

Chapter 21

Streets and Sidewalks

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Part 1**Street Cuts and Openings****§21-101. Permit Required.**

In accordance with the provisions of §2232 of the Second Class Township Code, 53 P.S. §67232, no person, firm, corporation, or utility company shall hereafter cut or open any public road or street in Reading Township for the purpose of installing, constructing, erecting or laying any railroad or street railway, any railroad or street railway crossing, any gas pipe, water pipe, electrical conduit, telephone conduit or other piping of any kind, any telephone, telegraph, fiberoptic or electric light or power wire, cables or poles, nor shall any other obstruction of any kind be installed, constructed, erected, or lain in, upon or under any portion of the right-of-way as a Township road or street, except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in the permit granted by the Township for such purpose.

(Ord. 2005-2, 5/9/2005, §1)

§21-102. Application; Fee.

The application for a permit shall be on a form prescribed and furnished by the Township and shall be submitted to the Township in triplicate. The application shall be accompanied by a fee, which fee shall be equal to the fee for the same type of facility as set forth in the regularly adopted schedule of fees of the Pennsylvania Department of Transportation for highway occupancy permits and restoration charges. In addition, the applicant shall submit three copies of sketch plan or drawing showing such dimensions as the location of the intended facility, the width of the cartway, the right of way lines and a dimension to the nearest intersecting road or street.

(Ord. 2005-2, 5/9/2005, §2)

§21-103. Permit Issuance.

The Township shall issue to the applicant a permit for the intended facility subject to such conditions, restrictions and regulations as the Township shall prescribe, upon all of the aforementioned requirements having been met.

(Ord. 2005-2, 5/9/2005, §3)

§21-104. Notice Upon Completion of Work; Inspection of Work; Correction of Defects.

Upon completion of work authorized by the permit, the applicant shall give written notice thereof to the Township. Upon receipt of such notice, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect within 60 days after written notice from the Township to do so, the Township may do the work and impose upon and collect from the applicant the cost thereof, together with the penalty equal to 20 percent of such cost.

(*Ord. 2005-2, 5/9/2005, §4*)

§21-105. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon being found liable thereof in a civil enforcement proceeding commenced by Reading Township, pay a fine of not more than \$600 plus court costs including reasonable attorney's fees. Every day that a violation of this Part continues shall constitute a separate offense. The Reading Township Police Department, the appropriate enforcement officers of Reading Township or other appropriate officers or authorized agents on behalf of Reading Township shall have the power to enforce the provisions of this Part. The amount of the fine imposed for the violation of this Part shall be established by the officer who determines that a violation has occurred. Notice of the violation of the ordinance and the amount of the fine imposed shall be given by personal delivery or by certified mail to the person or entity violating the ordinance. If the person or entity violating the ordinance fails or refuses to pay the fine imposed within the period specified within the notice of the violation of the ordinance, the township, or an officer or authorized agent thereof, shall file a civil enforcement proceeding with the district justice to enforce the fine imposed. Any violation of this Part shall be deemed a separate offense for each and every day such violation shall continue and shall subject the violator thereof to the penalties above imposed for each and every separate offense.

(*Ord. 2005-2, 5/9/2005, §5*)

Part 2**Road Occupancy and Driveway Permits****§21-201. Title.**

This Part shall be known as the “Reading Township Street Access Ordinance.”
(*Ord. 2005-3, 5/9/2005, §1*)

§21-202. Purpose.

The purpose of this Part is to establish procedures to regulate the location, design, construction, maintenance, and drainage of driveways and access drives within Reading Township street rights-of-way to ensure the security, economy of maintenance, preservation of proper drainage, and the safe, reasonable access of Township streets.
(*Ord. 2005-3, 5/9/2005, §2*)

§21-203. Compliance with Other Requirements.

Issuance of a permit under these regulations does not relieve the permittee from any additional responsibility to secure other Federal, State, or local approvals or permits, as may be required by law.
(*Ord. 2005-3, 5/9/2005, §3*)

§21-204. Definitions.

Unless the context specifically and clearly indicates otherwise, the meanings of the terms used in this Part shall be as follows:

Access drive or driveway—every entrance or exit used by vehicular traffic to or from properties abutting a public road, which includes streets, lanes, alleys, courts, and ways.

Cartway—the portion of a street right-of-way which is paved, improved, designated or intended for vehicular traffic shoulder.

Clear sight triangle—an area of unobstructed vision at street intersections defined by the centerlines of the streets and by a line of sight of the between points on their centerlines at a given distance from the intersection of the centerlines.

Engineer—a professional engineer licensed as such in the Commonwealth of Pennsylvania.

Grade—the slope expressed in a percent, which indicates the rate of change of elevation in feet per hundred feet.

