

**PUBLIC NOTICE IS HEREBY GIVEN - NOTICE OF INTENT TO ADOPT ORDINANCE
LOWER GWYNEDD TOWNSHIP**

NOTICE IS HEREBY GIVEN that the Lower Gwynedd Township Board of Supervisors, Montgomery County, Pennsylvania, at its regular meeting to be held on Tuesday, May 14, 2024, at 7:00 PM, will consider the adoption of the following proposed Ordinance which is summarized below:

PURSUANT TO § 1506 AND § 1527 OF THE SECOND CLASS TOWNSHIP CODE, AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF LOWER GWYNEDD TOWNSHIP, BY REPLACING PART TEN, TITLE FOUR, CHAPTER 1044, WITH A NEW CHAPTER 1044, AND FURTHER AMENDING PART TEN, TITLE FOUR, TO ESTABLISH STANDARDS FOR THE DESIGN, CONSTRUCTION, MAINTENANCE, RESTORATION AND REPAIR OF ROADS, DRIVEWAYS, SIDEWALKS AND CURBS; ESTABLISHING FINES AND PENALTIES FOR VIOLATIONS; AND INCLUDING SEVERABILITY, REPEALER, AND EFFECTIVE DATE CLAUSES.

This meeting will be conducted in-person at the Lower Gwynedd Township Building, 1130 N. Bethlehem Pike, Spring House, Pennsylvania, as well as via the Zoom telecommunication device platform (call-in information is provided in this public notice). The Zoom information is below:

<https://us02web.zoom.us/j/87656545182?pwd=OCt5TVdJb0RPVVpZN21YWGdTTlI0dz09>

Meeting ID: 876 5654 5182

Passcode: 690355

Call In #: 1 646 876 9923

Copies of the complete text of the proposed ordinance are available at the Lower Gwynedd Township Municipal Building (located at 1130 N. Bethlehem Pike, Spring House, PA 19477, Telephone: (215) 646-5302) and may be examined by appointment only from Monday through Friday between the hours of 8:00 AM and 4:30 PM (excepting holidays). All interested persons and parties are invited to attend the meeting and offer any public comment prior to the Board of Supervisors taking any official action on the adoption of the proposed ordinance.

Mimi Gleason, Township Manager, Lower Gwynedd Township

Publish:

Proof of Publication Required

LOWER GWYNEDD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA
BOARD OF SUPERVISORS

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF LOWER GWYNEDD TOWNSHIP, BY REPLACING PART TEN, TITLE FOUR, CHAPTER 1044, WITH A NEW CHAPTER 1044, AND FURTHER AMENDING PART TEN, TITLE FOUR, TO ESTABLISH STANDARDS FOR THE CONSTRUCTION, MAINTENANCE, RESTORATION AND REPAIR OF ROADS, DRIVEWAYS, SIDEWALKS AND STREETS.

WHEREAS, § 1506 of the Second Class Township Code, Act of May 1, 1993, P. L. 103, No. 69, as amended by the Act of November 9, 1995, P. L. 350, No. 60, found at 53 P. S. § 66506, entitled "General Powers," authorizes the Lower Gwynedd Township Board of Supervisors ("**Board**") to make and adopt ordinances necessary for the proper management, care and control of Lower Gwynedd Township (the "**Township**"), and the maintenance of the health and welfare of the Township and its citizens; and

WHEREAS, § 1527 of the Second Class Township Code, found at 53 P. S. § 66527, entitled "Public Safety", *inter alia*, authorizes the Board to adopt ordinances to secure the safety of persons or property within the Township; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Lower Gwynedd Township, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION ONE. The Lower Gwynedd Township Code (the "**Code**"), Part Ten, Title Four: Street and Sidewalk Areas, Chapter 1044, entitled "Driveways," shall be amended by deleting the entirety of Chapter 1044 and substituting in its place the following:

*§ 1044.01. **Short Title.** This Part will be known and hereinafter referred to as the "Lower Gwynedd Township Driveway Ordinance."*

*§ 1044.02. **Definitions.** For the purposes of this Part, the following, terms shall have meanings ascribed thereto as follows:*

***APPLICANT.** An applicant for a Permit.*

***BOARD.** The Board of Supervisors of Lower Gwynedd Township or its designated representative(s).*

CONTRACTOR. *The party, person firm, partnership, and/or corporation who or which installs a driveway, including all agents, officers, or employees of said party, person, firm, partnership and/or corporation.*

