



UPPER FREDERICK TOWNSHIP

P.O. Box 597, Frederick, PA 19435

TOWNSHIP BUILDING
3205 Big Road, Obelisk, PA 19492

www.upperfrederick.org

TELEPHONE-610-754-6436
FAX-610-754-6828

DRIVEWAY/STREET OPENING PERMIT APPLICATION

Date Received: _____ Permit Number: _____

Location of Proposed Work:

Site Address: _____

Tax Parcel #: _____ Block _____ Unit _____

Application Type (check the one that applies):

<input checked="" type="checkbox"/>	<u>Application</u>	<u>Application Fee</u>	<u>Escrow*</u>	<u>Deposit</u>
<input type="checkbox"/>	New Driveway	\$50.00	\$1,500.00	n/a
<input type="checkbox"/>	Driveway Resurfacing	\$50.00	n/a	n/a
<input type="checkbox"/>	Road Opening	\$150.00	\$1,500.00	n/a

*submit copy of Driver's License and completed W9 with escrow payment

Describe Proposed Work: _____

Anticipated Start of Construction: _____

Owner: _____ Phone #: _____

Mailing Address: _____

Applicant _____ Phone #: _____
(if other than owner)

Contractor _____ Phone #: _____
PA Registration # _____ Township Registration? _____ Insurance Cert: _____

I certify that the Township's authorized representative shall have the authority to enter areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit.

Signature of Owner or Agent

Print Name of Owner or Agent

Date

Application Submittal Requirements:

APPROVALS (For Administrative Use Only)

Road Foreman Plan Approval/Denial: _____ Date: _____

-Conditions: _____

Preliminary Site Inspection Date: _____ Pass/Fail

-Erosion & Sedimentation Controls _____ Pass/Fail

Final Inspection Date: _____ Pass/Fail

-Signature _____

- **Application-** to be filled out completely with all required supporting documents as follows.
- **Plot Plan (3 copies)** to include driveway sketch, profile plan and location map

Summary of Applicable Standards:

- **Driveway Specifications (Code Section 235-37 & Ord. 2021-04):**
 - Driveway minimum width 12 feet & 22-foot width at entrance with a 5-foot minimum radius turn.
 - Driveway profile between 1 & 4 percent within 20-feet of road pavement
 - Driveways shall be paved for the first 20 feet from road. Can be extended per the requirements of the Roadmaster. Any portion of driveway with slope >7% shall be paved.
 - Paved driveways shall consist of 2” minimum depth Superpave wearing course on a 4-inch minimum depth PennDOT approved subbase material.
 - Pipe- the Roadmaster shall determine the need and size of the driveway pipe per Ordinance 2021-04.
 - Erosion controls shall be in place prior to start of work and at the time of initial inspection.
 - The permittee/contractor shall notify Township at least 48 hours prior to installation of blacktop for initial inspection of stone grade and cross section.
 - Upon completion of work, Applicant shall contact Township to schedule final inspection, which shall be completed prior sign-off on project to allow release of escrow/deposit funds.

- **Construction Criteria/Temporary Driveway (Code Section 235-38)**
 - Applicant shall contact Township at least three days prior to work in the right-of-way for initial inspection.
 - Tire scrubber shall be installed (#4 ballast) and maintained at all times during construction. Area shall be a minimum of 12” in depth from the roadway and 12 feet in length. Tire scrubber shall be filled to approximately 2” below existing road level.
 - No “track equipment” shall be loaded on Township paved roadway.
 - Erosion controls shall be in place prior to start of work and at the time of initial inspection.
 - Upon completion of work, Applicant shall contact Township to schedule final inspection, which shall be completed prior sign-off on project to allow release of escrow/deposit funds.

- **Street Opening/Excavations (not associated with driveway)**
 - Application and fees to Township shall be submitted at least 10 business days before start of work.
 - PA One Call to be completed at least three days prior to work
 - At least one lane of traffic to be maintained at all times. Road closures/detours must obtain Township approval.
 - Erosion controls shall be in place prior to start of work and at the time of initial inspection.
 - OSHA safety requirements shall be met.
 - Township notification at least 24 hours before start of work.
 - Standards of Sections 235-1 through 235-27 shall be met.
 - Upon completion of work, Applicant shall contact Township to schedule final inspection, which shall be completed prior sign-off on project to allow release of escrow/deposit funds.