Improvements—pavements, curbs, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs, plantings, and other items required for the welfare of the property owners and the public.

Landowner—the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), or a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest

in land.

Maintenance—normal care and upkeep of structures such as driveways and stormwater conveyance systems. For the purposes of this Part, maintenance shall not include work that results in widening or relocation of such structures, or in changing the type of surface material of a driveway (i.e., overlaying a stone driveway with blacktop).

Owner of record—the owner of record of a parcel of land.

Permit officer—that person appointed by the Reading Township Board of Supervisors and given authority to issue permits pursuant to this Part.

Permittee—a person who has been issued a permit by Reading Township under this Part.

Right-of-way—a legal right of passage across land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

Street—a public way intended to be used by vehicular traffic or pedestrians. Includes avenues, boulevards, roads, highways, freeways, lanes, viaducts, and any other dedicated and accepted public right-of-way.

Arterial street—a major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.

Collector street—a major street or highway which carries traffic from neighborhood collectors and/or minor streets to abutting collectors and/or arterials. For classification purposes, collector streets shall generally have an ADT greater than 1,000.

Neighborhood collector—a major street or highway which carries traffic from minor streets and/or other neighborhood collectors to abutting neighborhood collector and/or collector streets. For classification purposes, collector streets shall generally have an ADT greater than 500 but less than 1,000.

Minor neighborhood street—a street or roadway which primarily collects and conveys traffic from abutting properties and/or streets.

Minor street—a street or roadway used primarily for access to abutting properties. For classification purposes, minor street shall generally have an ADT less than 200.

Alley—a minor right-of-way privately or publicly owned, used for service to the rear or sides of abutting properties, not intended for general traffic circulation.

Street grade—the officially established grade of the street upon which a lot fronts or, in its absence, the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

Street line—a line defining the edge of a street right-of-way and separating the

street from abutting property or lots. Commonly known as the “street right-of-way line.”

Structure—any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Township—Reading Township, Adams County, Pennsylvania.

(Ord. 2005-3, 5/9/2005, §4)

§21-205. Permit Required.

1. No access drive, driveway, street drainage facility, or structure shall be constructed or altered within an existing Township street right-of-way or easement area, or right-of-way or easement area that has been offered for dedication to the Township by document, subdivision or land development plan, whether or not accepted, and no drainage facility of the Township shall be altered or connected onto without first obtaining a permit from the Township.

2. Applications for permits shall be submitted at least 10 working days prior to the anticipated start of work.

3. The provisions of this Part shall not be applicable where the landowner is only undertaking maintenance of the driveway, street, drainage facility, or structure.

4. The provisions of this Part shall not be applicable in those instances where the highway is maintained by the Pennsylvania Department of Transportation or its successor.

(Ord. 2005-3, 5/9/2005, §5)

§21-206. Plans Required.

All applications for permits shall be submitted to the permit officer and shall be accompanied by two copies of a plan which illustrates, at a minimum, the following, including dimensions where applicable:

A. Existing roadway pavement, ditches, rights-of-way and relevant property lines, roadway appurtenances, utilities, medians, and other significant features that may affect the location of the proposed driveway.

B. Design features of existing and proposed driveways, curbs, tapers, acceleration and deceleration lanes, including the following:

- (1) Driveway width.
- (2) Driveway radii and other points of curvature.
- (3) Driveway grade or profile and cross-sections.
- (4) Driveway angle relative to the roadway.
- (5) Driveway surface material.

C. Distance from each existing and proposed driveway to the following:

- (1) Nearest street intersection.
- (2) Nearest driveway on adjacent properties within the limits of the safe sight distance.
- (3) Locations of streets and driveways opposite the site and within the limits of safe sight distance.

(4) Relevant property lines and property lines extended to the driveway.

D. Sight distances in each direction from each proposed driveway.

E. Existing roadside gutters, ditches, swales, or stormwater conveyance structures located between the applicant's property lines that intersect the street.

F. Location, depth, and size of proposed stormwater swales, pipes, or other appurtenances which will be used to convey stormwater issuing from, or passing by, the proposed driveway.

G. Owner of record's name, address and phone number and a copy of the most recent deed for the property.

H. Applicant's name, address and phone number, if not the record owner.

I. Contractor's name, address and phone number.

(Ord. 2005-3, 5/9/2005, §6)

§21-207. Review of Plans.

1. *Residential Access Drives.* All plans for access drives to any public street or highway in a residential area shall be reviewed by a designated Township employee for compliance with the standards and requirements of this Part. In addition, the Township Engineer shall review all plans involving curbing or piping.

2. *All Other Access Drives.* The Township Engineer shall review all plans for access drives to any public street or highway in the case of a commercial or industrial development.

