

**ORDINANCE NO. 1995 - 32**

AN ORDINANCE OF THE TOWNSHIP OF MARION, CENTRE COUNTY, PENNSYLVANIA, REGULATING DRIVEWAY CONSTRUCTION, REQUIRING A PERMIT AND FEE, PROVIDING FOR CORRECTION OF IMPROPER WORK AND PRESCRIBING PENALTIES FOR VIOLATIONS.

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF MARION TOWNSHIP, Centre County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

**SECTION 1. TITLE AND APPLICABILITY.**

A. This Ordinance shall be known as "THE MARION TOWNSHIP DRIVEWAY ORDINANCE".

B. This Ordinance shall apply to all new private driveways constructed after the effective date of this Ordinance. The provisions of this Ordinance shall also apply to existing driveways that are improved after the effective date of this Ordinance. However, this Ordinance shall only apply to the portion of driveways between the building setback line and the public road cartway. Driveway improvements subject to this Ordinance include paving, repaving, widening for the purpose of adding additional lanes and constructing, changing or modifying a driveway entrance. Normal repairs and maintenance shall not be subject to this Ordinance.

C. New driveways accessing State roads are subject to the provisions of this Ordinance for those portions of the driveway outside of the State right of way.

**SECTION 2. PERMIT REQUIREMENTS.**

A. No person, firm, corporation or other entity shall perform any construction, excavation or other work in connection with any driveway or perform any work within the Township affecting storm water flow or discharge within the right of way of any road until a permit has been issued by the Township for such work.

B. A permit application shall be submitted to the Township Zoning Officer by the owner or authorized representative of the owner prior to the issuance of a driveway permit. The application shall be on a form provided by the Township, and shall be accompanied by the fee established by the Township from time to time.

C. The Township Zoning Officer shall review the application, forward it to the Township Roadmaster for comment and either issue a permit or provide written comments as to why the permit cannot be issued or applied for.

D. Should the Township Zoning Officer not act on an application submitted hereunder within fifteen (15) days after receipt of the application, the application shall be deemed approved.

SECTION 3.

**INSPECTIONS.**

A. The Township Zoning Officer or Township Roadmaster shall inspect each driveway being constructed pursuant to a permit to determine whether it is being or has been constructed in accordance with the permit. The permittee shall contact the Township Zoning Officer to request an inspection at least seven (7) days prior to completion of the work.

B. Upon satisfactory completion of the work, the Township Zoning Officer shall sign the permit indicating approval of the driveway as constructed or reconstructed.

SECTION 4.

**DRIVEWAY STANDARDS.**

A. All driveways and related improvements shall be located and constructed in such a manner as to not impair drainage or normal maintenance within road rights of way, alter the stability of a roadway, subgrade, or roadway embankment, change the drainage of adjacent areas, or interfere with the travelling public.

B. Repairs to a driveway, a driveway entrance, drain, culvert or swale shall be performed in such a manner that the repairs shall not change the original design or existing conditions unless a new design and specifications are submitted for approval.

C. Pipes under driveways shall be sized based on the 20 year storm event runoff, but shall not be less than 15" in diameter in any case.

D. Driveway entrances shall be located so as to provide safe access to the intersecting road. To accomplish this, Pennsylvania Code, Title 67, Transportation, Department of Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, shall be used as a guide and the requirements therein shall be followed as closely as reasonably possible, subject to the review of the Township Zoning Officer.

E. Driveway grades shall not exceed eight percent (8%) within the road right of way, or within ten (10) feet of the edge of the existing cartway, whichever is greater, and shall not exceed 14% on the remainder of the driveway. Special consideration shall be given to avoid excessive cuts and/or fills to achieve this standard. Slopes on cuts or fills shall not exceed 3:1 (three horizontal to one

vertical).

F. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with motor vehicular access to public street via a private street. The intent of the following regulations is to provide safe and convenient access for servicing, fire protection, traffic circulation, and required off-street parking.

On arterial streets, access for each lot shall be limited to not more than two driveways for the first three hundred (300) feet of frontage or fraction thereof, and one driveway for each additional three hundred (300) feet of frontage.

On all other streets, access for each lot shall be provided by not more than one driveway for the first fifty (50) feet of frontage or fraction thereof, and one driveway for each additional fifty (50) feet of frontage.

No driveway shall be closer to the side or rear property line than five (5) feet, unless the two adjoining property owners mutually agree to a common driveway. A written agreement approved by the Solicitor and Zoning Officer and acceptable to be recorded by the Recorder of Deeds must be submitted with the application for zoning permit.

