

Chapter 21

Streets and Sidewalks

Part 1 Road Ordinance

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Part 1**Road Ordinance****A. General Provisions****§21-101. Short Title.**

This Part shall be known and referred to as the “Road Ordinance of West Cocalico Township.”

(*Ord. 80, 5/5/1994, §I-1*)

§21-102. Statutory Authority.

This Part is adopted pursuant to Article XXIII, “Roads, Streets, Bridges and Highways,” of the Second Class Township Code, 53 P.S. §67301 *et seq.*

(*Ord. 80, 5/5/1994, §I-2*)

§21-103. Definitions.

All terms used or implied in this Part shall have the meaning as defined in the West Cocalico Township Subdivision, Land Development and Stormwater Management Ordinance [Chapter 22], as amended from time to time. Additionally, the following terms shall have the meanings described as follows: [*Ord. 125B*]

Board—the Board of Supervisors of West Cocalico Township, Lancaster County, Pennsylvania.

Covered improvement—any improvement to real property which is required by the Lancaster County Planning Commission prior to development of a tract of land and which is subject to the requirements of this Part.

Public utility—any improvement designed to provide public sewer or water service to a property in conjunction with the West Cocalico Township Authority.

Road—any road, street, alley or public thoroughfare including, but not limited to, roads shown on a subdivision and land development plan to be offered or dedicated to West Cocalico Township in the future as part of its road system, public utilities and drainage facilities. [*Ord. 125B*]

Solicitor—the attorney of record for the Supervisors of West Cocalico Township.

Township Engineer—the engineer appointed by the Board of Supervisors of West Cocalico Township.

(*Ord. 80, 5/5/1994, §I-3; as amended by Ord. 125B, 9/16/2014*)

B. Road Construction**§21-111. Submission of Plans Documentation and Compliance of Plans with Prescribed Regulation.**

Prior to any grading, construction, building, opening, use or dedication of any road, drainage facility or public utility, a plan for any such project shall be submitted to the Board and shall comply with the requirements and reflect the information required by those applicable provisions of the West Cocalico Township Subdivision, Land Development and Stormwater Management Ordinance [Chapter 22], as amended from time to time, and shall comply with the requirements and reflect the information required by this Part and any other ordinance of West Cocalico Township. All such plans shall show the typical street cross-section and all other construction requirements in accordance with specifications, design standards and construction details as may from time to time be adopted by ordinance or resolution of the Board of Supervisors.

(*Ord. 80, 5/5/1994, §II-2; as amended by Ord. 125B, 9/16/2014*)

§21-112. Preparation and Processing of Plans.

Five copies of all plans for roads, drainage facilities or public utilities shall be prepared and submitted to the Board along with payment of the fees as may be required by resolution of the Board. The Board shall review submitted plans, and in the process thereof, may refer them to the Township Engineer, Township Planning Commission and the Lancaster County Planning Commission. In the event any changes are required, the Board shall refer said plans back to developer for revision in accordance with the specified changes. When the plans are found to be in acceptable form, all copies shall be executed by the Board, the Board will retain one copy and deliver all remaining executed copies to the developer.

(*Ord. 80, 5/5/1994, §II-3*)

§21-113. Engineer Designated to Review and Approve Plans.

The Board may designate the Township Engineer to act on its behalf in the approval of all plans, the making of all inspections and the granting of all approvals required by this Part; provided, however, that the formal acceptance of any street, drainage facility or public utility offered for dedication, and the execution of any documents related thereto, is reserved for the Board and review for legal sufficiency by its Solicitor. Developer shall be responsible for all engineering and legal fees incurred in the performance of the aforesaid review work and shall post such sums as the Board of Supervisors shall from time to time establish by resolution on account of same, at the time of submittal of the plans for review.

(*Ord. 80, 5/5/1994, §II-4*)

§21-114. Design Standards.

All roads shall be constructed in accordance with the following standards and specifications and such other construction details as may from time to time be adopted by ordinance or resolution of the Board:

A. Right-of-Way and Cartway Width.

- (1) All right-of-way and cartway width shall comply with the provisions

restrictions, traffic signals, weight, size, and load restrictions as the Board may require. The traffic studies shall be prepared in accordance with PennDOT Publication 212. The Township Engineer shall determine the necessity for traffic studies.

H. *Regulatory Signs.* Regulatory signs shall be installed, at the sole expense of the developer, at all locations identified in the traffic study prepared by the developer and deemed appropriate by the Board and shall conform to Township specifications.

