

Ordinance No. 4 of 2021

The Township of Kiskiminetas,
Armstrong County, Pennsylvania

AN ORDINANCE OF THE TOWNSHIP OF KISKIMINETAS, A SECOND-CLASS TOWNSHIP, IN THE COUNTY OF ARMSTRONG AND COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING AND REQUIRING CONSTRUCTION STANDARDS FOR ALL DRIVEWAYS, ALLEY WAYS, PRIVATE OR PUBLIC ROAD ACCESS; ESTABLISHING APPLICATION PROCESS AND INSPECTIONS PROCESS; AND DETAILING CONSTRUCTION REQUIREMENTS.

WHEREAS, it is the intent of the Kiskiminetas Township Board of Supervisors that, in order to protect the health, safety, and welfare of the general community, driveway connections be regulated by permit, pursuant to section 2322 of the Pennsylvania Second Class Township Code, as amended; and

WHEREAS, the monitoring of such construction activity through the issuance of permits requiring inspection and restoration is deemed to be in the Township's best interest;

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of the Township of Kiskiminetas, and it is hereby ordained and enacted by the authority of the same, as follows:

101. Short Title.

- This Part will be known and hereinafter referred to as the "Kiskiminetas (hereinafter "Kiski") Township Driveway Ordinance."

102. Scope and Definitions

1. This Ordinance shall apply to all driveways and private roads.
2. It is in the public interest to regulate the location, design, construction, maintenance and drainage of access driveway, local roads, and other property within the Township right-of-way for the purpose of security, economy of maintenance, preservation of proper drainage and safe and reasonable access.
3. Access
 - A driveway, street or other means of passage of vehicles between the highway and abutting property, including acceleration and deceleration lands and such drainage structures as may be necessary for the proper construction and maintenance thereof.
4. Driveway
 - Any area of land designated or to be used as a means of ingress and/or egress for either vehicles and/or pedestrian traffic from a public road to a piece, parcel or tract of land including proposed and existing streets, lanes, alleys, court, and ways, as well as private lanes and roads. It shall also include the strip of land, which is used to access a property from a state, township or private road.

5. Public Road
 - Any road, street, alley or public thoroughfare whether actually maintained by the Township as part of its road system or whether shown on a subdivision or land development plan and intended to be offered or dedicated to the Township in the future as part of its road system.
6. Plans
 - Drawings which show the location, character, and dimensions of the proposed occupancy and related highway features, including layouts, profiles, cross sections, drainage, and other details.
7. Right-of-way
 - the area which has been acquired by the Department for highway purposes.
8. Vehicle
 - every device in or by which any person or property is or may be transported or drawn upon a highway. The term includes special mobile equipment as defined in the vehicle code.

103. Permit Requirements

1. No person, firm, corporation or other entity shall construct a new driveway, change the use of a driveway, improve an existing driveway, or any other means of ingress or egress into a township road or a state road, or install storm drainage facilities or effect the discharge or passage of drainage water, into or along a township road unless the Road Master or the township representative appointed by the Board of Supervisors, grant a permit for such grading, construction and installation. In the case of access from the state road, two permits will be required. One from the state and the other from the Township for construction from the road right-of-way line.
2. A permit application shall be required by the property owner and submitted prior to commencing work on any driveway. The application shall be on forms provided by the township. A construction plan in accordance with this ordinance and a non-refundable filing fee and an escrow amount as established by resolution shall accompany the application. A driveway application shall be valid for (1) one year at which time if the work is not completed in accordance with this Ordinance and conditions listed on the application of a new application must be submitted and new fees paid. No time extension will be granted.
3. All work and procedures shall be performed in strict compliance with this Ordinance and any other Township Ordinances regulating the construction of a driveway.

104. Construction Plan

1. The plan shall be drawn to scale showing property lines, lot size and a north arrow.
2. A distance to the nearest property line shall locate the driveway.
3. Show the center line of the driveway, the edge of the existing road, the leveling area and the grade from the leveling area to the building.
4. Show the type of driveway construction within the road right-of-way and outside of the road right-of-way.
5. Show the location of any new and existing storm water facilities including drainage swales.

6. Show all erosion and sedimentation control devices.
7. Erosion and sedimentation controls must be provided for all construction. An erosion and sedimentation control plan must be submitted to the Armstrong County Conservation District if the proposed earth disturbance activities result in a total earth disturbance of 5000 SQ FT OR MORE. No permit will be issued until the erosion and sedimentation plan is approved.
8. For driveway construction with a centerline grade of 11% a plan must be provided showing grade stakes, so the driveway grade can be verified in the field. No permit will be issued for a driveway greater than 11% unless approved on the application.

