

Chapter 21

Streets and Sidewalks

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Part 1**Street Excavations****§21-101. Excavations Without a Permit Unlawful.**

It shall be unlawful for any person to open or make any excavation in any street or right-of-way in the Borough without first securing a permit therefor as hereinafter provided.

(*Ord. 6, 6/14/1975, §12-1021*)

§21-102. Application for Excavation; Requirements.

Any person who shall desire to make any opening or excavation of any kind in a street or right-of-way in the Borough shall make application to the Code Enforcement Officer in writing. Such application shall be made upon blanks to be furnished by the Code Enforcement Officer, shall set forth the name of the applicant, the exact location of the proposed opening or excavation and the appropriate size or depth thereof and shall contain an agreement on the part of the applicant that the work shall be done in full compliance with all of the ordinances of the Borough and the laws of the Commonwealth of Pennsylvania in relation thereto and that the applicant will well and truly save, defend and keep harmless the Borough from, and indemnify it against, any and all actions, suits, demands, payments, costs and charges for any reason of the proposed opening or excavation and all damages to persons and property resulting in any manner therefrom or occurring in the prosecution of the work connected therewith or from any other matter, cause or thing relating thereto.

(*Ord. 6, 6/14/1975, §12-1022; as amended by Ord. 5-92, 6/8/1992; and by A.O.*

§21-103. Permit Fee; Bond.

Before any permit shall be issued to open or excavate any street or right-of-way in the Borough, the applicant shall pay to the Code Enforcement Officer a permit fee, as established from time to time by resolution of Borough Council, to cover the cost of inspection and other incidental services in connection therewith, and before any permit shall be issued, the Code Enforcement Officer shall determine the amount of the bond to be given to cover the proper restoration of the area to be disturbed by the applicant; The amount of the bond shall be determined at the rate of \$250 for each 10 feet or fraction thereof to be opened or excavated upon such street or right-of-way, and conditioned upon the faithful performance and prompt payment of all matters as set forth in this Part. Such bond shall be furnished in the amount as determined by the Code Enforcement Officer prior to the granting of the permit as hereinbefore provided.

(*Ord. 6, 6/14/1975, §12-1023; as amended by Ord. 5-92, 6/8/1992; by Ord. 2-00, 1/10/2000; and by A.O.*

§21-104. Refilling of Opening; Restoration of Surface.

1. Any person who shall open or excavate any street or right-of-way in the Borough shall thoroughly and completely refill the opening or excavation so as to prevent any settling thereof and shall restore the surface to the same condition as it

was before the opening or excavation and such restoration shall be in accordance with the specifications of the Department of Transportation of the Commonwealth of Pennsylvania in effect at the time of the restoration and the surface shall conform to the proper grade and be of the same surface as that part of the thoroughfare immediately adjoining the opening. If within 2 years after the restoration of the surface as herein provided defects shall appear therein resulting from defective backfilling by the applicant, the applicant shall reimburse the Borough for the cost of all necessary repairs to the permanent paving.

2. Any person who now has in existence or shall open and bring into existence any street or right-of-way including, but not limited to, a driveway that adjoins any street or right-of-way of the Borough of Carroll Valley, shall be responsible for any damage done to the streets and rights-of-way of the Borough by virtue of debris or other foreign material being washed or carried onto said Borough streets and rights-of-way from streets or rights-of-way (including driveways) as hereinbefore mentioned. If subsequent to the enactment of this Part damage occurs in the manner as previously stated, the owner shall reimburse the Borough for the cost of all necessary repairs to the surface of the streets and rights-of-way of the Borough of Carroll Valley. [Ord. 10-75]

(Ord. 6, 6/14/1975, §12-1024; as amended by Ord. 10-75, 10/11/1975)

§21-105. Work Done at Applicant's Expense; Supervision.

All work in connection with the opening in any street or right-of-way, including the excavation, protection, refilling, temporary paving or permanent paving, shall be done by the applicant at his own expense, subject to the supervision and approval of the Code Enforcement Officer, provided that the Code Enforcement Officer may require that the cutting of the surface of improved streets and the backfilling of all excavations therein, shall be done by the Borough and the charge therefor shall be paid by the applicant on the basis of the actual cost of the work plus 20 percent; nor shall the bond as hereinbefore provided for be released within the period of 2 years after the completion of the backfilling and without a certificate of the Code Enforcement Officer given within that period that the work of the applicant has been approved.

