

## **Chapter 21**

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**Part 1****Street Excavations****§21-101. Permit Required.**

In accordance with the provisions of §2322 of the Second Class Township Code, 53, P.S. §67322, no railroad or street railway shall hereafter be constructed upon any Township road, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits, or other piping, be laid upon or in, nor shall any telephone, telegraph, or electric light or power poles, or any coal tipples or any other obstructions be erected upon or in any portion of a Township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof as may be prescribed in permits granted by the Township for such purpose.

(*Ord. 2-1974, 6/3/1974, §1; as amended by Ord. 1-2004, 6/21/2004*)

**§21-102. Application for Permit.**

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the schedule of fees set forth by the Department of Transportation, for highway occupancy permits and restoration charges. In addition, the applicant shall submit three copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

(*Ord. 2-1974, 6/3/1974, §2*)

**§21-103. Issuance of Permit.**

A permit shall be issued to the applicant after all the aforementioned requirements have been filed.

(*Ord. 2-1974, 6/3/1974, §3*)

**§21-104. Written Notice.**

Upon completion of the work, the applicant shall give written notice thereof to the Township.

(*Ord. 2-1974, 6/3/1974, §4*)

**§21-105. Inspection.**

Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within 60 days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional 20% of such cost.

(*Ord. 2-1974, 6/3/1974, §5*)

**§21-106. Violations and Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice 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.

(*Ord. 2-1974, 6/3/1974, §6; as amended by Ord. 1-2004, 6/21/2004*)

**Part 2****Street Numbers****§21-201. Street Number Regulations.**

The owners of all buildings or structures/property within the Township to which street numbers have been assigned shall have the street number prominently displayed at all times in accordance with the following standards. For purposes of this Part a "street number" is an address number established in accordance with the County-wide 911 Public Safety System with reference to the adjacent road or street, assigned and given to a particular building or structure/property by Tioga County 911 and the United States Postal Service. For specific sections of roadways with an existing addressing system that is approved by Tioga County 911, the "street number" is the retained street number in the existing addressing system that is established in conjunction with the County Addressing Project.

A. Each building to which a street number has been assigned shall have a street number displayed upon the building except for buildings which are located a distance greater than 200 feet from the nearest edge of the cartway of the public roadway or upon which signage cannot be attached which would be readable from the nearest public roadway by reason of natural or manmade obstructions, the owner of said structure/property shall be required to provide posted street number signage at least 20 feet and not more than 30 feet from the nearest edge of the cartway of the public or private roadway, which post shall have affixed thereon the street number which has been assigned to the building.

B. The assigned street numbers shall be either affixed directly to the building or post or displayed on a sign affixed to the building or post. The street number shall be displayed in such a manner that the numbers will contrast in color with the background and will be observed and readable from the nearest public or private roadway. All numbers shall be in standard Arabic numerals, not less than 4 inches in height and not less than 1½ inch in width. It is recommended that the numbers be reflective for greater nighttime visibility.

C. If, for any reason the street number of a particular building is not readily identifiable by posted signage along the roadway whether due to the proximity of multiple buildings with different street numbers or some other reason, the street number should be affixed to the building as well as posted by the road. Similarly, if a single building has multiple street numbers or apartment numbers such as professional buildings or apartments, a building directory should be posted at the main entrance of the building.

(Ord. 1-2003, 6/9/2003, §1)

**§21-202. Private Road Name Signs.**

The owner of all private drives, roadways or easements used for vehicle access to multiple properties where the drives and roadways are not recognized as Township roads and which is referenced in the address of structure/property owner whose residence or business abuts said private drive or roadways shall, in addition to the other requirements set forth in this Part to install a sign, if not installed by the

Township, which identifies the private road or private drive name as adopted by the Township, with said signage is to be placed at the entrance where the private road or private drive intersects with the public roadway, but not creating an obstruction to visibility of motorists. The road sign shall meet Pennsylvania Department of Transportation regulations for size, placement and be brown with white reflective letters.

