

DRAFT

ORDINANCE NO. 20

AN ORDINANCE OF THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, REGULATING THE DESIGN AND CONSTRUCTION OF STREETS IN THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

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BE IT ENACTED AND ORDAINED by the Supervisors of the Township of Upper Bern, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same that:

SECTION I. General Purpose and Applicability

The design and construction of streets in the Township of Upper Bern shall be done in conformity with the specifications, regulations and provisions set forth in this Ordinance. This Ordinance shall apply to all streets offered for dedication to the Township and to be included in the Township and Pennsylvania Department of Transportation Liquid Fuels Mileage System. This Ordinance shall also apply to all streets proposed within Subdivisions and Land Developments after the effective date of this Ordinance. This ordinance shall not apply to existing streets currently under the jurisdiction of the Township of Upper Bern.

SECTION II. Definitions

- (a) Township - Township shall mean the Township of Upper Bern.
- (b) Supervisors - Supervisors shall mean the Supervisors of the Township of Upper Bern.
- (c) Engineer - Engineer shall mean the Engineer of the Township of Upper Bern appointed by the Township Supervisors.
- (d) Street - A strip of land, including the entire right-of-way (i.e., not limited to the cartway) to provide access to more than one (1) lot. The word "street" includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and other ways uses or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the function they perform:
  - (1) Minor Street - A street used primarily to provide access to abutting properties.
  - (2) Cul-De-Sac Street - A minor street intersecting another street at one end, and terminating in a vehicular turnaround at the other end.

(3) 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.

(4) Marginal Access Street - A minor street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the major streets.

(5) Collector Street - A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route serving fifty (50) or more dwelling units to give access to community facilities and/or other collector and major streets (streets in industrial and commercial subdivisions shall be considered collector streets).

(6) 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.

(7) Service Street (Alley) - A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

(8) Internal Street - A minor street used for circulation and access within a development project involving multi-residence or commercial or industrial uses.

### SECTION III. Inspection

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

### SECTION IV. Streets

All applicable streets in the Township, as noted in Section I of this Ordinance, shall be designed and constructed in accordance with the following specifications:

(a) The design of all streets shall be in accord with the design standards for streets established in the Subdivision and Land Development Ordinance for the Township of Upper Bern, latest revision, and the specific requirements of this Ordinance. In addition, the design and construction of all streets shall be in accordance with the standards of the Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design, latest revision, for Shoulders (Chapter 1), Pedestrian Facilities (Chapter 6), Drainage Design (design criteria) (Chapter 10), Guiderails and Median Barriers (Chapter 12), and Erosion and Sedimentation Control (design criteria) (Chapter 13).

Applicable design requirements of the Subdivision and Land Development Ordinance include Street Widths, Street Grades, Horizontal Curves, Vertical Curves, Intersections, Sight Distances at Intersections, Cul-de-Sac Streets, Service Streets, Storm Drainage, and Erosion and Sediment Controls.

(b) The construction of all streets shall be in accordance with a detail plan duly adopted by Resolution of the Board of Supervisors. If analysis by the Engineer determines that underlying soil conditions and/or average daily traffic and average daily truck volume in a specific case are such that the construction method shown on the detail plan will not be adequate, the construction shall be in accord with Pennsylvania Department of Transportation Design Manual, Part 2, Highway Design, latest revision, Chapter 11, Pavement Design.

(c) All components of the pavement structure and methods of application are to be in accordance with Pennsylvania Department of Transportation Specifications, Form 408, latest revision.

The Township Supervisors may permit an alternate construction method to that shown on the detail plan if the applicant demonstrates that the proposed alternative is structurally equivalent to the methods shown on the detail plan.

(1) A Bituminous Prime Coat, as described in Pennsylvania Department of Transportation Form 408, Section 461, shall be applied after completion of all layers beneath any bituminous material.

(2) When a wearing course is placed adjacent to a curb, it shall be sealed as prescribed in Section 401.3(g) of Pennsylvania Department of Transportation Form 408.

(3) In the application of tar, asphalt or other liquid materials, care shall be taken so that they will not be applied excessively or carelessly to the curbs and in the event that this occurs, they shall be removed by the applying party.

(4) Concrete curb or driveways chipped, broken or otherwise damaged during roadway construction shall be properly repaired by the person or persons responsible for such damage.

(5) All utility lines constructed beneath any roadway including shoulders shall be backfilled entirely with material conforming to PennDOT Form 408, latest revision, Section 677 for Type C, No. 2-RC stone.

#### SECTION V. Requirements for Dedication of Streets to Public Use

The Township will accept into its road system only those streets which have been constructed in accordance with specifications and requirements of this Ordinance and the Subdivision and Land Development Ordinance of the Township. Proof of compliance with the specifications and requirements of Section IV of this Ordinance 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 core boring data as required by Engineer, and in accordance with the requirements for testing the appropriate materials and method of application detailed in Pennsylvania Department of Transportation Form 408, latest revision. The costs of such inspection or tests shall be borne by the developer.

The design and construction of any street proposed for dedication must meet the current criteria of the Pennsylvania Department of Transportation for inclusion in the Liquid Fuels Mileage System.