(Ord. 6, 6/14/1975, §12-1025; as amended by Ord. 5-92, 6/8/1992; and by A.O.

§21-106. Special Requirements.

1. No opening or excavation in any street shall extend into a street a distance greater than 1 foot beyond the center line of the street before being refilled and the surface of the street restored to a condition safe and convenient for travel.

2. The work of the excavation shall be so conducted as not to interfere with water mains, sewers and their connections with buildings, until permission of the proper authorities in connection with such subsurface lines or construction shall have been obtained.

3. During the making of any excavation in any street or right-of-way, every necessary and reasonable precaution shall be taken by the applicant and the parties making the same to keep the road in a safe and passable condition, both day and night, by guards, barriers, lanterns and other devices and all permits are granted under and subject to the express condition that the person to whom the same is issued shall indemnify, save and keep harmless the Borough of Carroll Valley from any loss in

damage or otherwise which may or shall be occasioned at any time by the said excavation, or by any leak, explosion or other injury from any pipe, conduit or any other matter placed in the excavation.

4. In the event that any work performed by or for a permit holder shall, in the opinion of the Code Enforcement Officer, be unsatisfactory and the same shall not be corrected to his satisfaction within the time fixed by him, the Borough may proceed to correct such unsatisfactory work and charge therefor the cost thereof plus 20 percent to the applicant. [A.O.]

(*Ord. 6, 6/14/1975, §12-1026; as amended by Ord. 5-92, 6/8/1992; and by A.O.*

§21-107. Emergency Repairs.

If any emergency shall arise it shall be lawful for the person owning or responsible for the pipe, line, construction or apparatus, where necessary, to commence an excavation to remedy such condition before securing a permit, providing that the application for permit shall not be later than the next business day thereafter and all other provisions of this Part be fully complied with. If any emergency condition shall not be immediately attended to by the owner or person responsible, the Code Enforcement Officer, after such notice as he shall deem necessary, shall proceed to do the necessary required work of such emergency and charge same on the basis of cost plus 20 percent to the person responsible.

(*Ord. 6, 6/14/1975, §12-1027; as amended by Ord. 5-92, 6/8/1992; and by A.O.*

§21-108. Payment; Collection.

Payment for all work done by the Borough under the provisions hereof shall be made by the person responsible therefor under the provisions hereof within 30 days after a bill is sent to such person by the Borough Secretary. Upon failure to pay such charge within such time, the same shall be collectible by the Borough of Carroll Valley in the manner provided by law for the collection of municipal claims.

(*Ord. 6, 6/14/1975, §12-1028; as amended by Ord. 5-92, 6/8/1992)*

§21-109. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 6, 6/14/1975, §12-1030; as amended by Ord. 5-92, 6/8/1992; and by A.O.*

Part 2**Driveway Regulations****§21-201. Purpose and Application.**

The Borough Council finds that it is in the public interest to regulate the design, location and construction of access driveways in such a manner so as to facilitate the safe and unobstructed movement of vehicular traffic on Borough roadways.

(Ord. 2-76, 3/5/1976)

§21-202. Definition of Terms.

The following words and phrases when used in this Part shall, for the purpose of this Part, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

Access - any means for passage of vehicles between property abutting on a Borough roadway and the roadway. It shall be deemed to include only that part of the driveway that lies within the established right-of-way limits of the Borough roadway. It will also include such drainage structures as may be necessary for the proper construction and maintenance thereof.

Borough road or roadway - all roads taken over by the Borough under any Acts of Assembly, Borough Ordinance, or Court Order.

Corner clearance - the distance, at an intersection of two roadways, between the near edge of the access driveway approach and the point of intersection of the pavement edges or the curb line extended.

Intermediate island - that section of the roadway right-of-way between the pavement edge or curb and the property line, which occurs between driveways.

Pavement edge - the edge of the main traveled portion of any street or roadway, exclusive of shoulder or berm.

Person - any natural person, firm, co-partnership, association or corporation.

