

**DAMASCUS TOWNSHIP
WAYNE COUNTY, PENNSYLVANIA**

ORDINANCE 2019 - 02

AN ORDINANCE OF DAMASCUS TOWNSHIP, WAYNE COUNTY AND COMMONWEALTH OF PENNSYLVANIA, FOR THE REGULATION, CONSTRUCTION AND MAINTENANCE OF DRIVEWAYS, AND OPENING, MAINTENANCE AND DEDICATION OF ROADS IN SAID TOWNSHIP

The Township Supervisors of Damascus Township, Wayne County and Commonwealth of Pennsylvania, enact and ordain as follows:

This Ordinance shall be known and may be cited as the **Damascus Township Road Ordinance**.

From and after the adoption of this Ordinance, it shall be unlawful for any person to construct a private driveway, or driveway, road, lane, way, or highway to be opened or dedicated for public use in Damascus Township unless the following regulations have been carried out:

SECTION I – DEFINITIONS

The following is a list of specific terms, found elsewhere in the Ordinance, along with definitions of their intended meaning:

Agricultural Operation – All forms of crop production, livestock and similar operations, including timber planting and harvesting.

Board of Supervisors – Supervisors of Damascus Township

Contractor -The person or company who installs a private driveway, private road, or alters stormwater conveyances 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 or an approved right-of-way. The term includes, but is not limited to, proposed streets, roads, lanes, alleys, courts and ways, and includes vehicular access for one or more single family residences, businesses, institutions, logging, farming, and subdivision lots.

Easement - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public or private purpose, including but not limited to, vehicular access to private property or conveyance of stormwater, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Owner - The owner of the land upon which the driveway or easement 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.

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Permit - A highway occupancy permit issued by the Board of Supervisors pursuant to this Ordinance.

Permittee - The holder of a duly issued permit.

Private Driveway, Residential (Private Drives) – An entrance and/or exit used by vehicular traffic serving no more than two private residences. Individual driveways serving only one single-family dwelling each shall not be subject to street improvement requirements of the Damascus Township Subdivision and Land Development Ordinance or contained in this Township Road Ordinance. Also, private drives to service no more than two single-family dwellings shall be permitted provided the Township is given satisfactory evidence, in the form of declaration of restrictive covenants, that the private status of said road is permanent and the standards contained in §§309.16 of the Damascus Township Subdivision and Land Development Ordinance are met. However, private drives shall meet the entrance construction requirements for driveways in this Township Road Ordinance.

Private Road – (See definition for Driveway) – An entrance and/or exit, subject to the owners' approval, can be used by the general public and is open to all who wish to use it, but it primarily benefits those at whose request it was established.

Public Road – Any road, street, alley, bridge or public thoroughfare, including the entire area between right-of-way lines, either presently maintained by Damascus Township or the Commonwealth of Pennsylvania, or shown on a subdivision or land development plan if it is intended to be dedicated to Damascus Township in the future.

PennDOT - Pennsylvania Department of Transportation.

Right-of-way - The area which has been acquired by Damascus Township or the Commonwealth of Pennsylvania for highway purposes.

Road Obstruction – Parking of vehicles, deposit of any foreign matter including, but not limited to, stones, gravel, dirt, grass, weeds, leaves, snow or ice upon any Township road; or maintenance or conduct of any use upon lands abutting such roads which results in stones, gravel, dirt, grass, weeds, leaves, snow or ice, or other foreign matter being deposited upon any Township road or drainage area.

Township - Damascus Township, Wayne County, Pennsylvania, or its duly appointed representative.