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Go to www.irs.gov/FormW9 for instructions and the latest information.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

Individual/sole proprietor or single-member LLC

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Other (see instructions) ▶ _____

C Corporation

S Corporation

Partnership

Trust/estate

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

6 City, state, and ZIP code

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

				-							
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OR

Employer identification number

				-							
--	--	--	--	---	--	--	--	--	--	--	--

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person ▶	Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding*, later.

ARTICLE I
Street Openings and Excavations
[Adopted 10-10-1974 by Ord. No. 74-4; amended in its entirety 12-14-2006 by Ord.
No. 2006-01]

§ 235-1. Title.

This article shall be cited to as the "Upper Frederick Township Street Opening and Excavation Regulations."

§ 235-2. Permit required.

No opening, cutting, excavating, boring or disturbance of any kind upon, in or under any portion of a road or any road right-of-way; no gas pipe, water pipe, electric conduits, cable conduits or other piping, nor any railroad or street railway crossing, shall be laid upon or in; nor shall any drain, culvert, footpath, drive or driveway or other means of ingress or egress be graded, constructed, installed or erected onto or in; nor shall any telephone, telegraph or electric light or power poles or any other obstruction be erected upon or in, nor shall any railroad or street railway hereafter be constructed upon any portion of a road or within any road right-of-way located in the Township; except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in the ordinances, rules and regulations of the Township, and permits granted by the Township for such purposes.

§ 235-3. Application for permit; fee.

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The Township Engineer shall be responsible for review and administration of the permit. The application shall be accompanied by a fee in accordance with the Schedule of Fees set forth by the Township of Upper Frederick for street opening permits; charges shall be made payable to "Upper Frederick Township." In addition, the applicant shall submit three copies of a sketch showing the location of the intended facility, width of the traveled roadway, right-of-way lines, an address, and a dimension to the nearest intersecting road or other nearby landmark, so as to be able to easily ascertain the location of the work.

§ 235-4. Decision on permit application. [Amended 11-18-2010 by Ord. No. 2010-05]

The permit application shall be approved or denied within 10 calendar days of submission of the application to the Township. If the application and required documents do not conform to the requirements of this article and applicable ordinances, rules and regulations, the Township Road Foreman shall deny the application, in writing, stating the reasons therefor. If the Township Road Foreman is satisfied that the proposed work conforms to the aforesaid requirements, the Township Road Foreman shall issue a permit.

§ 235-5. PA One-Call.

At least three 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, 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.

§ 235-6. Maintenance of traffic.

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

§ 235-7. 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 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 Engineer and having it approved by the Township. No road shall be closed without proper detour signs, as approved by the Township Engineer, having been installed by the applicant. All detour signs shall be maintained for the entire work period.

§ 235-8. 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 Montgomery County Conservation District prior to starting work.

§ 235-9. OSHA requirements.

The applicant shall comply with all OSHA safety requirements and procedures, including, without limitation, all enclosed space requirements. All trenches over five feet in depth shall be shored or protected with a trench box.

§ 235-10. Notification.

The applicant shall notify the Township 24 hours in advance of starting work and upon completion of temporary restoration and permanent restoration.

§ 235-11. Backfill.

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

§ 235-12. Overnight requirements.

If the work cannot be completed in one workday, 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.

§ 235-13. Clean-up.

The work area shall be swept clean, cleaned of debris and otherwise policed at the end of each workday 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 hour of verbal or written notice from the Township or its agents. All loads shall be tarped.

§ 235-14. Installation.

Conduits and pipes shall be installed with a minimum of 18 inches of cover. In no case shall conduits or pipes be allowed to be placed in or be permitted to bond to asphalt pavement.

§ 235-15. Temporary restoration.

The last two inches of the excavation shall be backfilled with compacted "cold patch" or similar permeable asphalt material to allow percolation of water into the excavation while preventing 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 four hours of verbal or written notice from the Township or its agents. The temporary restoration shall remain in place for a minimum of two 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 months. The person who was issued the permit shall send a postcard to the Township indicating the date of completion of the temporary restoration.

§ 235-16. Permanent restoration.

