

Benton Township

Lackawanna County Pennsylvania

Ordinance No. 2023-11-13

An ordinance of the Township of Benton, County of Lackawanna and Commonwealth of Pennsylvania requiring all persons to obtain permits prior to connecting to or paving of driveways entering onto Township roads, requiring a fee and inspection; providing for rectification of improper installation if needed and prescribing penalties for violations.

Thus, be it enacted and ordained by the Board of Supervisors in and for the Township of Benton, Lackawanna County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Short Title

This Ordinance shall be known as the Benton Township Driveway Ordinance.

Intent and Applicability

Whereas;

1. The Township of Benton is a municipal township of the second class.
2. The Township of Benton has suffered damage to its roads as a result of improper construction and connection of driveways to Township roads.
3. Improper construction of faulty drainage has resulted in hazardous conditions during inclement weather.
4. The Township deems it necessary for the proper management, maintenance and control of its road system to regulate the connection of driveways to Township roads.

Requirement of Permit

1. Permits are required. No person shall hereafter install or alter an existing driveway without first obtaining a permit from the township. Alterations include paving and construction of drainage.
2. Fees for permits shall be set by Township Supervisors with periodic review as necessary.
3. Any driveway intersecting with a state-owned road shall require the obtainment of a driveway permit from the Pennsylvania Department of Transportation.

Application Procedures

1. Any owner shall, prior to constructing a driveway connection, file an application on a form furnished by the Township. The application shall be accompanied by fees as determined by resolution subject to change from time to time by the Supervisors.
2. The application shall be accompanied by a sketch of the proposed driveway or work to be done.
3. Proposed driveway locations must be marked (flagging, stakes, etc.) prior to initial inspection by the Township.
4. When driveway access is complete, a final inspection must be done before any highway occupancy permit is approved. If the access is not properly installed, the owner and/or contractor will be provided specific instructions on the deficiencies to be corrected.

Construction Requirements

1. Driveways shall be logically located to produce reasonable grades (see below), minimize storm water runoff and provide safe access to the property.
2. Driveway drainage pipe must be Township approved HDPE (high density polyethylene) with a minimum diameter of fifteen (15) inches.
3. Driveways may not be located below the crest of a hill or on blind curves. A clear sight distance must be maintained in both directions. Sight distance shall be no less than 120 feet in both directions.
4. Minimum distance from intersections is sixty (60) feet.
5. Shoulders of travel way shall be graded at a minimum of one half (.05) inch per foot away from travel way.
6. Travel way shall be a minimum of twelve (12) foot wide for residential use and twenty-two (22) feet for commercial use. Surface shall be crowned at one quarter (0.25) inch per foot away from center of travel way. Said crown shall be maintained by owner as long as access is in use.
7. Maximum grade for driveway is 15%. Proper drainage must be installed to prevent run off towards roadway that may cause ice during freezing conditions or erosion and damage to roadways.
8. Impervious surfaced driveways (concrete or asphalt) must stop five (5) feet prior to road right of way.

9. Driveway access is not allowed within ten (10) feet of catch basins or drainage structures.

Penalties

Any owner, person and/or contractor who or which shall violate any of the provisions of this Part shall, 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 or each section of this Part which shall be found to have been violated shall constitute a separate offense. All fines collected for the violation of this Part shall be paid to the Treasurer of the Township for the general use of the Township.

ENACTED AND ORDAINED into law by the Board of Supervisors of Benton Township, Lackawanna County, Pennsylvania, this 1st day of November, 2023.

(SEAL)

Mary B. Saxton

PAT SAXTON, Secretary

Larry Seymour

LARRY SEYMOUR, Chairman

Bonnie Rosiak

BONNIE ROSIAK, Vice Chairperson

David Grunza

DAVID GRUNZA