(Ord. 1-2003, 6/9/2003, §2)

### **§21-203. Prohibited Activity.**

It shall be unlawful to cover, conceal, obstruct, destroy, remove, deface or vandalize any street number or road/street name sign or placard, installed or displayed pursuant to and in accordance with the requirements of this Part.

(Ord. 1-2003, 6/9/2003, §3)

### **§21-204. Enforcement.**

Once determined that a building or structure/property owner has not complied with the street numbering or road name signage regulations of this Part, the Township Supervisors or their designated representative, with the Supervisors consent, may pursue any of the following enforcement remedies:

A. The Supervisors may provide written notice to the owners, occupants, and other persons in possession of building or structure/property which has not been numbered in accordance with these regulations, of the violation and the need to comply.

B. In the event that person's persist in refusing to comply with these regulations despite notices to do so, the Supervisors may issue a written order directing the owners, occupants or others in possession of the building or structure/property in violation of this Part to comply with the applicable requirements of this Part. Any person who is aggrieved by any order issued pursuant to this Part may appeal to the Township Supervisors by filing a written notice of appeal to the office of the Township Secretary within 10 days of the date of the subject order or notice.

C. In the event the structure/property owners or occupants or possessors fail or refuse to take action in accordance with the notices and an order issued pursuant to this Part, the Township Supervisors may provide the signage, as necessary, in order to bring the structure/property owner into compliance with the standards promulgated in this Part. The Township may recover the cost of materials and labor for the purchase and installation of signage from the structure/property owners, occupants or possessors reasonable administrative fees, interest or other charges allowed by law. In the event the owners, occupants or possessors of the subject structure/property fail to pay the loss of such installation as determined and approved then the Township may institute proceedings at law to collect the full cost together with all penalties, interest, fees, and other charges against the premises and the owners thereof and collect same as a municipal lien or may take other action to collect these sums as may be permitted by law.

(Ord. 1-2003, 6/9/2003, §4)

### **§21-205. Penalty for Violation.**

Any person who shall be found to have engaged in the prohibited unlawful conduct as set for in §21-203 of this Part or who shall willfully fail to comply with any order to comply with the street numbering regulations, shall be guilty of an offense and shall upon conviction thereof in an action brought before a district justice 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.

(*Ord. 1-2003*, 6/9/2003, §5; as amended by *Ord. 1-2004*, 6/21/2004)

**§21-206. Authorization of Address Numbering and Signage of Roads.**

The proper officers of the Township are hereby authorized to take necessary and proper action to establish, implement and enforce the standardized system of structure/property address numbering and street/road name sign placement as provided for in the Part and to comply with the requirements of the automatic location information needs of the Tioga County Public Safety System.

(*Ord. 1-2003*, 6/9/2003, §6)





**Part 3****Township Road Occupancy Permit****§21-301. Width of Driveways.**

All private driveways hereafter constructed across any pavement shall be of a width not less than 8 feet and the curb shall be curved back to the street edge of the footwalk on a radius of 1 ½ feet.

(Ord. 1-2004, 6/21/2004)

**§21-302. Permit Required.**

Before any private driveway may be constructed across a sidewalk and before any curb cut may be made, a permit shall be obtained from the Township. All driveways shall be laid according to specifications furnished by the Township at the time the permit is granted.

(Ord. 1-2004, 6/21/2004)

**§21-303. Fee.**

The fee for a driveway or curb cut permit shall be in an amount as established from time to time by resolution of the Board of Supervisors.

(Ord. 1-2004, 6/21/2004)

**§21-304. Sidewalk Not to be Disturbed.**

All paved portions of the sidewalk must not be disturbed, and the height and grade of same must remain the same as before the driveway was constructed. The balance of the pavement shall remain the same height and grade as before the construction of the driveway.