All ragged or broken edges and undermined areas shall be saw-cut straight; the minimum cutback shall be one foot, and the minimum depth shall be 8 1/2 inches. Permanent restoration shall match existing thicknesses and materials, except in the case of asphalt paving, where the minimum requirements shall be five inches of Superpave Base Course, two inches of Superpave Binder Course and 1 1/2 inches of Superpave Wearing Course. All edges shall be sealed a minimum of 12 inches wide with PG64-22 liquid asphalt. All nonpaved areas shall be restored with six inches of topsoil, seeded and strawed. The person who was issued the permit shall send a postcard to the Township indicating the date of completion of the permanent restoration.

§ 235-17. Identification.

All excavations shall be marked after temporary restoration. The following information shall be included on the permit application: name of applicant, exact date of restoration, and emergency telephone number to be called in case of problems, day or night.

§ 235-18. Guarantee. [Amended 11-18-2010 by Ord. No. 2010-05]

All work shall be guaranteed for a period of one year from the date of final inspection and certification by the Township Road Foreman that the work has been completed in accordance with the permit. All defects shall be corrected by the applicant within 30 days of verbal or written notice from the Township or its agents.

§ 235-19. Security deposit.

At the time of permit application, the applicant shall provide the Township with a security deposit or performance bond for the full cost of the work. The amount of the security deposit or performance bond must be reviewed and approved by the Township Engineer and the Township Solicitor prior to being accepted by the Township. This security shall be held by the Township until the end of the one-year guarantee period, and shall be used by the Township as liquidated damages in case of default or nonperformance by the applicant.

§ 235-20. Prohibited locations.

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

§ 235-21. Paved streets.

In the case of longitudinal openings, excavation will not be permitted in streets unless the applicant agrees to overlay the full width of the side of the street being excavated with 1 1/2 inches of wearing course. In the case of transverse crossings, the overlay shall extend a distance of 100 feet on either side of the excavation. Overlays shall be placed within one week of permanent restoration of the excavation. The applicant shall contact the Township Engineer for complete requirements and associated construction details.

§ 235-22. Hazardous utilities.

Potentially hazardous combinations of utilities, such as water/sewer and gas/electric, shall be separated by a horizontal distance of 10 feet.

§ 235-23. Insurance.

As part of the permit application, the applicant shall provide the Township with an insurance certificate in a minimum amount of \$1,000,000. The certificate shall name the Township and Township Engineer as additional insureds. In addition, the applicant shall indemnify and hold harmless the Township, and shall assume the defense and all costs of lawsuits and awards.

§ 235-24. Emergencies.

In the case of emergencies threatening property or lives, the applicant may proceed with

the work after notifying the Township, the Fire Company and 911. The applicant shall still be responsible for applying and obtaining the permit and satisfying all requirements as outlined in this article. The application shall be made within 24 hours of the verbal or written notice to the Township, the Fire Company and 911. If the emergency occurs over a holiday, a weekend or at night, the application shall be filed the morning of the next working day.

§ 235-25. Other regulations.

In addition to the requirements of this article, all work is subject to all applicable federal, state and local laws, ordinances and regulations. While the Township has made every effort to be comprehensive with the requirements of this article, those areas not covered in this article, but outlined in PennDOT "Chapter 459, Occupancy of Highways By Utilities," most recently revised, are required with the issuance of a street opening permit.

§ 235-26. Violations and penalties.

Any person or utility which shall violate or permit the violation of the provisions of this article shall, upon being found liable therefor in a criminal enforcement proceeding, pay a fine of not more than \$1,000, nor less than \$25, together with court costs and reasonable attorney fees, and may be incarcerated for a period not exceeding 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.

§ 235-27. Definitions.

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

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

ARTICLE III

Driveway Construction

[Adopted 2-5-1998 by Ord. No. 98-1; amended in its entirety 1-8-2009 by Ord. No. 2009-01]

§ 235-34. Purpose.

The purpose of this article is to establish regulations and procedures for the design, installation and use of driveways accessing roads or streets owned and controlled by Upper Frederick Township. This article is intended to govern the construction of new driveways which are not otherwise governed by the provisions of Chapter 240, Subdivision and Land Development, of the Code of the Township of Upper Frederick, and is also specifically intended to apply to the resurfacing of existing gravel driveways which are to be converted to macadam or concrete. It is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of Upper Frederick Township.

§ 235-35. Scope.

