

**ORDINANCE NO. 7-02
OF
TOWNSHIP OF McKEAN, ERIE COUNTY, PENNSYLVANIA**

**AN ORDINANCE TO AMEND ORDINANCE NO. 2-91. KNOWN AS
THE McKEAN TOWNSHIP DRIVEWAY ORDINANCE**

WHEREAS, in order to protect the health, safety and welfare of the residents, it is necessary that the Township Supervisors regulate the connection of driveways to Township roads for the proper management, care and control of its public road system; and

WHEREAS, the Township desires to amend Ordinance No. 2-91 known as the “McKean Township Driveway Ordinance; and

WHEREAS, the Township conducted a public meeting after due notice was given in accordance with the applicable laws of the Commonwealth of Pennsylvania regarding the matters referred to herein.

NOW, THEREFORE, be it ordained and enacted by the duly elected Supervisors of the Township of McKean, Erie County, Pennsylvania, and it is hereby ordained and enacted that Ordinance No. 2-91 is hereby amended as follows:

ARTICLE VIII—DESCRIPTION AND DRIVEWAY DESIGN REQUIREMENTS

Add the following new Subsection:

9.04 Access driveways shall be located at a point within the property frontage limits which provides at least the minimum sight distance listed in the following tables:

Table 1—Safe Sight Distance for passenger cars and single unit trucks exiting from driveways onto two-lane roads.

Posted Speed (mph)	Safe Sight Distance-Left ¹ (feet)	Safe Sight Distance-Right ¹ (feet)
25	250	195
35	440	350
45	635	570
55	845	875

¹Measured from a vehicle ten feet back of the pavement edge.

Table 2—Safe Sight Distance for passenger cars and single unit trucks entering driveways by left turns from two-lane roads.

Posted Speed (mph)	Safe Sight Distance (feet) ¹
25	190
35	300
45	445
55	610

¹Measured from the point where a left-turning vehicle stops to a vehicle in the outside lane.

Vehicles other than passenger cars and single unit trucks shall comply with the applicable provisions of the current regulations of PA DOT Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads.

In using Tables 1 and 2, the following additional requirements shall apply:

a. Posted speeds shall be used unless operating speeds vary from the posted speed by more than ten miles per hour, in which case the Township may require that operating speeds be used.

b. The sight distances in Tables 1 and 2 apply only when highway grades are zero to 3.0%, either up or down.

i. When the highway grade in the section to be used for acceleration, after leaving the driveway, ascends at 3.0—5.0%, the sight distance in the direction of approaching ascending traffic may be increased by a factor of 1.4.

ii. When the highway grade ascends at greater than 5.0%, sight distance may be increased by a factor of 1.7.

iii. When the highway grade in the section to be used for acceleration after leaving the driveway descends at 3.0—5.0%, sight distance in the direction of approaching descending highway traffic may be reduced by a factor of 0.6.

iv. When the roads descends at greater than 5.0%, sight distance may be reduced by a factor of 0.5.

If sight distance requirements as specified in this ordinance cannot be met, the Township may:

- a. prohibit left turns by exiting vehicles;
- b. restrict turning movements to right turns in and out of a driveway;

land;

- c. require installation of a right turn acceleration lane or deceleration
- d. require installation of a separate left turn standby lane;
- e. alter the horizontal or vertical geometry of the roadway; or
- f. deny access to the roadway.

ARTICLE X—PENALTY

Delete in entirety and replace with the following:

The penalty for violation of this Ordinance or any of its provisions shall be a criminal fine not to exceed one thousand dollars (\$1,000) per violation and imprisonment to the extent allowed by law for summary offenses.

Add the following new Article:

ARTICLE XIV—ENFORCEMENT

The enforcement of this ordinance shall be by action brought before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa.R.Crim.P. No. 83(c) (relating to trial in summary cases).

All other provisions of Ordinance No. 2-91 are hereby confirmed and ratified and continue in full force and effect except to the extent amended by this Ordinance.

That all Ordinances or parts thereof conflicting herewith be and the same are hereby repealed.

This Ordinance No. 7-02 shall become official and effective five (5) days from final passage by the Board of Supervisors of McKean Township.

