

**CHAPTER 21**  
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**PART 1****PERMIT REQUIRED FOR STREET OPENING****§21-101. Title.**

This Ordinance shall be cited to as the “Oley Township Street Opening Ordinance”.

**§21-102. Permit Required.**

No opening, cutting, excavating, grading, boring, crossing, installation or disturbance of any kind shall be allowed upon, in, under or across any portion of a Township road or any Township road right-of-way without a Road Occupancy Permit granted by the Township for each separate undertaking. A permit shall not be immediately required for emergencies provided the applicant adheres to the requirements of Section 21-136. Permit Applications are not required for accessing utility facilities through a manhole.

**§21-103. Application For Permit; Fee.**

The Application for a permit shall be on a form provided by the Township and submitted to the Township in triplicate. The Township Road Superintendent or his designee, and in consultation with the Township Engineer, where necessary, shall be responsible for review and administration of the permit. The Application shall be accompanied by a fee for processing the Application in accordance with the Township Schedule of Fees adopted from time to time by the Board of Supervisors for street occupancy permits and restoration charges, and another fee for review by the Township Engineer and for making inspections, if needed. In addition, the Applicant shall submit three (3) copies of a sketch showing the location of the intended work, width of the traveled roadway (cartway), right-of-way lines, an address and a dimension to the nearest intersecting road or other nearby landmark, so as to ascertain the location of the work. Permits will only be issued to public utility companies or contractors registered to do business in the Township.

Applicants shall be responsible for all costs and expenses incident to or arising from the permitted work, including the prescribed fees for the same, the cost of making and maintaining temporary restoration of the disturbed areas and making permanent restoration.

**§21-104. Decision on The Permit.**

The permit Application shall be approved or denied within thirty (30) calendar days of submission of a complete Application to the Township. If the Application and required documents do not conform to the requirements of this Ordinance and applicable Ordinances, rules and regulations, the Township Road Superintendent, in consultation with the Township Engineer, if necessary, shall either issue a correction notice listing the

deficiencies that must be corrected, or deny the Application in writing, stating the reasons. If the Township Road Superintendent is satisfied that the proposed work conforms to the aforesaid requirements, the Township Road Superintendent shall issue a permit.

**§21-105. PA One-Call.**

At least three (3) working days prior to the proposed start of work, the applicant or its representative shall contact the PA One-Call system at 1-800-242-1776, report the proposed work, and obtain a serial number, and provide such serial number to the Township. No work shall begin until such date and time as authorized by PA One-Call.

**§21-106. Maintenance of Traffic.**

At least one (1) lane of traffic shall be maintained at all times. The applicant shall comply with the provisions of PennDOT Publication 203, "Work Zone Traffic Control".

**§21-107. Detours.**

Under extremely unusual circumstances, the Township may allow a road to be closed and traffic to be detoured. No road shall be closed without giving the Township at least seventy-two (72) hours prior notice, to allow time to notify 911, police, fire departments, emergency services and school districts. No road shall be closed without the applicant submitting a detour plan to the Township and having it approved by the Township. No road shall be closed without proper detour signs, as approved by the Township, having been provided and installed by the applicant. All detour signs shall be maintained for the entire work period.

**§21-108. Erosion Control.**

All proper erosion control measures shall be taken to ensure compliance with applicable laws. If necessary, the applicant shall obtain erosion and sedimentation control plan approval from the County Conservation District prior to starting work.

Unless specifically authorized by the permit, applicants shall not alter the existing drainage pattern or the existing flow of drainage water. In addition, applicants are not permitted to direct, divert or otherwise drain surface waters onto any property without the consent, permission or other authorization from the property owners. Applicants are responsible for any damage caused to public or private property as a result of the work undertaken by the permit.

Unless specifically authorized by the permit, applicants shall not cut, remove or destroy trees or shrubbery within the right-of-way.

**§21-109. Trenching.**

In situations where drilling, dry boring, driving or tunneling are not feasible, applicants may be authorized under their permit to trench across improved areas.

1. Trenching may be authorized across improved areas under the following conditions:
  - A. Subsurface material is solid rock;
  - B. Other facilities are located longitudinally under the improved area, and the location of such precludes methods other than trenching;
  - C. Adjacent development in very congested urban settings makes tunneling or boring impracticable; or,
  - D. The Township Road Superintendent or his designee, and in consultation with the Township Engineer, determines that the disruption to traffic and length of exposure will be minimal.
  
2. When utility facilities are to be placed across a street in one (1) piece, the following method shall be used:
  - A. Traffic shall be routed over one-half (1/2) the pavement width;
  - B. The closed half of the pavement shall be opened to the required depth and bridged with steel plates;
  - C. Traffic shall be shifted to the bridged half of the pavement;
  - D. The remaining half of the pavement shall be opened to the required depth;
  - E. The facility shall be placed full width;
  - F. The open trench shall be backfilled and restored half-width in accordance with this Part;
  - G. Traffic shall be shifted to the restored half of the pavement; and,
  - H. The bridging shall be removed and the remaining half of the trench shall be restored in accordance with this Part.

**§21-110. OSHA Requirements.**

The applicant shall comply with all OSHA safety requirements and procedures, including, without limitation, all enclosed space requirements. All excavation or trenching shall comply with the most recent Federal, State and local regulations regarding safety at a construction site.

**§21-111. Notification.**

The applicant shall notify the Township twenty-four (24) hours in advance of starting work and upon completion of temporary restoration and permanent restoration for a field inspection of the work.

**§21-112. Backfill.**

All backfill within the Township right-of-way shall be 2A Modified crushed stone of optimum moisture content. There shall be a minimum two (2) inches of bedding under the pipe or utility line. Crushed stone backfill shall be mechanically compacted in maximum six (6) inch lifts. Where work is done outside the paved cartway or shoulder, the last six (6) inches of backfill shall be topsoil.

**§21-113. Overnight Requirements.**

If the work cannot be completed in one (1) work day, proper barricades, flashing lights, steel plates or other methods shall be used to secure the site and insure the safety of travelers on the roads in the Township until the next work day. The applicant shall comply with the provisions of PennDOT Publication 203, "Work Zone Traffic Control".

