

STONEBORO BOROUGH, MERCER COUNTY, PENNSYLVANIA
ORDINANCE NO. 504
SLUICE PIPE AND DRIVEWAY ORDINANCE

An ordinance requiring the owners of private driveways opening upon public road in Stoneboro Borough to make certain drainage improvements; providing standards for such improvements; providing for notices; authorizing the Borough to construct drainage improvements upon failure of a property owner to do so; providing for the levying and collection of the cost thereof by lien or by action in assumpsit; and providing penalties for violation thereof.

INTENT OF ORDINANCE

It is the purpose of this ordinance to prevent, and where existing, to alleviate blockages of or impediments to the flow of surface water along public roads due to the existence of private lanes or driveways opening onto such public roads. Further, this ordinance purposes to prevent surface water issuing from such private lanes and driveways from entering onto, or otherwise deleteriously affecting the integrity or safety of the public roads.

CONSTRUCTION OF PRIVATE LANE OR DRIVE ENTRANCES

Every private lane or driveway constructed after the date of this ordinance shall at its intersection with a public road, have such drains, culverts, gutters, or other devices for the purpose of surface water drainage as the Borough or its authorized agents shall determining to be required.

IT IS HEREBY ORDAINED AND ENACTED by the Council of the Borough of Stoneboro, Mercer County, Pennsylvania:

ARTICLE I- GENERAL

1. After the effective date of this Ordinance, it shall be unlawful for any person, partnership, business, or corporation, without first having obtained a permit therefore, to:
 - a. Install, place or maintain any new sluice or water pipe or similar drainage facility along or adjacent to a public road in connection with the construction of a driveway entrance or other exit from onto a public road, or,
 - b. Replace, alter, or relocate any existing sluice or water pipe or similar drainage facility under any existing driveway from or approach upon a public Road, or,
 - c. Maintain any driveway approach to a public road or maintain any sluice or water or other drainage facility in connection with a driveway or approach to a public road in such a condition as will not adequately permit the flow of water through the said sluice, pipe or drain or in such a manner or condition as contributes to the damage and deterioration or any public road or,
 - d. Construct or install any driveway entrance or exit from a public road or,

- e. Alter the surface of that portion of any driveway entrance or exit located upon and public road or right-of-way which alteration shall include but not necessarily be limited to the installation of a paved or other permanent surface.

ARTICLE II- REQUIREMENTS

1. (A) All sluices and drainage pipes installed or replaced after the effective date of this Ordinance shall:
 - a. Be 15 inches in diameter unless the Borough shall, after reviewing the situation and conditions, require or permit a pipe of greater or lesser diameter,
 - b. Be made of suitable long-lasting material meeting the requirements as from time to time may be established by the Borough, and
 - c. Be installed in place, manner and elevation as shall be directed by the Borough, with the intention that the same shall carry the existing and anticipated water flows. The installation shall be made in accord with such other requirement as may reasonably be imposed by the Borough. The pipe utilized must be bonded or welded together so that it will not separate.
- (B) Open box culverts or other special types of drainage may be required as deemed necessary by the Borough
- (C) Upon start of construction, such construction shall be completed within 30 days. At no time shall road drainage be left in a restricted condition.
2. If the Borough shall, after inspection, find any existing sluice or drainage pipe is presently installed or maintained in such a manner as to be insufficient to accommodate the experienced and anticipated regular and storm water flows or in such other manner that it fails to comply with this Ordinance, the Supervisors may direct, and the owner of the property shall provide and install a sluice pipe or drainage pipe meeting the requirements of this Ordinance. The same shall be installed in accord with the directions reasonably given by the Borough.
3. As a condition of the issuance of the permit, the Borough may impose conditions upon the permit concerning manner, method and location of the installation, placement, replacement, and maintenance of the drainage facility.
4. Property owners shall be responsible for all maintenance of the sluice, water pipe or drainage facility.

ARTICLE III- ADMINISTRATION

1. The Borough shall, upon application, approve and issue or deny all permits required under this Ordinance. The applicant shall pay a permit fee of Twenty-Five Dollars (\$25.00), which fee may be raised or lowered by subsequent Resolution. Permits shall be issued for a period not to exceed one (1) year and any application to renew an expired permit shall be treated as a new application including the payment of a new permit fee.
2. All persons subject to this Ordinance shall submit a written application to the Secretary of the Borough or other designated official or employee. The permit which application shall contain such information as shall reasonably be requested and, including at least the following:
 - a. Name, address and phone number of the applicant,
 - b. Name, address and phone number of the owner of the land to which the driveway or access provides a means of approach,
 - c. Name, address and phone number of the contractor responsible for the work if other than the applicant or owner,
3. After the issuance of a permit, no changes of any kind shall be made to the application permit, or any documents submitted with the application, without the written consent of the Borough.

