

Chapter 21

Streets and Sidewalks

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Part 1**Driveway Permits****§21-101. Driveway Permits Required.**

A driveway permit shall be required before construction, reconstruction, enlargement, alteration, repair, replacement or relocation of any driveway, private road or other means of access from any Township road to any lot or parcel of ground.

(Ord. 1988-4, --/1988, §1)

§21-102. Issuance of Driveway Permit.

1. The Building Permit Officer shall issue a driveway permit only after it has been determined that the proposed construction work to be undertaken will be in conformance with the requirements of this and all other applicable laws, codes and ordinances of any regulatory authority.

2. Prior to the issuance of any building permit the Building Permit Officer shall review the application for permit to determine that:

A. All applicable subdivision approvals have been obtained.

B. All other necessary government permits and authorizations required by State, Federal or other applicable laws have been obtained.

(Ord. 1988-4, --/1988, §2)

§21-103. Driveway Standards.

All proposed driveways shall comply with the driveway standards as set forth in the Township Subdivision Ordinance [Chapter 22] and all other requirements applicable in the Township. In addition, driveways providing access to or from Township Roads must include adequate piping to maintain the flow capacity of the ditchline and insure drainage from the driveway and lot does not enter the public road. Such piping may be as reasonably required by the Township Roadmaster, from time to time, to assure the foregoing.

(Ord. 1988-4, --/1988, §3)

§21-104. Changes.

After the issuance of a driveway permit by the Building Permit Officer, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Building Permit Officer.

(Ord. 1988-4, --/1988, §4)

§21-105. Placard.

In addition to the building permit the Building Permit Officer shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the building permit, the date of its issuance, a

description of the construction authorized and be signed by the Building Permit Officer.
(*Ord. 1988-4, --/1988, §5*)

§21-106. Start of Construction.

1. Work on the proposed construction shall begin within 6 months and shall be completed within 12 months after the date of issuance of the permit or the permit shall expire.

2. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Building Permit Officer to approve such a request; and upon a good faith showing of an intention to complete the project. The total construction period shall not exceed 2½ years, with extensions, after which the permit shall be revoked.

(*Ord. 1988-4, --/1988, §6*)

§21-107. Inspection and Revocation.

1. During the construction period, the Building Permit Officer or other authorized official may inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable Township laws and ordinances. He may make as many inspections during and upon completion of the work as are necessary.

2. In the discharge of his duties, the Building Permit Officer shall have the authority to enter the premises or development upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this Part.

(*Ord. 1988-4, --/1988, §7*)

§21-108. Fees.

The fee for application of a driveway permit shall be in an amount as established from time to time by resolution of the Board of Supervisors.

(*Ord. 1988-4, --/1988, §8; as amended by Ord. 8.5.2008, 8/5/2008*)

§21-109. Enforcement.

1. *Notices.* Whenever the Building Permit Officer or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Part, or of any regulation adopted pursuant thereto, the Building Permit Officer shall give notice of such alleged violation as hereinafter provided. Such notice shall: (A) be in writing; (B) include a statement of the reasons for its issuance; (C) to allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires; (D) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this State; (E) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part.

2. *Penalties.* Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or

direction of the Building Permit Officer or any other authorized employee of the municipality, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay 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 90 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. In addition to the above penalties all other legal actions are hereby authorized including an action in equity for the proper enforcement of this Part. The imposition of a fine or penalty for any violation of, or noncompliance with, this Part shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in non-compliance with this Part, may be declared by the Township Supervisors to be a public nuisance and abatable as such. [Ord. 8.5.2008]

(Ord. 1988-4, --/1988, §9; as amended by Ord. 8.5.2008, 8/5/2008)

§21-110. Appeals.

1. Any person aggrieved by an action or decision of the Building Permit Officer concerning the administration of the provisions of this Part, may appeal to the Township Supervisors. Such appeal must be filed, in writing, within 30 days after the decision or action of the Building Permit Officer and set forth the reasons for such appeal.

2. Upon receipt of such appeal the Township Supervisors shall set a time and place, within not less than 10 nor more than 30 days, for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.

3. Any person aggrieved by any decision of the Township Supervisors may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth.

(Ord. 1988-4, --/1988, §10)

§21-111. Variances.

1. If compliance with any of the requirements of this Part would result in an exceptional hardship to a prospective builder, developer or landowner, or entity regulated hereby, the Township Supervisors may, upon request, grant relief from the strict application of the requirements.

2. Requests for variances shall be considered by the Township Supervisors in accordance with the procedures and standards contained in this Part and the following:

A. If granted, a variance shall involve only the least modification necessary to provide relief.

B. In granting any variance, the Supervisors shall attach whatever reasonable conditions and safeguards they consider necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Part.

C. In reviewing any request for a variance, the Supervisors shall consider, at

a minimum, the following:

(1) That there is good and sufficient cause.

D. That failure to grant the variance would result in exceptional hardship to the applicant.

E. That the granting of the variance will (1) neither result in threats to public safety, or extraordinary public expense, nor (2) create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable laws ordinances and regulations.

3. A complete record of all variance requests and related actions shall be maintained by the Supervisors.

(Ord. 1988-4, --/1988, §11)

§21-112. Definitions.

Unless specifically defined below, words and phrases used in this Part shall be interpreted so as to give this Part its most reasonable application.

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a driveway.

Driveway - the means of access to any lot.

Development - any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations and the subdivision of land.

Floodplain area - a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. It shall include the "identified floodplain area" as designated in The Township Floodplain Management Ordinance [Chapter 8] or other laws and ordinance applicable in the Township.

Identified floodplain area - the floodplain area specifically identified in this Part as being subject to the 100-year flood as designated by the Township Floodplain Ordinance [Chapter 8] or other laws and ordinances applicable in the Township.

Land development - (1) the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving (a) a group of two or more buildings, of (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (2) a subdivision of land as the same is defined in or regulated by subdivision ordinances, laws or regulations applicable in the Township.

Municipality - the Township of Hepburn, situated in Lycoming County, Pennsylvania.

Subdivision - any act or action defined as a subdivision under the laws, ordinances and regulation applicable in the Township.

Township - the Township of Hepburn, situated in Lycoming County,

Pennsylvania.

(*Ord. 1988-4, --/1988, §12*)

Part 2**Roadways****§21-201. Roads Intended for Acceptance by the Township.**

Any road intended for acceptance by the Township as a public road must have the following minimum specifications:

- A. A total right-of-way width of 50 feet.
- B. A cartway width of 20 feet.
- C. A berm/shoulder minimum width of 8 feet on each side of the cartway with minimum 4 inches compacted subbase.
- D. Road cartway subbase material consisting of 6 inches of compacted subbase extending 6 inches beyond the finished width of the cartway on each side of the road to provide support for the wearing surface.
- E. Compact asphalt road cartway base material and wearing course consisting of 2½ to 3 inch BCBC and 1-inch wearing coat; or 3 inches of ID3.
- F. The depth and slopes of the drainage swales on each side of the road shall be designed such that the sides of the swale are stabilized to minimize erosion.

Procedures for acceptance by the Township of such road shall be similar to those applicable to subdivision developers.

(Ord. 93-1, 3/2/1993, §1)

