

ORDINANCE NO. 2019-04

AN ORDINANCE OF EAST HANOVER TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA, PROHIBITING THE CONSTRUCTION OF DRIVEWAYS, ACCESS DRIVES, FIELD ACCESSES, AND TEMPORARY DRIVES, AND/OR REPAIRS OF SUCH WITHOUT A PERMIT; PROVIDING FOR THE APPLICATION AND ISSUANCE OF STREET ACCESS PERMITS, REGULATIONS AND FILING FEES; AND IMPOSING FINES AND PENALTIES FOR VIOLATIONS.

WHEREAS, in recognition of the necessity to provide safe egress from and ingress to streets located within East Hanover Township and in order to protect the public health, safety, and welfare, it is hereby ENACTED AND ORDAINED by East Hanover Township, of the County of Dauphin and the Commonwealth of Pennsylvania, as follows:

Section 1 - Short Title.

This Ordinance shall be known and may be cited as the "East Hanover Township Street Access Ordinance."

Section 2 - Definitions.

Applicant - Person or entity applying for driveway permit.

Access Drive - A private cartway designed and constructed to provide for vehicular access between a street and any use other than one single-family dwelling on a lot or farm. Field accesses are not access drives.

Board of Supervisors ("Board" or "Township Supervisors") - The Board of Supervisors of East Hanover Township, Dauphin County, Pennsylvania.

Cartway - The surface of a street, access drives, driveway or alley available for vehicular traffic including travel lanes and parking lanes, but not including shoulders, curbs, gutters, sidewalks, or drainage swales.

Clear Sight Triangle - An area of unobstructed vision at the intersection of two (2) streets, or a street and driveway defined by lines of sight between points at given distances from the intersection of the streets or street and driveway center lines.

Driveway - A private cartway, designed and constructed to provide vehicular access between a street and one single-family dwelling on a lot or a farm.

Driveway Width - The narrowest width of a driveway measured perpendicular to the

centerline of the driveway.

Farm - Any parcel of land with ten (10) or more acres which is used in the raising of agricultural products, livestock, poultry or dairy products, including necessary farm structures and the storage of equipment customarily incidental to the primary use.

Field Access - A private cartway contained on a farm that provides access to agricultural uses but not to any dwelling that may be contained on the farm.

Frontage - The continuous width of a lot or property, which abuts a street, being the distance, measured along the street right-of-way from one side lot line to the other.

Pavement - A hard wearing road surface such as black top/macadam or concrete, or any combination thereof, but not including a dirt or gravel surface.

Pavement Edge/Cartway Edge - The edge of the main traveled portion of any street exclusive of shoulders.

Permit - A permit issued by the Township Designated Official for the penetration and occupancy of the right-of-way of any street by the installation and construction of a driveway therein. In addition, a State Highway Occupancy Permit shall be required on State roads.

Right-of-Way - Any street, avenue, boulevard, highway, sidewalk, alley, or similar place which is owned by a governmental entity and/or the general public, and may include an area beyond the paved or finished surface portion thereof. In the case of a private street, there shall be a deemed right-of-way equivalent to a public street or equivalent cartway width.

Shoulder - The portion of a street, contiguous to the main traveled portion, for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses and pavements.

Street - A strip of land, including the entire right-of-way intended for use as a means of vehicular and pedestrian access. The word "street" includes avenue, boulevard, thoroughfare, road, highway, freeway, parkway, lane, alley, court, way, viaduct, and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

Substantial Improvement - Improvements to a driveway shall be deemed to be substantial: (1) if a previously unpaved driveway is to be paved; (2) if a drainage pipe is to be installed or replaced; (3) if any grading or excavation is to be done within ten (10) feet of a street right-of-way; (4) if the original grade or design of a driveway is to be changed; (5) if a paved driveway is to be re-surfaced; or (6) if any work done or to be done, is likely to create, increase or otherwise affect stormwater flow or discharge within the cartway or right-of-way of any street.

Temporary Drive - A private cartway, intended to be temporary, providing vehicular access between a street and any temporary or short term use that does not require a land development plan such as but not limited to removal of fill, sewage testing, timbering, and surveying.

Township - The Township of East Hanover, Dauphin County, Pennsylvania.