Property line clearance - the distance measured along the pavement edge or curb between the property frontage boundary line and the near edge of the driveway.

Public alley - any public way generally not less than 8 feet or more than 20 feet in width, located within the Borough, which affords access to the side or rear of buildings in such block.

Radius curb - that section of curb forming an arc beginning at the end of the driveway and continuing to the throat of the driveway.

Rural area - an area where roadways have been built to typical rural highway standards without sidewalks and curbs.

Shoulder line - the intersection of the shoulder slope with the side slope or ditch slope.

Setback - the lateral distance between the right-of-way line and the roadside business building, liquid fuel pump island, display stand or other object, the use of

which will result in space for vehicles to stop or park between such facilities and the right-of-way line.

Sidewalks - a permanent hard paved walkway, continuous for a reasonable distance and integral part of the roadway development, solely for use of pedestrians.

Stabilized material - any aggregate such as gravel, stone, slag, or mixtures of such aggregates with soil, placed in such a manner as to provide a smooth, stable, all-weather surface not subject to undue raveling.

State highway - all roads and highways taken over by the Commonwealth of Pennsylvania as State highways under provision of Act of Assembly. The term shall include any street in any city, borough or incorporated town that has been taken over as a State highway.

Urban area - an area where the roadways have been built to typical city street standards, including sidewalks and curbs.

Vehicle - any device in, upon or by which any person or property is or may be transported or drawn upon a public highway.

(Ord. 2-76, 3/5/1976)

§21-203. Approval.

1. These regulations shall apply to all access driveways that enter Borough roadways, including any new construction, renovation or alteration. [Ord. 5-92]

2. Any person desiring to construct or lay out such driveway shall make application to the Borough Code Enforcement Officer for approval of the location, design and mode of construction of such driveway, and for permission to proceed. Application forms will be available at the Borough Offices to any applicant upon request. The construction or layout of a proposed driveway will not be started prior to receipt of a written permit signed by the Code Enforcement Officer and containing such reasonable terms and conditions as the Borough may deem necessary to impose.

3. A highway occupancy permit must be obtained from the Pennsylvania Department of Transportation for any driveway entering upon Fairfield Road (PA 116), Waynesboro Pike (PA 16) or Jacks Mountain Road. [Ord. 5-92]

(Ord. 2-76, 3/5/1976; as amended by Ord. 5-92, 6/8/1992)

§21-204. Location, Design and Construction.

1. All driveways shall be located, designed and constructed in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the Borough roadway.

2. Access driveways should be located in such manner that they will not cause the following:

- A. Interference to the traveling public.
- B. A hazard to the free movement of normal roadway traffic.
- C. Areas of undue traffic congestion on the roadway.

In accordance with this principle, driveways should be located where the roadway alignment and profile are favorable; i.e., where there are no sharp curves, or steep

grades, and where sight distance in conjunction with the driveway access would be adequate for safe traffic operation.

3. Access driveways should not be located at interchanges, ramp areas, or locations that would interfere with the placement and proper functioning of roadway signs, signals, detectors, lighting or other devices that affect traffic control. The location of a driveway near a signalized intersection that has an actuated traffic signal may include a requirement that the permittee provide (without expense to the Borough) additional detectors for the control of traffic movement from his establishment or for relocation of existing detectors.

4. Where roadway curbs exist, driveway approaches shall be installed 1½ inches above the adjacent highway or gutter grade to maintain the proper drainage.

(Ord. 2-76, 3/5/1976)

§21-205. Number and Arrangement of Driveways.

The permissible number, arrangement and width of driveways shall be governed in part by the roadway frontage of abutting private property. The number of driveways permitted shall be the minimum number required to serve adequately the needs of the abutting property. Frontages of 50 feet or less shall be limited to one driveway. Normally not more than two driveways need to be provided to any single property tract or business establishment. Exception may be made where the frontage exceeds 300 feet in length or where the frontage is along a divided highway. In such instances requests for additional driveways shall require prior approval from the Borough Zoning Hearing Board.

(Ord. 2-76, 3/5/1976)

§21-206. Approaches to Access Driveways.

