

**TOWNSHIP OF PERRY, LAWRENCE COUNTY
COMMONWEALTH OF PENNSYLVANIA
STREET OPENING/DRIVEWAY PERMIT ORDINANCE
ORDINANCE NUMBER 10-9-03**

**AN ORDINANCE OF THE TOWNSHIP OF PERRY, LAWRENCE COUNTY,
COMMONWEALTH OF PENNSYLVANIA TO OPEN STREETS OR
ROADWAYS AND FOR NEW POINTS OF ACCESS; PROVIDING
APPLICATION PROCEDURES; AND DESIGNATING ENFORCEMENT
PROCEDURES AND PENALTIES FOR VIOLATIONS.**

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of the Township of Perry, that from and after the passage of this Ordinance, the regulations contained herein shall be in full force and effect and shall be held to be the minimum requirements for the protection of the health, safety, and general welfare of the residents of the Township.

SECTION 1: STREET OPENINGS AND PAVEMENT CUTS

A. Permit Required: It shall be unlawful for any person, firm, corporation or Utility to make, enlarge, or modify any opening or excavation of any kind in or under, the surface of any street within the Township of Perry, except under such conditions and regulations relating to installation and maintenance, without first securing a permit in accordance with the provisions of the Ordinance.

B. Emergency Openings/Cuts: No pipes, lines or other underground facilities shall be laid upon, or in any portion of a public roadway without a permit, provided, however, that any maintenance of such pipes, lines, or underground facilities when emergency circumstances demand the work to be done immediately, may proceed without a permit. In such cases where emergency openings are necessary, the Township shall be notified prior to such openings in one of the following manners:

1. Fax notification
2. Telephone notification

The person, firm, corporation or utility shall apply for a permit on the first regular business day on which the Township offices are open to the public and such permit shall be retroactive to the date when the work was begun.

SECTION 2 DRIVEWAYS

A. Permit Required: It shall be unlawful for any person, firm corporation or Utility to make, enlarge or modify any connection of any kind to any Township street or road within the Township of Perry without first securing a permit in accordance with the provisions of this Ordinance.

B. Access: Access to Township streets and roads shall:

1. Be designed so that the grade at the intersection with the street or road will not cause a vehicle to drag or hang-up.
2. Begin at the edge of the property line or at the edge of the Township right-of-way.
3. So that no portion of any driveway shall exceed a grade of fifteen percent (15%, approximately 1.75" slope per foot) unless approved by the Township.

4. Be reviewed by the Township Representative who will determine the installation requirements.
 5. Provide the maximum amount of site distance, in each direction, as possible. The acceptable site distance will equal the required PennDot Regulations.
 6. 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.
 7. Be constructed so as not to exceed the elevation of the existing roadway
 8. Be constructed so water will flow off either side of driveway in situations where the driveway is located above the road.
- C. Culvert pipe and swale:
1. The Township will determine the diameter and type of culvert pipe to be installed if one is required.
 2. The Township will supply a standard drawing to be used as a reference for installing a swale on a driveway and/or along a drainage ditch line as determined by the Township Representative. The standard drawing can only act as a reference, due to the fact that all areas may differ in size, fall, and depth.

SECTION 3 RIGHT OF WAY

The width of the right-of-way of a public road in townships shall not be less than thirty-three or more than one hundred and twenty feet, and the width of the right-of way of alleys opened by the township as public roads shall not be less than fifteen feet. The minimum required width shall be in addition to any width required for necessary slopes in cuts or fills.

SECTION 4 PERMITS

- A. Limits:
1. No work of any kind shall be performed beyond that which has been authorized by the permit
- B. Time Limitations:
1. Work for which a permit has been issued shall commence within sixty (60) days after issuance of the permit. The permit shall automatically expire on the sixty-first (61st) day unless the Permittee applies for an extension of time within which to commence work. If such an extension is granted, the original permit shall remain in force for the period of time specified in the extension.
 2. Permits which terminate by reason of failure to commence work within sixty (60) days, or within any extension of time granted, may be renewed only upon the payment of an additional permit fee as required.
 3. If the Township determined that failure to complete the work under the permit within the time specified was due to circumstances reasonably beyond the control of the Permittee, and not contrary to the public interest, the Permittee may be granted additional time for the completion for the work.

- C. Revocation of Permits: Any permit may be revoked by the Township, after notice to the Permittee, for:
1. Violation of any condition of the permit or of any provision of this Ordinance;
 2. Violation of any other applicable provision of the Municipal Code, or any laws relating to the work;
 3. Existence of any condition, or the doing of any act constituting or creating a nuisance or endangering the life or property of others.
 4. Written notice of any such violation or condition shall be served upon the Permittee or his agent engaged in the work. The notice shall contain a brief statement of the reasons for revoking the permit. Notice may be given either by personal delivery or certified or registered mail.
 - a. The Permittee shall be granted a period of three (3) days from the date of the notice to correct the violation;
 - b. When any permit has been revoked, and the work authorized by the permit has not been completed, the Township shall do, or cause to be done, such work as may be necessary to restore the street, or part thereof, to as good a condition as before the opening was made. All expenses thereby incurred by the Township shall be recovered from the deposit or bond the Permittee has made, or filed with the Township.

SECTION 5 APPLICATIONS

The application for a permit shall be on a form prescribed by the Township. No work shall begin until the Township has approved such application and the Permittee has paid and provided all required fees, deposits, certificates and bonds.

- A. Requirements: A complete application shall include:
1. Application form.
 2. Application fee per adopted schedule of fees by the Board of Supervisors
 3. Additional requirements:
 - a. Three (3) copies of plans for street opening and/or pavement cuts which show the work to be performed, including:
 - (1) dimensions of roadway and right-of-way
 - (2) dimensions of proposed work
 - (3) location of proposed work
 - (4) construction material
 - b. Two (2) copies of plans for driveway which show:
 - (1) Proposed location of driveway, including diagram of property and property lines
 - (2) Dimensions of driveway
 - (3) Construction materials of driveway
 - (4) Approximate site distance along the Township road or street as measured ten feet (10') from the edge of the roadway