**§21-114. Clean-Up.**

The work area shall be swept clean, cleaned of debris and otherwise policed at the end of each work day and at the end of the project. Mud shall not be tracked onto the streets at any time. All mud shall be cleaned up within one (1) hour of verbal or written notice from the Township or its agents. All loads shall be tarped.

**§21-115. Installation.**

Conduits and pipes shall be installed with a minimum of eighteen (18) inches of cover. In no case shall conduits or pipes be allowed to be placed within six (6) inches of the bottom of the roadway or driveway paving cross-section, which includes all courses of screenings, base stone, binder and bituminous or concrete wearing surface. Separation shall be obtained by at least six (6) inches of screenings, to allow paving to be milled in the future without damage to utilities.

**§21-116. Temporary Restoration.**

The last two (2) inches of the excavation shall be backfilled with compacted "cold patch" or similar asphalt material to prevent dust and stone chip nuisances. All excavations shall be temporarily restored prior to allowing traffic on them. All settlement shall be brought back to grade within twenty-four (24) hours of verbal or written notice from the Township or its

agents. The temporary restoration shall remain in place for a minimum of two (2) months to allow for final settlement to occur through the actions of rain and traffic, but in no case shall it remain in place more than four (4) months. The person issued the permit shall send a postcard to the Township indicating the date of completion of the temporary restoration.

**§21-117. Permanent Restoration.**

All ragged or broken edges and undermined areas shall be saw-cut straight; the minimum cutback shall be one (1) foot and the minimum depth shall be six and one half (6½) inches. Permanent restoration shall match existing thicknesses and materials, except in the case of asphalt paving, where the minimum requirements shall be five (5) inches of 25-mil Superpave and two (2) inches of 9.5-mil Superpave. All edges shall be sealed a minimum of six (6) inches wide with PG64-22 liquid asphalt. All non-paved areas shall be restored with six (6) inches of topsoil, seed and straw mulch cover, but with curlex blanket applied to all disturbed roadside swale areas in accordance with Berks County Conservation District practices. Permanent restoration shall be scheduled to occur during the spring, summer or fall seasons when proper bituminous paving can be completed. The person issued the permit shall send a postcard to the Township indicating the date of completion of the permanent restoration.

**§21-118. Additional Restoration.**

1. All disturbed portions of a street, including all appurtenances and structures, such as but not limited to guardrail or drain pipes, shall be restored to a condition equal to or better than that which existed before the start of any work authorized by the permit.
2. When both longitudinal and traverse trench openings are made in the street pavement, regardless of the age of the wearing course, the Township may require the applicant to overlay all traffic lanes in which such openings were made, for the entire length of the street that was opened, if the Township Road Superintendent or his designee determines that the serviceability of the street has been impaired by the openings.
3. Any lawn area disturbed as part of the work shall be restored to the condition that existed prior to the start of work. At a minimum, the following standards shall be met:
  - A. A minimum of six (6) inches of screened topsoil shall be placed at all locations of lawn restoration.
  - B. Disturbed areas shall be permanently stabilized with a quality seed mixture and straw mulch. The seed mixture used shall match the existing grass type.
  - C. Erosion control blanket shall be placed on all slopes that are 3:1 or greater. Blankets must be placed on all areas where erosion occurs or as specified by the Township Road Superintendent or his designee.



- D. All wheel ruts or other construction damage created by the applicant shall be restored to a condition equal to or better than that which existed before the start of any work authorized by the permit.

**§21-119. Identification.**

All excavations shall be marked after both temporary and permanent restoration. Where a pipeline crosses a public road, the location of the pipeline shall be marked by appropriate posts over the center of each pipeline. The posts shall be placed on both sides of the roadway on or one (1) foot inside the right-of-way line, and shall contain all information required by Federal regulations with, as a minimum, the name and local address of the pipeline company offices and a phone number to call that will provide immediate response in the event of an emergency.

**§21-120. Guarantee.**

All work shall be guaranteed for a period of one (1) year from the date of final inspection and certification by the Township Engineer that the work has been completed in accordance with the permit. All defects shall be corrected by the applicant within twenty-four (24) hours of verbal or written notice from the Township or its agents.

**§21-121. Security Deposit and/or Bonding.**

Except for public utility corporations operating under a franchise covering an area in whole or in part within the Township, projects in excess of Twenty-Five Thousand Dollars (\$25,000.00) shall deposit with the Township financial security in an amount equal to one hundred ten percent (110%) of the cost of completion of the work and any additional inspection fees required to comply with this Part, estimated as of ninety (90) days following the date scheduled for completion, provided the cost exceeds Twenty-Five Thousand Dollars (\$25,000.00). The form, amount and administration of the financial security shall be in accordance with Section 509 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10509. Following completion of the work, ten percent (10%) of the financial security shall be held by the Township until the end of a one (1) year guarantee period, and shall be used by the Township as liquidated damages in case of default or non-performance by the applicant.

Public utility corporations operating under a franchise covering an area in whole or in part within the Township shall have on file with the Township a bond in the amount of Five Thousand Dollars (\$5,000.00) or as may be established by Resolution of the Board of Supervisors with a surety that is licensed to transact such business in the Commonwealth of Pennsylvania, which bond shall be renewed annually, covering the cost of all inspections made by the Township Road Superintendent, his designee, or the Township Engineer, pertaining to all openings or excavations made or to be made in a calendar year, or shall furnish a bond in the amount determined by the Township Road Superintendent or his designee covering the aforesaid costs pertaining to proposed openings or excavations set out

in the Application. The aforesaid bonds shall have either corporate surety or other surety approved by the Township Solicitor, and shall be conditioned to indemnify the Township in the event of any loss, liability or damage that may result or accrue from or be due to the making, existence or manner of guarding or constructing any opening or excavation during the term of said bond.

