

ORDINANCE NO. _____

**BUFFALO TOWNSHIP,
WASHINGTON COUNTY, PENNSYLVANIA**

AN ORDINANCE OF BUFFALO TOWNSHIP, WASHINGTON COUNTY AND COMMONWEALTH OF PENNSYLVANIA REQUIRING ALL PERSONS TO OBTAIN PERMITS PRIOR TO CONNECTING OR PAVING DRIVEWAYS TO PUBLIC ROADS OR PERFORMING EXCAVATING OR OTHER WORK IN PUBLIC ROADS; REQUIRING THE SUBMISSION OF PLANS IN COMPLIANCE WITH PENNDOT AND TOWNSHIP DESIGN REQUIREMENTS PRIOR TO THE ISSUANCE OF PERMITS; PROVIDING FOR THE DISAPPROVAL OF PLANS WHERE CONNECTION OR WORK WOULD RESULT IN IMPROPER DRAINAGE AND CONSTRUCTION REQUIREMENTS; PROVIDING FOR PAYMENT OF PERMIT FEES; AND PROVIDING PENALTIES FOR VIOLATIONS.

WHEREAS, Buffalo Township believes it to be in the best interest of its residents and individuals utilizing its roadways to set forth certain standards for the connection of driveways to Township roads and streets.

NOW THEREFORE, the Board of Supervisors of Buffalo Township under and by virtue of, and pursuant to the authority granted by the Second-Class Township Code, as amended, does hereby **ENACT** and **ORDAIN** as follows:

SECTION 1. SHORT TITLE.

This Ordinance shall be known as the “Buffalo Township Driveway Ordinance of 2023”.

SECTION 2. DEFINITIONS.

For the purposes of this Ordinance, the following terms shall be defined as follows:

BOARD – The Board of Supervisors of Buffalo Township, Washington County, Pennsylvania.

CODE ENFORCEMENT OFFICER – The official designated by the Board to enforce the provisions of this Ordinance.

CONTRACTOR – The person who installs a driveway or excavates in a Township roadway, including all agents, subcontractors, officers or employees of that person or business entity.

DRIVEWAY – Every entrance or exit used by vehicular traffic to or from properties abutting a public road. The term includes proposed streets, lanes, alleys, courts and ways.

OWNER – The owner of the land upon which the driveway is located and his successors or assigns.

PERSON – Any natural person, firm, partnership, corporation, entity, association or other group of persons. The singular shall include the plural and the masculine shall include the feminine and the neuter.

PERMIT – A highway occupancy permit issued by the Board pursuant to this Ordinance.

PERMITTEE – The holder of a duly issued permit.

PUBLIC ROAD – Any road, street, alley, bridge or public thoroughfare, including the entire area between right-of-way lines, either presently maintained by Buffalo Township or shown on a subdivision or land development plan and intended to be dedicated to Buffalo Township in the future.

PENNDOT – Pennsylvania Department of Transportation.

RIGHT-OF-WAY – The area which has been acquired by the Township for highway purposes.

TOWNSHIP – Buffalo Township, Washington County, Pennsylvania, or its duly appointed representative.

SECTION 3. LEGISLATIVE INTENT AND APPLICABILITY.

The background of this Ordinance and the legislative intention of the Board of Supervisors (“Board”) in enacting it are as follows:

- A. Buffalo Township is a Township of the Second Class.
- B. Buffalo Township has suffered damage to its roads as a result of improper connection of driveways to Township roads and faulty drainage.
- C. Improper connections and faulty drainage have resulted in hazardous conditions.
- D. The Township deems it necessary for the proper management, maintenance and control of its public road system to regulate the connection of driveways to Township roads.
- E. The Township desires to require proper connection of driveways to minimize damage to Township roads.

SECTION 4. REQUIREMENT OF PERMIT.