I. *State Highways.* All streets intersecting a State highway shall be subject to the approval of PennDOT.

J. *Trench Restoration.* Where storm drainage and public utility facilities are constructed in existing streets or lawn areas, those trenches shall be restored in accordance with the trench restoration details which may be adopted from time to time by resolution of the Board. Where storm drainage and utility facilities are constructed in new developments, they shall be constructed in accordance with the details for trench restoration within lawn areas with regard to depths of fine aggregate bedding, coarse aggregate backfill, backfill material, trench width, and compaction requirements as may be adopted from time to time by resolution of the Board or in regards to public utilities, pursuant to the regulations of the West Cocalico Township Authority. The topsoil and seed shall be replaced with the paving section in the case of new construction.

(*Ord. 80, 5/5/1994, §II-5; as amended by Ord. 125B, 9/16/2014*)

§21-115. Special Provisions.

Notwithstanding the provisions of §21-114 of this Part, the Board may require that the applicant alter the method of construction, type of construction and/or require the utilization of any specific alternate where the physical characteristics of the land indicate that an alternative method shall be used, or where the roads or drainage facilities are to be constructed in a commercial or industrial development, or where an existing Township road is being relocated at the request and expense of the developer.

(*Ord. 80, 5/5/1994, §II-6*)

§21-116. Completion of Improvements or Guarantee Thereof.

1. No plan application shall be finally approved unless all of the streets, bikeways, sidewalks, walkways, curbs, gutters, street lights, storm drains, and other improvements, including public utilities where applicable, are set forth in such plan in accordance with this Part.

2. No construction of any of the aforesaid improvements shall commence unless and until a plan shall have been approved by the Board and until the developer shall have entered into an improvement guarantee agreement with the Board as required by this Part and shall have filed with the Board financial security in an amount sufficient to cover the cost of any covered improvements or common amenities including, but not limited to, roads, stormwater detention and/or retention basins, and other related drainage facilities, or buffer or screen plantings which may be required. In the case of public utilities the applicant shall produce satisfactory evidence that it has entered into an improvement guarantee agreement with the West Cocalico Township Authority and

8. In the case where development is projected over a period of years, the Board may authorize submission of final plan application by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

9. As the work of installing the required improvements proceeds, the developer may, upon completion of all curbing and the street base coat, and provided such work totals at least 20 percent of the total estimated costs of the improvements, request the Board to release or authorize the release, from time to time, such portion of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board who shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Board shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer, fairly representing the value of the improvements completed or, if the Board fails to act within said 45-day period, the Board shall be deemed to have approved the release of funds as requested. The Board may, prior to final release at the time of completion and certification by the Township engineer, require retention to 10 percent of the estimated cost of the aforesaid improvements.

10. *Release From Improvement Bond.*

A. When the developer has completed all the required improvements, he shall notify the Board of Supervisors in writing by certified or registered mail, and shall send a copy of such notice to the Township Engineer to inspect the required improvements. The Township Engineer shall promptly file a report, in writing, with the Board and shall mail a copy of the report to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Township Engineer of the aforesaid authorization by the Board; and said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such a non-approval or rejection.

B. The Board shall notify the developer of its actions, in writing, within 15 days of receipt of the engineer's report by certified or registered mail.

C. If the Board or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved, and the developer shall be released from all liability, pursuant to this performance guarantee bond, or other security agreement.

D. If any portion of said improvements are not approved or are rejected by the Board, the developer shall proceed to complete the same and, upon completion, the same procedure of notification outlined herein shall be followed.

E. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plan, the Township shall not condition the issuance of zoning, building, grading or other permits relating to the erection or placement of improvements and building, upon actual

inspection thereof and the installation of the base, even if less than 7 days, which might reasonably affect the subgrade, the Township shall inspect or re-inspect prior to installation of the base. The Township shall be notified at least 2 days in advance of the intended date of construction of the paved surface so that the base course may be inspected. If more than 6 weeks elapse between the date of inspection of the constructed base course and the construction of the paved surface, a re-inspection shall be required prior to the construction of the paved surface. Upon completion of construction, the Township shall be notified so that the finished road may be inspected. Following any inspection made, the Township shall provide a report of inspection to the developer in writing within 48 hours. Irrespective of the results of inspection, any road, public utility, or drainage facility shall not be deemed accepted for dedication until compliance with provisions of Part 1C. [*Ord. 125B*]

2. If after final inspection is made, deficiencies in the method of construction are determined, the deficient work shall immediately be corrected by the developer. West Cocalico Township, at the developer's expense, may require tests of the road to determine whether the road complies in all respects with the approved plans, as modified, if applicable.