**§21-122. Prohibited Locations.**

No utilities, except for transverse laterals, shall be placed in the planting area between the face of curb and the sidewalk, or within five (5) feet of the edge of cartway or paved shoulders. This area is reserved for Township use for storm sewers, traffic signs, streetlights, etc.

**§21-123. Recently-Paved Streets.**

Except for emergencies, excavations will not be permitted in streets that have been built or overlaid within the previous three (3) years, unless the applicant agrees to overlay the full width of the street with one and one half (1½) inches of 9.5 mm Superpave for a distance of ten (10) feet on either side of the extreme edges of the disturbed paving measured along the length of the road. Overlays shall be placed within one (1) week of permanent restoration of the excavation.

**§21-124. Driveway Permits.**

Permits shall be required for all new or widened driveways within the Township. Driveway permits for Township roads shall be obtained from the Township. The Application shall be accompanied by a fee in accordance with the Township Schedule of Fees adopted from time to time by the Board of Supervisors. Driveway permits for State roads shall be obtained from PennDOT. The provisions of Section 21-121, Security Deposit, and Section 21-135, Insurance, shall not apply to an applicant for a driveway permit serving an existing single-family residence.

**§21-125. Driveway Dimensions.**

The minimum width of a driveway shall be nine (9) feet. In areas where a driveway is approved for access to multiple lots or uses, the minimum width of the driveway shall be sixteen (16) feet; where it can be shown to the satisfaction of the Township that sufficient pull-offs are provided for access to multiple lots or uses, the minimum width may be reduced to nine (9) feet. The maximum width of residential driveways shall be twenty (20) feet. The maximum width of commercial and industrial driveways shall be determined by engineering analysis. Driveways shall provide four (4) foot paved radius tapers (turning widths) where the driveway meets the cartway edge of a Township road; regardless of width, should turning movements onto or off of driveways result in damage to the cartway edge of a Township road, property owners shall be liable for repairs to the Township road.

**§21-126. Driveway Locations.**

The centerline of driveways shall be located at least fifty (50) feet from the continuation of the right-of-way line of the closest intersection, or directly across from three (3) way intersections.

**§21-127. Number of Driveways.**

Not more than two (2) driveways shall be permitted to any single property, tract or business establishment. Residential lots and lots with frontages of one hundred (100) feet or less shall be limited to one (1) driveway.

**§21-128. Visibility.**

All driveways shall meet the visibility requirements of PennDOT Chapter 201. The clear-sight triangle shall be maintained clear of all obstructions at all times.

**§21-129. Drainage.**

Driveways shall be depressed to match the existing roadside swale or shoulder so as to allow above-ground drainage over the driveway and to direct driveway runoff into said swale or shoulder. Pipes shall not be installed under driveways, except under unusual circumstances and with prior Township approval.

**§21-130. Grades.**

The portion of a driveway within the street right-of-way shall not exceed four percent (4%) grade. The remainder of the driveway shall not exceed fifteen percent (15%) grade. Driveways shall be paved from the cartway to a minimum of twenty-five (25) feet back from the right-of-way line. Paving shall consist of six (6) inches of 2A crushed stone, and two (2) inches of ID-2 per PennDOT Publication 408, latest edition. The remainder of the driveway may be constructed of any suitable stone, paver or paved surface.

**§21-131. Erosion.**

Driveways shall be designed to avoid erosion and excessive runoff by grading, interception swales and/or drainage systems. If erosion products are deposited on the cartway, shoulders or swales, the property owner shall remove them within four (4) hours of verbal or written notice from the Township or its agents. In addition, the property owner shall take necessary measures to avoid reoccurrence of the problem.

**§21-132. Private Streets.**

Driveways serving as private streets shall not be dedicated to the Township, nor does the Township assume any responsibility for their maintenance.

**§21-133. Flag Lots.**

When flag lots abut each other at a common street line, or in other situations considered appropriate by the Board of Supervisors, a common driveway shall be utilized for access to the lots.

**§21-134. Unnatural Water Sources.**

Discharge from any roof drains, downspouts, sump pumps, foundation drains, disposal fields, etc., shall not be permitted onto a right-of-way or onto a driveway or driveway drainage system that directs runoff toward a street. Such discharge may be connected to underground drainage systems in the street if available, preferably into an inlet for accessibility.

**§21-135. Insurance.**

As part of the permit Application, the applicant shall provide the Township with insurance certificates for the following policies of insurance in full force and effect with an insurance company(ies) admitted by the Pennsylvania Insurance Commissioner to do business in the Commonwealth of Pennsylvania, and rated not less than A in Best Insurance Key rating Guide:

1. Commercial general liability insurance, including property damage liability and personal injury liability of not less than One Million Dollars (\$1,000,000.00) for each occurrence and a Two Million Dollar (\$2,000,000.00) minimum aggregate amount.
2. Automobile bodily injury liability insurance of not less than Five Hundred Thousand Dollars (\$500,000.00) each person; Five Hundred Thousand Dollars (\$500,000.00) each occurrence.
3. Statutory Workmen's Compensation and Employer's Liability Insurance.

All policies of commercial general liability insurance required hereunder shall name the Township, its Supervisors, Engineer and employees, as additional insureds. Specifically, the commercial general liability insurance policy shall name the Township, its officers, agents, Supervisors, elected officials and employees, as an additional insured under ISO endorsement CG 20 26 07 04 or non ISO equivalent. Any policy or policies of insurance shall be primary and non-contributory to insurance coverage maintained by the Township. Certificates of Insurance shall state that coverage shall not be cancelled by either party except after thirty (30) days prior to written notice by U.S. Certified Mail, Return Receipt Requested, has been given to the Township. In addition, the applicant shall indemnify and

hold harmless the Township, and shall assume the defense and all costs of lawsuits and awards.

**§21-136. Emergencies.**

In the case of emergencies threatening property or lives, the applicant may proceed with the work after notifying the Township and 911. The applicant shall still be responsible for applying and obtaining the permit and satisfying all requirements. The Application shall be made within twenty-four (24) hours of the verbal or written notice to the Township and 911. If the Township Administrative Office is closed, the applicant shall notify the Township Police Department. Information communicated shall include: (a) the date and time the emergency work is started; (b) the location of the emergency work site; and, (c) a description of the emergency work.