- A. Permit required. No person, owner and/or contractor shall hereafter install, initiate any work or alter an existing driveway or allow any work incident to the alteration or installation of a driveway including the alteration of existing drainage characteristics without first obtaining a permit from the Township. No person shall hereafter perform excavation or other work within a Township public road without first obtaining a permit from the Township.
- B. No combined permits. Each driveway, whether or not serving the same premises, shall require an individual permit.
- C. Any driveway intersection with a State-owned Road shall require the obtainment of a driveway permit from the Pennsylvania Department of Transportation.

SECTION 5. APPLICATION PROCEDURES.

Any owner shall, prior to obtaining a permit for a driveway connection, file an application with the Township, on a form furnished by the Township and as more specifically defined in this Section. The application shall be accompanied by such permit issuance fees and general inspection fees as determined by resolution from time to time by the Township. Issuance fees are used to defray costs incurred by the Township in reviewing and processing the application and plan(s), including the preliminary review of the site location identified in the application, and issuing and processing the permit. General inspection fees are used to defray costs incurred by the Township in spot inspection(s) during the progress of the work and after it has been completed to ensure compliance with the permit and these regulations.

Prior to the construction or reconstruction of any private driveway where said driveway leads to a road owned by the Pennsylvania Department of Transportation (PennDOT), a permit shall be obtained for said purpose from PennDOT following its established procedures for obtaining such a permit.

Prior to the construction or reconstruction of any private driveway where said driveway leads to a road owned or to be dedicated to Buffalo Township, a permit shall be obtained for said purpose from the Township Board of Supervisors and/or its designee. The fee for said permit shall be determined by the Board of Supervisors of Buffalo Township.

The application for a permit shall be subject to the following requirements:

- A. The application shall be submitted in person or by mail on a properly completed Township form provided for that purpose.
- B. The application shall be signed by the property owner and whoever proposes to do the improvements.

- C. The application shall include a set of plans, detailing the location and pertinent dimensions of both the proposed installation and related highway features.
- D. The application shall be submitted to the Township at least fifteen (15) days prior to the anticipated start of work.

SECTION 6. REQUIREMENTS FOR A DRIVEWAY CONNECTION.

- A. Required preapplication site meeting. The owner shall meet with the Township prior to submitting a permit application. At that time the Township can gain an understanding of the location and determine the items needed for the application. This could include:
 - 1. Sketch plan with Geometric information such as width, radius, dimensions and location of the public road, right of way, slope and grades, length of driveway to residence or building and distance to property lines and nearest driveway(s) and intersection(s). In conjunction with submission of the application, the applicant shall place a stake at the desired location which shall coincide with the submitted sketch.
 - 2. Safe sight distances shall be indicated on the sketch as obtained from actual field measurement. Measurement of sight distance shall be measured in accordance with the requirements of PENNDOT. Minimum sight distances shall be required to meet those provided in the attached table or as may be amended by PENNDOT. Signature of the application by the owner shall be an admission that the indicated sight distance is the result of actual field measurement.
 - 3. Drainage culvert (if applicable) or swale including related grades as may be required. The determination for installation of a culvert pipe or swale shall be made by the Township following initial review by the Township representative. Appropriate roadway drainage must be maintained and remain unobstructed at all times. The minimum pipe size shall be fifteen (15) inches in diameter. The Township reserves the right to increase the pipe diameter when additional capacity is needed.
 - 4. Gravel and stone driveways shall be graded and maintained to prevent stone from washing out onto the Township roadway at all times.
 - 5. Construction Time. Construction shall be conducted in an efficient and continuous manner. Once work begins within the Township right-of-way it shall continue without interruption until complete.
- B. Review criteria. The application shall be reviewed by the Township or its duly appointed representative. Driveway design shall confirm to the requirements and standards and specifications of this Ordinance and all related standards and

specifications which are incorporated herein by reference. In no event shall a permit be issued for a proposed driveway under any of the following circumstances:

1. It would create hazardous effects of stormwater runoff.
 2. It would cause damage to a public road.
 3. It would increase hazardous driving conditions.
 4. It would be constructed in a manner which would obstruct it from view.
 5. The sight distance is inadequate to safely allow movement to be made into or out of the driveway.
 6. The free movement of highway or street traffic would be impaired.
 7. It would create an area of traffic congestion on the highway or street.
 8. Where the property abuts two (2) or more streets or highways, ingress and egress may be restricted to only that highway or street which can more safely accommodate its traffic.
 9. It shall not be located within twenty (5) feet of a fire hydrant, catch basin or drain inlet.
 10. It shall not exceed a slope of seven (7%) percent within fifteen (15) feet of the street right-of-way line.
 11. It shall not be located within three (3) feet of a property line.
- C. Damage to public roads. The owner and/or contractor are responsible for damage to any portion of the public road caused by equipment en route or used at the work site.
- D. Traffic protection and maintenance. Maintenance and protection of traffic shall be the sole responsibility of the Permittee Pennsylvania Department of Transportation guidelines, as set forth in Publication No. 43 and Publication No. 90 shall be the minimum standard.
1. The Permittee shall provide and maintain all necessary precautions to prevent injury or damage to persons and property as needed.
 2. The Permittee shall require and maintain warning signs to be placed in advance of the actual operation in such a manner as to be visible to the

travelling public and substantial barricades with adequate illumination, as needed.

3. Designated employees shall be assigned by the Permittee to direct one-lane traffic. Flagmen shall be provided, as needed and as appropriately trained.
- E. Drainage. All driveways which are installed on any public road will be required to install either a drainage pipe (culvert) or construct a drainage swale as directed by the Township representative.
- F. PENNDOT requirements. When a driveway accesses a state road, the owner shall comply with all PENNDOT requirements, including the requirement to obtain a permit from PENNDOT.
- G. Re-Inspections. The Township may re-inspect the work not more than two years after its completion, and, if there is settlement of the connection or any other defects appear in the work contrary to the conditions, restrictions and regulations of this Ordinance, the Township may enforce compliance therewith. If the owner fails to rectify a defect which presents an immediate or imminent safety or health problem within forty-eight (48) hours or any other defect within sixty (60) days after written notice from the Board of Supervisors to do so, the Township may do the work and impose upon the owner the cost thereof, together with an additional twenty (20%) percent of the costs, which may be recovered by the Township.
- H. Owner's responsibility. As part of obtaining a driveway permit, all property owners shall be responsible for long-term maintenance and proper operation of the driveway and related drainage. In the event that excess stormwater runoff or sediment is diverted onto public roads the owner will be given notice and will be required to make necessary corrections to bring the driveway and drainage into compliance. In the event that a driveway culvert pipe becomes crushed or blocked, it shall be replaced at the owner's expense. The Township reserves the right to require the owner to make repairs or to contract with a third party at owner's expense to perform the needed repairs. All property owners shall be responsible for any and all costs for maintenance to public roadways resulting from water runoff caused by improperly maintained driveway pipes.
- I. Overnight parking. No construction equipment shall be parked within the Township right-of-way.
- J. Permit issuance. If the plans meet the criteria above, the Township shall issue the permit. If the application is found to be deficient, or, if, in the opinion of the Township, the plan should be revised in order to meet the criteria above, the Township shall notify the owner of the changes to be made, whereupon the applicant shall make such changes and return the revised plans to the Township. When the application is acceptable to the Township, the permit shall be issued.

All construction in any way incidental to the installation of the driveway shall be performed in strict conformance with the approved plans. After the proposed driveway has been stoned in, but before the driveway has been blacktopped, the person to whom the permit has been issued shall notify the Township. The driveway shall not be blacktopped until the stoned in area has been inspected and approved by the Township or its designated representative.