Vehicle - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, machinery, all-terrain vehicles, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

SECTION II – APPLICABILITY

No person, unless specifically permitted by Damascus Township and in possession of a valid road occupancy permit, as set forth in the following sections of this Ordinance, shall do any act or deed which changes, obstructs or otherwise interferes with any Township road or road grade, or any drainage system of such roads or ways, or which changes the established slope of the berm of such roads. In furtherance of the foregoing provisions, and in addition to other acts which are found to be in derogation of the foregoing, the following acts are hereby declared unlawful, unless specifically permitted:

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- A. Construct or cause to be constructed an access road or driveway within a public road right-of-way without first obtaining a driveway permit from Damascus Township
- B. Discharge or cause to be discharged stormwater runoff into the roadway
- C. Alter any drainage system that affects any drainage facilities associated with a public road, including altering or increasing existing runoff toward or away from a public road, and including installation of culvert pipes, and including modification of any kind to a roadside drainage ditch
- D. Park or leave a vehicle of any description within any public road right-of-way as detailed in Section VIII of this ordinance.

Agricultural operations gaining occasional road access shall not be required to obtain a driveway permit. However, the agricultural access shall not cause stormwater runoff to flow into a roadway.

SECTION III – PLAN SPECIFICATIONS –

Any development of land, including earth disturbance, driveway and road construction, within a Flood Hazard Area, as depicted on the current Flood Insurance Rate Map, shall be subject to the regulations set forth in Article VII (Floodplain Management) of the Damascus Township Zoning Ordinance, and shall require a Variance under the authority of said Zoning Ordinance. The plan specifications authorized by the Zoning Hearing Board following a Variance hearing shall not be altered in any way without specific written consent from the Zoning Hearing Board.

- A. Private Driveway – A general plan shall be required depicting the location of the driveway in relation to property lines, and shall depict the driveway geometry, drainage, and culvert pipe, if required, in accordance with the requirements depicted in the figures in Section XIV of this ordinance. Additionally, details of an Erosion and Sediment Control Plan are required. Details for private roads shall not be required for private driveways serving no more than two single-family dwellings.
- B. Private Road –
 - 1. A detailed plan shall be required depicting the location of the driveway in relation to property lines and right-of-way lines, and shall depict the driveway geometry, drainage, and culvert pipe if required near the public road intersection
 - 2. A road plan and profile depicting the details required in the Subdivision and Land Development Ordinance of Damascus Township Sections 204.e (locations, widths, utilities), 204.i (proposed layout and design), 204.m (drainage easements), 204.n (final grades, cut and fill), 204.s (letter from the Wayne Conservation District approving an erosion and sedimentation control plan), 204.t (stormwater management), 204.x (Floodplain boundaries), and 204.y (wetland boundaries). In addition, plans shall depict compliance with the provisions in Section 309 of the Subdivision and Land Development Ordinance of Damascus Township.

SECTION IV – FEES - The filing fee shall be paid by check or money order payable to the order of Damascus Township as set forth in the Resolution of Fees adopted by the Board of Supervisors. An escrow deposit, as determined by the Board of Supervisors to be necessary, shall be made and maintained as set forth in the Resolution of Fees adopted by the Board of Supervisors.

SECTION V – PLAN DETAILS –

- A. Designs and construction plans for Private Driveways shall not be required. However, Private Driveways shall be constructed in accordance with the figures included in this ordinance, and an Erosion and Sediment Control Plan must be submitted with the application for a driveway permit.
- B. In addition to plan specifications required by the Damascus Township Subdivision and Land Development Ordinance, the following details are required:
 1. The plans shall include such details as may be required to reflect the land conditions in, over or upon which the proposed road will be constructed, opened or dedicated.
 2. The plans shall provide information including but not limited to the following details:
 - a. The width of the road throughout including intersections and turnabout areas.
 - b. The specifications for proposed bridges, including structural design for weight capacity.
 - c. The specifications for proposed drainage and drainage facilities and detention facilities, including hydraulic calculations.
 - d. The course, capacity and structure of drainage facilities.
 - e. The profile of the road.
 - f. Cross-sections of the road.
 - g. Identification and location of drainage easements.
 - h. Identification and location of utility easements.
 - i. Erosion and Sediment Control plans approved by the Wayne County Conservation District.
 - j. Identifications of the markers which will indicate on the ground the location of courses or property lines or other items shown on the map.
 - k. The identity of each and every property owner along the right of way of the roadway. Indicate whether such property owner joins in the submission for approval of the plans and has rights to and responsibility for maintenance of the roadway. There shall be a note on the plans specifically stating that Damascus Township shall not be responsible for maintenance of the road.
 - l. Topographic details of two (2) foot contours maximum of existing ground, proposed grades and/or as-built grades.