DRIVEWAY. *Any area of land designated or to be used as a means of ingress and/or egress for either vehicles and/or pedestrian traffic from a public road to a piece, parcel, or tract of land.*

OWNER. *The owner of the tract of land upon which the driveway is located.*

PENNDOT. *The Department of Transportation of the Commonwealth of Pennsylvania and any successor agency.*

PERMIT. *A permit issued by the Township to signify approval of the driveway connection.*

PERSON. *Any individual or individuals, partnership, company, association, society, corporation or other group or entity.*

PUBLIC ROAD. *Any road, street, alley, or public thoroughfare whether actually maintained by the Township as part of its road system or whether shown on a subdivision or land development plan and intended to be offered or dedicated to the Township in the future as part of its road system.*

REPAIR. *The demolition or removal of a portion of an existing curb or sidewalk and relaying the same with new material.*

RIGHT-OF-WAY. *The total width, including the cartway, of a road.*

SALDO. *The Lower Gwynedd Township Subdivision and Land Development Ordinance of 1976, as amended.*

TOWNSHIP. *The Township of Lower Gwynedd, Montgomery County, Pennsylvania.*

§ 1044.03. Permit Required.

A. *No person, owner and/or contractor shall hereafter install, initiate any work, or allow the installation or initiation of any work toward the installation of a driveway without first obtaining a permit from the Township.*

B. Any driveway intersecting with a state-owned road shall require a driveway permit from PENNDOT.

C. Any driveway intersecting with a county-owned road shall require a driveway permit from Montgomery County.

§ 1044.04. Construction Standards.

A. All driveways shall be constructed in conformance with the following standards:

(1) Residential Driveways. A minimum of eight inch (8") stone base course and a two and one-half inch (2½") bituminous course or equal paving approved by the Township.

(2) High Density Residential, Commercial and Industrial Driveways. A minimum of four inches (4") 2A modified aggregate, and six inches reinforced concrete; or a minimum of eight inches (6") 2A modified aggregate plus four and one-half inches (4.5") "base course", plus one and one-half inches (1½") "Superpave," 9.5mm Superpave wearing course top.

(3) Stone Driveways. Consisting of a minimum of six inches (6") of 2A or 2RC modified aggregate are permitted, for low density residential driveways, providing that first fifteen feet (15') measured from edge of the paved cartway of the public road is constructed to standards in Subsection A(1) above for the required type of driveway.

B. For any residential corner property fronting on an arterial or collector street, there shall be a minimum distance of one hundred feet (100') feet between the centerline of the driveway and the edge of the cartway of the street intersection. Such minimum distance shall be increased to two hundred feet (200') for a nonresidential or multi-family corner property.

C. For any corner property fronting on a local street, there shall be a minimum distance of forty feet (40') between the centerline of the driveway and the edge of the cartway of the street intersection.

D. The sight distance for all driveways shall comply with the requirements for state highways prescribed by PENNDOT as codified at 67 Pa. Code § 441.8, and amendments and addenda thereto.

E. To ensure adequate visibility, the entire frontage of the lot shall be graded to a slope of two percent (2%) to the right-of-way line.

F. Driveways shall have a minimum width of ten feet (10') for single-family dwellings and sixteen feet (16') for shared driveways; however, in any case, the maximum width shall not exceed twenty-four feet (24'). For non-residential driveways, minimum widths and turning radii shall be provided in accordance with PENNDOT standards; provided, however, that the Township may require greater widths based upon expected traffic volumes, expected vehicle sizes and/or the addition of turning lanes. Median islands shall be provided as determined by the Township.

G. All driveways shall be separated from any property line by a planting strip of not less than three feet (3') in width and from all fire hydrants a distance of five feet (5').

H. Driveway profiles shall conform to the slope guidelines in accordance with PENNDOT criteria.

I. In any zoning district permitting residential use, driveway access onto a major roadway shall be prohibited, unless frontage does not exist to a street of lesser classification. If a property has more than one street frontage, access shall be taken to the lower classification of street or road. Section 1230.39(d) of SALDO shall also be applicable to driveways.