ARTICLE IV- COMPLIANCE WITH PERMIT

1. During or following the construction, the Borough or its designee may inspect the premises to determine that the work is progressing or has been completed in compliance with the information provided on the permit application and Borough ordinance. In the event that the Borough or its Engineer shall determine that the work does not comply with the permit, application, document(s), laws or ordinances, or that there has been a false statement or misrepresentation by any applicant, the Borough may revoke the permit.

ARTICLE V- CORRECTION OF EXISTING CONDITIONS

1. Every owner of a private driveway or lane opening upon the public roads of the Borough of Stoneboro shall, upon written notice from the Borough, construct, install, or reconstruct such conduits, drains interceptors or gutters required to correct the drainage problem referred to in the notice. Such repair or reconstruction shall include the installation of the above mentioned improvements, and/or the alteration of grades and lines of the drive or lane, and shall be done to the specifications of the Borough or its authorized agent.

- A. **NOTICE:** Written notice shall be given to all affected property owners to construct, reconstruct, or install drainage facilities under or around their private driveways. Service of notice shall be considered as made on the date when said written notice is either mailed to said owner, if they be known, or posted on the premises of said owners. Said notice shall include a statement of times and place at which the owner may obtain from the Borough the specifications and requirements for the drainage facility to be installed.
 - B. **CONSTRUCTION BY BOROUGH:** If any owner of a private lane or driveway shall fail to construct or to arrange with the Borough to construct pipes, gutters, conduits, or drain within ninety (90) days of service of notice to do so, the Borough of Stoneboro may construct or cause the same to be constructed and charge the cost thereof to the owner of the lane or driveway, along with any additional penalty authorized by law.
2. All of the costs of the Borough incurred in the work referenced herein (including the costs of collection) shall be recoverable against the record owner(s) of the property and may, if not paid within thirty (30) days after the presentation of a bill or statement, be entered as and collected as a municipal lien upon the property, by assumpsit, or by any other remedy permitted by law or in equity.

ARTICLE VI- DELEGATION OF DUTY

1. By Resolution, Council may delegate authority and power under this Ordinance to the Borough Code Enforcement Office, it's Engineer or any other Borough official or employee. This authority shall include, but is not limited to, the power to impose requirement, orders, and conditions pursuant to this Ordinance, to review permit applications, to approve or reject the same, to revoke a permit once granted, or give written directions for the correction of existing conditions, and established culvert size.

ARTICLE VII- PENALTIES AND ENFORCEMENT

1. Any owner, person, firm or corporation and the offices of any corporation who or which shall violate any provisions of this Ordinance or fail to comply herewith or with any of the requirements hereof shall, upon being found liable therefore in a valid enforcement proceeding, pay a fine of not more than Six Hundred Dollars (\$600) and not less than Three Hundred Dollars (\$300) per violation, plus all courts costs, including reasonable attorney's fees incurred by the Borough. Each day a violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any premises or part thereof, where anything in violation of this Ordinance shall exist, be done or continue and any contractor, agent or person or corporation employed in connection therewith and who or which shall give assistance in the construction of any such violation shall be guilty of separate offense and may be subject to separate fines in the amounts provided above.

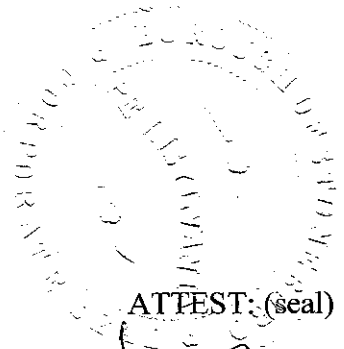
This Ordinance shall become effective five (5) days after it is adopted.

IN WITNESS WHEREOF the Council of the Borough of Stoneboro have caused this Ordinance to be adopted this 7th day of April 2015.

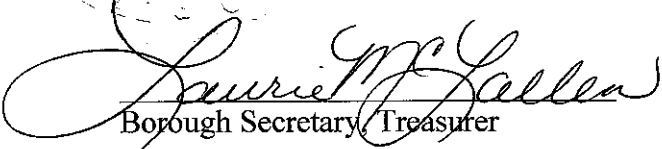
BOROUGH OF STONEBORO



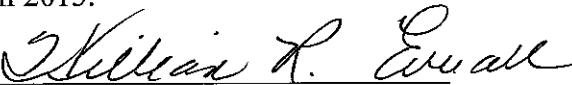
President of Council



ATTEST: (seal)


Borough Secretary, Treasurer

APPROVED, By me this 7th day of
April 2015.

By 

Mayor