SECTION VI – PLAN APPROVALS - Approval of the plans by the Township Supervisors may be made contingent upon the filing of a performance bond, with surety approved by the Township Supervisors and in such amount as, at the discretion of the Township Supervisors upon recommendations by the Township Engineer and Township Attorney, may be required under the circumstances, which bond will be conditioned upon completion of the roadway as shown on its plans, should the applicant fail to do so, or in such other amount as may be reasonable under the circumstances.

SECTION VII – MINIMUM ROAD / DRIVEWAY REQUIREMENTS

Road Rights of Way widths, construction geometry and pavement shall be in accordance with the minimum requirements in the Damascus Township Subdivision and Land Development Ordinance Section 309. In addition, access to public roadways shall meet the following requirements:

1. Roads and driveways shall be designed and constructed with an approach angle at right angles (ninety (90) degrees) or nearly right angles, but not less than sixty (60) degrees, to the traveled way of the public roadway, for a minimum of 20 feet. (See Figure 2)
2. All roads and driveways shall be constructed with a turning radius “flair” on both sides with a minimum radius of fifteen (15) feet. (See Figure 2)

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3. All roads and driveways shall be constructed and maintained so as to prevent road or driveway stormwater runoff from reaching the public road traveled way.
4. All driveways shall be constructed with a maximum vertical change in grade as illustrated in Figure 1. In all cases, the difference between the cross slope of the roadway and the upward grade of the driveway approach shall not exceed 8.0%. All roads and private driveways shall be constructed in accordance with sections 309.2, 309.4, 309.5, 309.7, 309.8, 309.9, 309.10, 309.11, 309.12, and 309.16 of the Subdivision and Land Development Ordinance of Damascus Township.
5. All private driveways accessing one or two single-family dwelling shall have a minimum sight distance of 150 feet left and 150 feet right. All sight obstructions of vegetation, earth, rocks, etc. shall be removed at the time of construction and the clear sight distance shall be maintained by the property owner. Utility poles, traffic sign posts and mail boxes shall not be considered sight obstructions.
6. All roadways accessing more than two residential dwellings or one or more commercial uses shall have a minimum sight distance of 200 feet left and 200 feet right. All sight obstructions of vegetation, earth, rocks, etc. shall be removed at the time of construction and the clear sight distance shall be maintained by the property owner. Utility poles, traffic sign posts and mail boxes shall not be considered sight obstructions.
7. The traveled portion of any driveway or road (excluding the turning radius flair) shall be no closer than ten (10) feet from the nearest property line (unless a common driveway serving two properties is proposed).
8. Culvert pipes, where required, shall be a minimum of fifteen (15) inches in diameter unless a smaller diameter pipe is specifically accepted in writing by the Township.
9. Waiver of design requirements shall be as follows:
 - a. If any design requirement set forth in this ordinance cannot be met, the Board of Supervisors may waive the requirement if the following conditions are satisfied:
 - i. no other reasonable access is available;
 - ii. the applicant has done all that can reasonably be done to satisfy the design requirements;
 - iii. if additional land is required, the applicant provides satisfactory evidence that it cannot be purchased at a reasonable price;
 - iv. no traffic problem will be created;
 - v. appropriate signage on the public road identifying a dangerous or hidden driveway is installed and maintained by the property owner; and
 - vi. the applicant executes an indemnity agreement satisfactory to the Township.

