

# Warwick Township Driveway Ordinance of 1978

ORDINANCE NUMBER 1 – 1978

AN ORDINANCE REGULATING THE DESIGN AND INSTALLATIONS OF DRIVEWAYS OPENING ON PUBLIC ROADS IN WARWICK TOWNSHIP; ESTABLISHING PROCEDURES FOR THE GRANTING OF PERMITS; MAKING OF INSPECTIONS; ADMINISTRATION AND FEES WITH RESPECT THERETO AND ESTABLISHING PENALTIES FOR VIOLATIONS.

BE IT, AND IT HEREBY IS, BY THE BOARD OF SUPERVISORS OF WARWICK TOWNSHIP ENACTED AND ORDAINED:

SECTION 1. Short Title: This Ordinance shall be known as the Warwick Township Driveway Ordinance of 1978.

SECTION 2. Purpose: 2.1 It is the intent of this Ordinance to regulate the construction of driveways and private roads in order to provide safe access and protection to the Township or State roads.

SECTION 3. Permit: 3.1 Any person, partnership or corporation who shall construct or alter an access road, lane or driveway, hereinafter “driveway” , within twenty-five (25’) feet of the public right-of -way shall first make application to the Zoning Officer or other designated official of the Township, present plans and obtain a permit for said construction.

Permit: 3.2 No building permit will be issued without first obtaining a permit to construct such access road, lane or driveway.

SECTION 4. Plans: 4.1 A Plan shall be submitted with each application which shall include at least the following:

- a. Site Plan of driveway within twenty-five (25) feet of public right-of -way and twenty-five (25) feet to each side of the centerline of the driveway.
- b. Adjacent driveways or streets within one hundred (100) feet.
- c. Profile of driveway with existing and proposed grading within the area of the Site Plan and existing or proposed public road.

SECTION 5. Construction: 5.1 Grade – The driveway within the legal right-of-way of the public road shall not have a grade in excess of five (5%) percent. So much of the driveway that extends beyond the legal right-of-way for a distance of twenty-five (25) feet shall not have a grade exceeding sixteen (16%) percent.

Construction: 5.2 Material – The driveway within the legal right-of-way of the public road, (Township or State), shall be constructed with a base of Pennsylvania 3A stone compacted to four (4”) inches and a surface of a minimum of 1- ½” ID-2A bituminous concrete.

Construction: 5.3 Width – No driveway shall be less than twelve (12') feet wide within the limits of the legal right-of-way.

Construction: 5.4 Unobstructed Site Distance – No permit shall be issued for any driveway, nor shall any driveway be constructed whereon the site distance from a point twelve (12') feet from the edge of the cartway of the public road upon which the driveway opens is less than one hundred (100') feet in either direction with respect to the view of oncoming traffic.

Construction: 5.5 Parking – A minimum of one parking space within the right-of-way, but off the paved cartway, shall be provided where the grade, (whether positive or negative), beyond the right-of-way exceeds eight (8%) percent.

SECTION 6. Drainage: 6.1 The Gutter-Line – The Gutter-Line, wherever possible, shall be maintained as a paved swale. It shall have a maximum depth of four (4") inches and a minimum width of twenty-four (24") inches.

Drainage: 6.2 Piping – A pipe may only be placed under the driveway entrances when approved by the Township Engineer. The condition where a pipe will be accepted will be governed by the gutter depth on each side of the driveway. The minimum pipe size under a driveway will be determined by the Township Engineer.

SECTION 7. Where due to the unusual topography, grade, size width or other dimensions of a lot or the placement of structures thereon, literal compliance with this Ordinance would be rendered physically impossible or where such compliance would be by reason of excess cuts or fills would otherwise render the lot unusable, The Board of Supervisors shall be and hereby is authorized to grant reasonable variances from the literal requirements of this Ordinance. Such variances, when granted, shall not be contrary to the public health, safety, morals or welfare, or at variance with the spirit and purpose of this Ordinance nor shall the variance be any greater than the minimum variance necessary to remove or mitigate the hardship imposed. No variance shall be granted where the hardship for which a variance is sought was created by the developer or landowner by reason of the layout of any subdivision, installation and design of any road or other cause within the control of the developer or landowner.

SECTION 8. Any person violating the provisions of this Ordinance or constructing any driveway at variance with the terms of this Ordinance or at variance with the terms of any plan finally approved by the Township or at variance with the terms of any permit issued hereunder shall, upon conviction before a District Justice in summary proceedings, be sentenced to pay a fine of not more than Three Hundred (\$300.00) Dollars together with costs of prosecution. After notification by the

Zoning Officer of the violation each day which the violation continues shall be deemed a separate offense subject to the like Three Hundred (\$300) Dollar fine.

SECTION 9. In addition to the remedies provided in the immediately preceding section and not in substitution thereof, the Township, through the Board of Supervisors, may institute and prosecute any other action at law or in equity for the abatement or removal of a violating structure(s) or the Township may in its discretion, in addition to the other remedies herein provided, enter upon the lands where the violating driveway exists and cause the same to be removed and recover the cost of such removal from the owner, occupier, and/or contractor, all of whom are declared to be jointed and severally liable to the Township for such costs and expenses incurred.

SECTION 10. This Ordinance shall be effective five (5) days after the date of enactment.

Enacted and Ordained this 5<sup>th</sup> day of December, 1978.