Township Designated Official - The individual appointed by the Board of Supervisors having the responsibility of administering and enforcing the terms and provisions of this Ordinance.

Section 3 - Purpose.

The purpose of this Ordinance is to establish regulations and procedures for the design, installation, and use of driveways, access drives, field accesses, and temporary drives accessing streets within East Hanover Township. It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of East Hanover Township.

Section 4 - Applicability (Permit Required).

- A. This Ordinance is intended to govern the construction of new driveways, access drives, field accesses, and temporary drives and is also specifically intended to apply to the resurfacing of existing driveways, access drives, field accesses, and temporary drives whether the existing surface is dirt, gravel, or pavement.
- B. No person in East Hanover Township shall lay out, open, install, construct, substantially improve, or maintain any driveway, access drive, field access, or temporary drive as defined herein, or any portion thereof unless it shall be in accordance with the provisions of this Ordinance and any other applicable ordinances or regulations of East Hanover Township which are not inconsistent herewith. Further:
 - 1. Any driveway, access drive, field access, or temporary drive which requires access to a State highway right-of-way area shall be located only in accordance with a permit issued by the Pennsylvania Department of Transportation pursuant to the provisions of Chapter 441 of Title 67 of the Pennsylvania Code.
 - 2. Any driveway, access drive, field access, and temporary drive which requires access to a street right-of-way area, other than a State highway, shall be located, laid out, opened, installed, constructed, or substantially improved only in accordance with a permit issued by East Hanover Township Designated Official under the provisions of this ordinance, any other applicable ordinances of East Hanover Township, and such access

regulations, provisions, and specifications as may be enacted by the Board of Supervisors of East Hanover Township, from time to time.

- C. Any driveway, access drive, field access, or temporary drive which causes silt, stone, debris, or water to be deposited in a right-of-way area of any street or State highway shall be improved to eliminate said discharge. A permit is required prior to any improvement.
- D. It shall be the joint responsibility of the applicant, landowner, lessee, if any, and the contractor to determine that any permit required by this ordinance has been obtained before performing any work. It shall be unlawful for any applicant, landowner, contractor, or subcontractor to perform any work for which a permit is required unless a permit is obtained.
- E. No permit shall be required for normal and customary maintenance and repair of an existing driveway, providing such normal and customary maintenance and repair does not constitute substantial improvements as defined herein.
- F. Any change in use of a property or a building on the property that impacts the use of the access and consequently impacts the definition of the access. A permit is required and appropriate. Improvements may be required based on the change in use.

Section 5 - Permit Requirements & Processing.

- A. Any person required to obtain a permit under the terms of this Ordinance shall, prior to the construction of any driveway, access drive, field access, or temporary drive along a Township street, file a permit application with East Hanover Township including:
 - 1. An application for the same on a form approved by the Board of Supervisors;
 - 2. A fee, to be adopted by Resolution by the Board of Supervisors, from time to time, which shall accompany said application;
 - 3. A statement giving the location, purpose, and description of all work to be done;
 - 4. A driveway plan showing the area to be affected, existing improvements presently erected or constructed thereon, proposed improvements, and all property boundary lines within 100 feet of the proposed driveway;
 - 5. A driveway profile showing existing and proposed grades;
 - 6. A completed driveway sight distance measurements form per Appendix A

or equivalent information provided on the plan;

7. Storm water runoff calculations indicating runoff prior to and after the proposed work and a remediation plan, when such calculations and plan are requested by the Township Designated Official when determined that the discharge or passage of surface water drainage onto or within the right-of-way area of a local street will be affected;
 8. Means of sediment and erosion control during and after the proposed work;
 9. Where the lot to be served by the driveway, access drive, field access, or temporary drive is part of an approved subdivision and/or land development plan, a copy of the approved plan or applicable portions thereof shall be submitted in lieu of subsections 4 through 8 above.
- B. Unless part of an approved subdivision and/or land development plan, the location, design, and mode of construction of all driveways, access drives, field accesses, temporary drives, and associated drainage facilities is subject to the approval of the Township Designated Official.
- C. Unless part of an approved subdivision and/or land development plan, the Township Designated Official may require that the plans filed with an application be altered to reflect any changes or modifications which the Township Designated Official shall deem necessary to meet the requirements of this ordinance.
- D. The Township Designated Official will not issue a permit for any work to be performed under the terms and conditions of this ordinance until such time as the Township Designated Official receives from the applicant all required information and until such time as the Township Designated Official has had an adequate opportunity to investigate and research the said application.
- E. The Township Designated Official shall either approve or reject an application for a permit within thirty (30) days after the Township Designated Official has received from the applicant all information and documentation required by this Ordinance and any information and documentation required by the Township Designated Official in accordance with the terms and conditions of this ordinance.
- F. All work shall be in strict compliance with the plans and specifications for which the Township Designated Official issued a permit.
- G. When the Township Designated Official deems it necessary, the Township Designated Official may consult with the Township Engineer, Zoning Officer, and/or other persons with appropriate expertise regarding any requirement of this Ordinance.
- H. A permit issued pursuant to the terms and provisions of this ordinance shall be valid

