

BOROUGH OF DELAWARE WATER GAP
Monroe County, Pennsylvania

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE LOCATION, DESIGN AND CONSTRUCTION OF DRIVEWAYS IN THE BOROUGH OF DELAWARE WATER GAP, INCLUDING THE SETTING FORTH OF THE WIDTH OF DRIVEWAYS, PERMIT REQUIREMENTS, FEES, SETTING FORTH EXISTING DRIVEWAYS NOT TO BE DISTURBED, RECTIFICATION OF IMPROPER WORK, AND PENALTIES.

BE IT ORDAINED AND ENACTED by the Council of the Borough of Delaware Water Gap, Monroe County, Pennsylvania, as follows:

Section 1: CONSTRUCTION OF DRIVEWAYS

- A. Traffic Hazard. Access driveways shall be located in such manner that they will not cause a hazard to the free movement of normal traffic.
- B. Alignment/Profile and Sight Distance.
 - 1) Driveways shall be located where the roadway alignment and profile are favorable.
 - 2) Where adequate sight distances cannot be attained, the location of the driveway shall be at the discretion of the Borough.
- C. Driveway/Roadway Connection. Where driveway approach and roadway pavement meet, the driveway approach shall be flared to allow safe, easy turning of the vehicle when entering or departing from the driveway.
- D. Limitation on Number of Driveways.
 - 1) Frontages of 100 feet or less shall be limited to one driveway.
 - 2) Normally not more than two driveways shall be provided to any single property tract or business establishment. An exception may be made where the frontage exceeds 500 feet. Said exception shall be approved by the Borough Council.
- E. Drainage. All driveways shall be constructed in such a manner as not to impair drainage within the roadway right-of-way, alter the stability of the roadway sub-grade, or materially change the drainage of adjacent areas.
- F. Driveway to Slope Away. Where open shoulders or berms exist, the grade of the driveway shall slope away from the road pavement at the same rate as the existing shoulder for the prevailing width of the shoulder.
- G. Pipe Required. Where a drainage ditch or swale exists, an adequate pipe shall be installed by the permittee under the driveway in accord with Borough specifications.
- H. Driveway Surface. Driveways shall be appropriately surfaced between the traveled road and the property line with a stabilized material or a higher material when specified by the Borough.
- I. Width of Driveways. The width of driveway approaches shall be as follows:
 - 1) Residential. 10 feet minimum and 30 feet maximum.
 - 2) Commercial. 15 feet minimum and 35 feet maximum.
- J. Permit Required. Before any private driveway may be constructed to access a Borough road, a permit shall be obtained from the Borough. All driveways shall be laid out according to specifications furnished by the Borough at the time the permit is granted.
- K. Fee. The fee for a driveway or curb cut permit shall be fixed pursuant to a resolution of the Borough Council.
- L. 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.

- M. 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 ordinance, the Borough Council may order such person, firm or corporation to remove the improper work and replace the same in compliance with this ordinance. 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 no compliance, the Borough 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.
- N. Penalties. Any person, firm or corporation who shall violate any provision of the part, upon conviction thereof in an action brought before a district magisterial 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 \$1,000.00 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 ordinance continues or each section of this ordinance, which shall be found to have been violated, shall constitute a separate offense.

Section 2: EFFECTIVE DATE.

This ordinance shall take effect five days after the date of its enactment.

Section 3: REPEALER.

Borough Ordinance No. 278 of January 3, 2005, and all other ordinances or parts of ordinances or resolutions conflicting or inconsistent with any of the provisions of this ordinance are hereby repealed insofar as same affect this ordinance.

ORDAINED AND ENACTED INTO AN ORDINANCE at a regular meeting of the Council of the Borough of Delaware Water Gap, Monroe County, Pennsylvania, on this ____ Day of _____, 2021.

Borough of Delaware Water Gap

John Shoemaker, President of Council

ATTEST:

Allison Trotter, Secretary

APPROVED this _____ Day of _____, 2021.

Larry Freshcorn, Mayor