

NOTICE OF INTENT TO ENACT ORDINANCE
BETHEL TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA
PROPOSED ORDINANCE NO. 101223

NOTICE IS HEREBY GIVEN by the Board of Supervisors of the Township of Bethel, County of Lebanon, and Commonwealth of Pennsylvania, that it shall consider proposed Ordinance No. 101223 at its regularly scheduled meeting on Thursday, October 12, 2023, and, following consideration at that meeting or at a subsequent public meeting held within 60 days of the date of publication of this notice, may enact an ordinance the title of which is as follows:

AN ORDINANCE OF THE TOWNSHIP OF BETHEL, LEBANON COUNTY, PENNSYLVANIA, AMENDING CHAPTER 21, PART 2, OF THE TOWNSHIP OF BETHEL CODE OF ORDINANCES, THE TOWNSHIP ROAD OCCUPANCY PERMIT ORDINANCE.

A brief summary of the proposed ordinance is as follows. **Section 1** Amends Chapter 21, Part 2, of the Township of Bethel Code of Ordinances, Township Road Occupancy Permit New and Existing Installations, in its entirety. **Section 21-201** defines the terms: Board of Supervisors, Cartway, Clear Sight Distance, Driveway Entrance, Farm Lane, Permit Officer, Right-of-Way Area, Street, Subdivider, Subdivision, Township, and Township Street. **Section 21-202** requires a permit to grade, construct, install, or erect a new or repair or alter an existing driveway; provides exemptions; authorizes the Board of Supervisors, by resolution, to appoint a Permit Officer, establish a permit application form, and establish a permit application filing fee; requires certain information and plans to be submitted to the Permit Officer; and provides a validity period. **Section 21-203** provides design standards and clear sight distance requirements. **Section 21-204** sets forth maintenance requirements. **Section 21-205** provides for inspections prior to paving and within 48 hours after completion. **Section 21-206** provides that the Board of Supervisors may require subdividers and land developers to comply with the ordinance. **Section 21-207** provides for indemnification. **Section 21-208** states the ordinance contains the minimum standards for the protection of the public health, safety, and welfare and provides for waivers. **Section 21-209** provides penalties and remedies for violations for the ordinance. **Section 2** repeals all ordinances and resolutions and parts of ordinances and resolutions inconsistent with the ordinance. **Section 3** provides for severability. **Section 4** provides an effective date.

Copies of Proposed Ordinance No. 101223 may be examined without charge or may be obtained for cost thereof at the Bethel Township Municipal Building, 3015 South Pine Grove Street, Fredericksburg, PA, between the hours of 8:00 a.m. and 4:00 p.m. Monday through Wednesday and 7:00 a.m. and 3:00 p.m. Thursdays and Fridays, prevailing time, excluding holidays. A copy may also be viewed on the Bethel Township website at betheltwpleb.org.

It is anticipated that final action will be taken on this proposed ordinance at the regular meeting of the Board of Supervisors scheduled for Thursday, October 12, 2023, at 7:00 p.m., prevailing time, at the Bethel Township Municipal Building, 3015 South Pine Grove Street, Fredericksburg, PA.

By order of the Board of Supervisors, Bethel Township, Lebanon County, Pennsylvania.

Shawn D. Hernley
Chairman

Please publish on **OCTOBER 3, 2023, IN THE LEBANON DAILY NEWS.**

Send bill and proofs of publication to Board of Supervisors, Bethel Township, 3015 South Pine Grove Street, Fredericksburg, PA, 17026.

BETHEL TOWNSHIP
LEBANON COUNTY, PENNSYLVANIA
ORDINANCE NO. 101223

AN ORDINANCE OF THE TOWNSHIP OF BETHEL, LEBANON COUNTY, PENNSYLVANIA, AMENDING CHAPTER 21, PART 2, OF THE TOWNSHIP OF BETHEL CODE OF ORDINANCES, THE TOWNSHIP ROAD OCCUPANCY PERMIT ORDINANCE.

BE IT AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Bethel, Lebanon County, Pennsylvania, as follows:

Section 1. Chapter 21, Part 2, of the Township of Bethel Code of Ordinances is amended to read in its entirety as follows:

Part 2

**Township Road Occupancy Permit
New and Existing Installations**

§21-201. Terms.

The following words, terms, and phrases when used in this Part 2 shall have the meanings ascribed to them in this Section unless the context clearly indicates a different meaning. When not inconsistent with the context, words used in the singular include the plural, and words used in the plural include the singular.

Board of Supervisors (“Board” or “Township Supervisors”) – The Board of Supervisors of the Township of Bethel, Lebanon County, Pennsylvania.