for a period of one (1) year from the date of issuance shown on the said permit. If construction is not complete within the one (1) year period, a permit renewal shall be submitted consisting of a new application and fee in accordance with Subsections A.1 and A.2 above.

Section 6 - Requirements for Subdivision and Land Development Applicants.

- A. An applicant shall submit with his subdivision and/or land development plans evidence that the standards for construction established in this Ordinance for any proposed driveways, access drives, field accesses, and temporary drives can be met for each lot within the subdivision and/or land development.
- B. The subdivision and/or land development plans shall show either specific, detailed design, or when approved by the Township Engineer, a typical treatment of the construction of driveways and the handling of storm drainage and erosion and sediment control along driveways.
- C. Subdivisions shall be provided with internal streets on which proposed lots will front and to which the lots will have driveway access wherever deemed feasible and required by the Board upon recommendation by the Planning Commission and the Township Engineer. This will serve to minimize driveway intersections with existing streets, thus lessening accident hazards, interruptions to traffic flow, and minimizing erosion, sedimentation, and storm water run-off problems.

Section 7 - Standards for Driveways.

- A. All driveways and related improvements shall be constructed and located in such a manner as not to impair drainage or maintenance within any street right-of-way, alter the stability of a street subgrade, change the drainage of adjacent areas, interfere with the traveling public, present a hazard to the free movement of normal street traffic, or create areas of undue traffic congestion on the street.
- B. Driveways shall be provided to the street of lesser classification when there is more than one street classification involved. Street classifications are identified in the East Hanover Township Subdivision and Land Development Ordinance.
- C. Driveways accessing an existing State highway shall be located in accordance with a permit issued by the PA DOT pursuant to the provisions of Chapter 441 of Title 67 of the Pennsylvania Code.
- D. The minimum safe stopping sight distance shall be available for all permitted turning movements at all driveway intersections and shall conform to the driveway minimum safe stopping sight distance requirements per Chapter 441 of Title 67 of the Pennsylvania Code or the latest revision thereof - see Appendix A.
- E. Clear sight triangles corresponding to the minimum safe stopping sight distance

shall be provided at all intersections of driveways with streets. Within such triangles, no vision obstructing vegetation or objects other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscure vision above the height of thirty inches (30") and below ten feet (10') measured from the centerline grade of the intersecting driveway and the street.

- F. Every driveway proposed to intersect a paved street shall be paved from the street's edge of the pavement for a minimum distance of twenty five feet (25'). This distance may be extended by the Township Designated Official for relatively steep driveways and/or in areas of existing or expected drainage problems.
- G. All driveway paving specifications shall consist of a minimum of either:
 - 1. One and one-half inches (1 ½") of Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 0.0 to < 0.3 million ESAL's, 9.5 mm Mix, SRL-L on two inches (2") of Superpave Asphalt Mixture Design, HMA, Binder Course, PG 64-22, 0.0 to < 0.3 million ESAL's, 19.0 mm, on a subbase consisting of six inches (6") of PADOT 2A Stone; or
 - 2. Three and one-half inches (3 ½") of Superpave Asphalt Mixture Design, HMA, Binder Course, PG 64-22, 0.0 to < 0.3 million ESAL's, 19.0 mm, on a subbase consisting of six inches (6") of PADOT 2A Stone.
- H. All driveways shall have a width of at least twelve feet (12') and must flare to a minimum of twenty-two feet (22') at the street cartway with a maximum width at the street cartway of twenty-four feet (24').
- I. All driveways shall be configured such that vehicles using the driveway are not required to back into the street right-of-way.
- J. All portions of all driveways shall be located at least ten feet (10') from any property line excluding the flare at the street cartway; however, the entire flare and all associated grading and/or other required improvements, shall be located within the frontage of the property which is to be served by the driveway.
- K. Whether on the same or opposite side, all driveways shall be located at least fifty feet (50') from the nearest right-of-way line of a private or local street intersection; at least one hundred feet (100') from the nearest right-of-way line of a collector street intersection; and at least two hundred feet (200') from the nearest right-of-way line of an arterial street intersection.
- L. No lot shall have more than one (1) driveway; however, a second driveway may be permitted if the applicant for a lot with at least four hundred feet (400') of frontage can demonstrate to the satisfaction of the Board of Supervisors as recommended by the Township Designated Official that an additional driveway is necessary.