- K. All driveways shall be constructed in conformance with the following standards except as set forth herein:
 - 1. Residential Driveways. A minimum of (8) inch stone base course and a two and one-half (2 ½) inch bituminous course or equal paving approved by the Township Road Superintendent.
 - 2. Stone Driveways. Consisting of a minimum of six (6) inches of 2A or 2RC modified aggregate are permitted providing that first fifteen (15) feet measured from edge of the paved cartway of the public road is constructed to standards in this Ordinance above for the required type of driveway.
 - 3. Agricultural/Farm Driveways. Agricultural/Farm driveways that provide access to pastures, land used for agricultural purposes, farmland, etc. shall be exempt from the provisions of this Ordinance.
- L. The sight distance for all driveways shall comply with the requirements for state highways prescribed by the Pennsylvania Department of Transportation as codified at 67 Pa. Code § 441.8, and amendments and addenda thereto.
- M. Driveways shall have a minimum width of ten (10) feet for single-family dwellings and sixteen (16) feet for shared driveways.
- N. All driveways shall be separated from any property line by a strip of land of not less than three (3) feet in width and from all fire hydrants a distance of five (5) feet.

SECTION 7. DRIVEWAY CONSTRUCTION NOT TO INTERFERE WITH ROADWAY DRAINAGE.

- A. All driveways shall be constructed in a manner that will not impede or divert the normal flow of surface drainage. At the point where any driveway adjoins a public road the driveway shall have the same degree of slope as the existing shoulder and in no case less than one inch per foot of drop, with the low point in line with the existing gutter line. Drainage pipes shall not be used in connection with the construction and/or reconstruction of any driveway.
- B. The Township may require that stormwater runoff calculations be submitted in order to determine the amount of additional stormwater that will be discharged

onto a public road. If it is determined that the additional stormwater runoff will create problems for existing facilities, such as gutters and/or existing drainage pipes, the Township may refuse a permit until appropriate measures are taken to eliminate the potential problem.

- C. 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.

SECTION 8. NUMBER PER LOT.

- A. Only one (1) driveway per lot shall be permitted unless authorized in writing from the Township.
- B. The Board of Supervisors may require the use of shared driveways, where possible, to minimize access points along existing and proposed roadways and access drives.

SECTION 9. DEDICATION OF ROADS TO THE TOWNSHIP.

All driveways along private roads, including in new subdivisions, shall conform to this Ordinance before the Township will accept dedication of the road as a public road of the Township.

SECTION 10. ADDITIONAL SPECIFICATIONS BY RESOLUTION.

From time to time, the Board of Supervisors may adopt, by resolution, such additional driveway requirements and may supplement or modify the driveway specifications set forth in this Ordinance. Any violation of the additional requirements or specifications, modifications and supplements, as duly adopted, shall be subject to the penalties set forth in Section 12 of this Ordinance.

SECTION 11. INSPECTION.

It shall be the Township's right, but not the responsibility to inspect all work for conformity with all of the ordinances of the Township. Notice must be given by the owner and/or contractor to the Township when the work is sufficiently advanced so that the Township has the opportunity to review the installation.

SECTION 12. PENALTIES.

Any owner or contractor who violates any provision of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, pay a fine not exceeding One Thousand (\$1,000.00) Dollars plus all court costs including reasonable attorney's or consultant fees incurred by Buffalo Township. Each day of violation shall constitute a separate offense and be subject to the penalty set forth herein.

SECTION 13. SEVERABILITY.

If any sentence, clause, phrase or section 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, phrases, sections or parts of this Ordinance.

It is hereby declared as the intention of the Board of Supervisors of this Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, phrase, section or part thereof not been included therein.

SECTION 14. REPEALER.

Any other Ordinance or parts thereof inconsistent with this Ordinance be and are hereby expressly repealed.

SECTION 15. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

ENACTED AND ORDAINED this _____ day of _____,
20__.