**§21-137. Equipment Damage to Streets or Sidewalks.**

All equipment shall have rubber wheels or runners, and shall have rubber, wood or similar protective pads between the outriggers and the surface unless otherwise authorized by the permit. Where other than rubber equipped machinery is authorized, pavement, sidewalks and shoulders shall be protected by the use of matting wood, or other suitable protective material having a thickness of four (4) inches (unless the permit indicates that the applicant plans to repave the full width of the roadway). Should damages occur, pavement, shoulders and sidewalks shall be restored to their formal condition at the applicant's expense.

**§21-138. Other Regulations.**

In addition to the requirements of this Part, all work is subject to all applicable Federal, State and local laws, ordinances and regulations.

**§21-139. Violations and Penalties.**

Any person or utility which shall violate or permit the violation of the provisions of this Part shall, upon being found liable therefore in a criminal enforcement proceeding, pay a fine of not more than One Thousand Dollars (\$1,000.00), nor less than Twenty-Five Dollars (\$25.00), together with Court costs and reasonable attorney fees, and may be incarcerated for a period not exceeding ninety (90) days. Such fines, costs, attorney fees and incarceration, after being reduced to a final, unappealed judgment, shall be enforced by the Township pursuant to the applicable Rules of Criminal Procedure. Each day of violation shall constitute a separate violation.

**§21-140. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

**CARTWAY** - The portion of a street or alley, right-of-way, paved or unpaved, customarily used by vehicles in the regular course of travel over the street.

**PERSON** - Any natural person, municipal authority, corporation, partnership, joint venture, sole proprietorship, firm, association and any other entity of whatever type.

**RIGHT-OF-WAY** - The total width of any land reserved or dedicated as a street, alley or crosswalk, or for any other public or private purpose.

*(Ord. 127, 7/8/1974, §6; as amended by Ord. 311, 6/14/2004, §1; and Ord. 369, 04/10/2017, §1)*

**PART 2****CONSTRUCTION OF SIDEWALKS****§21-201. Definitions.**

The following words and phrases when used in this Part shall have the following meanings unless the context clearly indicates otherwise:

**ENGINEER** - the Engineer of the Township, appointed by the Supervisors.

**SIDEWALK AREA** - the area between the street (curb) line and the right-of-way line of a street as shown on the topographical survey, recorded subdivision plan or as established by ordinance.

**STREET** - any street, road, avenue, highway, lane, alley or other thoroughfare appearing on the topographical survey of the Township, or as established by ordinance or appearing on a recorded subdivision plan and open to public use.

**SUPERVISORS** - the Board of Supervisors of the Township.

**TOWNSHIP** - the Township of Oley, Berks County, Pennsylvania.

*(Ord. 149, 6/13/1977, §I)*

**§21-202. Requirements of Construction.**

1. The grading of sidewalk areas and the construction and repairing of sidewalks, curbs and driveway entrances along and in the streets of the Township shall be done by the owner or owners of the lot or lots abutting thereon in accordance with the lines and grades shown on the topographical survey of the Township, established by ordinance or shown on recorded subdivision plans and shall be done in accordance with the provisions of this Part.
2. It is hereby declared unlawful for any person, firm, corporation or other entity to grade any sidewalk area or construct, repair or replace any sidewalk, curb or driveway entrance within the Township except in compliance with the provisions of this Part.
3. Any person, firm, corporation or other entity desiring to grade any sidewalk area or to construct or repair any sidewalk, curb or driveway entrance shall first obtain a permit therefor from the Secretary of the Township. Such permit shall be issued after the following conditions have been satisfied.

- A. The filing of a written application with the Secretary upon such form as prescribed by the Supervisors, setting forth the location, purpose and description of the improvement.
- B. The approval of the said application by the Township Engineer.
- C. The payment of a permit fee in accordance with a fee schedule adopted by the Supervisors by resolution, to be paid to the Secretary at the time of filing the application.
- D. In all cases of new construction of curb, sidewalk or driveway entrance, or of resetting any curb, sidewalk or driveway entrance in excess of 10 feet in length, and in the case of any other work when requested by the applicant, the Township Engineer shall furnish the applicant with necessary lines and/or grades the cost of which, in accordance with the aforesaid fee schedule, shall be paid by the applicant to the Township Secretary at the time of filing the application.

A permit shall be effective for a period of 90 days from the date of issuance and may, prior to expiration of the original or renewal period, be renewed by the Township Secretary for a period of 90 days upon application and payment of a renewal fee for such period in accordance with the aforesaid fee schedule by the person, firm, corporation or other entity to whom the original permit was issued, providing that reference points have not been disturbed or destroyed. When reference points have been disturbed, they shall be reestablished at the expense of the applicant. The form of application and permit shall be as approved, from time to time, by the Supervisors by resolution. A copy of every application filed with the Township Secretary shall be kept on file at the office of the Township.

4. From time to time the Supervisors shall, by resolution, adopt details and specifications for the construction and repair of curbs, sidewalks and driveway entrances which shall remain on file and available at the office of the Township.
5. All sidewalk areas shall be graded and all sidewalks, curbs and driveway entrances shall be constructed, reconstructed, repaired or replaced in accordance with the most recent details and specifications adopted by the Supervisors. Upon the neglect or refusal of the owner or owners of the abutting lot or lots to grade any sidewalk areas; to construct, pave, repave or repair any sidewalk or to construct, set, reset or repair any curb or driveway entrance within 60 days after notice to do so from the Supervisors, the Supervisors shall cause the same to be done and shall collect the cost thereof, together with all charges and expenses, from the abutting owner or owners in the manner provided for in the Second Class Township Code.
6. Sidewalk areas not graded, or sidewalks, curbs and driveway entrances not laid in conformity with the provisions of this Part and with the established grades and lines shown on the topographical survey of the Township, or as established by ordinance, or as shown on a recorded subdivision plan must be taken up and regraded and/or relaid according to the provisions of this Part within 60 days after notice to the owner or owners so to do by the Supervisors. Upon failure of the owner or owners to



regrade such sidewalk area and/or relay such sidewalk, curb or driveway entrance within the time stipulated, the Supervisors shall cause the same to be done in the manner herein provided and shall collect the cost thereof, together with all charges and expenses, from the abutting owner or owners in the manner provided for in the Second Class Township Code.