No driveway having an outlet or access to any Township street or road shall hereafter be laid out or opened unless it complies with the provisions of this article and any other applicable ordinances or regulations of the Township of Upper Frederick which are not inconsistent herewith.

§ 235-36. Permit required.

- A. Prior to the construction of any driveway opening or access to a Township street or road, a property owner must file a driveway permit application with Upper Frederick Township, including a driveway sketch, profile plan and location map which must be approved by the Upper Frederick Township Road Foreman or other official designated by the Upper Frederick Township Board of Supervisors. A driveway permit must be issued prior to construction of the driveway opening or access. **[Amended 11-18-2010 by Ord. No. 2010-05]**
- B. The issuance of a driveway permit by the Township or by PennDOT shall be required prior to the issuance of a permit for new construction or other use that would require driveway access. No building permit shall be issued, nor any occupancy permit shall be issued as to any improvement or improvements in any district in this Township, until the application for a driveway permit shall have been made in writing and a permit approved by the Township authorities or other authority which may have jurisdiction over the road.
- C. Following the issuance of the driveway permit and the use and occupancy permit by the Township, the property owner shall comply with all specifications and requirements of this article, including the minimum pavement distance, within eight months of the issuance of the use and occupancy permit. Failure to comply with the eight-month period will result in the Township drawing upon the escrow established in § 235-39B of this article to complete the required driveway

improvements.

§ 235-37. Driveway specifications.

- A. The driveway shall have a minimum width of 12 feet with twenty-two-foot width used at the entrance and over the pipe or swale, if necessary. A radius turn of five feet minimum shall be used at the driveway entrance. Where curb is involved, the curb depression shall be two feet wider than the driveway and depressed 1 1/2 inches above the gutter line.
- B. The driveway profile shall not exceed 4% within 20 feet of the edge of payment and be no less than 1%. Beyond this point, the driveway slope shall not exceed 13%. The pavement cross slope shall be 3/8 inch per foot.
- C. All drives shall be paved for a minimum distance of 20 feet from the edge of the pavement. This may be extended by the Township for long drives and areas with drainage problems. Any portion of a driveway with a slope in excess of 7% shall be paved. Paved driveways shall consist of two inches minimum depth Superpave wearing course material on a four-inch-minimum-depth, PennDOT-approved subbase material.
- D. The Township Road Foreman or other official designated by the Board of Supervisors, upon field inspection, shall determine whether a pipe shall be used under the drive. The pipe, when required, shall be determined by drainage computations using five-year storm frequency. The minimum pipe size shall be 15 inches in diameter, or as otherwise recommended by the Township Road Foreman, and can be either corrugated galvanized metal or HDPE corrugated plastic pipe. The pipe shall be located at least six feet from the edge of pavement unless field conditions, upon Township inspection, indicate modification of this criteria. The minimum length of pipe shall be 20 feet or extend at least two feet on each end beyond the edges of the driveway pavement. **[Amended 11-18-2010 by Ord. No. 2010-05]**
- E. When swales are used, the gutter shall be at least six inches lower than the edge of pavement and six feet from the edge of roadway. This criteria may be modified by the Township if field conditions dictate such.
- F. Driveways for other than single-family residential use shall be designed in accordance with all criteria for residential streets with the exception of right-of-way requirements.
- G. Properties with frontages of 400 feet or less shall be limited to one driveway. Not more than two driveways shall be provided to any single property tract or business establishment. Agricultural uses may be exempt from this requirement as permitted by the Township.
- H. Sight distance. A minimum safe sight distance shall be provided and maintained at all times pursuant to PennDOT Title 67, Chapter 441.8(h)(1).
- I. All driveways on corner lots shall be located at least 75 feet from the nearest

curblines of local roads and 100 feet from the nearest curblines of collector roads. Additional distance may be required based on classification of the streets and/or volume of traffic on the streets. Where no curbs are in place, the edge of pavement shall be used. Exceptions can be made where zoning requirements permit lot widths less the minimum.

- J. Driveways shall intersect streets as nearly as possible at right angles and, in no case, at an angle of less than 70° or more than 110°.
- K. Where a driveway contains a curve, a minimum radius of 50 feet shall be maintained.
- L. Nothing shall be allowed within the road right-of-way in association with the construction of the driveway (or otherwise), including, but not limited to, gates, landscaping rocks, pillars or trees/shrubs. Any lockable gated driveway shall contain a Knox-Box approved by the Township to assure emergency access can be maintained.

