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DAMASCUS TOWNSHIP CONSOLIDATED ORDINANCES

ROAD ORDINANCE 1970

AN ORDINANCE OF THE TOWNSHIP OF DAMASCUS, COUNTY OF WAYNE AND COMMONWEALTH OF PENNSYLVANIA, REGULATING CONSTRUCTION AND OPENING AND DEDICATION OF ROADS IN SAID TOWNSHIP

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

This Ordinance shall be known and may be cited as Damascus Township Highway Code.

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

SECTION I: Plans of any road to be constructed, opened or dedicated in Damascus Township shall be prepared in duplicate and submitted to the Damascus Township Supervisors together with the specified filing fee, for approval; plans shall include such maps and such information in writing as may be required to explain the plans.

SECTION II: The filing fee shall be paid by check or money order payable to the order of Damascus Township; the filing fee for the original plans shall be Ten (\$10.00) Dollars; the filing fee for each amended plan shall be Ten (\$10.00) Dollars.

SECTION III:

- (A) 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.
- (B) The plans shall include information including but not limited to the following details.
 - (1) The width of the road throughout including intersections and turn about areas.
 - (2) The specifications for proposed bridges.
 - (3) The specifications for proposed drainage.
 - (4) The course, capacity and structure of drainage facilities.
 - (5) The profile of the road.
 - (6) Identifications of the markers which will indicate on the ground the location of courses or property lines or other items shown on the map.
 - (7) A certification regarding the identity of each and every property owner along the right of way of the roadway together with an indication as to whether such property owner joins in the submission for approval of the plans and releases any right to assert any claim such property owner might otherwise have.

against any person, persons, partnership, corporation, or political subdivision by reason of the construction, opening, dedication or existence of such roadway; such certification shall be made by or on behalf of the person, persons, partnership or corporation requesting approval of the plans and shall be supported by appropriate evidence of the authority pursuant to which the certification is made.

SECTION IV: 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, in the discretion of the Township Supervisors, may be required under the circumstances, which bond will be conditioned upon 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 V: The following are the minimum requirements of any road:

1. A fifty (50) foot wide legal right of way.
2. "Legal right of way shall mean the width released or dedicated to road purposes which may be greater than (but not less than) the area actually used as a traveled portion and the shoulders of the road and the drainage facilities adjoining the same.
3. The traveled portion of the road shall be eighteen (18) feet or more in width.
4. A four (4) foot wide shoulder shall be provided on each side of the traveled portion of the road, excepting in locations where a curb is required, in which event the area between curb to curb shall be classified 'traveled portion' and shall be twenty-six (26) feet or more in width.
5. 'Traveled portion shall mean that part of the road with base and top constructed as herein provided and over which vehicles may be driven.
6. On all dead-end roads, a turn about area with a one hundred (100) foot diameter will be provided.
7. The traveled portion of the roadway must have one of the following:
 - a. An eight (8) inch base of red shale or gravel with a two and one-half (2 1/2) inch ID-2 bituminous top, or
 - b. An eight (8) inch base of red shale or gravel with a three (3) inch FB-1 bituminous top, or bituminous black base topped by a one (1) inch wearing surface
8. The words 'gravel' and 'red shale' shall be as defined in Commonwealth of Pennsylvania, Department of Highways publications 'Form 408 Specifications-1967' and in Form 409 Specifications-1967' (and any (a) amendment or editions subsequent thereto).
9. At any point where the roadway is intersected by a driveway which requires that surface drainage water be carried under the intersection of the driveway and the road a sluice pipe of not less than fifteen (15) inches in diameter (and of such gauge as conforms to Pennsylvania Department of Highways requirements for a sluice pipe of corresponding diameter) shall be installed across the width of the driveway and at such depth as drainage and soil conditions may require at the location, the depth and manner of installation to be subject to approval of the Township Supervisors in all cases.
10. At such points along the road as may require cross drains, such cross drains shall be of pipe not less than fifteen (15) inches in diameter (and of such gauge as conforms to Pennsylvania Department of Highways requirements for a cross drain of corresponding diameter) which cross drains shall be buried to the depth and in the manner depending upon subsoil and drainage conditions at the location of the cross drains, the depth and manner of installation to be subject to approval of the Township Supervisors in all cases.
11. In addition to the requirements of this Ordinance, any road constructed, opened or dedicated in Damascus Township must satisfy all requirements of the Commonwealth of Pennsylvania Department of Highways as set forth in 'Form 408 Specifications-1967' and any amendments or editions subsequent thereto) to the extent that such Commonwealth or Pennsylvania requirements may be necessary to qualify the Township to receive reimbursement from the