7. Sidewalks, curbs and driveway entrances which do not comply with the most recently adopted details and specifications shall not be permitted to be repaired if:
  - A. In the case of curbing more than 20% of any scored section must be replaced. In such case the curb shall be sawed and the entire section replaced, with expansion joints placed at both ends of the section.
  - B. In the case of concrete sidewalks, more than 20% of the area of any scored block requires replacement. In such case the said block shall be replaced in its entirety. Where a portion of a concrete block is removed for installation of or repairs to utilities, such block shall be replaced in its entirety.
  - C. In the case of brick sidewalks, more than 20% of the total sidewalk area requires replacement. In such case the entire brick sidewalk shall be replaced by a concrete sidewalk.
  - D. In the case of concrete driveway entrances, more than 20% of the total area requires replacement. In such case the entire driveway entrance shall be replaced.
8. Should a sidewalk, curb or driveway entrance become, in the opinion of the Supervisors, a danger to the public by reason of the condition thereof, notice shall be given by the Supervisors to the owner or owners of the lot or lots abutting thereon to relay the sidewalk, curb and/or driveway entrance in accordance with the then applicable details and specifications. Upon the failure of the owner or owners to comply with such notice within 60 days, the Supervisors shall cause the same to be done in the manner herein provided and shall collect the cost thereof, together with all charges and expenses, from the abutting owner or owners in the manner provided for in the Second Class Township Code.
9. No surface gutters shall be permitted on newly constructed sidewalks. All drains shall be installed under sidewalk areas in conformance with the details and specifications adopted by the Supervisors.
10. Bituminous concrete material and/or any other approved material placed upon driveway entrances shall in no way impede the flow of stormwater runoff in the cartway area of the street.

11. Curbs and sidewalks shall be installed along all new subdivision streets and in all other areas pursuant to petition or ordinance in accordance with the provisions of the Second Class Township Code. Curbs and sidewalks shall be constructed in any area where, in the opinion of the Supervisors, pedestrian traffic, inadequate sight distances or other potentially hazardous conditions indicate the need for reasons of public safety. In the case of industrial or commercial development, the Supervisors may waive the requirements of this subsection if satisfied that such development is located in an area of the Township where curbs and/or sidewalks are neither desirable or necessary and if adequate facilities for the removal and control of stormwater runoff are provided and approved by the Township Engineer.
12. The Supervisors may require the installation of curb cut ramps for physically handicapped persons at such locations as the Supervisors may deem necessary.

*(Ord. 149, 6/13/1977, §II)*

**§21-203. Planting Restrictions.**

No person, firm, corporation or other entity shall plant any trees, evergreens, hedges, plants or shrubbery between the curb line and the right-of-way line of any street or within 3 feet of the property side of the right-of-way line of any street. No trees or shrubbery shall be planted on a corner property in any manner which would not conform with the sight distance requirements of the Township land subdivision regulations. Any trees, evergreens, hedges, plants or shrubbery planted in violation of this Section shall be removed within 30 days after notice by the Supervisors to the owner or owners of the property to remove the same; and upon the failure of the owner or owners to remove the same, the Supervisors shall cause the same to be removed and shall collect from the owner or owners the cost thereof together with all charges and expenses. If payment is not made within 10 days after written notice of the amount due is given to the owner or owners, the Supervisors shall file a municipal lien therefor against the property or shall bring an action in assumpsit against the owner or owners for collection thereof.

*(Ord. 149, 6/13/1977, §III)*

**§21-204. Additional Requirements.**

1. All subsurface rain water conductors shall be placed in such a manner that the top of the pipe will be 3 inches from the top of the curb with expansion joints placed vertically to the center line of the pipe.
2. All individual home services for public utilities (excluding gas service) shall be raised and/or lowered to proper curb elevation by the person, firm or corporation installing the concrete curb, driveway and/or sidewalk at such premises.

3. All traffic signs removed during construction of concrete curb, sidewalk and/or driveway shall be replaced by the person, firm, corporation or other entity performing the installation.

*(Ord. 149, 6/13/1977, §IV)*

**§21-205. Township Indemnity.**

Any person, firm, corporation or other entity applying for any permit under this Part shall indemnify the Township against all liability of whatsoever nature arising during the performance of work for which a permit is granted, whether or not such liability arises as the result of negligence on the part of the person, firm, corporation or other entity to whom the permit is issued.

*(Ord. 149, 6/13/1977, §V)*

**§21-206. Penalty.**

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. 149, 6/13/1977, §VI; as amended by Ord. 311, 6/14/2004, §1)*

**PART 3****CONSTRUCTION OF STREETS****§21-301. General Purpose.**

The construction of streets in the Township of Oley shall be done in conformity with the specifications, regulations and provisions set forth in this Part.

*(Ord. 154, 4/19/1978, §1)*

**§21-302. Definitions.**

**ENGINEER** - the Engineer of the Township of Oley.

**STREET** - as defined in the Subdivision and Land Development Ordinance of Oley Township [Chapter 22]. It includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private. Included is all the land between the street right-of-way lines whether improved or unimproved. Streets may comprise pavement, shoulders, gutters, sidewalks, division strips or other areas within the street right-of-way lines. Streets shall be classified according to function as follows:

**ARTERIAL STREET** - a street serving a large volume of comparatively high-speed and long-distance traffic including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

**COLLECTOR STREET** - a street which intercepts minor streets to provide a route to give access to community facilities and/or other collector and arterial streets. Streets in industrial and commercial subdivisions shall generally be considered collector streets.