(Ord. 2005-3, 5/9/2005, §7)

§21-208. Permit Fees.

The applicant shall pay to the Township an application fee, as established from time to time by resolution of the Township Board of Supervisors.

(Ord. 2005-3, 5/9/2005, §8)

§21-209. Permit Issuance.

1. A permit will be issued by the Township if the application is in compliance with this Part and other applicable laws and ordinances. When appropriate, the permit may be issued subject to specified conditions.

2. Permits shall be issued in the name of the applicant/landowner.

3. The Township may alter plans filed with the application and specify changes or modifications of any kind which is deemed necessary and may make its approval of the granting of any permits subject to any such alterations, changes, or modifications.

(Ord. 2005-3, 5/9/2005, §9)

§21-210. Performance of Work.

All grading, construction, installation, and erection shall be in strict compliance with the plans and specifications on the basis of which the permit is granted.

(Ord. 2005-3, 5/9/2005, §10)

§21-211. Permits Requiring Improvements, Construction Guaranty.

When the applicant proposes construction or restoration of improvements within the Township right-of-way or that will be dedicated to the Township, the Township may require the applicant to deposit with the Township financial security in the form of a corporate bond or a letter for credit acceptable to the Township solicitor in an amount sufficient to cover the costs of any improvements which may be required for dedication to the Township. Such bond or other security shall provide for, and secure to the public, the completion of any improvements that may be required within this Part.

(Ord. 2005-3, 5/9/2005, §11)

§21-212. Work to Conform to Township Standards.

All work performed within the Township right-of-way shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to any applicable Township ordinances. If at any time it shall be found by the Township that the work is not being done or has not been properly performed, the permittee, upon written notification by the Township, shall, at his own expense, immediately take the necessary steps to place the work into conformance with such requirement.

(Ord. 2005-3, 5/9/2005, §12)

§21-213. Time Limit for Commencement of Work.

If any work authorized by any permit under this Part shall not have been commenced within 6 months after the issuance of such permit; subject, nevertheless, to an extension granted by the Township Board of Supervisors due to truly extraordinary circumstances, including but not limited to extended inclement weather making work impractical or impossible. The permit holder must relinquish such unused permit, which shall thereupon become invalid. The permit fee under these circumstances will not be returned or applied toward any future permit.

(Ord. 2005-3, 5/9/2005, §13)

§21-214. Inspection Required Prior to Completion of Work.

Within 7 days of the completion of the rough grading or any such improvements and prior to the paving or installation of any stone, the applicant shall notify the Township that said rough grading has been accomplished. Within 7 days of the date of notice, a designated Township employee shall inspect the premises to determine the compliance with the plans and the grades existing on the driveway. No further construction activities shall be performed on the driveway prior to inspection and approval by the designated Township employee.

(Ord. 2005-3, 5/9/2005, §14)

§21-215. Time Limit for Completion of Work.

All driveway improvements shall be completed within 90 days of the approval of the rough graded driveway by the Township Roadmaster or his designee; subject, nevertheless, to an extension granted by the Township Board of Supervisors due to truly extraordinary circumstances, including but not limited to extended inclement weather making work impractical or impossible. The permit holder must relinquish

such unused permit, which shall thereupon become invalid. The permit fee under these circumstances will not be returned or applied toward any future permit.

(*Ord. 2005-3, 5/9/2005, §15*)

§21-216. Notification of Completion of Work.

Upon completion of any work authorized by the permit the holder of such permit shall report to the Township Roadmaster or his designee, in writing, within 10 days of the date of completion. The Township Roadmaster or his designee shall make a final inspection within 7 days of notification to determine compliance with permit specifications.

(*Ord. 2005-3, 5/9/2005, §16*)

§21-217. Design Standards.

1. *Residential.* Access to any public street or highway in a residential area shall be governed by the following:

A. Within 10 feet of a street right-of-way line, an access drive may not exceed 20 feet in width nor be less than 12 feet in width.

B. The minimum angle between the centerline of the driveway and the street shall not be less than 65 degrees.

C. The driveway may not exceed a slope of 7 percent within 25 feet of the street right-of-way line.

D. Where an access drive enters a bank through a cut, the shoulders of the cut may not exceed 50 percent in slope within 25 feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed 3 feet within 10 feet of the roadway.

E. Width, turning radius, and slope requirements shall conform to [67 Pa.Code,] Chapter 441 of the Pennsylvania Department of Transportation Rules and Regulations.

F. The number of access drives on a street frontage may not exceed one per lot unless circumstances prove that a second access is justified. Additional access points must be approved by the Township.

