

ORDINANCE NO. 2001- 175

AN ORDINANCE OF THE BOROUGH OF MOSCOW
REGULATING THE CURB CUTS AND DRIVEWAY
CONSTRUCTION ACROSS SIDEWALKS; REQUIRING
A PERMIT AND FEE; PROVIDING FOR
RECTIFICATION OF IMPROPER WORK; AND
PRESCRIBING PENALTIES FOR VIOLATION.

The Borough Council hereby ordains:

Section 1. Width of Driveways. All private driveways hereafter constructed across any pavement or concrete sidewalk shall be a width not less than eight (8) feet and the curb, if any, shall be curved back to the street edge of the footwalk on a radius not to exceed two (2) feet.

Section 2. Permit Required. Before any private driveway may be constructed or reconstructed across a sidewalk and before any curb cut may be made, a permit shall be obtained from the Borough of Moscow. All driveways shall be laid according to specifications furnished by the Borough of Moscow at the time the permit is granted. Driveway abutting a state road, shall require a Pennsylvania Department of Transportation Highway Occupancy Permit and shall be constructed in accordance with those specifications.

Section 3. Application for Permit. All applications for such permits shall be made on a Borough approved Form and shall be accompanied by a plan and outline of the proposed method of bridging or changing the cartway in front of the abutting property. The plan shall show a profile and cross-section of the existing drainage and of the proposed changes. The permit application shall specify the materials to be used in construction.

Section 4. Inspection of Site. The Moscow Borough Engineer or the Foreman of the Department of Public Works shall inspect the said property and shall have the authority to approve or reject any proposed plan. Appeal from such a decision may be made to the Borough Council, upon written request.

Section 5. Fee. The fee for a driveway or curb cut permit shall be fixed pursuant to a Resolution of the Borough Council.

Section 6. Driveways Abutting Street, Restrictions. No person, firm or corporation or property owner of any property abutting on any street of the Borough of Moscow shall construct or maintain any entrance or driveway to said property from any street which shall in any way obstruct or interfere with the free passage of surface water along the side of said street, or in any way cause damage directly or indirectly to any highway or street within the Borough of Moscow or encroach upon or interfere with the free use of said street by the traveling public.

Section 7. Sidewalk not to be Disturbed. All paved and concrete portions of the sidewalk must not be disturbed, and the height and grade of same must remain the same as before the driveway was constructed. The balance of the pavement or concrete shall remain the same height and grade as before the construction of the driveway. Except that, the Moscow Borough Engineer or the Foreman of the Department of Public Works, may waive this requirement based upon existing and abutting conditions.

Section 8. Concrete Aprons. A six (6) inch concrete apron shall be constructed in accordance with the specifications furnished by the Borough of Moscow at the time the permit is granted. The six (6) inch concrete apron shall be constructed from the edge of concrete sidewalk and the curb and shall not extend into the gutter area or beyond the face of the curb. In certain circumstances the concrete sidewalk may have to be removed and replaced in accordance with the specifications furnished by the Borough of Moscow at the time the permit is granted.

Section 9. Rectification of Improper Work. In case any person shall construct a driveway or a curb cut and shall not conform to the requirements of this Ordinance, the Borough Council may order such person, firm or corporation to remove the improper work and replace the same in compliance with this Ordinance. Notice to remove and replace improper work shall be given by registered or certified mail, and shall state that the person, firm or corporation shall have ten (10) days from the receipt of the notice to comply therewith. Upon noncompliance, the Borough of Moscow may do or cause the requested repairs to be done and may levy the cost of its work on such owner as a property lien to be collected in any manner provided by law.

Section 10. Responsibility of the Borough. It shall not be the responsibility of the Borough of Moscow to provide private driveways to permit convenient access from a public road, street or cartway. Any structures needed to facilitate such entrance over the drainage ditches or stormwater system along the streets, roads, or cartways of the Borough shall be provided entirely at the expense of the owner of the property requiring

the entrance, subject to the approval of the Borough Officials and permits provided in this Ordinance. Once established, such structures shall be maintained in good repair and working order by the property owner, so there is no obstruction to the free passage of water or any solids which may be carried along by this water.

Section 11. Penalties. Any person, firm or corporation who shall fail to obtain a permit before constructing a private driveway or making a curb cut shall, upon conviction thereof, shall be sentenced to pay a fine of six hundred (\$600.00) dollars, and in default of payment, to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

Section 12. Repealer. All Ordinances or parts of Ordinances which are inconsistent herewith are specifically repealed.

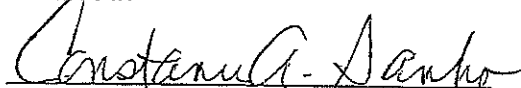
Section 13. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Moscow Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 14. Effective Date. This Ordinance shall become effective ten (10) days after adoption by the Moscow Borough Council.

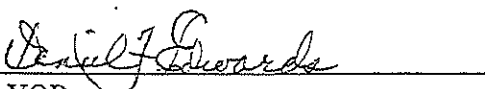
BOROUGH OF MOSCOW

BY: 
PRESIDENT OF COUNCIL

ATTEST:


SECRETARY

Approved this 17 day of December, 2001.


