

WILLISTOWN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2 of 2019

AN ORDINANCE AMENDING CHAPTER 119 OF THE CODE OF ORDINANCES OF WILLISTOWN TOWNSHIP, BEING THE STREETS AND SIDEWALKS ORDINANCE, IN ORDER TO AMEND § 119-25 BY CLARIFYING THE NUMBER OF DRIVEWAYS PERMITTED TO A SINGLE PROPERTY, TRACT, OR BUSINESS ESTABLISHMENT. EFFECTIVE FIVE DAYS FROM ENACTMENT.

BE IT AND IT IS HEREBY ENACTED by the Board of Supervisors of Willistown Township, Chester County, as follows:

Section 1. The Code of the Township of Willistown, Chapter 119 thereof, being the Willistown Township Streets and Sidewalks Ordinance, §119-25, is amended by adding and deleting the following language:

§ 119-25 Number of driveways or vehicle points of access.

Not more than two driveways or vehicle points of access shall be permitted to any single property, tract or business establishment. Lots with frontages of 150 feet or less shall be limited to one driveway or vehicle point of access.

Section 2. This Ordinance shall be effective five (5) days from the date of enactment.

ENACTED and ORDAINED this 28 day of May, 2019.

BOARD OF SUPERVISORS
WILLISTOWN TOWNSHIP

Robert T. Lange
Robert T. Lange, Chairman

William R. Shoemaker
William R. Shoemaker, Vice Chairman

Barbara L. Handelin
Barbara L. Handelin, Member

ATTEST:

Sally Slook
Sally Slook, Secretary

Chapter 119. Streets and Sidewalks

Article I. Openings and Construction in Streets

[Adopted 6-11-1974 by Ord. No. 3-1974; amended in its entirety 12-20-2012 by Ord. No. 6-2012]

§ 119-1. Title.

This article shall be known and may be cited as the "Willistown Township Street Opening Ordinance."

§ 119-2. Permit required.

No opening, cutting, excavating, grading, boring, crossing, installation or disturbance of any kind shall be allowed upon, in, under, or across any portion of a Township road or any Township road right-of-way without a highway occupancy permit granted by the Township for each separate undertaking. A permit shall not be immediately required for emergency excavations provided the applicant adheres to the requirements of § 119-34. A permit shall not be required for accessing utility facilities through a manhole.

§ 119-3. Application for permit; fee.

The application for a permit shall be on a form provided by the Township and submitted to the Township in triplicate. The Willistown Township Director of Public Works shall be responsible for review and administration of the permit. In the case of an extended absence or vacancy, the Township Manager shall administer the permit process. The application shall be accompanied by a fee for processing the application and another fee for review by the Township Engineer and for making the required inspection(s), if necessary, in accordance with the Fee Schedule as adopted by resolution of the Board of Supervisors. In addition, the applicant shall submit three copies of a sketch showing the location of the intended work, width of the traveled roadway, right-of-way lines, address, and a dimension to the nearest intersecting road or other nearby landmark, so as to ascertain the location of the work. The applicant shall also be responsible for all costs and expenses associated to or arising from the permitted work, including the prescribed fees for the same, the cost of installation and maintenance of temporary restoration to all disturbed areas and all cost associated with the final restoration of project. Permits will only be issued to public utility companies or contractors registered to do business in Willistown Township.

§ 119-9. OSHA requirements.

The applicant shall comply with all OSHA safety requirements and procedures including, without limitation, all confined space requirements. All excavation or trenching shall comply with the most recent federal, state and local regulations regarding construction site safety.

§ 119-10. Notification.

The applicant shall notify the Township at least 24 hours prior to starting work, performing temporary restoration and performing permanent restoration, so that a field inspection can be completed. The applicant shall also be required to send out written notification to all residents and businesses within and affected by the work zone, explaining the purpose of the installation. All notifications shall include a contact number to be staffed by the applicant for complaints or questions concerning the construction.

§ 119-11. Backfill.

All new utility lines/pipes shall be laid in a minimum bedding of six inches consisting of PennDot certified 2B stone or screenings as required to maintain stability below the utility line/pipe. All backfill operations performed within the Township right-of-way shall require the installation of a PennDot certified 2A modified material of optimum moisture content compacted in maximum one-foot lifts. All backfill operations performed outside the cartway shall require the installation of a PennDot certified 2A modified material of optimum moisture content compacted in maximum one-foot lifts to within a minimum of six inches of existing grade. The last six inches of backfill shall require screened topsoil, seed and straw mulch cover.

§ 119-12. Overnight requirements.

If the work cannot be completed in one workday, proper barricades, flashing lights, steel plates or other methods shall be used to secure the site and ensure the safety of travelers on the roads in the Township until the next workday. The applicant shall comply with the provisions of Publication 213 - Work Zone Traffic Control Guidelines as published by the Pennsylvania Department of Transportation (PennDOT) and the Manual on Uniform Traffic Control Devices (MUTCD) as published by the Federal Highway Administration (FHWA).

§ 119-13. Cleanup.

The work area shall be swept clean, cleaned of debris and otherwise policed at the end of each workday and at the conclusion of the project. Mud shall not be tracked onto the streets at any time. All mud shall be cleaned up within one hour of verbal or written notice from the Township or its agents. All loads shall be tarped.

roadway on or one foot inside the right-of-way line and shall contain all information required by federal regulations with, as a minimum, the name and local address of the pipeline company offices and a phone number to call that will provide immediate response in the event of an emergency.