SECTION VIII – OFF-STREET PARKING, LOADING/UNLOADING, ROAD CLOSURE

- A. Unattended vehicles parked on any road that creates any obstruction of travel lanes shall be subject to the order of any Township official or employee to be towed, and the cost of towing and storage fees the responsibility of the owner of the vehicle. The owner of the vehicle may also be subject to fines and penalties.
- B. Winter Maintenance Obstructions: No vehicle shall be parked on any Township Road in a way that prevents the normal winter maintenance operations, including but not limited to snow plowing, spreading of anti-skid material, and pushing back of snow banks.
- C. Loading or unloading of trucks and/or trailers for any purpose is allowed on a Township Road, providing the loading / unloading section of the road remains passable, the road is not damaged, and has adequate

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visibility and sight distance for traffic from both directions, If adequate visibility and sight distance cannot be maintained, a flagger must provide safe traffic control for the duration of the sight obstruction.

- D. Parking along roads for religious services, funerals, school events, flea markets, yard /garage sales, family gatherings, and other events that are temporary in nature, shall be allowed, provided that the road remains passable and does not create a safety hazard for traffic. In the event that a lane closure is anticipated, traffic control measures shall be implemented, and signs warning the traveling public shall be placed not less than 500 feet and not more than 1000 from the lane closure in both directions.
- E. Parking along roads for property owners during times of construction, repair or resurfacing of driveways that are temporary in nature, shall be allowed, provided that the road remains passable and does not create a safety hazard for traffic.
- F. Parking in a designated and clearly marked handicap zone is prohibited, unless the vehicle displays a valid handicap parking placard. Vehicles not displaying a handicap placard that are parked in a handicap zone may be subject to the order of any Township official or employee to be towed, and the cost of towing and storage fees the responsibility of the owner of the vehicle. The owner of the vehicle may also be subject to fines and penalties.
- G. Any activity that requires the closure of any road shall be only by permit issued by the Township.
 - a. No dead-end road shall be closed for any reason.
 - b. Application to the Township shall be made at least ten (10) working days prior to the requested road closure. The applicant shall clearly state the purpose for the requested road closure, and the exact dates and times for the requested road closure.
 - c. Applicant shall provide a detailed traffic detour plan, which plan shall include a map depicting the detour route(s), detour sign locations, and detour sign details.
 - d. Applicant shall provide, erect, and maintain traffic detour signs for the duration of the road closure.
 - e. Applicant shall provide traffic control personnel if required by the Township.
 - f. All notifications of road closure shall be approved by the Township prior to notification being made or published.
 - g. If the road closure written permit is issued, the applicant shall be responsible to notify the local School District at least five (5) working days before the closure, and the Wayne County Communications Center at the time of the closure, of the exact location, dates and times of the closure. The Communications Center shall be notified when the road is re-opened.
 - h. The applicant shall advertise in the designated local newspaper legal ads, for at least two (2) days, the exact location, dates and times of the closure.
 - i. Notification signs for the road closure shall be posted by the applicant at the closest intersections of the road to be closed at least 72 hours in advance of the closure, which notification shall include the exact location, dates and times of the closure.
 - j. Every property owner who will be affected by the requested road closure shall be notified by the applicant at least 72 hours in advance of the requested road closure the exact location, dates and times of the closure.