Cartway – The portion of a street right-of-way used for the passage of vehicles, whether dirt and gravel or improved with a hard wearing surface.

Clear Sight Distance – The maximum length of roadway along which a driver at a driveway location can continuously see another vehicle approaching on the roadway.

Driveway Entrance – If the road has a shoulder, that area used as a driveway that begins at the edge of the shoulder and extends twenty feet in towards the property served by the driveway. If the road does not have a shoulder, that area used as a driveway that begins at the edge of the cartway and extends twenty feet in towards the property served by the driveway.

Farm Lane – A narrow dirt or gravel strip of land used primarily by farm equipment and other vehicles necessary to a farming operation, not including lanes improved with a hard wearing surface.

Permit Officer – The individual or firm appointed by resolution adopted by the Board of Supervisors having the responsibility of administering and enforcing the terms and provisions of this Part 2.

Right-of-Way Area – The area between the right-of-way lines of the street.

Street – A strip of land, including the entire right-of-way area, open to vehicular use by the public. The term “street” shall include street, avenue, boulevard, road, highway, freeway, parkway, lane, alley or viaduct.

Subdivider – Any landowner (whether legal or equitable), agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision.

Subdivision – The term shall have the same definition as the term has in “The Subdivision and Land Development Ordinance of the Township of Bethel.”

Township – The Township of Bethel, Lebanon County.

Township Street – A street under the jurisdiction of the Township of Bethel, Lebanon County.

§21-202. Permit Required.

In accordance with Section 2322 of the Second Class Township Code, no person, firm, corporation, or other entity shall grade, construct, install, or erect a new, or repair or alter an existing, drain, culvert, footwalk, drive, or driveway, or other means of ingress or egress, within the Cartway or Right-of-Way Area of any Township Street, nor perform any work within the Township affecting stormwater flow or discharge within the Cartway or Right-of-Way Area of any Township Street unless and until the Township has granted a permit for such grading, construction, installation, erection, repair, or alteration, in accordance with the following:

1. No permit shall be required for normal and customary maintenance and repair of existing driveway, provided that such normal and customary maintenance and repair does not affect stormwater flow or discharge within the Cartway or the Right-of-Way Area of any Township Street.

2. No permit shall be required for a farm lane unless the farm lane serves as the main access to a residential dwelling.

3. Any person, firm, corporation, or other entity desiring to perform such work within the Township shall apply for and obtain a permit therefor from the Permit Officer prior to the commencement of the work. The Board of Supervisors shall, from time to time, by resolution, appoint a Permit Officer, establish a permit application form, and establish a permit application filing fee.

4. Along with the application and application fee, the applicant shall submit to the Permit Officer the following:

(a) A statement giving the location, purpose, and description of all work to be done;

(b) A plan showing the area to be affected, existing improvements presently erected or constructed thereon, and proposed improvements;

(c) The applicant shall design and install the driveway to direct all discharge into a vegetated area uphill of the township Right-of-Way area. If the discharge or passage of surface water drainage onto or within the Right-of-Way Area of a street will be affected, stormwater run-off calculations indicating run-off prior to and after the proposed work, shall be presented when such calculations are requested by the Permit Officer.

(d) Information pertaining to the treatment of storm drainage and the means of sediment and erosion control during and after the proposed work, when requested by the Permit Officer.

4. The location, design, and mode of construction of all driveways, and drainage facilities are subject to the approval of the Permit Officer. The Permit Officer may require that the plans filed with the application be altered to reflect any changes or modifications that the Permit Officer shall deem necessary to meet the requirements of this Part 2.

5. All work shall be in strict compliance with the plan and specifications for which the Permit Officer issued a permit.

6. The Permit Officer shall not issue a permit for any work to be performed under the terms and conditions of this Part 2 until such time as the Permit Officer shall have received from the applicant a complete application with all of the information required by this Part 2 and until such time as the Permit Officer has had an adequate opportunity to investigate and research the application. However should the Permit Officer neither approve nor reject an application for a permit within thirty (30) days after the Permit Officer has received from the applicant a complete application with all of the information and documentation required by this Part 2 and that is required to be reviewed by the Permit Officer in accordance with the terms and conditions of this Part 2, the application for a permit shall be deemed approved.

7. A permit issued under the terms and provisions of this Part 2 shall be valid for a period of one (1) year from the date of issuance as shown on the permit.

§21-203. Standards For Driveways.

1. All driveways and related improvements shall be constructed and located in such a manner as to not impair drainage or maintenance within Street Rights-of-Way, alter the stability of a roadway sub-grade, materially change the drainage of adjacent areas, interfere with the traveling public, present a hazard to the free movement of normal street traffic, or create areas of undue traffic congestion on the highway.