3. No provisions of this Section shall be as mandating periodic inspections and the undertaking of periodic inspections by the Township shall not be construed as an acceptance of the work during construction or as a final inspection of the construction. (*Ord. 80, 5/5/1994, §II-8; as amended by Ord. 125B, 9/16/2014*)

§21-118. Construction in Accordance with Plans.

All roads, drainage facilities and public utilities shall be constructed in strict accordance with the approved plans and no changes shall be effectuated unless the same receive the written authorization of the Township. No roads, drainage facilities or public utilities need be accepted by the Township from any developer who has violated this Part.

(*Ord. 80, 5/5/1994, §II-9; as amended by Ord. 125B, 9/16/2014*)

§21-119. Equitable Remedies.

In addition to the remedies provided hereinafter, any continued violation of this Part which shall constitute a nuisance in fact or which shall, in the opinion of the Board, create a nuisance may be abated by proceeding against the violator in a court of equity for relief.

(*Ord. 80, 5/5/1994, §II-10*)

C. Dedication of Improvements

§21-121. General.

No road or other covered improvement offered for dedication shall be accepted unless it shall have been constructed according to the preceding standards and the person offering same shall have complied with the following standards and procedures. In the case of a pre-existing roads to which the construction standards as aforesaid do not apply, the Supervisors shall have discretion to accept or reject an offer of dedication based upon a review of the construction or plans by the Township Engineer and the Supervisors' findings as to the best interests of the citizens of the Township.

(Ord. 80, 5/5/1994, §III-1)

§21-122. Documentation.

The person intending to offer a road or other covered improvement for dedication shall submit the following to the Township Solicitor for review:

A. A proposed deed of dedication for each road or other covered improvement to be offered.

B. A binder from an established title insurance company which is acceptable to the Township Solicitor offering to insure that the roads or other covered improvements to be offered have a good and marketable title, free and clear of liens and encumbrances and subject only to easements of record which would not interfere with the use or maintenance of the road to be offered, in an amount equal to twice the cost of construction of the roads and other covered improvements.

C. An original affidavit of value for each deed which provides that the Township shall not be responsible for transfer taxes, if any.

D. A commitment on the part of the offeror that all costs and expenses incurred by the Township, including, but not limited to, inspection, engineering, legal and recording fees shall be paid by such person prior to acceptance.

E. Copies of all compliance certificates issued.

F. Either a performance guarantee agreement or a performance certificate as more fully described below.

G. Proof that any necessary subdivision plans have been finally approved and recorded.

H. As-built plans for such improvements.

I. A statement to the exact length from designated point to designated point of each road to be offered.

J. Any of the foregoing documentation not acceptable to the Solicitor shall be returned to the offeror with an explanation as to why such document was rejected.

(Ord. 80, 5/5/1994, §III-2)

§21-123. Performance.

The structural integrity of the road or other improvements being offered shall be guaranteed by the following prior to the acceptance of the road for dedication:

A. Eighteen months shall pass from the time the Township Engineer issues

After closing as aforesaid, the offeror shall do the following:

- A. Record the aforesaid deed of dedication and affidavit of value.
- B. Supply the Township Solicitor with three certified copies of the deed of dedication.
- C. Supply the Township Solicitor with a title insurance policy insuring that the dedicated road has good and marketable title, free and clear of liens, encumbrances and easements of record which would interfere with the operation or maintenance of the road in an amount equal to twice the cost to construct the road.

(Ord. 80, 5/5/1994, §III-5)

D. Public Utilities Dedication**§21-131. General.**

In the event that there are public utilities such as sewer or water lines located within the cartway or right-of-way of roads, they must be constructed according to the specifications adopted by the West Cocalico Township Authority. If such improvements are to be accepted for dedication, the offeror must comply with the requirements of this Part. The road and public utility must be dedicated together, and the failure of the offeror to comply with any portion of this Part shall be deemed sufficient cause to deny dedication of any portion of the proposed dedication.

(*Ord. 80, 5/5/1994, §IV-1*)

§21-132. Authority Approval.