#### SECTION VI. Acceptance of Dedication of Street by Township

The Township shall accept into its road system any street constructed in accordance with this Ordinance and the Subdivision and Land Development Ordinance of Upper Bern Township upon receipt of a fully executed deed and plan therefore and proposed ordinance in proper form for adoption, recording and filing with the court, with all costs of processing the same to be provided by the Grantor.

##### (a) Required Improvements

The following improvements shall be provided in accordance with the design standards and improvement specifications of this Ordinance, the Subdivision and Land Development Ordinance of the Township of Upper Bern, and other Township Ordinances. In those instances where no such standards are included within Township Ordinances, the applicable standards of the Pennsylvania Department of Transportation shall be met.

- Street Grading
- Cartway Paving
- Shoulders, as required
- Guide Rails, as required
- Curbs, as required
- Sidewalks, as required
- Storm Sewers, as required
- Street Monuments
- Street Name Signs
- Street Lights, as required
- Traffic Signs

##### (b) Plan Requirements

The plans for dedication of the streets shall provide the following information:

- (1) Name of proposed street.
- (2) North point, graphic scale, written scale, and date, including the month, day and year that the original drawing was revised, for each revision.

(3) Name of the record owners of the lots abutting the streets with deed reference shown by the records of the County Recorder of Deeds.

(4) The name, address, and seal of the registered professional engineer or surveyor responsible for the plan.

(5) The total right-of-way and center line functions of the street being dedicated with accurate distances to hundredths of a foot and bearings to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field which shall be balanced and closed with an error of closure not to exceed one foot (1') in ten thousand feet (10,000'). The location and elevation of all street monuments shall be indicated, along with a statement of the total right-of-way area of the street being offered for dedication. Cartway and right-of-way widths shall be indicated.

(6) The name (and/or number) and cartway and right-of-way width and lines of all roads intersecting the proposed street.

(7) All easements or rights-of-way abutting the street to be dedicated.

(8) Location, size and invert elevation of all sanitary, and/or storm sewers and location of all manholes, inlets and culverts, and the location and size of water mains and any other utilities.

(9) If a new street intersection with a State legislative route is proposed, a letter from the Department of Transportation indicating approval of such intersection.

(10) Certificate for approval of the plan by the Township Supervisors.

(11) Typical street cross-section drawing(s) for all streets.

(12) Profile sheets for all streets. Such profiles shall show at least the following information, properly labeled:

a. Finished grade of the center line or finished grade at the top of both curbs (or cartway edges).

b. The length of all vertical curves.

c. Existing and proposed sanitary sewer mains and manholes.

d. Existing and proposed storm sewer mains, inlets, manholes, and culverts.

(13) The profile sheets shall be legibly drawn at one of the following sets of scales or any combination thereof:

a. One inch (1") equals twenty feet (20') horizontal and one inch (1") equals two feet (2') vertical, or

b. One inch (1") equals fifty feet (50') horizontal and one inch (1") equals five feet (5') vertical.

#### SECTION VII. Improvement Costs

The cost and expense of any type of improvement mentioned above shall be paid for by the developer or 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 shall be collected from the developer or the owners of the real estate abutting on such street or highway, or part thereof, in proportion to the frontage or by an equal assessment on the front feet. Such proportionate cost and expense or assessment shall be computed by Engineer. The Supervisors shall collect said cost and expense or assessment in the manner provided by law.

#### SECTION VIII. Revisions to Forms and Regulations

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

#### SECTION IX. Penalties, Violations

Any person or persons violating any of the provisions of this Ordinance, shall, upon conviction thereof, before a District Justice, be fined a sum not in excess of Three Hundred Dollars (\$300.00) for each and every offense, or in default of the payment of fine and costs, such person or persons shall be committed to the Berks County Prison for a period not exceeding thirty (30) days. After notice of violation has been given in writing, each day of any subsequent violation of any of the provisions of this Ordinance shall constitute an additional violation hereunder.

#### SECTION X. Repealer, Waivers, and Severability

(a) All ordinances and resolutions and parts of ordinances and resolutions inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

(b) Notwithstanding anything set forth above in this Ordinance, whenever the provisions of this Ordinance shall be inconsistent with the provisions of "The Subdivision and Land Development Ordinance for the Township of

Upper Bern" or the "Township Zoning Ordinance" and the provisions of the said ordinances are more restrictive or contain more stringent requirements than are set forth in this Ordinance, the provisions of said ordinances shall prevail and be applicable.

(c) The provisions of this Ordinance 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 provisions of this Ordinance is shown by an applicant to the Board of Supervisors present at a public meeting, to be unreasonable and to cause undue hardship as applied to the applicant, the Board of Supervisors may grant a waiver of such provisions, if the waiver will not be contrary to the public interest.

(d) 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 adopted had such unconstitutional, illegal or invalid sentence, clause or section not have been included herein.

ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Upper Bern this 14th day of February, 1983.

Attest:

TOWNSHIP OF UPPER BERN

Heidi W. ...  
Secretary

By: Robert ...  
Chairman

By: John ...

By: Franklin ...