(Ord. 1-2004, 6/21/2004)

**§21-305. Rectification of Improper Work.**

In case any person shall construct a driveway or a curb cut and shall not conform to the requirements of this Part, the Board of Supervisors may order such person, firm or corporation to remove the improper work and replace the same in compliance with this Part. Notice to remove and replace improper work shall be given by registered or certified mail, and shall state that the person, firm or corporation shall have 10 days from receipt of the notice to comply therewith. Upon noncompliance, the Township may do or cause the requested repairs to be done and may levy the cost of its work on such owner as a property lien to be collected in any manner provided by law.

(Ord. 1-2004, 6/21/2004)

**§21-306. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice 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.

*(Ord. 1-2004, 6/21/2004)*

**Part 4****Driveways and Roads****§21-401. Title.**

This Part shall be known as the “Covington Township Driveway and Use of Township Road Ordinance.”

(*Ord. 12-10-12(C)*, 12/10/2012, §101)

**§21-402. Short Title.**

“Driveway and Road Ordinance.”

(*Ord. 12-10-12(C)*, 12/10/2012, §102)

**§21-403. Purpose.**

It is in the public interest to regulate the location, design, construction, traffic patterns, methods of ingress and egress, maintenance and drainage of access driveway, local roads and other property within the Township’s right-of-ways for the purpose of security, consistency, maintenance, proper drainage, and safe and reasonable access. Furthermore, it is in the public interest to regulate the use of Township roads in manner that it consistent with the laws of the Commonwealth of Pennsylvania, regulations of PennDOT and in a manner that does not obstruct, cause congestion or interfere with regular traffic flows to allow for reasonable access and use of Township roads.

(*Ord. 12-10-12(C)*, 12/10/2012, §103)

**§21-404. Definitions.**

*Driveway*—any area of land designated or to be used as a means of ingress or egress for vehicles traveling from a Township or State roadway to any parcel of land or from any parcel of land to a Township or State roadway. Driveway shall also include such drainage structures and erosion control materials as may be necessary and/or required for the proper function thereof.

*Owner*—the owner of land upon which a driveway is located, constructed or installed or is proposed to be located, constructed or installed.

*PennDOT*—the Pennsylvania Department of Transportation.

*Permit*—the permit issued by the Township relating to the design, construction and use of driveways and driveway connections.

*Roadway*—any open road, street, avenue, highway, right-of-way or public thoroughfare, including the entire width between right-of-way lines whether or actually maintained by the Township and/or road, street, highway, alley or public thoroughfare, including the entire width between right-of-way lines shown in a subdivision or land development plan to be dedicated to the Township in the future.

*Township*—Covington Township.

(*Ord. 12-10-12(C)*, 12/10/2012, §104)

**§21-405. General Requirements for a Driveway Permit.**

1. No owner or contractor shall hereinafter construct, install or allow any work to be performed toward the installation of any driveway, either temporary or permanent, within the Township right-of-way or abutting any Township roadway without first obtaining a permit from the Township. A permit shall be obtained from having the owner submit an application to the Township.

2. Each application shall be submitted to the Township Secretary on a form furnished by the Township. All associated fees shall accompany the application.

3. Each application for a driveway permit shall be submitted to the Township at least 30 working days prior to the anticipated start of work.

4. In the case of a subdivision plan application with roadways to be constructed and dedicated to the Township, driveway plans must be submitted with the preliminary subdivision plan to the Township for review of the proposed driveway locations on the proposed roadway.

5. A permit shall be valid for a period of 12 months from the date of issuance. If the permittee has not completed all authorized work within said 12-month period, the permit shall expire and a new application, permit and associated fees shall be required. (*Ord. 12-10-12(C)*, 12/10/2012, §105)

**§21-406. Plan and Driveway Requirements.**

1. Each application shall have attached thereto a plan showing the design of the driveway that designates all dimensions, radii, percent grade, sizes and materials to be used, drainage facilities involved, and all other information necessary for the construction, as applicable. All land development, subdivision and like plans shall be prepared and sealed by a registered professional engineer.