**LOCAL ACCESS STREETS -**

**CUL-DE-SAC STREET** - a minor street intersecting another street at one end and terminating in a vehicular turnaround at the other end.

**HALF (PARTIAL) STREET** - a street generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

**MARGINAL ACCESS STREET** - a minor street, parallel and adjacent to an arterial street, but separated from it by a reserve strip, which provides access to abutting properties and control of intersections with the arterial streets.

MINOR STREET - a street used primarily to provide access to abutting properties or buildings.

**SUPERVISORS** - the Supervisors of the Township of Oley.

*(Ord. 154, 4/19/1978, §2)*

**§21-303. Inspection.**

All work done pursuant to the provisions of this Part shall be inspected by the Engineer.

*(Ord. 154, 4/19/1978, §3)*

**§21-304. Streets.**

All streets in the Township shall be constructed in accordance with the specifications hereinafter set forth as follows:

- A. The design of all streets constructed in Oley Township shall be in accordance with the guidelines and requirements for design of local roads and streets contained in Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design. In addition to construction being in conformance with PennDOT standards, the Township Secretary may, from time to time, adopt by resolution minimum standards for street construction. Such construction standards shall serve as guidelines for the minimum acceptable types of construction and shall be subject to all regulations and/or specifications of the Pennsylvania Department of Transportation.
- B. All components of the pavement structure and methods of application shall be in accordance with Pennsylvania Department of Transportation specifications, Form 408.
- C. When a wearing course is placed adjacent to a curb, upon existing bituminous material or adjacent to structures (manholes, water valve boxes, etc.), it shall be sealed as prescribed in §401.3(G) of Pennsylvania Department of Transportation Form 408.
- D. In the application of tar, asphalt or other liquid materials care shall be taken so that same will not applied excessively or carelessly to the curbs. Should this occur, it shall be removed by the party responsible for application.
- E. Concrete curb or driveways chipped, broken or damaged during street construction shall be properly repaired by the party causing the damage. Specifics in the foregoing shall not limit, but only define, the generalities of this Part.

- F. Should the Engineer find that the ground condition and/or rock condition beneath a street provides sufficient stability so that part or all of the subbase requirements may be waived, modified or changed and still comply with generally recognized, sound engineering principles after appropriate tests have been taken; subbase requirements may be waived, modified or changed by the Engineer.

*(Ord. 154, 4/19/1978, §4)*

**§21-305. Requirements for Dedication of Streets to Public Use.**

The Township will accept into its street system only those streets which have been constructed in accordance with specifications and requirements of this Part and the Subdivision and Land Development Ordinance of the Township of Oley [Chapter 22] and all other ordinances, regulations, resolutions and controls of the Township. Proof of compliance with the specifications and requirements of §21-304 shall be provided by written request of Engineer to inspect and/or observe the work during construction and installation of the same or by providing the results from a core sampling as required by the Engineer and in accordance with the requirements for testing the appropriate materials and method of application detailed in Pennsylvania Department of Transportation Form 408. The costs of such inspection, observation and tests shall be borne by the developer and/or contractor.

*(Ord. 154, 4/19/1978, §5)*

**§21-306. Acceptance of Dedication of Street by the Township.**

The Township shall accept into its street system any street constructed in accordance with this Part and the Subdivision and Land Development Ordinance of the Township of Oley [Chapter 22] upon receipt of a fully executed deed of dedication and plans both in proper form for adoption, shall be submitted to the Township, and an ordinance for acceptance shall be prepared by the Township Solicitor for recording and filing with all costs incidental thereto for processing to be paid by the grantor.

*(Ord. 154, 4/19/1978, §6)*

**§21-307. Improvements Costs.**

The cost and expense of any type of improvement mentioned hereinbefore shall be paid for by the developer, guaranteed by the posting of a performance and maintenance bond as provided for by a Township ordinance or by the owners of the real estate abutting on the street or highway or part thereof whereon such improvement is made. Should the Township make the improvement, the cost and expense thereof may be collected from the developer or from the owners of the real estate abutting on such street or highway or part thereof by an equal assessment on the front feet. Such proportionate cost and expense or assessment shall be computed by the Engineer. The Supervisors shall collect said cost and

expense or assessment in the manner provided by law.

*(Ord. 154, 4/19/1978, §7)*

**§21-308. State Forms and Regulations.**

Should the forms, specifications and/or regulations of the Commonwealth of Pennsylvania, which are incorporated by reference in this Part, be subsequently amended, replaced or in any other way changed, this Part shall be automatically amended to incorporate herein the subsequent, similar forms, specifications and/or regulations of the Commonwealth of Pennsylvania. It is the intent of this Part to achieve a strong degree of uniformity therewith.

*(Ord. 154, 4/19/1978, §8)*

**§21-309. Penalties, Violation.**

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. 154, 4/19/1978, §9; as amended by Ord. 311, 6/14/2004, §1)*

**PART 4****CONSTRUCTION OF PRIVATE DRIVEWAYS****§21-401. Purpose.**

This Part provides uniform standards for construction of private driveways in the Township of Oley, Berks County, Pennsylvania.

*(Ord. 246, 12/14/1992, §1)*

**§21-402. Applicability.**

This Part shall apply to all new private driveways constructed after the effective date of this Part. This Part shall also apply to existing driveways exiting to Township roads that are improved after the effective date of this Part. Driveway improvements subject to this Part include paving, repaving, widening for purposes of adding another lane, changing or modifying a driveway entrance. Driveway improvements shall not include normal maintenance and resurfacing. The term driveway, as used in this Part, does not include field access entrances used for agricultural purposes.

*(Ord. 246, 12/14/1992, §2; and Ord. 368, 12/12/2016, §1)*

**§21-403. Procedure.**

Prior to commencing construction on any driveway, the following procedure shall be as follows:

- A. The applicant or his representative shall complete a driveway permit application and pay the applicable fee to the Permit Administrator.
- B. The Permit Administrator shall review the application and discuss any comments with the applicant.
- C. The Permit Administrator shall sign and issue the permit for construction of the driveway, provided that the driveway meets all the requirements of this Part.
- D. The Permit Administrator shall, on one or more occasions, inspect the driveway and confirm that it conforms to this Part.
- E. After the final inspection, the Permit Administrator shall sign the permit a second time to signify approval of the driveway as constructed.