G. An access drive may not cross a street right-of-way line:

(1) Within 50 feet of the right-of-way line of an intersecting street when entrance is from an arterial street.

(2) Within 35 feet of the right-of-way line of an intersecting street when entrance is from a collector street or neighborhood collector street.

(3) Within 25 feet of the right-of-way line of an intersecting street when entrance is from a minor street or a minor neighborhood street.

(4) Within 15 feet of a fire hydrant.

(5) Within 10 feet of an adjoining property line.

H. All driveways shall have a minimum safe sight distance in accordance with the Pennsylvania Department of Transportation Rules and Regulations. Furthermore, all driveways which access Township roads shall be required to

obtain a driveway permit from Reading Township. Plans shall indicate the following information:

- (1) Minimum (limiting) site distances along each proposed lot, where applicable.
- (2) The location of proposed driveways.
- (3) Field run grades along the Township road in both directions from each lot.
- (4) Speed limit of existing road in each direction.
- (5) Location of trees and other visual obstructions which affect sight distances.

If sight distances cannot be met, the Township may:

- (1) Prohibit left turns by exiting vehicles.
- (2) Restrict turning movements to right turns in and out of a driveway.
- (3) Require installation of a right turn acceleration and or deceleration lane.
- (4) Require installation of a separate left turn standby lane.
- (5) Require alteration of the horizontal or vertical geometry of the street.
- (6) Attach any other reasonable condition that the Township may deem reasonably necessary for the health, safety, and welfare of its citizens.

I. A clear sight triangle of 75 feet measured along the street and driveway centerline shall be maintained. Permanent obstructions other than mail boxes and utility poles shall be prohibited.

J. All accesses shall be provided with a drainage culvert or gutter/swale. The minimum size of the pipe, unless otherwise approved, shall be 15 inches in diameter or equivalent open area arch/elliptical pipe and constructed of polyethylene (dual wall, smooth lined) or concrete. The stormwater management plan for a proposed development (where required by the Township) shall include calculations for sizing of access driveway culverts. Drainage structures within the Pennsylvania Department of Transportation (PennDOT) right-of-way (where applicable) shall be subject to the review and approval of PennDOT.

K. All driveways shall be constructed so as not to impair drainage within the right-of-way, alter the stability of the improved area, or change the drainage of adjacent areas.

L. The Township may require the landowner to install curbing to facilitate drainage or to prohibit vehicle encroachment upon the sidewalk area, or as otherwise deemed necessary by the Township. Where curb installation is required, the Township Engineer shall review and approve both the curb line and grade prior to construction.

M. To prevent drainage and erosion problems and to minimize future maintenance, access driveways shall be surfaced with a stabilized material within the public street right-of-way and for a distance of 25 feet beyond that right-of-way. Where access is to a paved roadway, driveways shall be surfaced with bituminous or concrete material within the legal right-of-way and for 25 feet beyond that right-

of-way.

N. Driveways shall be constructed so that motorists are not required to back onto the roadway.

O. In the event the access drive shall serve more than one residence, more stringent standards may be applied upon recommendation of the Township Engineer.

2. *Commercial and Industrial.* Access drives to any public street or highway in the case of a commercial or industrial development shall at a minimum conform to the standards for residential access drives, with the exception that all commercial or industrial drives shall be paved (at full width) with a bituminous material meeting the design criteria of a minor street in accordance with the Township's construction specifications. Additional standards shall be as follows:

A. All access ways to any public street-or highway shall be located at least 200 feet from the intersection of any two street right-of-way lines, and shall be designed in a manner conducive to safe ingress and egress. Where practicable, exits shall be located on minor, rather than major streets or highways.

B. No design shall be approved which is likely to create a traffic hazard which has the potential to endanger public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes; turning lanes, traffic and lane markings, and signs. The developer shall be responsible for the construction of any such traffic control devices which shall meet PennDOT approval.

C. All design standards of the Pennsylvania Department of Transportation, as may be amended, are hereby incorporated into this Part.

(Ord. 2005-3, 5/9/2005, §17)

§21-218. Penalties for Violation; Enforcement.

1. Any owner or person, as those terms are defined in the Code, who or which violates or permits the violation of any provision of this Part or of the Code shall commit a summary criminal offense, and upon conviction by a District Justice, shall be subject to a fine of up to \$1,000 plus costs, and imprisonment to the extent allowed by law for summary offenses for each violation. Each day of a violation, and each separate violation of this Part or the Code, shall be considered a separate violation.

2. Any violation of this Part may also be enforced by an equity suit for specific performance in the Court of Common Pleas. The landowner shall be responsible for all expenses, including but not limited to court costs and engineering and attorney's fees incurred by the Township.

(Ord. 2005-3, 5/9/2005, §18)