MAYOR

BOROUGH OF MOSCOW
LACKAWANNA COUNTY, PENNSYLVANIA


164
RESOLUTION NO. OF 2001

AND NOW this 17 day of December 2001, by a majority vote of the Borough Council of the Borough of Moscow, Lackawanna County, Commonwealth of Pennsylvania, it is hereby:

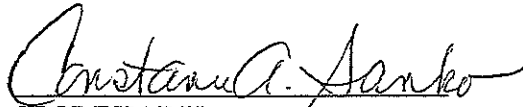
RESOLVED that any person, firm or corporation, prior to the issuance of any curb cut and driveway construction permit as set forth in Ordinance No. 2001-175, shall deposit with the Borough of Moscow, a sum of money equal to Five Hundred (\$500.00) Dollars. Said fee shall be retained by the Borough of Moscow until final inspection of the curb cut and/or driveway construction by the Moscow Borough Engineer or the Foreman of the Department of Public Works to assure conformity with the Borough of Moscow Curb Cut and Driveway Construction Ordinance No. 2001-175. After the Moscow Borough Engineer or the Foreman of Department of Public Works has inspected and approved the curb cut and/or driveway construction, Four Hundred Fifty (\$450.00) Dollars shall be returned to the person, firm or corporation who paid for the issuance of the permit. Fifty (\$50.00) Dollars will be retained by the Borough of Moscow for payment of costs associated with inspection of the curb cut and/or driveway construction.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the Borough hereby
accepts this Resolution by setting their hands and seals as of the 17 day of
December, 2001.

BOROUGH OF MOSCOW

BY: 
, President

ATTEST:


SECRETARY


DANIEL EDWARDS, MAYOR

The distances shall be as taken between the centers of the subject use areas measured in a straight line.

6.709 Motor Vehicle Access

Whenever motor vehicle access is provided from the street or private road onto the lot, the following regulations shall apply:

(a) Driveways

Access to the lot shall comply with the following regulations:

- (1) Access shall be limited to not more than two (2) driveways for each one hundred (100) feet of lot frontage on any street.
- (2) No two (2) driveways shall be closer to each other than twenty (20) feet, and no driveway shall be closer to a side property line than three (3) feet, and no flare shall cross an extended side property line.
- (3) Each driveway shall be not more than thirty-five (35) feet in width measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way.

(b) Location of Gasoline Pumps

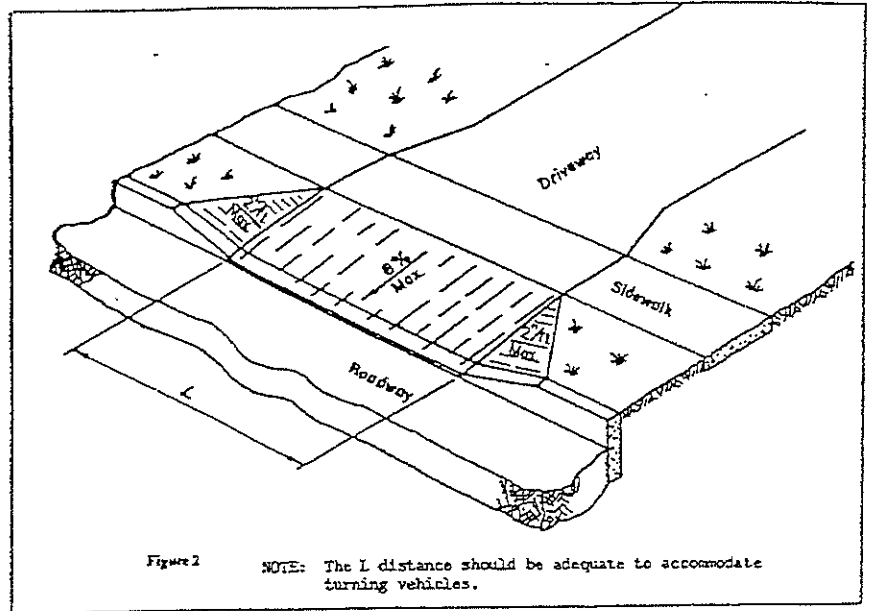
Gasoline pumps and all other service equipment shall be set back not less than twenty-five (25) feet from any lot line, shall be so located that vehicles stopped for service will not extend over the property line, and be in accordance with applicable state regulations.