1. The location and angle of an access driveway approach in relation to the highway intersection shall be such that a vehicle (A) entering the driveway may do so in an orderly and safe manner and with a minimum of interference to through highway traffic, and (B) leaving the driveway may enter safely into the lane of traffic moving in the desired direction.

2. Where the access driveway approach and roadway pavement meet, flaring of the approach may be necessary to allow safe, easy turning of the vehicle when entering or departing from the driveway.

3. No part of any access driveway shall be constructed outside of the applicant's frontage.

4. Each roadside business establishment shall provide sufficient parking or storage space off the right-of-way to prevent the storage of vehicles on the driveway or the backing up of traffic on the traveled roadway.

5. No part of the roadway right-of-way shall be used for servicing of vehicles, displays or conducting a private business. The area between the edge of the pavement and the right-of-way line shall be kept clear of all buildings, sales exhibits, business signs, parking areas, service equipment, etc.

6. Improvements on private property adjacent to the right-of-way shall be so located that parking, stopping and maneuvering of vehicles on the right-of-way will not

be necessary in order for vehicles or patrons to be served properly. For example, liquid fuel pump islands installed in service stations adjacent to the roadway shall be located not less than 12 feet outside of the right-of-way line when a driveway is established and the permit is issued. This subsection is not intended to imply that should the Borough roadway be widened at a later date that the fuel pumps have to be moved back in order to comply with the 12-foot minimum distance from the right-of-way line. However, a greater distance is recommended to provide sufficient space for large vehicles.

(Ord. 2-76, 3/5/1976)

§21-207. Standards and Specifications.

1. *Access Driveways Relative to Limited Access Right-of-Way.* No access driveway shall be located within 30 feet of the terminus of a limited access highway or within 30 feet of a limited access highway right-of-way line measured along the pavement edge.

2. *Angle of Access Driveway Approach.* The angle of access of driveway approach shall be as provided in the Pennsylvania Department of Transportation specifications, Form 408, latest edition. [Ord. 5-92]

3. *Curb.*

A. All curb must be of a permanent type.

B. In urban or rural areas where no curb exists one of the following types of curb may be used:

(1) Eight-inch high vertical face curb.

(2) Six-inch high (sloped face) curb.

C. In urban or rural areas where curb exists, the existing type of curb shall be matched. The line and grade of the existing curb shall be maintained.

D. Where the property abutting the roadway right-of-way will be used for a parking area, the Borough may require the curb to be placed along the right-of-way line. This curb will be required to confine the traffic movement to the access driveway and to prohibit encroachment upon sidewalks or shoulder areas.

4. *Sight Distance.*

A. Access driveways shall be located at a point of optimum sight distance along the roadway within the property frontage limits. The profile of the driveway and the grading of the right-of-way area shall provide a maximum sight distance so that the operator of a vehicle departing from such a driveway will have optimum visibility in either direction along the roadway.

B. Where adequate sight distances cannot be attained, the location of the driveway will be at the discretion of the Borough Engineer.

[Ord. 5-92]

5. *Slope of Access Driveway.*

A. All driveways shall be constructed in such a manner as not to impair drainage within the roadway right-of-way, alter the stability of the roadway subgrade or materially change the drainage of adjacent areas. Where open shoulders or berms exist, the grade of the paved access driveway(s) shall slope away from the highway pavement at the same rate as the existing shoulder (unless advised to the contrary by the Borough Engineer) for the prevailing width of the

shoulder; The gradient of a driveway beyond this point (within the highway right-of-way) shall be not less than ½ inch per foot.

B. Driveway ramps may extend from the face of the curb up to the outer edge of the sidewalk area in those cases where a planted area occurs between multiple driveways.

C. The rate of slope for such driveway ramps preferably should not exceed 1 inch per foot. Where conditions are such that the 1-inch per foot slope is not obtainable the sidewalk area of the driveway may be lowered sufficiently to obtain the allowable ramp slope and the sidewalk may be warped up to meet the normal sidewalk grade, at a rate of slope not to exceed ¾-inch per foot.

D. Where a drainage ditch or swale exists, adequate pipe shall be installed under the driveway (by the permittee) in accordance with Borough specifications. Minimum diameter of such drainage pipe shall be 15 inches unless otherwise specified by the Borough Engineer. Under no circumstances shall the diameter of such drainage pipe be less than 12 inches. In addition, all such drainage pipes shall be not less than 20 feet long unless otherwise specified by the Borough Engineer.

