

CONEWANGO TOWNSHIP, WARREN COUNTY, PENNSYLVANIA

ORDINANCE NO. 2001-5

SLUICE PIPE AND DRIVEWAY ORDINANCE

IT IS HEREBY ORDAINED AND ENACTED by the Supervisors of Conewango Township, Warren County, Pennsylvania:

ARTICLE I - GENERAL:

Section 1.

After the effective date of this Ordinance, it shall be unlawful for any person, partnership, business, corporation or other entity, without first having obtained a permit therefor, to:

A. Install, place or maintain any new sluice or water pipe or similar drainage facility along or adjacent to a Township Road in connection with the construction of a driveway entrance or other exit from a Township Road; or

B. Replace, alter or relocate any existing sluice or water pipe or similar drainage facility under any existing driveway or approach upon any Township Road; or

C. Maintain any driveway or approach to a Township Road or maintain any sluice or water or other drainage facility in connection with a driveway or approach to a Township Road in such condition as will not adequately permit the flow of drainage, water flow and anticipated and experienced storm water flow through the said sluice, pipe or drain or in such other manner or condition as contributes to the damage and deterioration of any Township Road; or

D. Construct or install any driveway entrance or exit from a Township Road; or

E. Alter the surface of that portion of any driveway entrance or exit located upon any Township Road 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:

Section 1.

All sluices and drainage pipes installed or replaced after the effective date of this Ordinance shall (a) be 15 inches in diameter unless the Supervisors 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 or required by the Supervisors, (c) be a minimum length of twenty (20) feet, and (d) be installed in a place, manner and elevation as shall be directed by the Supervisors with the intention that the same shall carry the existing and anticipated regular and storm water flows. The installation shall be made in accord with such other requirements as may reasonably be imposed by the Supervisors or by the Township Engineer. The pipe utilized must be bonded or welded together so that it will not separate. Used hot water tanks or the like are not permissible.

Section 2.

If the Supervisors shall, after inspection, find that 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 Supervisors or their Engineer.

Section 3.

As a condition of the issuance of a permit, the Supervisors may impose conditions upon the permit concerning manner, method and location of the installation, placement, replacement and maintenance of any sluice or water pipe or similar drainage facility or portion of a driveway located on a Township Road right-of-way.

Section 4.

Immediately following the construction, reconstruction or renovation of any driveway, all paved portions of all adjacent sidewalks shall be returned to the height and grade that existed before the driveway was constructed, and the driveway shall be contoured so that there is a smooth intersection between the driveway and sidewalk, without gaps or ledges. Upon inspection, the Supervisors may waive the height and grade requirement of they determine the

modification does not harm public safety or the maintenance and operation of the adjacent roadway.

Section 5.

All driveway entrances or exits constructed or altered after the effective date of this Ordinance shall be level with or sloped away from the Township cartway for a distance of one (1) foot from the edge of the cartway. Upon inspection, the Supervisors may waive this requirement if they determine the modification does not harm public safety or the maintenance and operation of the adjacent roadway.

ARTICLE III – EFFECT OF PERMIT AND RECOMMENDATIONS:

Section 1.

By the granting of a permit hereunder, the Township does not authorize the use of permanent construction materials (such as pavement or concrete) in the installation or renovation of a driveway or culvert located upon any portion of a Township Road right-of-way. This Ordinance shall not restrict the use of permanent construction materials. However, despite the issuance of a permit, the Township reserves the right to remove the portion of any driveway or culvert located upon any Township Road right-of-way. The Township will replace that portion of a driveway on any Township Road right-of-way with gravel, but will not, under any circumstances, be responsible for the replacement of any permanent surface (such as concrete, pavement, etc.) which has been removed from the Township Road right-of-way by the Township.

Section 2.

It is the recommendation of the Township that the portion of any driveway to be constructed or renovated upon any Township Road right-of-way be constructed of temporary rather than permanent materials (such as pavement or concrete) because of the Township's need, from time to time, to remove said material to perform necessary repairs and/or upgrades upon the Township Road right-of-way.

ARTICLE IV - ADMINISTRATION:

Section 1.

The Supervisors shall, upon application made to them, approve and issue or deny all permits required under this Ordinance. The applicant shall pay a permit fee of ZERO DOLLARS (\$0.00), which fee may be raised or lowered by subsequent Township Resolution.

Section 2.