- M. All driveways shall have a leveling area not to exceed a grade of five percent (5%) for a minimum distance of twenty five feet (25') from the improved edge of the street which is being intersected. If a drainage swale is used at the entrance as described herein, that distance may be included in the required leveling area distance.
- N. The maximum slope of a driveway beyond the leveling area shall not exceed ten percent (10%). Where deemed to be acceptable by the Township Designated Official, the maximum driveway slope may be increased to twelve percent (12%) for a distance not to exceed four hundred feet (400').
- O. The minimum slope of a driveway for its entire length shall be one percent (1%).
- P. Construction of a driveway on a lot shall not cause surface runoff on the lot to be directed or concentrated onto an adjoining lot or cause an increase in runoff to an adjoining lot. Stormwater runoff shall be addressed in accordance with the Stormwater Ordinance.
- Q. The intersection of all driveways with the street shall be constructed so that no surface water from the driveway is directed into the street. This may be accomplished by use of a drainage swale or a pipe culvert as follows:
 - 1. The drainage swale side slope across the driveway shall slope down from the improved edge of the street for a maximum depth of four inches (4") over a minimum distance of six feet (6'), resulting in a grade of approximately five and one-half percent (5½ %). Modifications to this requirement may be permitted as field conditions indicate at the sole discretion of the Township Designated Official.
 - 2. If a pipe is used, it shall be:
 - a. Sized according to storm water runoff calculations based upon a twenty- five (25) year storm frequency, but in no case shall it be less than a minimum diameter of fifteen inches (15"); provided, however, that a written request for a waiver from the fifteen inch (15") minimum diameter requirement may be submitted to the Township Public Works Director who, in consultation with the Township Engineer, shall approve or deny such request on a case-by-case basis.
 - b. An approved pipe per PennDOT specifications in Publication 408/2003, unless a specific type is required or requested by a Township Official and installed as per the East Hanover Township Standard Construction Specifications and details, unless approved otherwise by the Township Designated Official;

- c. Placed with its edge at least ten feet (10') from the improved edge of the street (a ten foot (10') clearance). A greater distance from the improved edge of street may be required for larger pipes in order to allow for acceptable grade (maximum 3:1) from the improved edge of the street to the bottom of the pipe allowing for a shoulder and rounding of the cross- slope, four feet (4') minimum. Modifications to this requirement may be permitted as field conditions indicate at the sole discretion of the Township Designated Official;
 - d. Extended a minimum of two feet (2') in length from each edge of the driveway; and
 - e. Provided with the appropriate concrete end treatments such as flared end sections or endwalls. Downstream end treatments may be waived at the sole discretion of the Township Designated Official.
- R. Where driveways are proposed in streets with curbing, the curb depression shall be in accordance with the East Hanover Township Standard Construction Specifications and Details.
- S. All driveways shall have a cross section slope of three-eighths inches (3/8") per foot (3.125%) incorporated as a crown or continuous slope from edge to edge of driveway.
- T. Driveways shall intersect streets as nearly as possible at right angles, and in no case shall the first fifty feet (50') of the driveway intersect the street at an angle of less than seventy degrees (70°) or more than one hundred ten degrees (110°). In any case, the angle of a driveway where it intersects a street shall be such that a vehicle entering the driveway may do so in an orderly and safe manner with a minimum of interference to other street traffic and such that a vehicle leaving the driveway may enter safely into the lane of traffic moving in the desired direction.
- U. Where a driveway contains a curve, a minimum radius of fifty feet (50') shall be maintained.
- V. Where a driveway slope is permitted to exceed ten percent (10%) and the length of the driveway exceeds two hundred feet (200'), a minimum of one (1) parking space, eight feet (8') by sixteen feet (16') shall be provided outside of the street's ultimate right-of-way but within fifty feet (50') of it. The space shall not interfere with the vehicular access of the driveway.
- W. Permanent obstructions shall not be allowed within the street right-of-way including but not limited to, gates, landscaping rocks, boulders, pillars, and columns.
- X. Any lockable-gated driveway shall contain a rapid entry system (such as Knox-