2. All work, for which a permit is required under the provisions of this Part 2, shall be done in accordance with design standards set forth on the document

titled "Construction Details for New Driveways (Single Family Dwellings and Other Structures) Bethel Township, Lebanon County, which is attached to and made a part of Part 2.

3. Any repairs or alterations, or repairs and alterations in combination to a driveway, a driveway entrance, drain or culvert for which a permit has been issued under this Part 2 shall be done in such a manner that the repairs, or alterations, or both, shall not change the original design and specifications for the driveway, driveway entrance, drain, or culvert, unless the new design and specifications are first submitted to the Permit Officer for approval. The Permit Officer may require the payment of the filing fee established for permit applications if the design revisions will require substantial review by the Permit Officer or any other duly authorized agent of the Township.

4. Any repairs or alterations or repairs and alterations in combination to a driveway, a driveway entrance, drain, or culvert for which a permit has never been issued under the 2023 amendments to this Part 2, shall only be made after a permit therefor has been issued by the Permit Officer, who shall require that such repairs and alterations will not change the drainage onto and along the Right-of-Way Area, if that drainage complies with the design requirements of this Part 2. If the current drainage does not comply with the design requirements of this Part 2, the Permit Officer shall require such alterations and modifications as necessary to have that drainage comply with the design requirements of this Part 2 as part of the issuance of the Permit.

5. If a driveway, a driveway entrance, drain, or culvert for which a permit has never been issued under the 2023 amendments to this Part 2 is not functioning with respect to drainage as such improvement or improvements would be functioning had the same been graded, constructed, installed or erected under the requirements of this Part 2, and there exists a resultant flooding of a Right-of-Way Area, a resultant erosion within a Right-of-Way Area, or a resultant prolonged ponding in a Right-of-Way Area such that the Right-of-Way Area becomes iced in colder weather, the Permit Officer shall require the landowner to obtain a Permit under this Part 2 for modifications and alterations to be made by the landowner to bring the drainage into compliance with the design requirements of this Part 2.

6. If the required clear sight distance passes through an area that is not within the Right-of-Way Area, the permit applicant shall be required to obtain and record in the Lebanon County Recorder of Deeds Office any sight-line easements

necessary to ensure that the required clear sight distances are in no way impaired. This requirement, however, shall not apply to driveways that existed prior to the effective date of the 2023 amendments of this Part 2.

§21-204. Maintenance.

All driveways and driveway entrances for which permits have been issued shall be maintained by the property owner in such a manner as not to interfere with the design, maintenance, and drainage of Streets, nor the safe and convenient passage of traffic upon the Streets, provided, however, that no permits shall be required for normal and customary maintenance and repair.

§21-205. Inspections.

1. No paving of a driveway for which a permit has been issued under the terms of this Part 2 shall be commenced until the Permit Officer shall have inspected the site and approved the work performed up to the date of the site inspection. The applicant shall give the Permit Officer a minimum of forty-eight (48) hours advance notice before paving is commenced in order to afford the Permit Officer the opportunity to perform the site inspection.

2. Within forty-eight (48) hours after completion of the work for which a permit was issued, the party to whom the permit was issued shall notify the Permit Officer of the completion of the work so that the Permit Officer may inspect the same. If the work was not performed in accordance with the plans and specifications approved by the Permit Officer, the holder of the permit shall be directed by the Permit Officer in writing to take immediate steps at the permit holder's own expense toward placing the work in such condition as to conform to the approved plans and specifications.

§21-206. Requirements For Subdivision And Land Development.

1. The Board of Supervisors may require a subdivider or land developer to submit with the plans required by the Township Subdivision and Land Development Ordinance evidence that the standards for driveway construction established in this Part 2 can be met for each lot within the subdivision or land development. The Board of Supervisors may further require that those plans show a typical treatment of the construction of driveways and the handling of storm drainage and erosion and sediment control along driveways.

2. Subdivisions and land developments shall be designed to minimize the number of driveway intersections with existing public roads in order to minimize driveway intersections with existing Township roads, to lessen interruptions to traffic flow, and to minimize erosion, sedimentation, and run-off problems onto existing public roads. Subdivisions shall be designed to provide internal streets on which proposed lots will front with driveway access.

3. Notwithstanding anything set forth above in this Part 2, whenever the provisions of this Part 2 shall be inconsistent with the provisions of the Subdivision and Land Development Ordinance of Bethel Township or the Bethel Township Zoning Ordinance as are from time to time in effect, and the provisions of those ordinances are more restrictive or contain more stringent requirements than are set forth in this Part 2, then provisions of the Subdivision and Land Development Ordinance of Bethel Township and the Bethel Township Zoning Ordinance shall prevail and be applicable.