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- k. In the event that any property owners are unable to access or leave their property during the road closure for construction, the applicant shall make provisions to provide appropriate transportation to and from the affected property immediately upon the request of the property owner.
- l. Any applicant for road closure shall provide a certificate of insurance showing Damascus Township as the certificate holder as follows:
 - i. General liability insurance with limits not less than \$1,000,000.00 each occurrence / \$2,000,000 aggregate, Combined Single Limit Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Broad form Property Damage, Products and Completed Operations Coverage;
 - ii. If any vehicles will be operated by the applicant in connection with street fair or athletic event activities under the permit, Automobile Liability Insurance with limits not less than \$1,000,000.00 each occurrence Combined Single Limit Bodily Injury and Property Damage, including owned, non-owned and hired auto coverage, as applicable; and
 - iii. If the applicant has employees, Workers Compensation with Employer's Liability not less than \$1,000,000.00 each accident shall be provided.
- m. Fees for any road closure application shall be in accordance with the most recent schedule of fees and shall accompany the application.
- n. All signs related to the road closure shall be removed by the applicant within one (1) hour of the re-opening of the road.
- o. Moving roadblocks for short-term events (bike hike, foot race, walking event, etc.) may be permitted
 - i. Roadblock plan and details, traffic control plan, participant safety plan, and emergency plan must be provided
 - ii. Fees and insurance requirements may be waived for non-profit organization fund-raising events
- p. Road closure by Township officials and employees in the execution of their duties and by emergency services shall be exempt from the road closure provisions herein.

SECTION IX - PLAN DISAPPROVED

In the event the plans are disapproved for any reason, amended plans may be submitted to satisfy requirements for approval; amended plans must be accompanied by an additional filing fee as herein provided and will be processed in the same manner as the originally submitted plan.

SECTION X - REMEDY TO PLAN DISAPPROVAL

In the event the plans are disapproved, the applicant may request a conference with the Township Supervisors to review the reasons for such disapproval and such conference will be scheduled at the earliest convenient date for the Township Supervisors.

SECTION XI - MAINTENANCE OF EXISTING AND PROPOSED PRIVATE ROADS AND DRIVEWAYS

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1. Applications for private roadways or driveways accessing two (2) or more residential or commercial properties shall include a properly executed maintenance agreement or covenant filed with the Recorder of Deeds of Wayne County, which agreement or covenant shall specify that:
 - a. The surface and drainage maintenance and costs of such maintenance shall be the sole responsibility of the property owners benefitting from the private driveways or private roads.
 - b. Damascus Township shall not be held responsible for the costs of any surface or drainage maintenance of such private driveways or private roads.
2. Upon determination by the Board of Supervisors that any existing private roads or driveways accessing Township roads are causing stormwater runoff problems, causing icing conditions, causing public road maintenance problems, or do not substantially meet reasonable safety standards set forth in this ordinance, the property owner shall correct the problem in accordance with specific corrective measures within thirty (30) days for emergency situations, or ninety (90) days for non-emergency situations, of official notification by certified mail, by personal service, or by posting a notice conspicuously on the property if the property owner cannot be contacted by certified mail or by personal service.
3. Upon declaration by the Board of Supervisors that stormwater runoff problems created by a private road or driveway has posed a significant health and safety risk, the property owner shall be required to take corrective measures established jointly between the Board of Supervisors and the owner within thirty (30) days of notification.
4. In the event the property owner does not correct the problem in accordance with the specific corrective measures in the notification within the specified time period of such notification, Damascus Township may correct the problem or cause the correction to be made within the public road right of way.
5. In the event that Damascus Township corrects the problem or causes the corrective measures to be made following the specified time period after proper notification, the property owner shall be responsible to pay the costs of such corrective measures. Failure of the property owner to pay or make arrangements to pay the actual costs of such corrective measure within ninety (90) days, Damascus Township shall file a Municipal Lien at one hundred twenty (120%) percent of the actual cost of corrective measures.
6. In the event that Damascus Township institutes measures to correct stormwater runoff problems at or near a private driveway during or after a storm event, the Township shall not be responsible to restore the driveway to the pre-storm driving condition. This correction of stormwater runoff problems may include, but is not limited to, removal of a damaged or plugged and non-functional culvert pipe, cleaning of ditches, or removal of debris deposited in the Township roadway or drainage facilities, restoration of shoulder or berm of roadway to facilitate proper stormwater runoff.
7. In the event that Damascus Township institutes temporary measures for restoration of private driveways or private roads during a declared emergency to assist residents with access for emergency vehicles, including but not limited to, plowing and removal of snow and control of ice, removal of fallen trees, restoration or partial restoration of drainage facilities and driving surface, shall not constitute normal maintenance operations and shall not constitute Township acceptance of dedication of a road.