105. Construction Standards

1. Provisions shall be made at all intersections of driveways with streets to insure adequate storm water drainage. All roadside swales, existing or proposed, must be maintained and continued across the driveway. Where this is not feasible, a drainage pipe, with a minimum pipe diameter 15" must be installed under the driveway swale area. The cover over the pipe and length of the pipe will be determined in the field by the Road Master.
2. Driveway leveling area shall be paved with asphalt material, except driveways with access off a dirt road. The term "asphalt" shall be that which is commonly known as "hot mix asphalt" and shall not include concrete, brick, cement, or alternative paving materials. The leveling area shall not have a center line grade greater than 4% for a distance of (twenty) 20 feet measured from the shoulder of the road, not the right-of-way line.
3. Private driveways serving lots abutting both a proposed street and an existing public street shall access directly to the proposed street, and not to the existing public street.
4. Driveways shall be designed to provide access to one lot and be contained entirely on that lot. Common driveways, which are single driveways providing access to more than one lot, will not be permitted unless approved by the Board of Supervisors.
5. The minimum width of the driving surface of the driveway shall be ten (10) feet. The maximum width of the road right-of-way shall be fifteen (15) feet.
6. The minimum width of the clear area, which shall be clear of trees, tree branches and brush, shall be five (5) feet on each side of the driveway along the straight sections and ten (10) feet on each side of the driveway along the curve sections. A height of twelve (12) feet shall be cleared along the entire driveway.
7. The minimum distance between centerline of a driveway and the centerline nearest intersection shall be as follows: Residential-Local Road 75' driveway -30'; Non-residential— local roads 150' driveway 30'.
8. The minimum between edge of the driving surface of the driveway and the nearest property line shall be ten (10) feet. The Road Master or the township representative appointed by the Board of Supervisors may reduce this distance if the applicant shows an unreasonable hardship would be created by maintaining a 10 - foot distance from the property line. If applicable, the adjoining property owner shall be notified.

9. At the intersection with a street, clear sight triangle shall be provided. The clear sight triangle shall be graded, cleared and kept clear of sight obstructions other than official signposts or utility poles for a height between 2 and 10 feet above ground.
10. Every residential driveway shall have a minimum of eight-Inch stone base course and a 2 ½ inch bituminous course or equal paving materials.
11. Every commercial or high use driveway shall have a minimum of four inches 2A modified aggregate, and six Inches reinforced concrete; or a minimum of eight inches 2A modified aggregate plus 2 ½ inches of "super pave" 9.5 mm super pave wearing course top.
12. Stone driveways must consist of a minimum of six inches of 2A or 2RC modified aggregate.
13. Driveways shall be constructed in a manner that will not impede or divert the normal flow of surface drainage.
14. All driveways shall be constructed in a manner, which will prevent mud, stones and other debris from being deposited on the right-of-way of any public road.
15. The property owners may request a waiver of any section of this ordinance from the Board of Supervisors. The Board of Supervisors may grant a waiver where provisions of this ordinance inflict unnecessary hardship upon the property owner. The board shall follow procedures outlined in the Pennsylvania Municipalities Planning Code Section 910.2 for granting a waiver.

106. Inspections and Fees

1. The Road Master or the township representative appointed by the Board of Supervisors shall inspect the driveway and confirm that the construction conforms to conditions set forth in the application.
2. The applicant shall notify the Road Master when the work is completed in accordance with the application and the condition set forth on the application. A final inspection of the work shall be performed by the Road Master or the township representative appointed by the Board of Supervisors, prior to the issuance of the driveway permit.
3. The applicant shall pay all fees incurred in the review, processing and inspection of the driveway including costs incurred by the Township from the Township Engineer for consulting services.
4. Should the property owner fail or refuse to install the driveway in accordance with the condition set forth in the application, the Township shall not issue the driveway permit and the property owner understands and agrees that the Township has the right to physically block the access point from the Township Road preventing access to the property in addition, no other permits will be issued until the driveway is completed in accordance with the conditions set forth in the application.
5. Fees -\$50.00 (fifty) per driveway for a residence, \$100.00(one hundred) per driveway for a business or commercial property access (high access driveway) meaning over 100 (one hundred) vehicles entering and exiting per 24 (twenty-four) hour day.

6. Permits may only be issued to the property owners. Permits will not be issued to contractors of the property owner or to any person other than the owner of the property.

107. Enforcement

1. This Ordinance shall be deemed to regulate public safety, fire and health (as authorized by 53 P.S. Section 66601 (c1)(2)). A violation of this Ordinance, of the terms or conditions of any permit Issued there under, shall be deemed to be a summary offense. Shall be enforced in an action brought before a District Justice in the same manner provided for the enforcement or summary offenses under the Pennsylvania Rules of Criminal Procedure. The Township Solicitor may assume charge of the prosecution and shall be authorized to seek criminal fines not to exceed One Thousand and 00/100 (\$1,000.00) Dollars per violation and may obtain' imprisonment of each violation to the extent allowed by law for the punishment of a summary offense. Each twenty-four (24) hour period that the condition persists shall be deemed to be a separate offense.
2. The Board of Supervisors may direct the removal, repair or alterations, which constitute a violation, as the case may be, to be done by the Township and to certify the costs thereof to the Township Solicitor, the cost of such removal, repairs, or alterations shall be a lien upon such premises from the time of such removal, repair, and alteration which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary.
3. The Township, by means of a complaint in equity, may compel the owner of the premises to comply with the terms of any notice of violation such as making required modifications, or seek any such other relief as any such court or competent jurisdiction is empowered to afford.

108. Repealer

1. All ordinances and resolutions, or parts of any ordinances or resolutions, which conflict with this Ordinance, are hereby repealed.

109. Severability

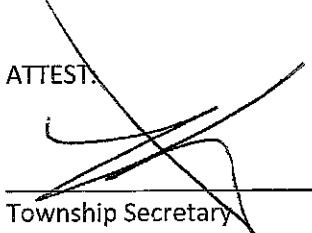
1. The provisions of this Ordinance shall be severable and if any provision herein shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent of the Township Board of Supervisors that this Ordinance would have been enacted if such unconstitutional, illegal or invalid provision had not been included herein.

DULY ENACTED AND ORDAINED, this 14 day of July, 2021, by the Board of Supervisors of Kiskiminetas Township, Armstrong County, Pennsylvania, in lawful session duly assembled.



Michael Bash, Chairman

ATTEST:



Township Secretary