2. All owners, or their contractors or agents, shall be required to comply with the provisions of this Part. This includes corporations or entities that are subject to Federal laws that preempt local zoning ordinances. In the event that a landowner and/or its agent or lessee has certain areas that are pre-empted, they are still required to submit an application and get approval prior to commencing construction. All driveways and proposed driveways shall be in accordance with PennDOT rules and regulations as amended and supplemented.

3. In general, when submitting plans to the Township the plans must show that for purposes of ingress and egress:

- A. No stacking of vehicles on the public roadway.
- B. All considerations have been made regarding public safety.
- C. Must submit the traffic pattern if it is going to be used for commercial purposes.
- D. A description of the types and sizes of vehicles that will use the driveway.
- E. A statement of how many trucks/vehicles will be using the driveway per day and at what times.
- F. The method of loading and unloading for commercial trucks.
- G. Safety considerations for commercial trucks with respect to traffic patterns, speed limits, methods of loading and unloading and plans stating that

there will be no stacking of vehicles on the public road.

4. All driveways shall be located in a point within the property frontage limits which provide at least a minimum sight distance for the types of vehicles and the location of the proposed driveway.

5. Driveways are to be designed and constructed so as to not cause surface and/or storm water to drain onto the Township road.

(Ord. 12-10-12(C), 12/10/2012, §106)

#### **§21-407. Use of Township Roads.**

1. Use of Township roads shall be in accordance with all rules and regulations of the Commonwealth and all rules, regulations and ordinances of Covington Township.

2. No user of Covington Township roads shall conduct any activities, obstruct any Township road, or use a Township road in any manner that is a threat to the health, welfare and safety of its communities. Activities that are determined to be a violation of this provision, include, but are not limited to, stacking of vehicles/trucks; using the side of the Township road for parking of vehicles; using the roadway or side of the road as permanent or temporary parking for vehicles/trucks; obstructing a Township road in any way by use of a vehicle/truck or any equipment pulling out of a driveway.

3. As a general rule, any driveway that is being used by a high number of vehicles/trucks that require the vehicles to pull out onto the public roadway and cross an on-coming lane of traffic is prohibited. All owners must design points of ingress and egress from their property onto the public roadway in a manner that does not obstruct on-coming traffic.

4. Any owner and/or contractor who uses a Township road for multiple vehicles/trucks and violates the provisions of this Part or any other ordinance of Covington Township, or any regulations or law of the Commonwealth, shall have its right to use the Township roads revoked.

5. In the event that any owner, lessee or contractor violates any provisions of this Part or any other ordinance of the Township or Pennsylvania law, upon 5 days written notice, said owner, lessee or contractor can be prohibited from using the Township road or roads.

(Ord. 12-10-12(C), 12/10/2012, §107)

#### **§21-408. Approval of Application and Granting of Permit.**

1. The Township or its agents shall review the application and plans in order to determine if the proposed construction site/driveway access will be in conformance with this Part and other Township ordinances.

2. If the plans meet the criteria set forth in this Part and other Township ordinances, the authorized agents reviewing the application and plans shall issue the permit to the owner applying for a permit within 30 working days after the review is complete.

3. If the application and plans are found to be deficient or if in the opinion of the Township or reviewing agent, the plans should be modified or amended to meet the criteria as set forth, the reviewing agent shall make such changes and return the revised plan to the Township for review. When the plan is acceptable to the reviewing

agent, the authorized agent shall issue a permit to the owner applying for the permit as set forth herein.

4. If any owner disagrees with the determination of the Township or its agent, the owner may appeal said determination to the Board of Supervisors by giving written notice within 10 days of the Township's or its agent's decision.