J. Driveways shall be protected with a clear sight triangle. Two (2) apexes of the triangle shall be located in both directions along the street centerline, seventy-five feet (75') from a point where the centerline of a driveway and the street intersect. The vertex of the triangle shall be located along the centerline of the driveway and five feet (5') from the property or street right of way. No permanent obstructions and/or plant materials over three (3) feet in height shall be placed within the clear sight triangle.

§ 1044.05. Roadway Drainage.

A. All driveways shall be constructed in a manner that will not impede or divert the normal flow of surface drainage. At the point where any driveway adjoins a public road the driveway shall have the same degree of slope as the existing shoulder and in no case less than one inch (1") per foot of drop, with the low point in line with the existing gutter line. Drainage pipes shall not be used in connection with the construction of any driveway unless prior written approval is obtained from the Township.

B. The Township may require that stormwater runoff calculations be submitted in order to determine the amount of additional stormwater that will be discharged onto a public road. If the Township determines that the additional stormwater runoff will create an adverse condition for existing facilities, the Township may refuse a permit until appropriate measures are taken to eliminate such adverse condition.

C. All driveways shall be constructed in a manner which shall prevent mud, stones, and other debris from being deposited on the right of way of any public road.

§ 1044.06. Number of Driveways Per Lot.

A. Each lot improved with a residence shall have no more than one (1) driveway. A “horseshoe” driveway configuration on a single-family residential lot shall constitute one (1) driveway. Each lot improved with a non-residential use, including multi-family use, shall have no more than two (2) driveways. If a property has more than one frontage, access must be taken to the street or road of lower classification.

B. The Board may require the use of shared driveways, where possible, to minimize access points along existing and proposed roadways and access drives.

§ 1044.07. Application, Plan and Approval Procedures.

A. Any person, owner and/or contractor shall, prior to obtaining a driveway permit, file an application, on an application form supplied by the Township, reflecting and showing the location of the driveway relative to the premises and designating the course, grade, structure, materials, and drainage facilities, if any, involved in the construction of the driveway.

B. The Township shall review the application and shall determine if the proposed method of constructing or making said connection, as reflected on the application, will:

(1) minimize the adverse impact of stormwater runoff or surface drainage resulting from said connection;

(2) not cause damage to the road to which the driveway is to be connected; and

(3) *not create or increase hazardous driving conditions for those persons using the road to which the driveway is to be connected.*

C. If found satisfactory by the Township, the permit will be issued or caused to be issued by Township Staff. If the plan is found deficient, or if in the opinion of the Township the plan could be improved so as to:

(1) *minimize the adverse effect of stormwater runoff;*

(2) *lessen drainage to the public road to which the driveway is connected; or*

(3) *lessen hazardous driving conditions on the road to which the driveway is to be connected (including provisions for a clear sight triangle), the Township shall, by written communication, notify the applicant of the changes to be made. The applicant shall immediately make such changes and return the revised plan to the Township. When such plan is in acceptable form and approved by the Township, the permit will be issued.*

§ 1044.08. Dedication of Roads to the Township. *All driveways along private roads, including roads in new subdivisions, shall conform to this Chapter before the Township will accept dedication of the road as a public road of the Township.*

§ 1044.09. Fees and Costs for Processing Application. *Such fees shall accompany the application as the Board shall prescribe from time to time, and shall be accompanied by an inspection escrow, if deemed necessary by the Township.*

§ 1044.10. Notification and Inspection Prior to Paving. *All construction in any way incidental to the installation of the driveway shall be performed in strict conformance with the approved plans. After the proposed driveway has been stoned in, but before the driveway has been blacktopped, the person to whom the permit has been issued shall notify the Township. The driveway shall not be blacktopped until the stoned-in area has been inspected and approved by the Township or its designated representative.*

*§ 1044.11. **Penalties.** Any owner, person and/or contractor who or which shall violate any of the provisions of this Part shall, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense. All fines collected for the violation of this Part shall be paid to the Treasurer of the Township and may be used in any manner by the Township.*

SECTION TWO. The Lower Gwynedd Township Code, Part Ten, Title Four: Street and Sidewalk Areas, shall be amended by adding a new Chapter 1045, entitled “Sidewalk and Curb Construction and Repair,” to read as follows:

*§ 1045.01. **Authority to lay out and establish location of sidewalks and curbs.** The Township Board of Supervisors shall, by resolution, from time to time lay out and establish the location for sidewalks and/or curbs along cartways of the streets in the Township as it shall deem advisable in the furtherance of the general welfare of the Township.*

