

ORDINANCE NO. 1-99

AN ORDINANCE OF THE TOWNSHIP OF PLEASANT

AN ORDINANCE REGULATING THE INSTALLATION,
REPAIR, ALTERATION, RELOCATION AND MAINTENANCE
OF SLUICE OR WATER PIPES OR SIMILAR DRAINAGE
FACILITY AND DRIVEWAYS

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

ARTICLE I - SHORT TITLE

This Ordinance shall be known and may be cited as the
Pleasant Township Sluice/Pipe and Driveway Ordinance.

ARTICLE II - GENERAL

Section 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 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 from or approach upon any Township Road, or
- C. Maintain any driveway 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 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 III - 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 by the Supervisors, and (c) 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. 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.

Section 3.

As a condition of the issuance of the permit, the Supervisors may impose conditions upon the permit concerning manner, method and location of the installation, placement, replacement and maintenance.

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 \$25, which

fee may be raised or lowered by subsequent Resolution, for processing the application, and another fee as determined by the Supervisors for any inspection necessary to determine whether the project was completed in accordance with the terms of the permit. 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.

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 such officers or agents as the Supervisors shall deem qualified, 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 it is determined 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 shall revoke the permit and may direct that the work be completed in accordance with such written direction as the Township may provide. Should said work not be completed in accordance with the written direction provided by the Supervisors, the provisions of Article VI of this Ordinance shall apply.

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 including any paving related thereto 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 and/or may remove any existing sluice or drainage facility including but not limited to drainage pipe and

cement or blacktop paving related thereto and replace it with a drainage pipe and pavement installed by Township personnel or may have it removed and replaced and installed by such independent contractor as the Township may engage.

In the event that any person, firm or business, corporation or other entity shall fail to undertake and complete the work provided for and required by a permit as granted and all laws or ordinances related thereto and shall further fail to complete and bring into compliance all work as required by the permit, including but not limited to the replacement or installation of sluice pipe or drainage facility and the paving related thereto 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 and/or undertake such work as may be necessary to bring such driveway entrance or exit and sluice or drainage facility to compliance with the provisions of said permit through Township personnel or may engage independent contractors for such work.

Section 2.

In such event all of the costs of the Township as incurred in the work, an additional fee of twenty percent (20%) of the costs incurred by the Township, and 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 or by any 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 such officers or agents of the Township deemed qualified by the Supervisors. This authority shall include, but is not limited to, the power to enforce the requirements, orders, and conditions established 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 established 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

