

**West Caln Township
Chester County, Pennsylvania**

ORDINANCE NO. 1-00

AN ORDINANCE REGULATING THE CONSTRUCTION OF PRIVATE DRIVEWAYS, IMPROVEMENTS TO EXISTING PRIVATE DRIVEWAYS, AND RELATED MATTERS, INCLUDING THE ESTABLISHMENT OF AN ESCROW FUND TO INSURE COMPLIANCE.

The Board of Supervisors of West Caln Township, Chester County, Pennsylvania, acting in accordance with the authority contained in the Second Class Township Code and the Municipalities Planning Code does hereby enact and ordain the following Ordinance:

**SECTION 1
APPLICABILITY**

A. This Ordinance is adopted in order to better insure the safety of the residents of West Caln Township, to prevent the dangers caused by ice, snow and storm water run-off from driveways onto Township and State highways, to assure appropriate clear site triangles at intersections, and to address other problems caused by the design and placement of unregulated intersections. It shall apply to all new driveway construction and to improvements to existing driveways. Driveway improvements subject to this Ordinance include paving, repaving, widening for purposes of adding another lane, above of below ground gutter drains and/or changing or modifying a driveway entrance.

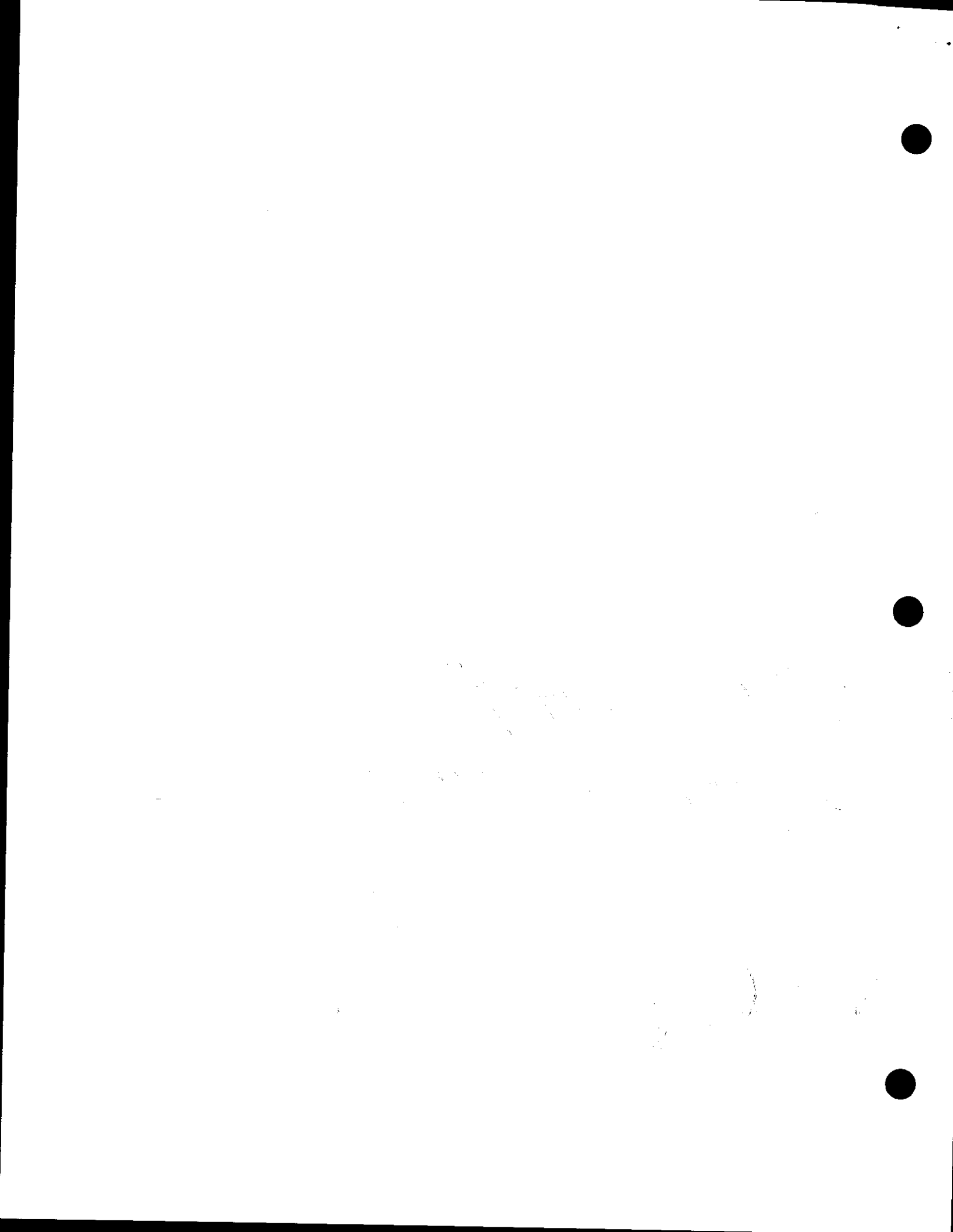
B. The term driveway, as used in this Ordinance does not include field access entrances used for agricultural purposes.

C. These provisions do not apply to normal maintenance of existing gravel driveways, such as adding additional gravel, or the like.

**SECTION 2
PERMIT REQUIREMENTS**

A. No person shall perform any work within the Township affecting: (i) storm water flow or (ii) discharge within the right-of-way of any street until the Township shall have issued a permit for such work.