SECTION XII – TOWNSHIP MAINTENANCE OF PUBLIC ROADS

During normal maintenance operations performed by Damascus Township, including grading, surfacing, ditching, bank clearing, mowing, brush and tree removal, snow plowing and ice removal, the Township shall not be held responsible for damage to any private vehicles, mailboxes, or signs within the road right-of-way, nor shall the Township be held responsible for debris, gravel, rocks, snow, etc. that may be deposited downslope of the public road.

SECTION XIII – ROAD OPENINGS

Any work installing or maintaining any underground facilities, including but not limited to utility lines and pipelines, within a Township Road Right-of-Way shall be subject to the requirements of the Damascus Township Road Opening Ordinance.

SECTION XIV – FIGURES

Note: The configurations depicted herein are minimum requirements and are intended for one- and two- family residential driveways. Driveways for higher volumes of traffic and/or commercial uses must be designed to safely accommodate the anticipated traffic and vehicles.

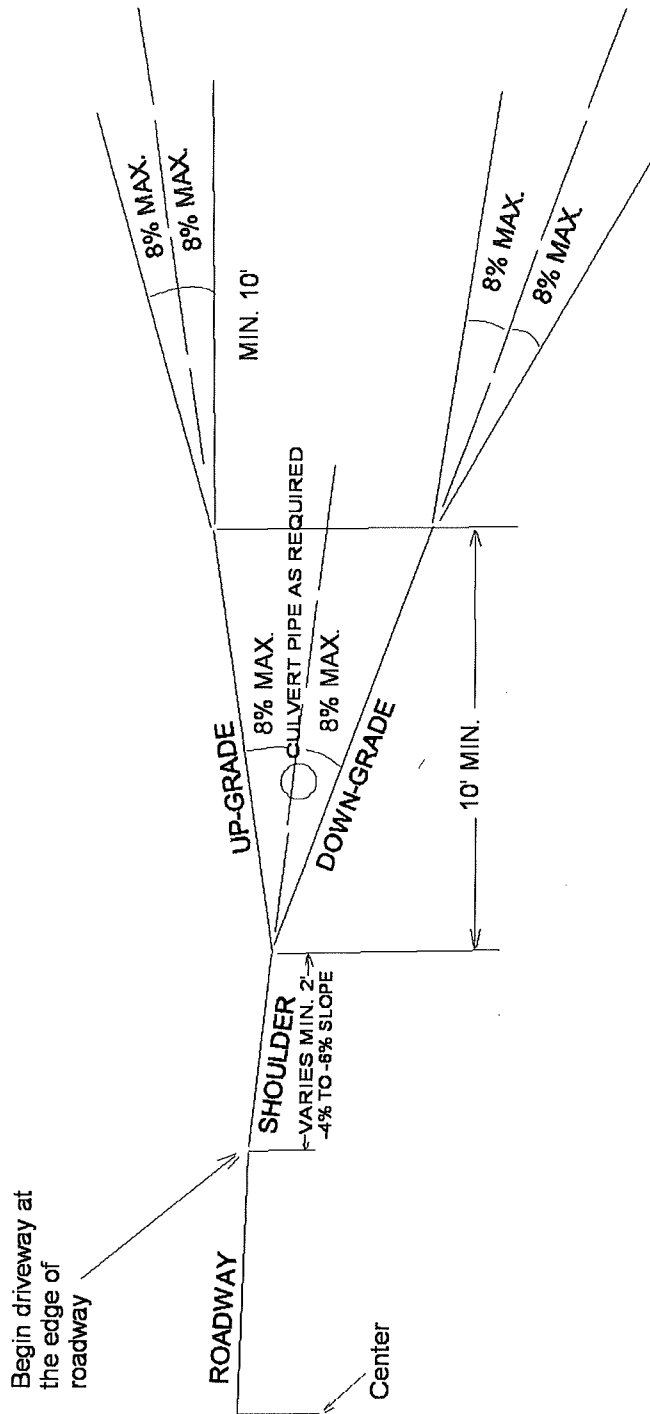


Figure 1

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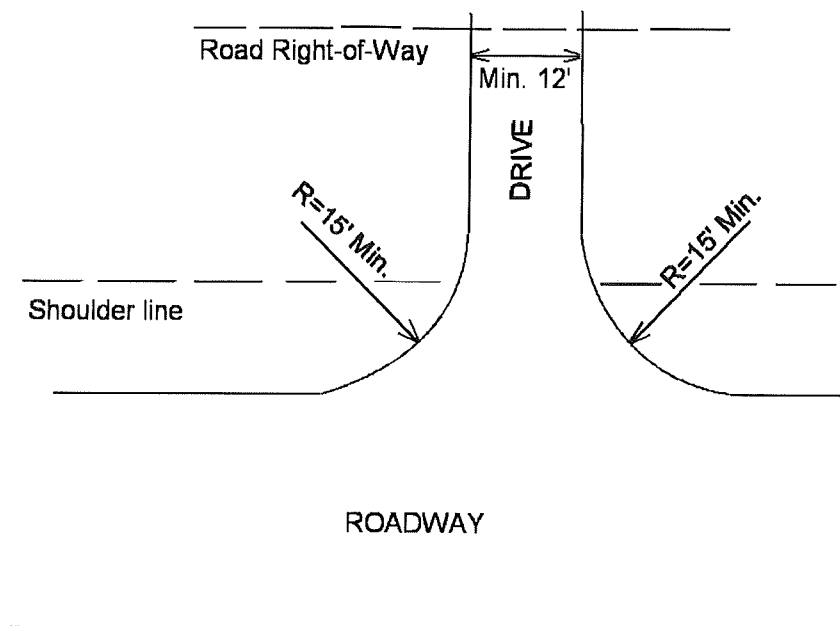


Figure 2

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SECTION XV – VIOLATIONS AND PENALTIES

