

## **Chapter 21**

### **Streets and Sidewalks**

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**Part 1****Driveways****§21-101. Short Title.**

This Part shall be known as the “Shrewsbury Township Driveway Ordinance.”  
(*Ord. 98-2, -/4/1998, §I*)

**§21-102. Permit Required.**

It shall be unlawful for any person, firm, association, or corporation to construct, open, regrade, widen, pave, or change the elevation of any driveway, pave, change the elevation or water flow of any driveway, repave or add any type of top to existing driveways including driveways abutting private roads, state road and Township roads upon any property owned by or rented by such person, firm, association, or corporation without having first obtained a permit therefore from the Township Permit Officer.  
(*Ord. 98-2, -/4/1998, §II*)

**§21-103. Definition of “Driveway.”**

For purposes of this Part, “driveway” shall be construed to mean any road, alley, lane or other entrance suitable for use by automobiles for ingress or egress onto a road adopted and maintained by the Township or a road shown on a final subdivision plan approved by the Township as intended to be at some future date offered for adoption by the Township. Roads or other entrances suitable only for use by tractors and other farm machinery and not suitable for use by passenger automobiles shall not be considered “driveways” within the provisions of this Part. However, the property owner is responsible to insure that such field drives do not erode onto a public road.  
(*Ord. 98-2, -/4/1998, §III*)

**§21-104. Application.**

All applications for a “permit” under this Part shall be made to the Shrewsbury Township Permit Officer on forms to be supplied by him.  
(*Ord. 98-2, -/4/1998, §IV*)

**§21-105. Fees.**

1. The applicant shall at the time of submitting the application pay a fee in the amount set by resolution of the Board of Supervisors of Shrewsbury Township.
2. In the event any check paying any of the fees as established by resolution is dishonored upon deposit thereof, any permit issued for which such check was part or full payment shall be void and shall not be reinstated until the Township has received payment in full of all sums represented by such check plus an additional administrative charge which shall be established by resolution.  
(*Ord. 98-2, -/4/1998, §V; as amended by Ord. 2003-07, 5/14/2003, §V*)

**§21-106. Issuance of Permit.**

The Permit Officer shall investigate the application, consult with the Township Roadmaster and require that the following specifications be adhered to:

A. If the Permit Officer determines that proper drainage can be achieved but that a drainage pipe or other appliance is needed for this to be accomplished, the applicant shall be informed of the size and type of pipe or other appliance required and the applicant shall purchase and cause to be installed the required pipe or other appliance. The pipe or other appliances as may be applicable and installation thereof must be approved by the Township.

B. Water must be prevented from running from the driveway onto the Township street or road. If the Permit Officer determines that further grading is required for this to be accomplished, the applicant shall cause the required grading to be accomplished.

C. The driveway must be located in safe relationship to sight distance and barriers to vision. The driveway may not exceed a slope of 5 percent within 50 feet of the center line of the Township street or road where a drive enters through a bank or cut. Unless a retaining wall is utilized as shoulders a cut may not exceed 75 percent slope within a triangle formed by the center line of the Township street or road, the center line of the proposed driveway, and a line drawn from a point along the Township street or road 75 feet distant from the intersection of the center line of the Township street or road and the center line of the proposed driveway and 50 feet distant along the center line of the proposed driveway from that intersection. The height of the bank created by this cut must not exceed 3 feet within 10 feet of the Township street or road right-of-way line. Greater slopes can be permitted if there is no reasonable way that the slopes required by this paragraph can be attained and the Township Engineer approves the plan that will prevent the banks from eroding and insure that the provisions of paragraph .D of this Section are complied with.

D. The applicant must propose to improve the 25 feet most proximate to the improved portion of the Township road with 8 inches of crushed stone and if the Permit Officer finds it necessary in order to protect the public road from earth and/or debris, etc., washing from the driveway onto the public road, the applicant must propose to pave a sufficient portion of the driveway so that the public road will be protected from earth, stone, and/or debris washing from the driveway onto it.

E. The slope of any portion of the driveway may not exceed 15 percent unless specifically approved by the Township engineer.

If the Permit Officer finds that the application meets the above stated requirements he shall, following the payment of the required fee, issue the permit; otherwise the permit shall be refused.

*(Ord. 98-2, -/4/1998, §VI)*

#### **§21-107. Completion and Approval of Driveway.**

The driveway must be completed within 30 days next following the issuance of the permit in accordance with the specifications above set forth and as set forth on the application and be approved by the Township Permit Officer. The driveway shall not be considered completed until the Township Permit Officer has approved in writing that

it has been completed.