§ 119-18. Guarantee.

All work shall be guaranteed for a period of one year from the date of final inspection and certification by the Director of Public Works that the work has been completed in accordance with the permit. All defects shall be corrected by the applicant within 24 hours of verbal or written notice from the Township or its agents.

§ 119-19. Security deposit and/or bonding.

At the time of permit application, the applicant, except for public utility corporations operating under a franchise covering an area in whole or in part within the Township, shall deposit with the Township financial security in an amount equal to 110% of the cost of completion of the work required to comply with this article (based, at a minimum, on the stabilization measures necessary to return the work site on both private and public property to its preconstruction condition or better) estimated as of 90 days following the date scheduled for completion, provided that the estimated project cost exceeds \$25,000. The form, amount and administration of the financial security shall be in accordance with Section 509 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10509. The financial security shall be held by the Township until the end of the one-year guarantee period and shall be used by the Township as liquidated damages in case of default or nonperformance by the applicant. Public utility corporations operating under a franchise covering an area in whole or in part within the Township shall have on file with the Township a bond in the amount of \$5,000 or as may be established by resolution of the Board of Supervisors with a surety that is licensed to transact such business in the Commonwealth of Pennsylvania, which bond shall be renewed annually, covering cost of inspections pertaining to all opening or excavations made or to be made in the calendar year or shall furnish a bond in the amount determined by the Director of Public Works covering the aforesaid costs pertaining to proposed opening or excavations set out in the application. The aforesaid bonds shall have either corporate surety or other surety approved by the Township Solicitor and shall be conditioned to indemnify the Township in the event of any loss, liability or damage that may result or accrue from or be due to the making, existence or manner of guarding or constructing any opening or excavation during the term of said bond.

§ 119-20. Prohibited locations.

No utilities, except for transverse laterals, shall be placed in the planting area between the face of curb and the sidewalk, or within five feet of the edge of cartway or paved shoulders. This area is reserved for Township use for storm sewers, traffic signs, streetlights, etc.

§ 119-21. Recently paved streets.

Except for emergencies, excavations will not be permitted in streets that have been built or overlaid within the previous three years, unless the applicant agrees to mill out the entire width of roadway at a depth of 1 1/2 inches for the entire length of excavation and overlay

or shoulder. Pipes shall not be installed under driveways, except under unusual circumstances and with prior Township approval.

§ 119-28. Grades.

The portion of a driveway within the street right-of-way shall not exceed four-percent grade. The remainder of the driveway shall not exceed fifteen-percent grade. Driveways shall be paved from the cartway to a minimum of 25 feet back from the right-of-way line. Paving shall consist of six inches of 2A crushed stone and two inches of 9.5 mm asphalt per PennDOT Publication 408, latest edition. The remainder of the driveway may be constructed of any suitable stone, paver or paved surface.

§ 119-29. Erosion.

Driveways shall be designed to avoid erosion and excessive runoff by grading, interception swales and/or drainage systems. If erosion products are deposited on the cartway, shoulders or swales, the property owner shall remove them within four hours of verbal or written notice from the Township or its agents. In the event that no response is received from property owner, he or she shall be responsible for cost of remedial action including man hours, equipment and materials. In addition, the property owner shall take necessary measures to avoid reoccurrence of the problem.

§ 119-30. Private streets.

Driveways serving as private streets shall not be dedicated to the Township nor does the Township assume any responsibility for their maintenance.

§ 119-31. Flag lots.

When flag lots abut each other at a common street line, or in other situations considered appropriate by the Board of Supervisors, a common driveway shall be utilized for access to the lots.

§ 119-32. Unnatural water sources.

Discharge from any roof drains, downspouts, sump pumps, foundation drains, disposal fields, etc., shall not be permitted onto a right-of-way or onto a driveway or driveway drainage system that directs runoff toward a street. Such discharge may be connected to underground drainage systems in the street if available, preferably into an inlet for accessibility.

§ 119-33. Insurance.

- A. As part of the permit application, the applicant shall provide the Township with insurance certificates for the following policies of insurance in full force and effect with an insurance company(ies) admitted by the Pennsylvania Insurance Commissioner to do

§ 119-37. Violations and penalties.

Any person or utility which shall violate or permit the violation of the provisions of this article shall, upon being found liable therefor in a criminal enforcement proceeding, pay a fine of not more than \$1,000 nor less than \$25, together with court costs and reasonable attorney fees, and may be incarcerated for a period not exceeding 90 days. Such fines, costs, attorney fees and incarceration, after being reduced to a final, unappealed judgment, shall be enforced by the Township pursuant to the applicable rules of criminal procedure. Each day of violation shall constitute a separate violation.

§ 119-38. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CARTWAY

The portion of a street or alley, right-of-way, paved or unpaved, customarily used by vehicles in the regular course of travel over the street.

PERSON

Any natural person, municipal authority, corporation, partnership, joint venture, sole proprietorship, firm, association and any other entity of whatever type.

RIGHT-OF-WAY

The total width of any land reserved or dedicated as a street, alley or crosswalk, or for any other public or private purpose.