Box) approved by the Township Designated Official upon advice of the Fire Marshal to assure emergency access can be maintained.

- Y. The permit holder or his contractor shall comply with Pennsylvania One Call regulations.
- Z. Erosion control measures in accordance with PA DEP regulations must be provided.
- AA. Heavy equipment shall not be unloaded and loaded on Township streets. If conditions require the same, street pads must be used. The permit holder shall be responsible for repairing any and all street surface or shoulder areas damaged during construction at their sole expense.

Section 8 - Standards for Access Drives.

- A. Access drives shall comply with all applicable regulations contained in the Subdivision and Land Development Ordinance.
- B. All access drives and related improvements shall be constructed and located in such a manner as not to impair drainage or maintenance within any street right-of-way, alter the stability of a street subgrade, change the drainage of adjacent areas, interfere with the traveling public, present a hazard to the free movement of normal street traffic, or create areas of undue traffic congestion on the street.
- C. Access drives shall be provided to the street of lesser classification when there is more than one street classification involved. Street classifications are identified in the East Hanover Township Subdivision and Land Development Ordinance.
- D. Construction of a driveway on a lot shall not cause surface runoff on the lot to be directed or concentrated onto an adjoining lot or cause an increase in runoff to an adjoining lot. Stormwater runoff shall be addressed in accordance with the Stormwater Ordinance.
- E. Heavy equipment shall not be unloaded and loaded on Township streets. If conditions require the same, street pads must be used. The permit holder shall be responsible for repairing any and all street surface or shoulder areas damaged during construction at their sole expense.

Section 9 - Standards for Field Access.

- A. All field accesses and related improvements shall be constructed and located in such a manner as not to impair drainage or maintenance within any street right-of-way, alter the stability of a street subgrade, change the drainage of adjacent areas, interfere with the traveling public, present a hazard to the free movement of normal street traffic, or create areas of undue traffic congestion on the street.

- B. Field accesses shall be provided to the street of lesser classification when there is more than one street classification involved. Street classifications are identified in the East Hanover Township Subdivision and Land Development Ordinance.
- C. Field accesses accessing an existing State highway shall be located in accordance with a permit issued by the PA DOT pursuant to the provisions of Chapter 441 of Title 67 of the Pennsylvania Code.
- D. The minimum safe stopping sight distance shall be available for all permitted turning movements at all field access intersections and shall conform to the driveway minimum safe stopping sight distance requirements per Chapter 441 of Title 67 of the Pennsylvania Code or the latest revision thereof - see Appendix A.
- E. Clear sight triangles corresponding to the minimum safe stopping sight distance shall be provided at all intersections of field accesses with streets. Within such triangles, no vision obstructing vegetation or objects other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscure vision above the height of thirty inches (30") and below ten feet (10') measured from the centerline grade of the intersecting field access and the street.
- F. All portions of all field accesses shall be located at least ten feet (10') from any property line excluding any flare at the street cartway; however, the entire flare and all associated grading and/or other required improvements, shall be located within the frontage of the property which is to be served by the field drive.
- G. Whether on the same or opposite side, all driveways shall be located at least fifty feet (50') from the nearest right-of-way line of a private or local street intersection; at least one hundred feet (100') from the nearest right-of-way line of a collector street intersection; and at least two hundred feet (200') from the nearest right-of-way line of an arterial street intersection.
- H. Construction of a driveway on a lot shall not cause surface runoff on the lot to be directed or concentrated onto an adjoining lot or cause an increase in runoff to an adjoining lot. Stormwater runoff shall be addressed in accordance with the Stormwater Ordinance.
- I. The intersection of all field accesses with the street shall be constructed so that no surface water from the field access is directed into the street. This may be accomplished by use of a drainage swale or a pipe culvert as follows:
 - 1. The drainage swale may match the existing roadside swale, or shall be provided with a smooth transition to the existing roadside swale, but in no case shall the swale be such that it results in damage to the existing cartway when equipment enters and exists the roadway. Modifications to this requirement may be permitted as field conditions indicate at the sole discretion of the Township Designated Official.