(*Ord. 98-2, -/4/1998, §VII*)

**§21-108. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, 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 each Section of this Part which shall be found to have been violated, or each and every day that a road, alley, lane or other entrance suitable for use by an automobile or truck remains constructed without a permit having been issued shall constitute a separate offense.

(*Ord. 98-2, -/4/1998, §VIII; as amended by Ord. 2008-02, 8/6/2008*)



**Part 2****Policy Regarding Property Damage Along Legal Rights-of-Way****§21-201. Mailboxes.**

1. The Township does not prohibit property owners from placing mailboxes within the limits of the legal right of way, as it is recognized that the post office has certain placement requirements regarding the location of mailboxes.

2. However, since these mailboxes are not placed under permit regulations, they are technically deemed to be encroachments, which are placed and remain at the risk of the property owner. Therefore, Shrewsbury Township is not liable for damages to mailboxes, fencing, shrubbery, trees, etc., caused by snow removal or other maintenance operations where the same are located within the limits of the legal right of way.

*(Res. 1/2/2001A)*



**Part 3****Street Opening or Excavating Permits****§21-301. Permit Required.**

It shall be unlawful for any person, firm or corporation to make any opening or excavation in or under any street, alley or thoroughfare within the limits of Shrewsbury Township, including those streets which are maintained by the Commonwealth of Pennsylvania Department of Transportation (“PennDOT”), unless and until a permit be secured from the Township Secretary for each such separate undertaking. Such permit and the application therefor shall be in the form supplied by the Township Secretary and shall contain a statement that the applicant agrees to the terms of this Part. The Township Board of Supervisors shall have the authority to prohibit any work being done without a proper permit or any work being done contrary to the terms of this Part.

*(Ord. 2005-02, 1/12/2005, §1)*

**§21-302. Bond.**

No opening shall be made in the surface any improved highway or street which is maintained by PennDOT or any other street, alley, thoroughfare or sidewalk within Shrewsbury Township until and unless a permit has been obtained under this Part and until a cash deposit or bond conditioned upon the proper restoration of the surface in accordance with the adopted standards of this Part for the particular type of construction has first been supplied and filed with the Township Secretary of Shrewsbury Township. This requirement shall be at the discretion of Shrewsbury Township and may be waived in any proper case. The Township may provide by regulation for the amount and form of said bond.

*(Ord. 2005-02, 1/12/2005, §2)*

**§21-303. Fees.**

The fees and charges set forth below are hereby imposed, and the amount of the same may be modified by resolution of the Township Board of Supervisors.

A. A permit fee is hereby imposed in an amount as established from time to time by resolution of the Board of Supervisors with each cut requiring a separate permit. The permit shall allow the permittee to close portions of the Township street for a period not to exceed 3 days per opening, or as required, upon written request received by the Township Secretary. *[Ord. 2008-02]*

B. An inspection fee is hereby imposed for work completed, the amount of which shall be based on the then current rates charged by the Township Engineer. These fees will be reasonable and customary. The permittee shall notify the Township Secretary a minimum of 72 hours in advance of final restoration to schedule an appointment to have a representative of the Township inspect the excavation prior to final restoration and covering.

C. A degradation fee is hereby imposed in an amount as established from time to time by resolution of the Board of Supervisors calculated by actual

measurement of the area involved in the completed work. [*Ord. 2008-02*]

D. The amount of the required restoration bond or other security shall be established in an amount as established from time to time by resolution of the Board of Supervisors. [*Ord. 2008-02*]

E. Liability insurance is required and shall be maintained in the minimum coverage of \$500,000. A certificate of insurance must be filed with the Township Secretary before work may begin.

(*Ord. 2005-02, 1/12/2005, §3; as amended by Ord. 2008-02, 8/6/2008*)

#### **§21-304. Township to Collect Costs.**

Where the work must be completed by the Township after the roadway, street, thoroughfare, alley or sidewalk is restored, the permittee shall be billed for the total cost including, but not limited to, repairs, labor, materials, equipment rental and all other proper charges for the resurfacing plus an additional cost of 10 percent of the total cost, plus an additional 20 percent thereof to cover future repairs caused by the excavation, which bill must be paid by the permittee within 15 days of the mailing thereof by the Township.

(*Ord. 2005-02, 1/12/2005, §4*)

#### **§21-305. Fee for Street Closing.**

An additional charge in an amount as established from time to time by resolution of the Board of Supervisors shall be paid by the permittee for each day that the street is closed for traffic by reason of said excavation or work on the street under the permit.