6. *Access Driveway Pavement.*

A. Access driveways shall be appropriately surfaced between the traveled road and the business or service area with a stabilized material or a higher quality material when specified by the Borough Engineer. All materials used in the construction of driveways shall meet Borough specifications and be purchased from an approved source of supply. [Ord 5-92]

B. Application of a material to create an impermeable surface (i.e., asphalt, cement, etc;) shall be required for, at least, the driveway apron (an area comprised of the width of the driveway extending from the edge of the road to the property line) of all new or existing driveways in cases where degree of slope, location, or similar topographic factors could create an erosion or runoff problem detrimentally affecting roads and streets or a neighboring property. For new construction, the requirement, if necessary, shall be noted on the driveway application. Erosion and runoff problems on existing driveways shall be documented by the Code Enforcement Officer or his agent. The property owner shall be notified of the requirement for hard surfacing the driveway apron by certified mail and shall be given 6 months from the date of the notice to accomplish the improvements. [Ord. 8-96]

C. Application of a material to create an impermeable surface (i.e., asphalt, cement, etc.) shall be required for the full length and width of the access driveway of all new or existing driveways in cases where degree of slope, location, method of grading, or similar topographic factors could create an erosion or runoff problem detrimentally affecting roads and streets or a neighboring property. This requirement, as well as a requirement for a grated culvert pipe specially designed for steep grades, shall be determined on a case by case basis by the Municipal Services Supervisor and/or the Borough Engineer taking into consideration all of the above criteria; The notification provisions described under paragraph .B above shall apply. [Ord. 7-00]

D. Prior to commencing any stage of land development (i.e., grading, clearing, well drilling, septic system installation, or house construction, etc.), a stone access driveway shall be provided between the road right-of-way and the lot line at each

building site to contain mud and debris on the lot during construction. At the discretion of the Municipal Services Supervisor, a culvert pipe of a size sufficient to allow the free flow of water into the established drainage ditches, may also be required prior to commencing land development. These requirements shall be noted on the driveway permit application; [Ord. 7-00]

(Ord. 2-76, 3/5/1976; as amended by Ord. 5-92, 6/8/1992; by Ord. 8-96, 8/12/1996; and by Ord. 7-00 6/12/2000)

§21-208. Maintenance.

All driveways, adjacent areas and areas between such driveways including channelization, paving, drainage, etc., installed by the permittee shall be maintained by the property owner in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the Borough roadway, or the safe and convenient passage of traffic upon the Borough roadway. The term "adjacent area" shall apply only to that area within the permittee's property or property line extended.

(Ord. 2-76, 3/5/1976)

§21-209 Inspection.

1. Work authorized by a Borough building permit for construction of an access driveway shall be performed at such time in such a manner as to conform to all requirements and standards specified therein. Such work will be inspected by a representative of the Borough immediately upon receipt of the completion notice from the permittee or at date of expiration of the permit.

2. If an inspection of the work discloses that it is not being or has not been properly performed, the permittee will be notified, in writing, by the Borough to take immediate steps, at his own expense, toward placing the work in such condition as to conform to said requirements and standards.

(Ord. 2-76, 3/5/1976)

§21-210. Location and Width.

Driveways shall not be located nearer than 10 feet to any side or rear lot line, nor shall driveways run parallel with any public street within 20 feet of the edge of the street right-of-way. Within 10 feet of the street right-of-way, driveways shall not exceed 35 feet in width.

(Ord. 2-76, 3/5/1976; as amended by Ord. 5-92, 6/8/1992)

§21-211. Number Permitted.

The number of driveways may not exceed two per lot on any one street frontage. The Zoning Hearing Board may grant permission by special exception for additional driveways where required to meet exceptional circumstances and where frontage of unusual length exists.

(Ord. 2-76, 3/5/1976; as amended by Ord. 5-92, 6/8/1992)

§21-212. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon

conviction thereof, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 2-76, 3/5/1976; as amended by Ord. 5-92, 6/8/1992; and by A.O.*