2. If a pipe is used, it shall be:
 - a. A minimum diameter of fifteen inches (15");
 - b. An approved pipe per PennDOT specifications in Publication 408/2003, unless a specific type is required or requested by a Township Official and installed as per the East Hanover Township Standard Construction Specifications and details, unless approved otherwise by the Township Designated Official; and
 - c. Placed with its edge at least ten feet (10') from the improved edge of the street (a ten foot (10') clearance). A greater distance from the improved edge of street may be required for larger pipes in order to allow for acceptable grade (maximum 3:1) from the improved edge of the street to the bottom of the pipe allowing for a shoulder and rounding of the cross- slope, four feet (4') minimum. Modifications to this requirement may be permitted as field conditions indicate at the sole discretion of the Township Designated Official.
- J. The angle of a field access where it intersects a street shall be such that a vehicle entering the field access may do so in an orderly and safe manner with a minimum of interference to other street traffic and such that a vehicle leaving the field access may enter safely into the lane of traffic moving in the desired direction.
- K. Permanent obstructions shall not be allowed within the street right-of-way including but not limited to, gates, landscaping rocks, boulders, pillars, and columns.
- L. The permit holder or his contractor shall comply with Pennsylvania One Call regulations.
- M. Erosion control measures in accordance with PA DEP regulations must be provided.
- N. Heavy equipment shall not be unloaded and loaded on Township streets. If conditions require the same, street pads must be used.
- O. The permit holder shall be responsible for repairing any and all street surface or shoulder areas damaged during construction or upon use of the field access at their sole expense.

Section 10 - Standards for Temporary Drives.

- A. All temporary drives and related improvements shall be constructed and located in such a manner as not to impair drainage or maintenance within any street right-of-way, alter the stability of a street subgrade, change the drainage of adjacent areas,

interfere with the traveling public, present a hazard to the free movement of normal street traffic, or create areas of undue traffic congestion on the street.

- B. Temporary drives shall be provided to the street of lesser classification when there is more than one street classification involved. Street classifications are identified in the East Hanover Township Subdivision and Land Development Ordinance.
- C. Temporary drives accessing an existing State highway shall be located in accordance with a permit issued by the PA DOT pursuant to the provisions of Chapter 441 of Title 67 of the Pennsylvania Code.
- D. The minimum safe stopping sight distance shall be available for all permitted turning movements at all temporary drive intersections and shall conform to the driveway minimum safe stopping sight distance requirements per Chapter 441 of Title 67 of the Pennsylvania Code or the latest revision thereof - see Appendix A.
- E. Clear sight triangles corresponding to the minimum safe stopping sight distance shall be provided at all intersections of temporary drives with streets. Within such triangles, no vision obstructing vegetation or objects other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscure vision above the height of thirty inches (30") and below ten feet (10') measured from the centerline grade of the intersecting driveway and the street.
- F. All portions of all temporary drives shall be located at least ten feet (10') from any property line excluding any flare at the street cartway; however, the entire flare and all associated grading and/or other required improvements, shall be located within the frontage of the property which is to be served by the temporary drive.
- G. Whether on the same or opposite side, all driveways shall be located at least fifty feet (50') from the nearest right-of-way line of a private or local street intersection; at least one hundred feet (100') from the nearest right-of-way line of a collector street intersection; and at least two hundred feet (200') from the nearest right-of-way line of an arterial street intersection.
- H. Construction of a driveway on a lot shall not cause surface runoff on the lot to be directed or concentrated onto an adjoining lot or cause an increase in runoff to an adjoining lot. Stormwater runoff shall be addressed in accordance with the Stormwater Ordinance.
- I. The intersection of all temporary drives with the street shall be constructed so that no surface water from the driveway is directed into the street. This may be accomplished by use of a drainage swale or a pipe culvert as follows:
 - 1. The drainage swale may match the existing roadside swale, or shall be provided with a smooth transition to the existing roadside swale. Modifications to this requirement may be permitted as temporary conditions

indicate at the sole discretion of the Township Designated Official.