Any person or persons, firm, partnership or corporation who or which shall violate any provisions of this Ordinance shall, upon conviction thereof, be guilty of a summary offense, be sentenced to pay a fine of not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars for each occurrence, plus court costs and costs of prosecution, or imprisonment, or both. Provided: each such continuance of violation of any one of the provisions of this Ordinance shall constitute a separate offense.

SECTION XVI – REMEDIES

In addition to any penalty herein provided, any person, persons, firm, partnership or corporation who or which shall violate any provision of this Ordinance shall be subject to any law or laws of the Commonwealth of Pennsylvania which afford a remedy for such violation in any Court of the Commonwealth.

SECTION XVII – SEVERABILITY

All clauses and provisions of this Ordinance are severable and if any clause or provision should be declared invalid, illegal or unconstitutional for any reason whatsoever, such decision shall not affect or impair the remaining clauses or provisions.

SECTION XVIII – REPEALER

Any previous road ordinance or amendment thereto of Damascus Township is hereby repealed.

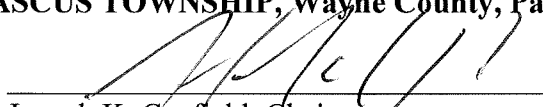
SECTION XIX - EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage hereof.


Duly enacted and ordained this 15 day of APRIL, 2019, by the Supervisors of Damascus Township, County of Wayne and Commonwealth of Pennsylvania, in lawful session duly assembled.

DAMASCUS TOWNSHIP, Wayne County, Pa.


BY:



Joseph K. Canfield, Chairman



Daniel Rutledge, Vice-Chairman



Steven R. Adams, Supervisor

ATTEST



Secretary