ATTEST:

BUFFALO TOWNSHIP

Michelle L. Markley, Secretary/Treasurer

By: _____
James Arbore, Chairman

(SEAL)

DRIVEWAY SIGHT DISTANCE MEASUREMENTS

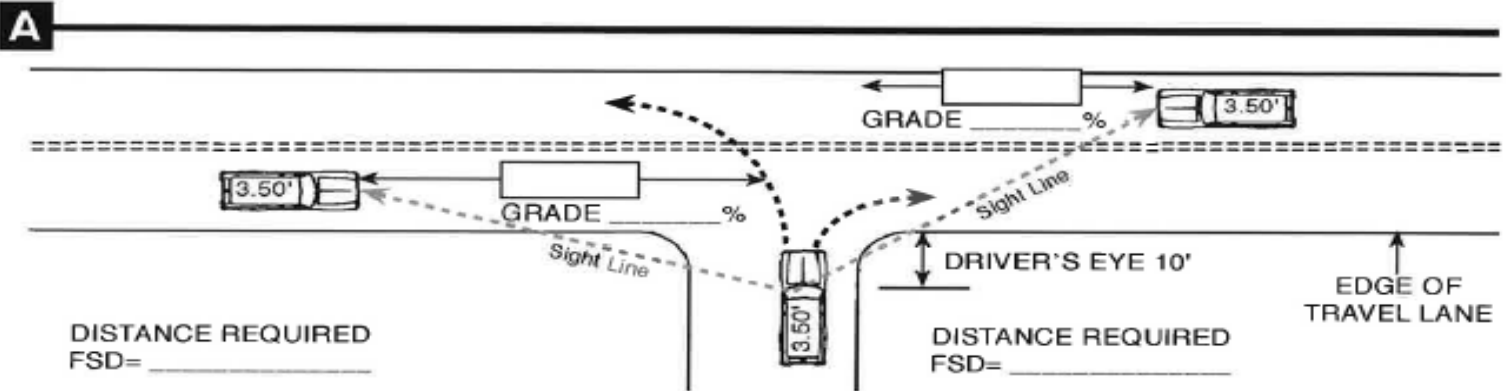
(FOR LOCAL ROADS, USE PENNDOT PUB 70)