As a condition precedent to acceptance of dedication of any public utility, the offeror must secure from the West Cocalico Township Authority its written consent and acknowledgment that it will incorporate the public utility within the existing utility system and that the proposed utility meets all of the standards and requirements imposed by the Authority for such utility. Such approval must be submitted to the Supervisors prior to their acceptance of dedication.

(*Ord. 80, 5/5/1994, §IV-2*)

§21-133. Inspection.

1. No public utility shall be constructed or acceptable unless constructed according to the design standards adopted by the West Cocalico Township Authority and the Lancaster County Planning Commission. Prior to commencement of pipe laying, and the covering over of any pipe or other portion of the public utility, the person responsible for construction shall contact the Authority Engineer and arrange for an inspection of each phase of construction to ensure that the design standards referenced above are complied with. The Engineer shall issue a compliance certificate upon acceptable completion of each phase of construction as aforesaid. No offer of dedication shall be accepted unless accompanied by compliance certificates for each phase of construction.

2. The developer shall be responsible for all costs incurred in performing the aforesaid inspections, and shall post such sums as may from time to time be adopted by the West Cocalico Township Authority, on account of same prior to the first inspection.

(*Ord. 80, 5/5/1994, §IV-3*)

§21-134. Review.

In addition to the information submitted to the Township Engineer as required above, the offeror shall also submit an as-built plan showing the location and actual construction of the public utility and plans showing a cross-section of construction. In the event the Township and Authority Engineers are different, the same information shall be submitted to the Authority Engineer for review.

(*Ord. 80, 5/5/1994, §IV-4*)

(*Ord. 80, 5/5/1994, §IV-9*)

E. Administrative Provisions

§21-141. Enforcement.

Any person who shall open to the public any road or street intended for public use or any drainage facility or public utility, which was neither under construction prior to the effective date of this Part, nor shown on a subdivision plan filed prior to advertisement of this Part for adoption, and the construction of which is not in accordance with the applicable terms and conditions of this Part shall be charged with a criminal offense and, 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 a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 80, 5/5/1994, §V-1; as amended by Ord. 125B, 9/16/2014*)

§21-142. Restraint of Illegal Use.

Without limiting its right to seek criminal penalties for violation of this Part, the Supervisors shall also have the right to direct the Township Solicitor to initiate an action in equity to prohibit the use of the road or other covered improvement by the public until such time as the terms and conditions of this Part have been complied with. In the case of utilities, the Supervisors shall have the right to order the Authority to refuse to connect the utility to the Authority system.

(*Ord. 80, 5/5/1994, §V-2*)

§21-143. Waiver.

1. The Supervisors may, upon petition and after a duly advertised public hearing, waive or modify any term of condition of this Part upon presentation of facts which the Supervisors, in their sole discretion, deem sufficient to establish that the strict enforcement of the terms and conditions of this Part will result in the applicant suffering an unusual and unnecessary hardship, provided that such waiver will not be detrimental to the public health, safety and welfare.

2. Any person shall be deemed, upon filing such a petition for waiver, to have agreed to be responsible for all reasonable costs incurred by the Township as a result of such hearing including but not limited to engineering fees, legal fees, and advertising costs. The applicant shall include, along with the petition, a check in an amount to be established from time to time by resolution of the Board of Supervisors, on account of such costs.

(*Ord. 80, 5/5/1994, §V-3*)

Part 2**Private Driveways****§21-201. Opening a Private Driveway.**

No person, firm or corporation shall open a private driveway leading from any road in this Township without first having obtained a written permit to do so from the Board of Supervisors.

(*Ord. 16, 11/1/1973, §1*)

§21-202. Application for a Permit.

Application for a permit must be made in writing upon forms furnished by the Board of Supervisors. Said application shall contain the name and address of the person, firm or corporation making the application, the name of the contractor or person who is to construct said driveway, and the proposed location and dimensions of such driveway.

(*Ord. 16, 11/1/1973, §2*)

§21-203. Standard Layout for Private Driveway.

The driveway shall be constructed in accordance with specifications entitled "Standard Layout for Private Driveway" available from authorized officers of the Township.

(*Ord. 16, 11/1/1973, §3*)

§21-204. Fee.

The fee for each permit shall be in an amount as established, from time to time, by resolution of the Board of Supervisors, and shall be paid at time of making application.

(*Ord. 16, 11/1/1973, §4; as amended by Ord. 125B, 9/16/2014*)

§21-205. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, 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 a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 16, 11/1/1973, §5; as amended by Ord. 125B, 9/16/2014*)