6.710 Mobile Home Parks

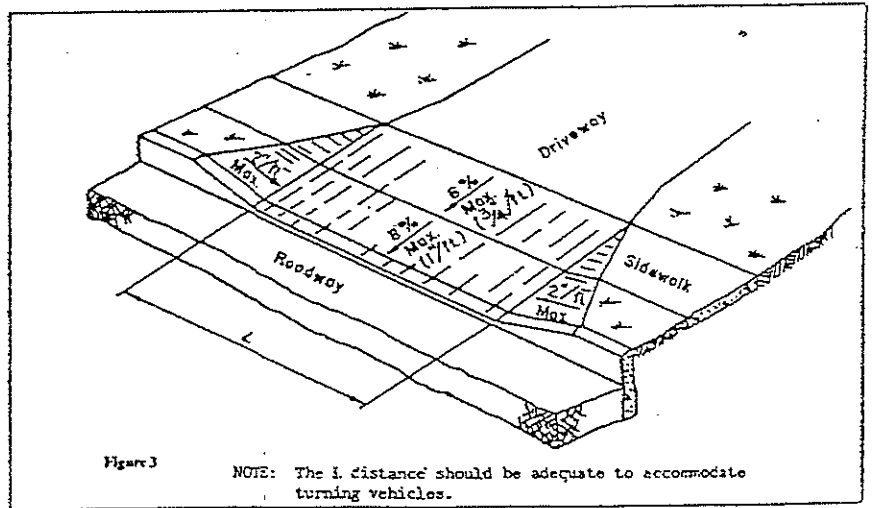
Where ever Mobile Home Parks are permitted by Special Exception in a Zone District, the mobile home park shall comply with the applicable regulations setforth in the Borough of Moscow Subdivision and Land Development Ordinance, as amended and the following supplemental regulations.

(1) Responsibilities of the Mobile Home Park Management:

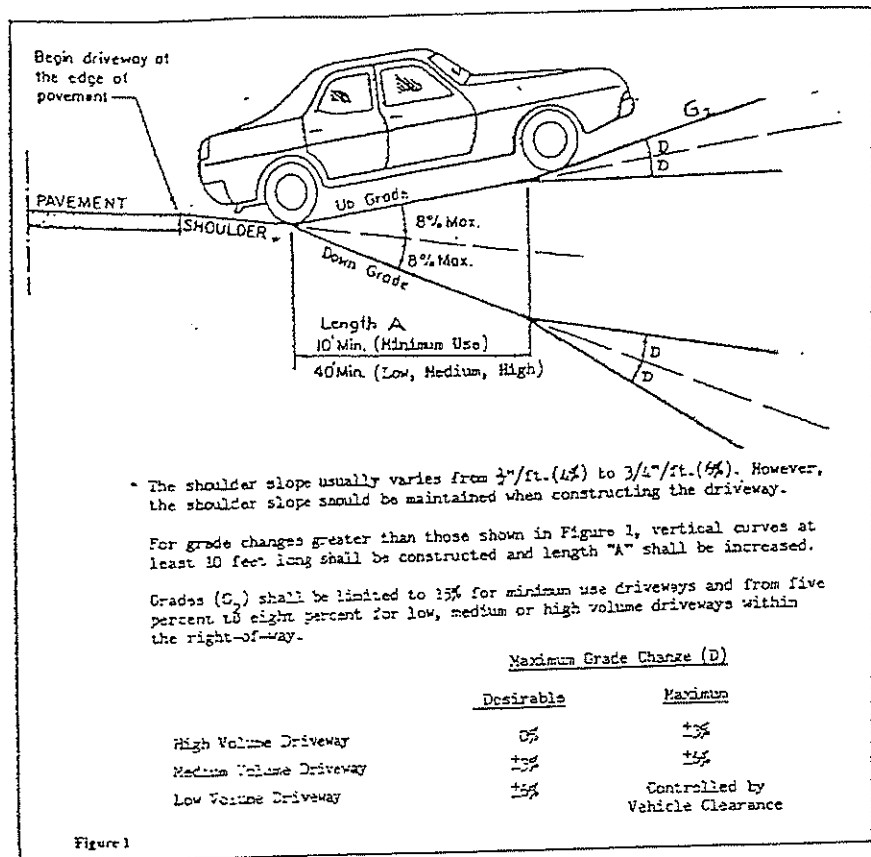
- a. The mobile home park owner or manager shall operate the court in compliance with this Ordinance and shall provide adequate Supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- b. The management shall supervise the placement of each mobile home on its mobile home stand which includes assurance of stability and installation of all utilities and connections.
- c. The management shall give any health officer free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspection.
- d. The management shall maintain a register containing the names



(B) If the driveway grade would exceed 8.0%, depress the outer edge of the sidewalk and maintain a maximum sidewalk cross slope of 6.0%. This will enable the driveway slope to stay within the 8.0% slope limit. See Figure 3.



1296.55



(5) Grade requirements where curbs and sidewalks are present.

(i) The driveway approaches shall be installed 1 1/2 inches above the adjacent roadway or the gutter grade to maintain proper drainage. See Figure 5.

(ii) The difference between the cross slope of the roadway and the upward grade of the driveway approach shall not exceed 8.0%.

(iii) When a planted area exists in front of the sidewalk, one of the following three cases shall apply:

(A) When the grass strip between the curb and the sidewalk is wide enough to maintain an 8.0% maximum driveway approach grade, construct the driveway as shown in Figure 2.

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(62047) No. 83 Oct.81

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