(*Ord. 2005-02, 1/12/2005, §5; as amended by Ord. 2008-02, 8/6/2008*)

#### **§21-306. Guards and Barriers.**

It shall be the duty of any person or persons, firm or corporation to whom a permit is issued or by whom any opening or excavation is made as aforesaid to provide and maintain proper and adequate guard, barriers and lights to prevent accidents, and they shall assume all risks and be liable for all damages by reason of the openings and the excavations and by reason of any failure to properly fill the hole or trench or of any failure to maintain the disturbed surface in a safe condition. Maintenance and protection of traffic during any work under the permit shall be in accordance with the Commonwealth of Pennsylvania, Department of Transportation, Publication 203, "Work Zone Traffic Control" (67 Pa.Code, Chapter 203), dated April 1, 1994, or most current.

(*Ord. 2005-02, 1/12/2005, §6*)

#### **§21-307. Restoration.**

1. *Temporary Restoration.* It shall be the duty of any person, firm or corporation causing an opening or excavation to be made to thoroughly and completely backfill the same (See Figure 1). The permittee will temporarily pave the opening immediately after backfill is complete, and shall maintain said filled opening for a period not to exceed 6 months, by which time the opening shall be permanently restored. The permittee is responsible for providing a smooth riding surface at all times over the trench or opening, and shall make required repairs as directed by the Township Engineer or his

representative. The maximum length of unsurfaced trench shall not exceed 100 feet at any time.

2. *Permanent Restoration.* All streets or public ways to be restored permanent with a minimum of:

A. Six inches of bituminous concrete base course and 1½ inches of ID-2 bituminous wearing course (See Figure 1).

B. If on a state route, restoration shall be as directed by PennDOT.

All edges must be sawed in a suitable manner and are to be coated with hot AC-20 asphalt cement or an approved emulsion prior to placing the ID-2. After the wearing surface has been placed and thoroughly compacted, the cut or surface where old and new meet will again be sealed with AC-20 asphalt cement or an approved emulsion.

3. *Additional Restoration Requirements.* If the permittee opens any roadway pavement having a bituminous concrete surface, whether to install a new facility or to modify an existing facility, the permittee shall comply with the following requirements:

A. When a longitudinal opening longer than 10 feet and wider than 3 feet is made in the roadway pavement, the permittee shall overlay the entire traffic lane in which the opening was made, for the entire length of the roadway that was opened, as directed by the Township Engineer.

B. When two or more transverse trench openings are made in the roadway pavement less than 30 feet apart, the permittee may be required to overlay all traffic lanes in which the openings were made, for the entire length of roadway between such opening, as directed by the Township Engineer.

C. When five or more square type openings have been made by the same permittee in the roadway pavement less than 50 feet apart, the permittee may be required to overlay all traffic lanes in which the openings were made, for the entire length of roadway covering such openings.

D. When two or more square type openings are made within 10 feet of each other, the Township Engineer may require the permittee to connect all holes and treat such as one opening.

E. Where disturbed lanes adjacent to undisturbed lanes are overlaid, the edge of the disturbed lane shall be saw cut to a depth of 1½ inches for the length of the opening and the detached material removed, in order to insure a smooth joint. A full width overlay may be performed instead of saw cutting and stripping the disturbed lane or lanes.

4. *Clean Up.* Streets and alleys shall be kept free of mud, dust and aggregate material at all times. Sweeping shall occur when required.

(Ord. 2005-02, 1/12/2005, §7)

#### **§21-308. Charges for Improper Completion of Work.**

If the work in opening or in filling does not conform to the requirements of this Part, the Township Engineer, or any other person designated by Board of Supervisors may cause the same to be done in the manner the Engineer deems to be Proper. The expense thereof, including any overhead expense, shall be charged to and promptly paid by the person, firm or corporation by whom the opening or excavation was made, together with 50 percent additional. This charge shall also be a claim under the bond

as specified above. No permit shall be issued to any person, firm or corporation in default under this Section until the cost and penalty herein provided are paid, and no further permit shall be granted to any person, firm or corporation unless and until the openings or excavations already caused by them have been properly filled as aforesaid, in a safe condition and at the proper grade, of which the said Engineer, or other person designated by Board of Supervisors, shall be the judge.

*(Ord. 2005-02, 1/12/2005, §8)*

**§21-309. Township Liability.**

In no case shall any opening or excavation made by any person, firm or corporation be considered in the charge or the care of the Township, or any officer or person employed by the Township, and no officer or employee is authorized to, in any way, take or assume any jurisdiction over any such opening or excavation.

*(Ord. 2005-02, 1/12/2005, §9)*