation secures approval and a permit from the township.

#### **Permit applications; approval.**

Application for such a permit shall be made by the owner or occupier, or his or her contractor or agent on forms provided by the township. There shall be attached to each application a drawing or plan adequately illustrating the outlines of the property affected with existing improvements thereon, the proposed improvements to be added, the direction of surface water runoff, and the existing roadway and drainage features within the township's right-of-way which are affected by the proposed improvements. For commercial and industrial driveways the applicant shall also submit engineering calculations identifying the area and volume of runoff based upon a two-year storm frequency with drainage facilities designed accordingly.

#### **General Driveway Requirements.**

The following general requirements shall be applicable to all driveway and related drainage construction:

1. A property with less than one hundred feet of street frontage shall not have more than one driveway to such street. A property with one hundred feet or more of street frontage may have two driveways to any one street for each four hundred feet of street frontage.
2. The edge of any driveway access onto a street shall be at least forty feet from any street intersection, measured from the nearest intersection right-of-way lines and ten feet from any other property lines.
3. Driveways shall not cross the street right-of-way within five feet of a fire hydrant, catch basin

or storm drain inlet.

4. Driveways serving residential use properties shall have as a minimum a five-foot radius, driveways serving nonresidential use properties shall have as a minimum a fifteen-foot radius.
5. The width of a residential driveway at the street right-of-way line use shall be a minimum of nine feet and a maximum of twenty feet.
6. The center line of a driveway entrance shall be at a ninety-degree angle to the center line of the public road at the driveway entrance or as near thereto as site conditions permit.
7. Where concrete curb exists along the public road, a depressed concrete curb shall be installed for the driveway entrance. The top of the depressed shall be a minimum of 1-1/2 inches above the public road surface.
8. All driveways shall be paved within the right-of-way. Material used in the construction of this portion of the driveway shall meet the requirements of PennDOT Publication 408, latest edition, and the pavement shall be at least four inches thick.
9. Driveways shall be designed and constructed so that no additional storm or surface water is directed towards a public road cartway.
10. 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 the township road and adjacent areas.
11. Where a drainage swale or ditch exist a pipe of adequate size, not less than 18 inches in diameter, shall be installed under the driveway outside of the public road right-of-way. If necessary, the applicant shall relocate the swale or ditch for the water to pass through said pipe.
12. For nonresidential use driveways, when deemed necessary by the township for safe ingress and egress, acceleration and deceleration lanes paralleling the public street shall be installed at the expense of the applicant.
13. The applicant shall provide notice to the West Pikeland Township office at least 24-hours prior to starting any work under this permit.

#### **SECTION 4 - Filing Fees.**

The cost of filing such application and permit to be issued thereon shall be such sum as may be determined by resolution of the West Pikeland Township Board of Supervisors from time to time and all such fees and cost shall be paid into the Township Treasury.

**SECTION 5 - Violation and Penalties**

This Article shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any person who violates or permits the violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of not more than \$1,000 or by imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each section of this article that is violated shall also constitute a separate offense.

**SECTION 6 - Severability**

The provisions of this Ordinance are severable. If any section, paragraph, clause or phrase of this Ordinance is declared unconstitutional, illegal, or otherwise invalid by judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

All Ordinances and Resolutions, or parts of Ordinances and Resolutions conflicting with any provisions of this Ordinance are hereby repealed.

**SECTION 7 - Effective Date**

This Ordinance shall be effective five (5) days from the date of enactment.

**ENACTED AND ORDAINED** this 27th day of February, 2006.

**BOARD OF SUPERVISORS OF  
WEST PIKELAND TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

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CHESTER COUNTY, PENNSYLVANIA**

\_\_\_\_\_  
Harold Hallman, III, Chairman

ATTEST:

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Linda S. Glaum, Vice Chairperson

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Township Secretary

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William Cracas, Member