§21-207. Indemnification Of Township.

Any person, firm, corporation, or other entity applying for any permit under this Part 2 agrees that by making the application that person, firm, corporation, or other entity will indemnify and save the Township harmless from and against all liabilities of whatever nature arising during the performance of the work or as a result of the work for which a permit is granted, whether or not the liability arises as a result of the negligence of the person, firm, corporation or other entity to whom the permit was issued. The application for a permit shall contain appropriate language indicating that the applicant agrees to indemnify and save the Township harmless as stated above.

§21-208. Minimum Standards / Waivers.

The provisions of this Part 2 are intended as minimum standards for the protection of the public health, safety, and welfare of the residents and inhabitants of the Township. If the literal compliance with any mandatory provisions of this Part 2 is shown by an applicant to the Board of Supervisors to be unreasonable and to cause undue hardship as applied to the applicant's property, the Board of Supervisors may grant a waiver of such mandatory provisions if the waiver will not be contrary to the public interest.

§21-209. Penalties And Remedies For Violations.

1. Any person, firm, corporation, or other entity that shall violate any of the provisions of this Part 2, 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 \$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 the violation of this Part 2 continues, or each Section of this Part 2 that shall be found to have been violated, shall constitute a separate offense.

2. The Permit Officer or any duly authorized agent of the Permit Officer or of the Township may revoke any permit issued to any person, firm, corporation or entity violating any of the provisions of this Part 2.

3. The imposition of penalties herein prescribed shall not preclude the Township from instituting an appropriate action or proceeding to prevent the performance of work or acts declared to be unlawful under the provisions of this Part 2 or to restrain, correct, or abate a violation.

Section 2. All ordinances and resolutions and parts of ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed insofar as those affect any work done after the effective date of this Ordinance, but those ordinances or resolutions or parts thereof shall not be repealed insofar as those apply to permits issued or acts of violations occurring before the effective date of this Ordinance.

Section 3. The provisions of this Ordinance are severable and if any sentence, clause or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, such findings shall not affect or impair any of the remaining provisions, sections, sentences, or clauses of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been enacted had such unconstitutional, illegal, or invalid sentence, clause, or section not have been included herein.

Section 4. This Ordinance and all of its terms and provisions shall become effective five (5) days after its enactment.

DULY ENACTED AND ORDAINED this _____ day of _____, 2023, by the Board of Supervisors of Bethel Township, Lebanon County, Pennsylvania, in lawful session duly assembled.

BOARD OF SUPERVISORS OF
BETHEL TOWNSHIP

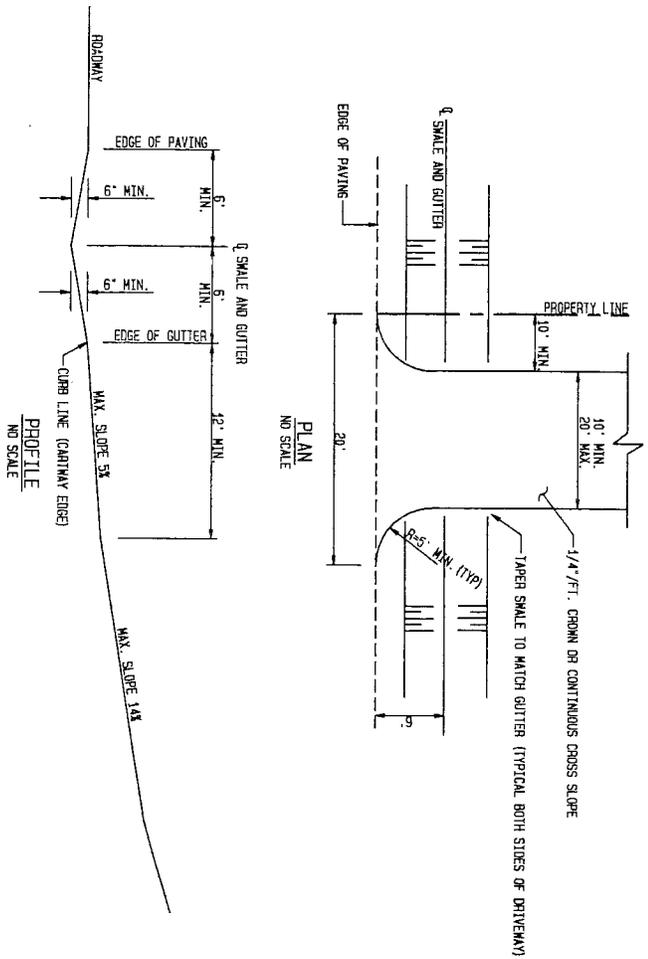
By: _____
Chairman

By: _____

ATTEST:

By: _____

Secretary



- NOTES:
1. INTERSECTION OF DRIVEWAY WITH EDGE OF PAVING SHALL BE CONSTRUCTED BY USE OF EITHER A PIPE OR GUTTER AT THE DIRECTION OF THE BOARD UPON RECOMMENDATION OF THE ENGINEER (NEW DRIVEWAYS) OR AT THE DIRECTION OF THE DRIVEWAY INSPECTOR (EXISTING DRIVEWAYS).
 2. THE DRIVEWAY SHOULD BE CONSTRUCTED WITH A TWO PERCENT (2%) CROWN OR CROSS SLOPE.
 3. DRIVEWAYS SHALL BE DESIGNED TO NOT HAVE VEHICLES BACK ONTO ANY STREET.
 4. ALL DRIVEWAYS SHALL INTERSECT STREETS AS NEARLY AS POSSIBLE AT RIGHT ANGLES.
 5. CLEAR SIGHT TRIANGLES SHALL BE PROVIDED AT ALL STREET INTERSECTIONS WITH PROPOSED NEW STREETS AND PRIVATE DRIVEWAYS. WITHIN SIGHT TRIANGLES, NO VISION-OBSTRUCTING OBJECT OTHER THAN UTILITY POLES, STREET LIGHTS AND TRAFFIC SIGNS SHALL BE PERMITTED WHICH OBSCURES VISION ABOVE THE HEIGHT OF 30' BELOW THE HEIGHT OF 10' MEASURED FROM THE CENTERLINE GRADE OF THE INTERSECTING STREET AND DRIVEWAY.
 6. THE CONSTRUCTION METHOD OF DRIVEWAYS SHALL BE SUCH THAT THE MATERIAL WILL NOT WASH ONTO ANY STREET.
 7. FOR CORNER LOTS THE CENTERLINE OF DRIVEWAY ENTRANCE SHALL BE LOCATED AT LEAST 75' FROM THE POINT OF INTERSECTION OF THE NEAREST STREET CURB LINE OR CARTWAY EDGE AS THE CASE MAY BE.
 8. DRIVEWAYS SHALL NOT IMPED THE NATURAL FLOW OF STORM WATER DRAINAGE ALONG ANY STREET.
 9. PROVISIONS SHALL BE MADE AT ALL INTERSECTIONS OF DRIVEWAYS WITH THE STREET TO ENSURE ADEQUATE STORM WATER DRAINAGE.
 10. ALL DRIVEWAY DRAINAGE PIPES SHALL BE A MIN. 8" SMOOTH BORE POLYETHYLENE PIPE.
 11. NO PART OF ANY DRIVEWAY MATERIAL SHALL EXTEND ABOVE THE EXISTING EDGE OF PAVING.
 12. FOR MULTI-FAMILY, COMMERCIAL AND INDUSTRIAL, ADDITIONAL REQUIREMENTS MAY APPLY. PLEASE CONTACT THE TOWNSHIP ENGINEER.
 13. IF CONCRETE PAVEMENT IS PROPOSED, ADDITIONAL REQUIREMENTS MAY APPLY. PLEASE CONTACT THE TOWNSHIP ENGINEER.
 14. ALL DRIVEWAYS SHALL BE A MIN. 10' FROM ANY SIDE LOT LINE, EXCLUDING THE RADIUS.

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	159	157	155	153	151	149	147	145	144	143	141	140	139	138
35	265	270	275	280	285	292	299	306	315	323	333	342	356	369	384
45	390	398	406	415	425	446	459	472	486	502	521	540	562	587	614
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

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	149	147	145	144	143	141	140	139	138
35	265	260	256	252	249	245	242	239	233	231	228	226	224	221	219
45	390	393	376	370	363	358	349	343	339	334	330	326	322	319	317
55	538	527	517	507	499	490	482	473	467	461	454	448	442	435	431
65	708	693	679	668	653	641	630	620	610	600	591	582	574	566	559

SAFE STOPPING DISTANCE MEASURED 10' OFF OF CARTWAY EDGE, 3.5' ABOVE GRADE

CONSTRUCTION DETAILS FOR
NEW DRIVEWAYS
(SINGLE FAMILY DWELLINGS
AND OTHER STRUCTURES)
BETHEL TOWNSHIP LEBANON COUNTY

MACK Engineering Inc.
www.mackengineering.net
mmack@mackengineering.net
717-990-8449