We, the undersigned, do hereby certify that the above Ordinance was finally passed by the Board of Supervisors of the Township of McKean, Erie County, Pennsylvania on this the 19th day of Sept, 2002.

TOWNSHIP OF McKEAN

Mike J. Ferrick
Mike J. Ferrick, Chairman

Edward L. Hess
Edward L. Hess

James Guckes
James Guckes

ATTEST:

Janice T. Dennis
Janice T. Dennis, Secretary

TOWNSHIP OF MCKEAN

ORDINANCE NO. 2-91

An Ordinance of the Township of McKean, Erie County, Pennsylvania, requiring all persons connecting driveways to public roads to obtain permits therefor; requiring the submission of an application and plan prior to the issuance of said permits; authorizing approval where the connection would not result in drainage or other problems; requiring the payment of a fee for the issuance of such permits; and prescribing penalties for violation thereof.

WHEREAS, the Township of McKean has suffered damage to the streets and property owned by the Township as a result of the improper connection of driveways to Township roads which improper connections have caused poor drainage and hazardous driving conditions; and

WHEREAS, The Township deems it necessary for the proper management, care and control of its public road system to regulate the connection of driveways to Township roads.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of McKean Township, Erie County, Pennsylvania as follows:

ARTICLE I--TITLE

This Ordinance shall be known and hereafter referred to as the McKean Township Driveway Ordinance.

ARTICLE II--DEFINITIONS

For the purposes of this Ordinance, the following terms shall have meanings ascribed thereto:

2.01 Board: The Board of Supervisors of McKean Township, Erie County, Pennsylvania.

2.02 Contractor: The party, person, firm, partnership or corporation who installs a driveway including all agents, officers or employees of that party, person, firm, partnership or corporation.

2.03 Driveway: Any area of land designated or to be used as a means of ingress or egress for vehicles from a public road to a parcel of land.

2.04 Engineer: The engineering firm retained by McKean Township, Erie County, Pennsylvania.

2.05 Owner: The owner of the land upon which the driveway is located whether that be a person, partnership or corporation.

2.06 Permit: A permit issued by the Secretary of McKean Township after approval has been given by the Board, Superintendent, or Roadmaster of the design of the driveway connection.

2.07 Person: Any individual, partnership, company, association, society, corporation or other group or entity.

2.08 Public Road: Any road, street, alley, or public thoroughfare actually maintained by McKean Township as part of its road system.

2.09 Superintendent or Roadmaster: The Superintendent or Roadmaster of McKean Township, Erie County, Pennsylvania.

ARTICLE III--APPLICATION

Any person, owner and/or contractor shall, prior to obtaining a driveway permit, file an application, on an application form supplied by the Township Secretary, reflecting and showing the location of the driveway relative to the premises and designating the course, grade, structure, materials, and drainage facilities, if any, involved in the construction of the driveway. The application shall be reviewed by the Superintendent or Roadmaster. The Superintendent or Roadmaster shall determine if the proposed method of constructing or making said connection, as reflected on the application, is such that it will (1) minimize the adverse effect of storm water run-off resulting from said connection, (2) not cause damage to the road to which the driveway is to be connected, and (3) not create or increase hazardous driving conditions for those persons using the road to which the driveway is to be connected. If found satisfactory by the Superintendent or Roadmaster, he shall so advise the Township Secretary, and the Township Secretary will issue, or cause to be issued, the permit after payment of all fees required by this Ordinance. If the plan is found deficient, or if in the opinion of the Superintendent or Roadmaster the plan could be improved so as to (1) minimize the adverse effect of storm water run-off, (2) lessen drainage to the road to which the driveway is to be connected, or (3) lessen hazardous driving conditions on the road to which the driveway is to be connected, the Superintendent or Roadmaster shall, by written communication to the owner, notify him of the changes to be made. The applicant shall immediately make such changes and return the revised plan to the Township. When such plan is in acceptable form, the Superintendent or Roadmaster shall approve or cause the same to be approved and the permit issued by the Township Secretary.