Driveways which provide access to all uses other than detached and semi-detached dwellings shall have a throat width of not less than twelve (12) feet or greater than twenty-four (24) feet, and the curb return radius shall not be less than thirteen (13) feet or greater than fifteen (15) feet.

In all commercial and industrial districts, all driveways shall enter a public street right of way at least one hundred (100) feet from the intersection with another public street, except for intersections of two or more arterial streets, in which case the minimum distance shall be at least two hundred (200) feet. In all other districts, all driveways shall enter a public street right of way at least fifty (50) feet from its intersection with another public street of any classification. If the lot width is insufficient to provide for the required distance, access shall be as far from the intersection as the lot, safe sight distances, and other provisions of this Ordinance will permit. For all cases cited above, the distance in which access is prohibited shall be measured from the tangent of the curb return of the intersection street cartway to the tangent of the curb return of the driveway, but shall not include, in measurement, any portion of either curb return.

If two or more driveways of the same lot enter a public street right of way, the distance between the entrances of the driveways shall be at least fifty (50) feet.

Landowner is responsible to obtain Highway Access Permits from the Penna. Dept. of Transportation.

G. Non-residential driveway entrances and exits shall be clearly delineated by physical means. Such physical means shall not be located within the Township right of way.

H. For residential driveways, entrances shall be rounded at a minimum radius of five (5) feet and a maximum radius of twenty (20) feet and shall have a minimum width of ten (10) feet and a maximum width of fifteen (15) feet.

I. For non-residential driveways, entrances shall be rounded at a minimum radius of twenty (20) feet and a maximum radius of fifty (50) feet and shall have a minimum width of twenty (20) feet and a maximum width of thirty (30) feet.

J. Driveways shall intersect roads as nearly as possible to ninety (90) degrees, but not less than sixty (60) degrees nor greater than one hundred twenty (120) degrees.

K. Driveways shall be constructed as follows: Compact and prepare suitable sub-grade and place 4" compacted depth of Modified 2A aggregate.

L. Every new driveway shall provide for a safe turnaround area outside of the road right of way.

M. A plan or description of the proposed methods for controlling storm water runoff and erosion and sedimentation control shall be required with each application for a permit. A driveway shall not be used as means of conveying storm water runoff away from the physical improvements on the property. Storm water runoff shall be directed to stable, pervious areas whenever possible.

N. In the preparation of the land development and subdivision plans, evidence shall be submitted to show that the requirements set forth herein can be met for each proposed building lot. A note shall be placed on the plan, before it is recorded, stating that each individual lot owner will be responsible for obtaining a driveway permit as required by this Ordinance. The note shall make specific reference to the number and name of this Ordinance.

O. If subdivision plans require shared driveways to obtain approval, the developer will be responsible for the first fifty (50) feet of completed driveway. An acceptable shared driveway agreement shall be included in the covenants of the development.

#### SECTION 5.

#### CORRECTION OF IMPROPER WORK.

In case any person shall construct a driveway and shall not conform to the requirements of this Ordinance, the Township may order such person to remove the improper work and replace same in compliance

with this Ordinance. Notice to remove and replace improper work shall be given by certified mail, and shall state that compliance shall be made within thirty (30) days from receipt of the notice.

**SECTION 6. PENALTIES FOR VIOLATIONS.**

Any person found to be in violation of this Ordinance, shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) for the first day of each offense. Each day that a violation continues shall constitute a separate offense.

**SECTION 7. ORDINANCE OF MARION TOWNSHIP ESTABLISHING REQUIREMENTS FOR MUD-FREE THOROUGHFARES, NO. 1993-29.**

The requirements of this Ordinance shall be in addition to those set forth in the Mud-Free Ordinance No. 1993-29 of Marion Township.

**SECTION 8. REPEALER.**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**SECTION 9. SEVERABILITY.**

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such finding shall not affect or impair any of the remaining sections, sentences, clauses, or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had all unconstitutional, illegal or invalid sentences, clauses, sections or parts hereof not been included herein.

**SECTION 10. EFFECTIVE DATE.**

This Ordinance shall take effect five (5) days after enactment, as provided by law.

**ENACTED AND ORDAINED** this 11th day of April 1995.

BOARD OF SUPERVISORS OF MARION TOWNSHIP,  
CENTRE COUNTY, PENNA.