All persons subject to this Ordinance shall submit a written application to the Secretary of the Township for the necessary permit which application shall contain such information as shall reasonably be requested and required by the Supervisors, including at least the following:

1. Name and address of the applicant.
2. Name and address of the owner of the land to which the driveway or access provides a means of approach.
3. Name and address of the contractor responsible for the work if other than the applicant or owner.

Section 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 Supervisors.

ARTICLE V - COMPLIANCE WITH PERMIT:

Section 1.

During or following the construction, the Supervisors or their Engineer 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 any attached documents and with all applicable laws and ordinances. In the event that the Supervisors or their Engineer shall determine that the work does not comply with the aforesaid permit, application, document(s), laws or ordinances, or that there has been a false statement or misrepresentation by any applicant, the Supervisors may revoke the permit.

ARTICLE VI - CORRECTION OF EXISTING CONDITIONS:

Section 1.

In the event any person, firm or business, corporation or other entity shall fail to replace any existing sluice or drainage facility after the Supervisors shall have given written directions therefor, the Supervisors may, if such failure continues for more than twenty (20) days after the delivery of such notice, bring action under Article IX hereof or may remove any existing sluice or drainage facility and replace it with a drainage pipe installed by Township personnel or may have it removed and replaced and installed by such independent contractor as the Township may engage.

In case any person, firm or business, corporation or other entity shall construct a driveway and shall not conform to the requirements of this Ordinance, the Township may order such person, firm or business, corporation or other entity to remove the improper work and replace the same in compliance with this Ordinance. Notice to remove and replace improper work shall afford twenty (20) days after the delivery of such notice to comply therewith. Upon non-compliance, the Township may bring action under Article IX hereof or may remove any exiting portion of driveway and replace it with gravel installed by Township personnel or may have it removed and replaced by such independent contractor as the Township may engage.

Section 2.

In the event the Township or its independent contractor performs the work described in Section 1, all of the costs of the Township as incurred in the work (including the costs of collection) shall be recoverable against the record owners 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 at law or in equity.

ARTICLE VII - DELEGATION OF DUTY:

Section 1.

By motion, the Supervisors may delegate authority and power under this Ordinance to the Township Roadmaster, Engineer, Secretary or other official they may designate. This authority shall include, but is not limited to, the power to impose requirements, orders, and conditions,

pursuant to this Ordinance, review permit applications and approve or reject the same, revoke a permit once granted or give written directions for the correction of existing conditions, and establish culvert size.

ARTICLE VIII - VALIDITY:

Section 1.

Should any section or provision of this Ordinance be declared by a Court of competent jurisdiction to be in violation of the laws or Constitution of the Commonwealth of Pennsylvania, such declaration shall not affect the validity of this Ordinance as a whole or any of the remaining parts thereof and the parts or sections remaining, which remain in effect as though the part or section declared unconstitutional had never been a part thereof.

ARTICLE IX - PENALTIES AND ENFORCEMENT:

Section 1.

Any person, firm, or corporation and the officers 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 or shall in any other way violate this Ordinance or any of the requirements hereof shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not more than SIX HUNDRED DOLLARS (\$600.00) and not less than THREE HUNDRED DOLLARS (\$300.00) per violation, plus all court costs, including reasonable attorneys fees incurred by the Township. 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 a separate offense and may be subject to separate fines in the amounts above provided.

ARTICLE X - REVOCATION OF OLD ORDINANCE:

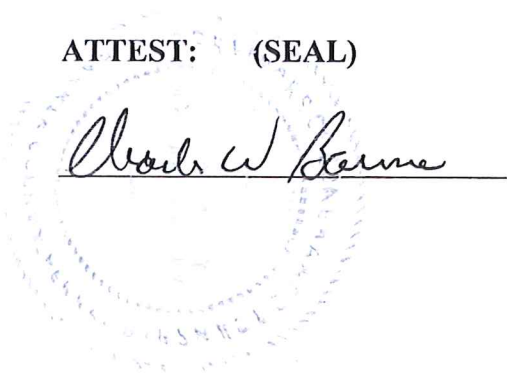
Section 1.

The enactment of this Ordinance shall hereby revoke Conewango Township Ordinance No. 1985-8, said Ordinance to be replaced by this Ordinance.

THIS ORDINANCE shall become effective five (5) days after the date of its adoption.

IN WITNESS WHEREOF, the Supervisors of Conewango Township have caused this Ordinance to be adopted this 22nd day of October, 2001.

ATTEST: (SEAL)



Charles W Berme

CONEWANGO TOWNSHIP SUPERVISORS

Lynna Swanson

Carl H. Bretts

Charles W Berme