2. If a pipe is used, it shall be:
 - a. A minimum diameter of twelve inches (12"); and
 - b. An approved pipe per PennDOT specifications in Publication 408/2003, unless a specific type is required or requested by a Township Official and installed as per the East Hanover Township Standard Construction Specifications and details, unless approved otherwise by the Township Designated Official; and
 - c. Placed with its edge at least ten feet (10') from the improved edge of the street (a ten foot (10') clearance). A greater distance from the improved edge of street may be required for larger pipes in order to allow for acceptable grade (maximum 3:1) from the improved edge of the street to the bottom of the pipe allowing for a shoulder and rounding of the cross- slope, four feet (4') minimum. Modifications to this requirement may be permitted as field conditions indicate at the sole discretion of the Township Designated Official.
- J. The angle of a temporary drive where it intersects a street shall be such that a vehicle entering the temporary drive may do so in an orderly and safe manner with a minimum of interference to other street traffic and such that a vehicle leaving the temporary drive may enter safely into the lane of traffic moving in the desired direction.
- K. Permanent obstructions shall not be allowed within the street right-of-way including but not limited to, gates, landscaping rocks, boulders, pillars, and columns.
- L. The permit holder or his contractor shall comply with Pennsylvania One Call regulations.
- M. Erosion control measures in accordance with PA DEP regulations must be provided.
- N. Heavy equipment shall not be unloaded and loaded on Township streets. If conditions require the same, street pads must be used.
- O. The permit holder shall be responsible for repairing any and all street surface or shoulder areas damaged during construction at their sole expense.
- P. The permit shall be temporary and will expire at the time indicated on the permit as agreed to by the Township Designated Official. The temporary drive shall be removed beginning from its intersection with the existing edge of pavement to the

right-of-way, prior to that date. Such removal shall consist of excavation of any stone or other material with placement of a minimum of six inches (6") of topsoil, seeded and mulched. Any existing shoulder or roadside swale shall be restored to match existing conditions to the satisfaction of the Township Designated Official.

Section 11 - Inspection.

- A. The party to whom the permit was issued shall notify the Township Designated Official forty-eight (48) hours either prior to or after completion of the work as indicated below, so that the Township Designated Official may inspect the same.
- B. The Township Designated Official or his designee may inspect the site before and during construction as he deems necessary based on site conditions and complexity of design, but at a minimum, the following inspections will typically be made and require notification as detailed in subsection A above.
 - 1. Stake-Out - An inspection shall be made at the time of stake out so that location can be confirmed with regard to sight distance, property line set back, width, grade, pipe placement, and other design criteria.
 - 2. Rough-Grade - An inspection shall be made prior to paving, but after installation of the base course. Paving shall not be commenced until the Township Designated Official shall have inspected the site and approved all of the work performed up to the date of the site inspection.
 - 3. Final - An inspection shall be made upon completion of the work for which a permit was issued so that compliance with the permit, plans and specifications can be confirmed.
 - 4. Removal - In the case of temporary drives, an inspection shall be made to confirm appropriate removal, restored grading, and stabilization of the area.
- C. If the work was not performed in accordance with the plans and specifications approved by the Township Designated Official, the holder of the permit shall be instructed by the Township Designated Official in writing to take immediate steps at the permit holder's own expense toward correcting the work so as to conform to the approved permit, plans and specifications.

Section 12 - Maintenance.

- A. All driveways, access drives, field accesses, or temporary drives shall be maintained by the property owner in such a manner as not to interfere with the design, maintenance, and drainage of local streets, or the safe and convenient passage of traffic upon the streets.
- B. All driveways, access drives, field accesses, or temporary drives shall be

maintained in such a manner so as to comply with the requirements under which they were permitted.