Commonwealth for the subject road under laws of the Commonwealth of Pennsylvania as provide for reimbursement to Pennsylvania municipal subdivisions by the Commonwealth of Pennsylvania for the construction or re-construction or maintenance or repair of roads located within such Pennsylvania municipal subdivision.

SECTION VI: 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 here in provided and will be processed in the same manner as the originally submitted plan.

SECTION VII: 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 VIII: Any person or persons, firm, partnership or corporation who or which shall violate any provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than one hundred (\$100.00) dollars and costs of prosecution. PROVIDED: each such continuance of violation of any one of the provisions of this Ordinance shall constitute a separate offense.

SECTION IX: 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 X- 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. It is hereby declared to be the intent that this Ordinance would have been adopted and such unconstitutional, illegal or invalid clauses or provisions been included herein and the clauses and provisions are declared to be severable.

SECTION XI This Ordinance shall be effective five days after passage hereof.

Duly enacted and ordained this 6th day of June, 1970, by the Supervisors of the Township of Damascus, County of Wayne and Commonwealth of Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF DAMASCUS, Wayne County, Pa.

BY: Thomas D. Griffith
Chairman

ATTEST:

Elvin D. Swendsen
Secretary

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Proposed Amendment to Section 9 of Damascus Township Hi-Way Code
Purpose: To establish A DRIVEWAY PERMIT ORDINANCE

As is:

9) At, any point where the roadway is intersected by a driveway, which requires that surface drainage water be carried under the intersection of the driveway and the road, a sluice pipe of not less than fifteen (15) inches in diameter (and of such gauge as conforms to) Pennsylvania Department of Highway requirements for a sluice pipe of corresponding diameter) shall be installed across the width of the driveway and at such depth as drainage and soil conditions may require at the location, the depth and manner of installation to be subject approval by the Township Supervisors in all cases.

Proposed Amendment:

9) A driveway permit required where a roadway is intersected by a driveway. Application for such permit, including the location, width, method of construction and projected number of uses per day shall be made to the Supervisors and all shall meet the following requirements:

- a. The location shall be such as to create the least amount of interference or hazard with the road or highway it intersects.
- b. Where the property being served by the driveway slopes upward from the street, a sluice pipe of not less than fifteen (15) inches in diameter (and of such gauges as conforms to Pennsylvania Department of Transportation requirements for a sluice pipe of corresponding diameter) shall be installed across the width of the driveway, its length to be at least twenty (20) feet and shall be installed at such depth as drainage and soil conditions may require at the location; with the entire manner of installation to be subject to the approval of the Supervisors in all cases.
- c. The first fifteen (15) feet of an up-slope driveway, beginning at the right of way, shall be so constructed that any water running down the drive will be led sideways, so as to drain into sluice or ditch alongside road.
- d. Wherever a roadside ditch exists, even on more or less level properties, a sluice pipe of proper capacity must be planned and installed
- e. On downward sloping properties, where no drainage ditch exists, the construction of the driveway shall be as mutually agreed by owner and Supervisors
- f. Application for a driveway permit shall be accompanied by a fee of \$25 payable to township
- g. At completion of driveway entrance the work shall be inspected by the Supervisors and no driveway shall be entitled to use until a certificate has been issued.