§ 235-38. Construction criteria.

- A. The permittee/contractor shall comply with Pennsylvania Act 172 by calling three days prior to any open excavation and/or boring.
- B. Tire scrubber (No. 4 ballast or equivalent) shall be installed and maintained at all times during all phases of construction. Permittee/contractor shall keep all dirt, mud, stone and other debris cleaned off the road on a daily basis or as needed, whichever shall first occur. The area over which tire scrubber shall be installed must be a minimum of 12 inches in depth from the roadway and 12 feet in length. The tire scrubber shall be filled to approximately two inches below the existing road level.
- C. No "track equipment" shall be loaded on Township paved roadway. If conditions require the same, street pads must be used. Note: Permittee/contractor shall be responsible for repairing of any/all road surface and/or shoulder area damaged during construction.
- D. For newly constructed driveways, resurfaced driveways and driveways converting to macadam, the permittee/contractor shall notify the Public Works Department 48 hours prior to installation of blacktop for inspection of stone grade and cross section. Note: Failure to notify may require removal and replacement of bituminous materials.

§ 235-39. Permit fees and escrow; inspection fee.

- A. The fee for a driveway access permit shall be established by resolution adopted by the Board of Supervisors and shall be part of the Upper Frederick Township Fee Schedule.
- B. A driveway construction escrow shall be established by a permittee/contractor for a driveway permit to access a Township street or road, and the amount of the escrow

shall be in accordance with the Township's Fee Schedule. The escrow must be paid to the Township prior to the issuance of a driveway permit. The amount of the required escrow in excess of the amount indicated within the Township's Fee Schedule, if any, will be determined by the Township Road Foreman or other official designated by the Board of Supervisors upon final inspection and approval of the proposed location. This fee is to cover the completion of improvements should the permittee fail to do so as required by § 235-36C. Any moneys remaining in the escrow account will be refunded to the permittee once construction is complete and a final inspection is made. **[Amended 11-18-2010 by Ord. No. 2010-05]**

- C. Upon completion of construction, the permittee shall notify the Township Road Foreman, or other official designated by the Board of Supervisors, and request a final inspection. An inspection fee, in an amount as established from time to time by resolution of the Board of Supervisors, will be assessed against the permittee/contractor. **[Amended 11-18-2010 by Ord. No. 2010-05]**

§ 235-40. Maintenance.

- A. Except when the Township undertakes a major road or drainage improvement project that involves existing driveways, all driveways shall be maintained by the property owner in such a manner as not to interfere with the design, maintenance and drainage of local streets or the safe and convenient passage of traffic upon the streets. The Township shall, at its option, be responsible for the cost of any driveway improvements made as part of a road or a drainage improvement project. **[Amended 11-14-2013 by Ord. No. 2013-04]**
- B. All driveways shall be maintained in such a manner so as to comply with the requirements under which they were permitted.
- C. Driveways shall be maintained clear of debris, vegetation or other obstructions that would compromise the passage of vehicles, including emergency services vehicles, over the driveway. Such clear area shall be 15 feet wide and 15 feet high centered on the driveway.

§ 235-41. Waivers.

The provisions of this article are intended as a minimum standard for the protection of public health, safety and welfare. Any person desiring a waiver of the requirements of this article shall make application for such waiver in writing, identifying the section of the article from which a waiver is requested, the reasons for the waiver, and the alternative proposed. If the literal compliance with any mandatory provision of this article is shown by the applicant, to the satisfaction of the Board of Supervisors, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the Board of Supervisors may grant a waiver from such mandatory provisions so that the intent of the article can be achieved and the public interest secured while permitting the reasonable utilization of the property; however, the granting of a waiver shall not

have the effect of making null and void the intent and purpose of this article. In granting waivers, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this article.

§ 235-42. Violations and penalties.