ARTICLE IV--PERMIT REQUIRED

No person, owner and/or contractor shall hereafter install, initiate any work, or allow the installation or initiation of any work toward the installation of a driveway without first obtaining a permit therefor from the Township Secretary.

ARTICLE V--APPLICATION COST

If in the opinion of the Superintendent or Roadmaster the Engineer must be consulted, any incurred costs would be borne by the applicant.

ARTICLE VI--PERMIT FEES

Permit issuance fees shall be used to defray costs incurred by McKean Township in reviewing and processing the application and plan, including the preliminary review of the site location identified in the application, and issuing and processing the permit.

6.01 Issuance fees shall be categorized as follows:

a. Minimum use driveways (a driveway normally used by not more than 25 vehicles per day, such as but not limited to a single family dwelling, duplex houses, or apartments with five units or less).

b. Low volume driveways (a driveway normally used by more than 25 vehicles per day but less than 750 vehicles per day such as but not limited to office buildings, elementary and junior high schools or car washes).

6.02 Extension fees: A supplement fee for each six (6) month time extension or each submitted change.

6.03 The amount of permit fees and extension fees shall be as set by resolution of the Board.

6.04 Exemptions: Permit issuance fees, extension fees, and additional inspection fees shall not be payable by any of the following:

a. McKean Township.

b. The Commonwealth.

c. The Federal Government.

d. Charitable Organizations which are exempt from or in compliance with Act of August 9, 1963, P.L. 628, No. 337 (10 P.S. 160-1 thru 160-17).

6.05 Additional inspection fees: If the township determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more employees to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for all salary, overhead, and expenses incurred by the Township for inspection.

ARTICLE VII--ISSUANCE OF PERMITS

7.01 Upon application duly made and fees paid in accordance with this Ordinance, a permit will be issued by the Township Secretary subject to this Ordinance and the conditions contained on the permit and its attachments and supplements. The permit will be the authority of the applicant to proceed with the work and will also serve as a receipt for the fees accompanying the application.

7.02 Permit shall be issued only to the property owner.

7.03 A permit shall be valid for one year. If the permittee has not completed all authorized work by the completion date specified on the permit, an application may be submitted requesting a time extension. An extension will be issued by the Township Secretary authorizing work to continue for an additional six-month period.

7.04 When all permitted work has been completed, the applicant is to notify the Township Secretary. The Township Secretary will have the Superintendent or Roadmaster check the work to see if it meets all the conditions of this Ordinance. If the Superintendent or Roadmaster determines that the work does not meet all the conditions of this Ordinance, the applicant shall perform such additional work required, as directed by the Superintendent or Roadmaster.

ARTICLE VIII--DESCRIPTION AND DRIVEWAY DESIGN REQUIREMENTS

9.01 Attached hereto and made a part hereof are the Standards and Notes for design requirements of connection of driveways to public roads.

9.02 No approach or curb cut shall begin closer to an intersecting street than the street line extended of such intersecting street or fifteen (15) feet from the line of the intersecting curbs, whichever is greater.

9.03 No two driveways serving one property shall be included within fifteen (15) feet of each other at their intersection with the street line.

9.04 Access
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ARTICLE IX--PERMIT REQUIRED FOR EACH DRIVEWAY

Each driveway, whether serving the same premises or not shall require an individual permit.

ARTICLE X--PENALTY

Any owner, person and/or contractor who or which shall violate any of the provisions of this Ordinance shall, upon conviction by a summary proceeding before any District Magistrate or District Justice having jurisdiction, be sentenced to pay a fine of not more than three hundred dollars (\$300.00). All fines collected for the violation of this Ordinance shall be paid to the Township and deposited into the General Fund.

ARTICLE XI--SEVERABILITY

If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance.

ARTICLE XII--REPEALER

This Ordinance shall repeal any ordinances or parts thereof inconsistent herewith.

ARTICLE XIII--EFFECTIVE DATE

This Ordinance shall become effective five (5) days after enacted by the Board of Supervisors of McKean Township.

1998. ORDAINED AND ENACTED this 12 th day of March,

MCKEAN TOWNSHIP:

James H. Wenzinger
Paul J. Peruch
Robert W. Wein

ATTEST:

James J. Daniels
Secretary