*(Ord. 246, 12/14/1992, §3)*

**§21-404. Exceptions.**

1. Exceptions to the requirements of the Part may be granted where compliance is infeasible or will cause a hardship.
2. Exceptions can be granted by the Township Supervisors or the Permit Administrator.

*(Ord. 246, 12/14/1992, §4)*

**§21-405. Specifications.**

1. Entrances to private driveways shall be at least 75 feet from the point of intersection of the nearest street curb lines. Where no curbs are in place, the edge of the cartways shall be used to determine proper location. Exceptions can be made where zoning requirements permit lot widths less than 75 feet. Driveway entrance locations are subject to approval of the Township.
2. Driveways shall be constructed at a grade no greater than 10%. Driveways 10% to 14% grade will be considered where special attention to drainage control is provided.
3. Driveways with a grade steeper than 7% shall be paved.
4. Entrances provide driveways serving multiple family dwellings shall be rounded at a minimum radius of 10 feet.
5. Private driveways shall not intersect streets at angles of less than 60° nor more than 120°.
6. Clear sight distances shall be provided at all street intersections with private driveways. Clear sight distances shall be established using the method provided in the Appendix.
7. Driveways shall be constructed with a crown to provide drainage. In cases where a driveway is constructed across a slope, the cartway shall be pitched to drain toward the downhill side.
8. Driveways with an uphill grade from the street shall not be used as a drainageway for turnaround runoff or roof spout runoff. Runoff from roof spouts shall be dispersed into pervious areas such as lawns or woods. Turnarounds shall be graded to drain into adjacent pervious areas and away from the driveway.
9. Driveways shall range from 10 feet to 20 feet in width.

10. Driveway entrances shall be flared with an arc, the radius of which shall not exceed 15 feet. Smaller radii should be used with wider driveways. The intersection of the driveway with the road cartway shall not be less than 5 feet from the property line for urban locations or 10 feet for rural locations. (See Figure 1)
11. The width of the driveway at the edge of the road cartway shall not exceed 30 feet for residential driveways or 50 feet for commercial and industrial driveways.
12. Driveways shall not impede the natural flow of drainage in the road gutter. Underdrains shall be at least 12 inches in diameter. The Permit Administrator may require drainage calculations to justify the use of a specific diameter pipe. Gradients for construction of drainage facilities at driveway entrances are depicted on Figure 1.

*(Ord. 246, 12/14/1992, §5)*

**§21-406. Permit Administrator.**

The provisions of this part shall be administered by a permit administrator appointed by the Board of Supervisors of the Township of Oley from time to time, to serve at the pleasure of the Board.

*(Ord. 246, 12/14/1992, §6)*

**§21-407. 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. 246, 12/14/1992, §7; as amended by Ord. 311, 6/14/2004, §1)*

## APPENDIX

### DETERMINATION OF SIGHT DISTANCES AT INTERSECTIONS OF NEW DRIVEWAYS WITH EXISTING TOWNSHIP ROADS

Access driveways shall be located at a point within the property frontage limits which provides at least the minimum safe stopping sight distance (SSSD) calculated using the formula given below. (SSSD's for most situations can be obtained directly or by interpolation from Tables 1 and 2).

The calculated minimum safe stopping distance (SSSD) shall be obtainable and measured from a point 10 feet back of the pavement edge and 3.5 feet above the road surface to a point 3.5 feet above the road surface.

#### **FORMULA**

The following formula for calculating minimum safe stopping sight distance (SSSD) is reproduced from the Pennsylvania Code Title 67, Chapter 441 (Access to and Occupancy of Highways by Driveways and Local Roads).

$$\text{SSSD} = 1.47 Vt \quad + \quad \frac{V^2}{30(f+0.01g)}$$

SSSD =	Minimum safe stopping sight distance (feet).
V =	Velocity of vehicle (miles per hour).
t =	Perception time of motorist (average = 2.5 seconds).
f =	Wet friction of pavement (average = 0.30).
g =	Percent grade of roadway approaching intersection, (positive (+) or uphill or negative (-) for downhill. (See example below.)

#### **Sample Using Formula**

A new driveway will be created along an existing road with an 8 percent grade on which the dominant vehicle speed is 45 miles per hour. Determine the SSSD for vehicles approaching from both directions towards the new intersection.

For vehicles ascending (approaching uphill) towards the intersection, use  $g = 8$ . (Note that  $g$  is positive).

$$\text{SSSD} = 1.47 \times 45 \times 2.5 + \frac{(45)^2}{30[.30 + .01(8)]} = 343 \text{ feet}$$

For vehicles descending (approaching downhill) towards the intersection, use  $g = -8$ . (Note that  $g$  is negative and the stopping distance is considerably longer).

$$\text{SSSD} = 1.47 \times 45 \times 2.5 + \frac{(45)^2}{30[.30 + .01(-8)]} = 472 \text{ feet}$$

### **Tables 1 and 2**

Tables 1 and 2 give minimum safe stopping distances calculated using the above SSSD formula for vehicles approaching downhill (descending) and uphill (ascending) respectively towards intersections for various vehicle speeds and road grades. For any circumstances not covered adequately by the tables, the formula shown above should be used to determine SSSD's.