5. Prior to any permit being issued, the owner must acquire all necessary approvals including those of the Zoning Hearing Board, PennDOT, the Planning Commission, Building Code Officer and any other entity that has oversight responsibility.

(Ord. 12-10-12(C), 12/10/2012, §108)

#### **§21-409. Subsequent Inspections.**

The Township or its agents may, at their discretion, in addition to any inspections listed above, reinspect work authorized in the permit at any time after the completion of the work to determine that the owner did not exceed the scope and use of ingress and egress to the Township road. Moreover, if the Township determines that any owner/operator is using a Township road in any manner that is a threat to the health, welfare and safety of the community, the Township may issue a stop work order for those owners/contractors who are using the Township road in a manner that is contrary to the ordinance and other ordinances of the Township.

(Ord. 12-10-12(C), 12/10/2012, §109)

#### **§21-410. Emergency Construction.**

Nothing in this Part shall be construed to require a permit in advance for emergency construction necessary for the safety of the public. Any emergency construction, however, shall be made in compliance with the specifications set forth in this Part and other ordinances of the Township and an application for a permit and the fees shall be submitted within 5 days after the completion of the work after which time the remaining provisions of the ordinance shall apply.

(Ord. 12-10-12(C), 12/10/2012, §110)

#### **§21-411. Permit Required for Each Driveway.**

Each driveway, whether or not serving the same parcel of land, shall require an individual permit.

(Ord. 12-10-12(C), 12/10/2012, §111)

#### **§21-412. Enforcement and Rectification of Improper Work.**

1. If the owner fails to rectify improper work or a defect which presents an immediate or eminent safety or health problem within 48 hours notice by the Township, or any other improper work and/or defect within 10 days after written notice from the Township, the Township or its agents may do the work and in addition to any penalty that may be assessed under this Part, the violator shall be liable for any costs incurred by the Township to bring the driveway into compliance plus any costs and legal fees the same to be assessed upon the person as a municipal lien in accordance with the applicable status, which may be recovered by an action in the Court of Common Pleas

of Tioga County.

2. In addition to any other penalty provided for herein, any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of up to \$1,000 per violation, each day constitutes a separate violation plus costs of prosecution including court costs, fees and reasonable attorney fees.

3. Each day's violation of this Part shall be considered a separate offense under this Part.

4. The Township may also enforce this Part through an action in equity brought in the Court of Common Pleas of Tioga County.

(*Ord. 12-10-12(C)*, 12/10/2012, §112)

**§21-413. Pre-existing Driveways.**

1. Existing driveways that have been permitted prior to the passing of this Part shall to the maximum amount permitted, be brought into compliance with this Part. All driveways and access ways that did not properly acquire a driveway permit shall apply and begin the review process.

2. Nothing in this Part shall be construed that any existing driveway, permitted or not, that be deemed as unsafe, a hazard, or a jeopardy to the safety of the public shall not be corrected. The owner of any existing driveway deemed as unsafe, a hazard, or unpermitted, or jeopardizing the safety of the public shall be issued a written order to cease using the driveway unto the corrections and permit, if required, are made.

(*Ord. 12-10-12(C)*, 12/10/2012, §113)

**§21-414. Enforcement and Penalties.**

Any person who shall violate this Part shall be subject, upon being found liable therefore, in appropriate legal enforcement proceedings, commenced by this Township, to a penalty of not more than \$500, or the maximum amount provided by law, together with all court and related costs, and reasonable attorney fees, incurred by this Township. Each day that a violation shall continue shall be deemed and shall be taken to be a separate offense and the violating party shall be liable as such. Penalties, fines and costs imposed under provisions of this Part shall be enforceable and recoverable in the manner at the time provided by applicable law. In addition to said penalties, the Township shall have the right to enforce all provisions of this Part through the issuance of stop work order or through a suit requesting civil penalties and/or an injunction in the Court of Common Pleas of Tioga County.

(*Ord. 12-10-12(C)*, 12/10/2012, §114)