B. A permit application shall be submitted to the Township by the landowner prior to commencing work on any driveway. The application shall be on forms provided



by the Township, The application shall be accompanied by a filing fee and escrow deposit as may be established by resolution of the Board of Supervisors from time to time or as mandated herein.

C. The Township Manager and/or Township Engineer shall review the application as the Township Manager shall determine. The Township Engineer or the Township Manager shall discuss any comments or concerns with the applicant which shall be confirmed by the Township to the Applicant in writing.

D. The Township Shall issue the permit for construction of the driveway within thirty (30) days after submission of the permit application, provided that the application is complete and the proposed driveway or driveway improvement meets all of the requirements of the applicable Ordinances.

E. If the Township Engineer or the Township Manager reject the permit application, they shall provide written notice to the applicant listing the reasons for rejection.

F. All work shall be performed in strict compliance with the drawings and specifications as set forth on the permit application or as required by any applicable ordinance.

SECTION 3 INSPECTIONS

A. The Township Engineer and/or Township Manager shall, as necessary, inspect the driveway and confirm that it conforms to this Ordinance. Such inspection (and any permit issued hereunder) shall not constitute any representation or warranty as to the safety or efficacy of the design or installation.

B. No construction activity or paving of any driveway shall commence until the Engineer or Township Manager has inspected the site and approved the work to be performed.

SECTION 4 DRIVEWAY -STANDARDS

A. The construction of new driveways and improvement or modification of existing driveways shall conform in all respects to the requirements set forth in Section 506 of the "West Caln Township Subdivision and Land Development Ordinance" of 1983 and any amendments, supplements or replacements thereof. All requirements set forth therein shall be applicable to each driveway in the Township, including, but not limited to, the requirements that the first thirty (30) feet of each drive be paved, that



certain grades be maintained, that certain clear site triangles be provided, and that surface drainage be constructed in a manner which shall not interfere or be inconsistent with the design maintenance and drainage of the highway.

B. The applicant must construct the driveway to the construction standards outlined in Section 506 and/or any other applicable provisions of the Subdivision and Land Development Ordinance no later than six (6) months following the date of issuance of the use and occupancy permit for new construction. For driveway installations unrelated to building construction, all entrance improvements shall be completed no later than six (6) months following the issuance of the driveway permit.

SECTION 5 FEE SCHEDULE AND POSTING OF SECURITY

A. The Board of Supervisors may adopt, by resolution, a fee schedule for purposes of the application and review process. In addition, an applicant must post a security deposit in an amount as determined by resolution of the Board of Supervisors on the recommendation of the Township Engineer to be escrowed with the Township for the purposes of insuring full compliance with and completion of the driveway specifications as established hereunder. Such security deposit may be in a form permitted under the Municipalities Planning Code Section 10509 (53 P.S. § 10509) for the posting of financial security in connection with subdivision and land development plan approvals.

B. Upon satisfactory installation of the driveway, and after the same has been approved by the Township Engineer and/or Township Manager, the Township shall refund the escrow deposit less any costs or Township expense to the applicant.

SECTION 6 PENNSYLVANIA DEPARTMENT OF TRANSPORTATION MUNICIPAL REVIEW LIST

A. The Township desires to be included in the "Highway Occupancy Permit: Municipal Review List" program (the "Program") of the Pennsylvania Department of Public Transportation ("PennDot") whereby PennDot will not review an application for a Highway Occupancy Permit until it has received evidence from the applicant that the Township is aware of the proposal. The Program was conceived with the intention of improving coordination between PennDot and the Township in connection with the issuance of driveway permits.

B. The Township Manager or other officer designated by the Board of Supervisors shall undertake all appropriate action to assure the Township is included in the Program.



SECTION 7
CONSTRUCTION ENTRANCES

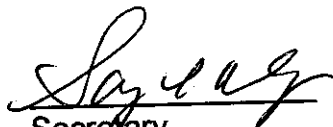
A. All construction entrances shall be permanently closed upon completion of construction and shall not be utilized as private driveways unless approved under the applicable Land Development and Subdivision plans and there has been compliance with this Ordinance and other all applicable Township Ordinances. Unless otherwise provided in writing executed by the Township, all construction driveways shall be permanently closed not later than three (3) months after commencement of construction unless renewed in writing by the Township.

SECTION 8
PENALTIES

A. Any person who violates the provisions of this Ordinance commits a Summary Offense and upon conviction before any issuing authority having jurisdiction, shall be punished by a fine of no less than Twenty-five Dollars (\$25) nor more than Three Hundred Dollars (\$300) plus costs of prosecution for of each offense and/or imprisonment for not more than thirty (30) days. Each day that a violation continues shall constitute a separate offense.

ORDAINED AND ENACTED AS AN ORDINANCE BY THE BOARD OF
SUPERVISORS OF THE TOWNSHIP OF WEST CALN, CHESTER COUNTY,
PENNSYLVANIA, IN LAWFUL SESSION, DULY ASSEMBLED THIS 13th DAY OF
November, 2000.

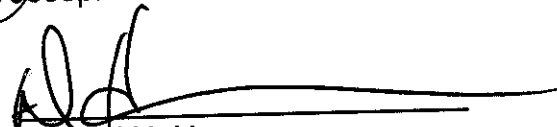
ATTEST:


Secretary

BOARD OF SUPERVISORS
West CALN TOWNSHIP


Paul E. Fritzenmeyer, Chairman


Joseph P. Hess


Donald H. Hannum

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