**Table 1 Minimum Safe Stopping Sight Distance (SSSD) for Vehicles Approaching Down Hill (Descending) Towards Intersection**

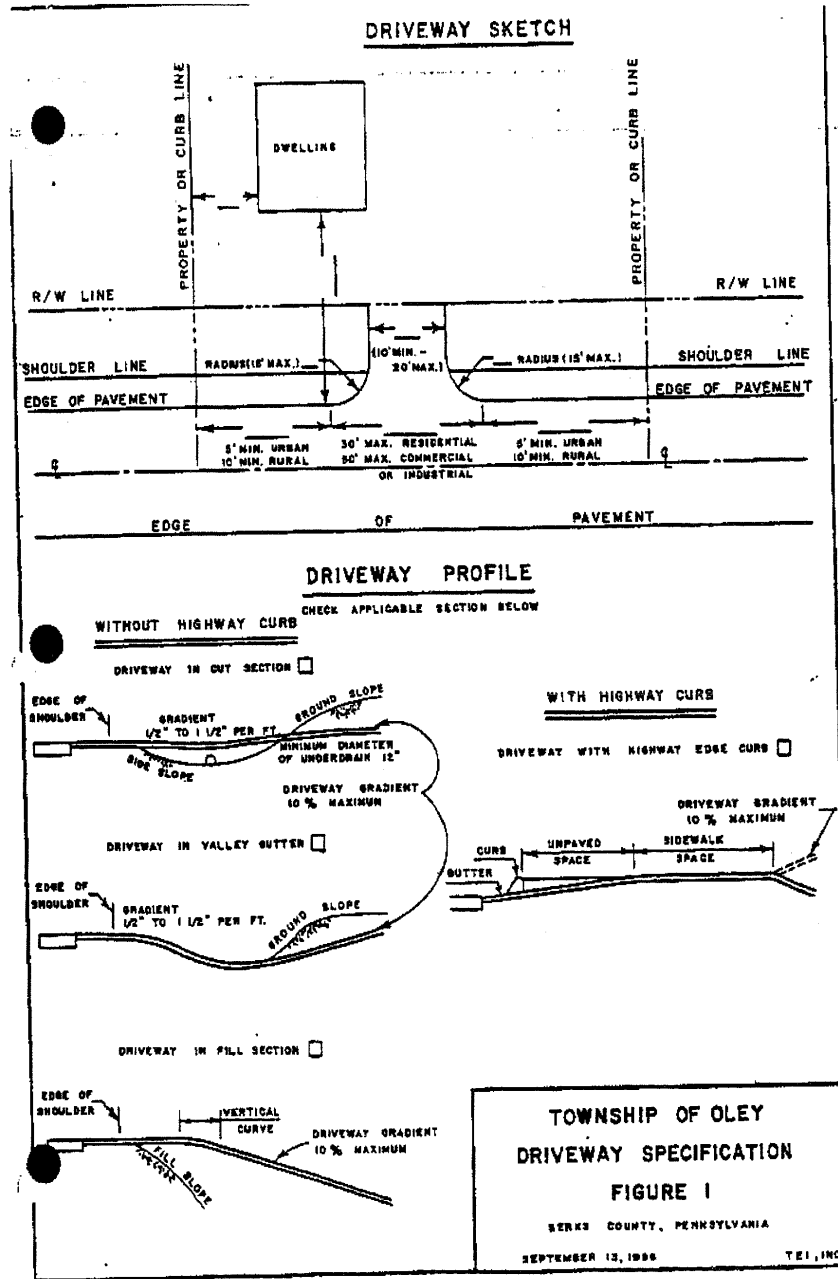
SSSD'S FOR DOWN HILL GRADES APPROACHING INTERSECTION  
(Feet)

Speed MPH	Level	1%	2%	3%	4%	5%	6%	7%	8%	9%	10%	11%	12%	13%	14%
25	161	163	166	169	172	175	178	181	186	191	196	202	207	214	222
35	265	270	275	280	286	292	299	306	315	323	333	344	356	369	384
45	390	398	406	415	425	435	446	458	472	486	502	521	540	562	587
55	538	550	562	575	590	605	622	640	660	682	706	733	762	795	832
65	708	724	742	760	780	802	825	851	879	909	943	980	1021	1067	1119

**Table 2 Minimum Safe Stopping Sight Distance (SSSD) for Vehicles Approaching Up Hill (Ascending) Towards Intersection**

SSSD'S FOR UP HILL GRADES APPROACHING INTERSECTION  
(Feet)

Speed MPH	Level	1%	2%	3%	4%	5%	6%	7%	8%	9%	10%	11%	12%	13%	14%
25	161	159	157	155	153	151	150	148	147	145	144	143	141	140	139
35	265	260	256	252	249	245	242	239	236	233	231	228	226	224	221
45	390	383	376	370	363	358	353	348	343	338	334	330	326	322	319
55	538	527	517	507	499	490	482	475	467	461	454	448	442	436	431
65	708	693	679	666	653	641	630	620	610	600	591	582	574	566	559



**PART 5****REMOVAL OF SNOW AND ICE FROM SIDEWALKS****§21-501. Definitions.**

As used in the Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

**CARTWAY** - portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**CORPORATION** - natural person, partnership, corporation, association or any other legal entity.

**SIDEWALK** - portion of a street between the curb lines or the lateral lines of a cartway and the adjacent property lines, intended for use by pedestrians.

**STREET or HIGHWAY** - the entire width between the boundary lines of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

*(Ord. 270, 12/9/1996, §1)*

**§21-502. Responsibility for Removal of Snow and Ice From Sidewalks.**

Every person in charge or control of any building or lot of land fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away or cause to be cleared away, snow and/or ice from a path of at least 30 inches in width from so much of said sidewalk as in front of or abuts on said building or lot of land.

- A. Except as provided in subsection (B) hereof, snow and ice shall be removed from sidewalks within 12 hours after the cessation of any fall of snow, sleet or freezing rain.
- B. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection (A) hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared a path in said sidewalk of at least 30 inches in width.

*(Ord. 270, 12/9/1996, §3)*

**§21-503. Depositing of Snow and Ice Restricted.**

No person shall deposit, or cause to be deposited, any snow or ice on or immediately next to a fire hydrant or on any sidewalk, roadway or loading and unloading areas of a public transportation system, except that snow and ice may be mounded by Oley Township on public cartways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks in business districts.

*(Ord. 270, 12/9/1996, §3)*

**§21-504. 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. 270, 12/9/1996, §4; as amended by Ord. 311, 6/14/2004, §1)*