APPLICANT _____ APPLICATION NO. _____

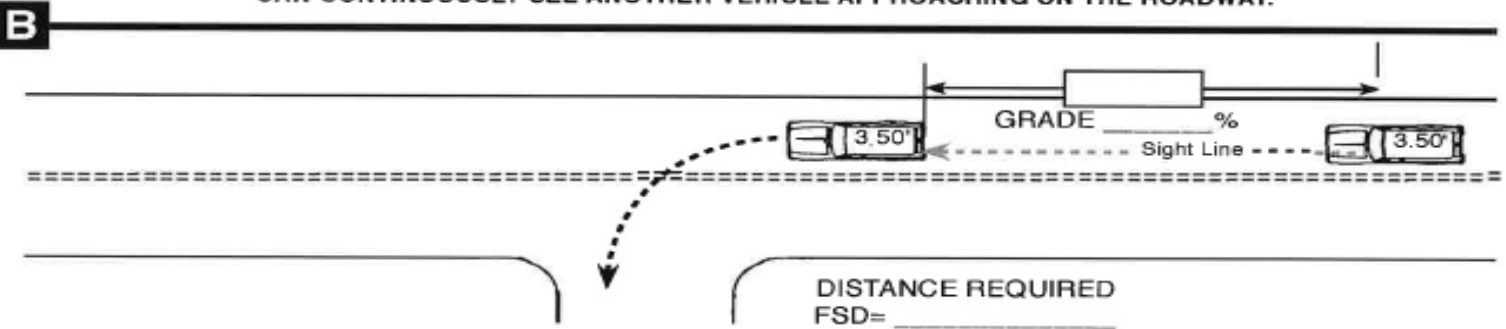
S.R. _____ SEG. _____ OFFSET _____ LEGAL SPEED LIMIT _____

MEASURED BY _____ DATE _____

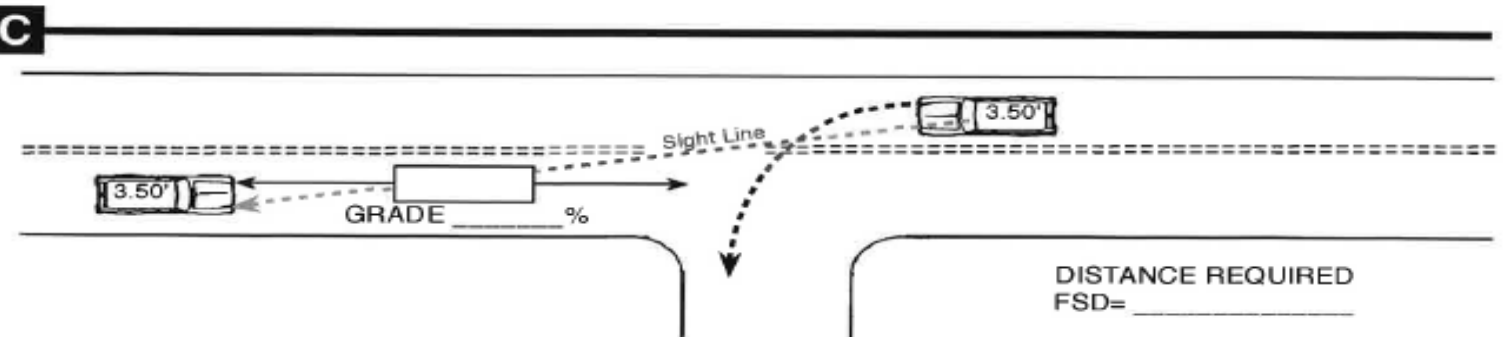
FOR DEPARTMENT USE ONLY: Safe-Running Speed _____ 85th Percentile Speed _____



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER AT A DRIVEWAY LOCATION CAN CONTINUOUSLY SEE ANOTHER VEHICLE APPROACHING ON THE ROADWAY.



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER ON THE ROADWAY CAN CONTINUOUSLY SEE THE REAR OF A VEHICLE WHICH IS LOCATED IN THE DRIVER'S TRAVEL LANE AND WHICH IS POSITIONED TO MAKE A LEFT TURN INTO A DRIVEWAY.



THE MAXIMUM LENGTH OF ROADWAY ALONG WHICH A DRIVER OF A VEHICLE INTENDING TO MAKE A LEFT TURN INTO A DRIVEWAY CAN CONTINUOUSLY SEE A VEHICLE APPROACHING FROM THE OPPOSITE DIRECTION.

FORMULA SIGHT DISTANCE TABLE

Speed (V) (Miles Per Hour)	Average Grade (G) (Percent)										
	Use plus grades when approaching vehicle is travelling upgrade.										
	0.0	+1.0	+2.0	+3.0	+4.0	+5.0	+6.0	+7.0	+8.0	+9.0	+10.0
25	147	145	144	143	142	140	139	138	137	136	135
30	196	194	191	189	187	185	183	182	180	178	177
35	249	245	242	239	236	233	231	228	226	224	221
40	314	309	304	299	295	291	287	284	280	277	274
45	383	376	370	364	358	353	348	343	339	334	330
50	462	453	444	436	429	422	415	409	403	397	392
55	538	527	517	508	499	490	482	475	468	461	454
	Use negative grades when approaching vehicle is travelling downgrade.										
	0.0	-1.0	-2.0	-3.0	-4.0	-5.0	-6.0	-7.0	-8.0	-9.0	-10.0
25	147	148	150	151	153	155	157	159	161	164	166
30	196	199	201	204	207	210	214	217	221	226	230
35	249	252	256	260	265	269	275	280	286	292	299
40	314	319	325	331	338	345	352	360	369	379	389
45	383	390	398	406	415	425	435	447	459	472	487
50	462	471	481	492	504	517	531	546	563	581	600
55	538	550	562	576	590	606	622	641	661	682	706