*§ 1045.02. **Construction and repair required.** The Township may require owners of property abutting on any street, including state highways, to construct, pave, repave, and repair the sidewalk, curb, and gutter along such property, at such grades and under such regulations as may be prescribed by the Township Engineer.*

*§ 1045.03. **Conformity to line and grade.** All sidewalks, curbs and gutters shall be constructed, paved, repaved, or repaired, upon the line and grade obtained by the property owner from the Township Engineer.*

*§ 1045.04. **Notice to do work.** Notice to construct, pave, repave and repair sidewalks, curbs or gutters shall be given by registered or certified mail to abutting property owners, and such owners shall have thirty (30) days to comply with said notice in conformity with any construction specifications prescribed by the Township Engineer.*

*§ 1045.05. **Inspection.** At any time during the performance of the required work, the Township Engineer may inspect the work to determine whether construction specifications are being observed.*

§ 1045.06. Township may do work and collect costs. Upon the failure of any property owner to construct, pave, repave or maintain any sidewalk, curb, or gutter in compliance with notice to do so, the Township may do the same or cause the same to be done, and may levy the cost of its work on such owner as a property lien to be collected in the manner provided by law.

§ 1045.07. Emergency repairs. Where in the opinion of the Township Engineer a dangerous condition exists that can be repaired by an expenditure of Five Hundred Dollars (\$500) or less, the Township shall send such property owner notice by registered or certified mail stating emergency repairs are required. Upon failure of such owner to comply with the notice within forty-eight (48) hours after receiving it, the Township may make emergency repairs, and levy cost of its work on such owner as a property lien to be collected in the manner provided by law.

§ 1045.08. Duty to keep sidewalks, curbs, and gutters in good repair. Every owner of property within Lower Gwynedd Township shall at all times keep in good repair all sidewalks, curbs and gutter abutting said property. Every property owner shall keep the street, sidewalk, curb, and gutter on his or her property free of vegetation growth.

§ 1045.09. Construction and repair by owner without notice from Township. Any property owner, upon his own initiative and without notice from any Township authority, may construct, reconstruct or repair a sidewalk and/or curb in front of or along his property; provided, such owner shall first make application to the Township Manager and shall conform to the requirements of this article as to line and grade and shall also conform to any specifications for sidewalk repair and construction adopted by resolution of the Township Board of Supervisors, including, but not limited to those set forth in Chapter 1230, Subdivision and Land Development. Said property owner shall, within two (2) days after completion of the work, notify the Township Manager.

SECTION THREE. The Lower Gwynedd Township Code, Part Ten, Title Four: Street and Sidewalk Areas, shall be amended by adding the following new sections to Chapter 1040, entitled “Streets,” to read as follows:

§ 1040.03. Restrictions for street surfaces less than five years old. No permit shall be issued which would allow any excavation or opening in a paved and improved street surface, or in the right-of-way adjacent to the street surface, if such activity in the right-of-way would impair the street surface, of any paved and improved street surface that is less than five (5) years old. In the event the Township does issue a permit, the applicant shall agree to the Township Road Restoration Standard set forth in § 1040.04.

§ 1040.04. Restoration Work Performed. All restoration work shall be performed in accordance with any specifications for roadway restoration adopted by resolution of the Township Board of Supervisors, including, but not limited to those set forth in Chapter 1230, Subdivision and Land Development. Township specifications.

SECTION FOUR. Nothing in this Ordinance or in the Code of the Township of Lower Gwynedd, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause of causes of action existing prior to the adoption of this Ordinance.

SECTION FIVE. All parts and provisions of Chapter Ten, Title Four not specifically affected by the above amendments and modifications, shall remain in full force and effect.

SECTION SIX. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

SECTION SEVEN. This Ordinance shall take affect and be in force from and after its approval as required by law.

ENACTED AND ORDAINED BY THE LOWER GWYNEDD TOWNSHIP BOARD OF SUPERVISORS this _____ day of _____, 2024.

ATTEST:

**LOWER GWYNEDD TOWNSHIP
BOARD OF SUPERVISORS**

MIMI GLEASON, TOWNSHIP MANAGER

By: _____
DANIELLE A. DUCKETT, CHAIRPERSON