- C. Driveways and access drives shall be maintained clear of debris, vegetation, or other obstructions that would compromise the passage of vehicles, including emergency services vehicles, over the driveway or access drive. Such clear area shall be fifteen feet (15') wide and fifteen feet (15') high centered on the driveway or access drive.

Section 13 - Waivers.

- A. The provisions of this ordinance are intended as a minimum standard for the protection of public health, safety, and welfare.
- B. Any person desiring a waiver of the requirements of this Ordinance shall make application for such waiver in writing:
 - 1. identifying the section of the Ordinance from which a waiver is requested;
 - 2. the reasons for the waiver; and
 - 3. the alternative proposed.
- C. If the literal compliance with any mandatory provision of this Ordinance 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 provisions so that the intent of the Ordinance can be achieved, 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 Ordinance.
- D. In granting waivers, the Board of Supervisors may impose such conditions as will in its judgment, substantially secure the objectives of the standards and requirements of this Ordinance.

Section 14 - Indemnification of Township.

Any person, firm, corporation, or other entity applying for any permit under this ordinance agrees by making said application to indemnify and save the Township harmless from and against all liabilities of whatever nature arising during the design of the work, performance of the work, or as a result of the work for which a permit is granted, whether or not the liability arises as a result of the negligence of the person, firm, corporation or other entity to whom the permit was issued. The application for a permit shall contain appropriate language acknowledging that the applicant agrees to indemnify and save the Township

harmless as required by this section.

Section 15 - Violations - Penalties and Remedies.

- A. It shall be a violation of this ordinance to commit or to permit any other person to commit any of the following acts:
 - 1. To commence activities for which this ordinance requires a permit before obtaining a permit;
 - 2. To undertake activities in violation of the terms or conditions of any permit issued under this ordinance;
 - 3. To misuse or fail to maintain any driveway installed upon a property;
 - 4. To intentionally place false information on, or intentionally omit information from, an application for a permit under this ordinance; or
 - 5. To fail to comply with any other provisions of this ordinance.
- B. Any person, firm or corporation who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than two hundred (\$200.00) dollars but not more than one thousand (\$1,000.00) dollars for each offense, together with the costs of prosecution, including attorney's fees. In default of payment of such fine, such person shall be liable to imprisonment for a period not exceeding ninety (90) days. Each day or portion thereof in which a violation exists shall be considered a separate violation of this ordinance, and each section of this ordinance which is violated shall constitute a separate violation.
- C. In addition or in lieu of the penalties provided in Section 15.B, the Township may proceed against the violator in a Court of equity to obtain injunctive or other relief to abate the violation.
- D. In addition or in lieu of the penalties provided in Section 15.B, the Township Designated Official or other official designated by the Board of Supervisors may revoke any permit issued under this Ordinance when the permit holder has violated the provisions of this Ordinance.

Section 16 - Appeals.

This Ordinance is adopted pursuant to the Township's police power and is hereby declared not to be related to zoning and land planning and any person aggrieved by the application, enforcement or other adjudication made pursuant to the terms of this ordinance may appeal within thirty (30) days of said adjudication for a hearing before the Board of Supervisors

of East Hanover Township in accordance with the applicable portions of the Pennsylvania Local Agency Law (2 Pa.C.S. Section 551, et seq.).

Section 17 - Repealer.

All other ordinances, resolutions, and parts of ordinances and resolutions conflicting or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of said inconsistencies or conflicts insofar as they affect any work done after the effective date of this ordinance, but said ordinances, resolutions, or parts thereof shall not be repealed insofar as they apply to permits issued or acts of violations occurring before the effective date of this ordinance.

Section 18 - Severability.

The provisions of this Ordinance are severable and, if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of East Hanover Township, that this Ordinance would still have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

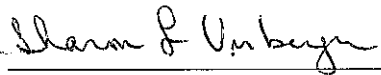
Section 19 - Effective Date.

This ordinance and all of its terms and provisions shall become effective five (5) days following the date of its adoption.

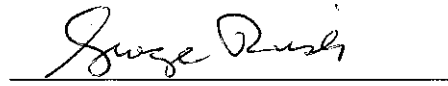
DULY ENACTED AND ORDAINED this 2nd day of JULY, 2019 by the Board of Supervisors of East Hanover Township, Dauphin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

EAST HANOVER TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA



Secretary



Chairman

GEORGE RISH