- A. It shall be a violation of this article to commit or to permit any other person to commit any of the following acts:
- (1) To commence activities for which this article requires a permit before obtaining a permit or in violation of the terms or conditions of any permit issued under this article;
 - (2) To misuse or fail to maintain any driveway installed upon a property;
 - (3) To place intentionally false information on or intentionally omit information from an application for a permit under this article; or
 - (4) To fail to comply with any other provision of this article.
- B. Any person, firm or corporation who shall violate any provision of this article, 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, including attorney fees, 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 article continues or each section of this article which shall be found to have been violated shall constitute a separate offense.
- C. In addition or in lieu of the penalties provided in § 235-42B, the Township may proceed against the violator in a court of equity to obtain injunctive or other relief to abate the violation.
- D. In addition or in lieu of the penalties provided in § 235-42B, the Township Road Foreman or other official designated by the Board of Supervisors may revoke any permit issued under this article when the permit holder has violated the provisions of this article. [Amended 11-18-2010 by Ord. No. 2010-05]

§ 235-43. Appeals.

Any property owner affected by a decision of any official of the Township may file an appeal to the Board of Appeals, as established by § 12-10 of the Code of the Township of Upper Frederick. The notice of appeal shall:

- A. Be in writing.
- B. Be submitted with the applicable appeal application fee.
- C. Be submitted within 10 calendar days of the decision being appealed.
- D. State the reasons for the appeal, with reasonable particularity, including, but not

limited to, the sections of the article that are applicable.

ORDINANCE NO. 2021-04

AN ORDINANCE OF UPPER FREDERICK
TOWNSHIP AMENDING CHAPTER 235 (STREETS
AND SIDEWALKS) OF THE CODE OF THE
TOWNSHIP OF UPPER FREDERICK, ORDINANCE
NO. 2008-02, AS AMENDED.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board
of Supervisors of Upper Frederick Township, Montgomery County,
Pennsylvania, and, IT IS HEREBY ENACTED AND ORDAINED by the
authority of the same, that Chapter 235 (Streets and Sidewalks) of
the Code of the Township of Upper Frederick, as adopted by Ordinance
No. 2008-02, as amended, is further amended as follows:

SECTION 1. Section 235-37, Driveway Specifications,
subparagraph D, of Chapter 235 of the Code of the Township of Upper
Frederick, is repealed in its entirety, and substituted with the
following new Section 235-37.D:

- D. The Township Roadmaster or other official designated
by the Board of Supervisors, upon field inspection,
shall determine whether a pipe shall be used under
the drive. The pipe, when required, shall be
determined by drainage computations using five-year
storm frequency. The minimum pipe size shall be 15
inches in diameter, or as otherwise recommended by
the Township Roadmaster, and can be either
corrugated galvanized metal, concrete or HDPE
corrugated plastic pipe. The pipe shall be located
at least six feet from the edge of pavement unless
field conditions, upon Township inspection, indicate
modification of this criteria. The minimum length
of pipe shall be 20 feet or extend at least two feet
on each end beyond the edges of the driveway
pavement.

SECTION 2. Section 235-37, Driveway Specifications, of Chapter 235 of the Code of the Township of Upper Frederick, is amended to provide the following new subsection M:

- M. All driveways and pipes shall be maintained by the property owner in such a manner as not to interfere with the design, maintenance and drainage of local streets, nor the safe and convenient passage of traffic upon the local streets.

SECTION 3. SEVERABILITY. If a Court of competent jurisdiction declares any provisions of this Ordinance to be invalid, in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid, and all other provisions of the Code of the Township of Upper Frederick shall continue to be separately and fully effective.

SECTION 4. RE-ENACTMENT AND REPEALER. The remaining provisions of the Code of the Township of Upper Frederick, and as in force immediately before the enactment of this Ordinance, are intended to be continued and, to the extent not inconsistent herewith, are hereby re-enacted and re-ordained; any Sections inconsistent with the amendments hereinbefore referenced are hereby repealed as referenced.

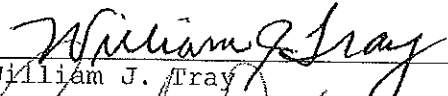
SECTION 5. EFFECTIVE DATE. This Ordinance, and all of its terms and provisions, shall become effective as provided by law.

ENACTED AND ORDAINED, this _____ day of _____,

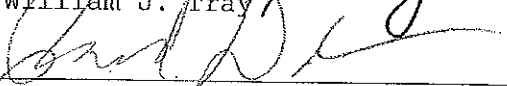
2021.

UPPER FREDERICK TOWNSHIP
BOARD OF SUPERVISORS

Sean A. Frisco, Chairman



William J. Tray



Ronald DiFrancesco