

Montgomery Township, Indiana County, Pennsylvania  
Ordinance No. 30  
Sluice Pipe and Driveway Ordinance

ITS IS HEREBY ORDAINED AND ENACTED by the Supervisors of Montgomery Township, Indiana County, Pennsylvania:

Article I- GENERAL

Section I.

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

ARTICLE III - 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 Five Dollars (\$5.00), 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.

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 IV - 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 shall revoke the permit.

#### **ARTICLE V - 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 been given written directions therefor, the Supervisors may, if such failure continues for more than twenty (20) days after the delivery of such notice, may bring action under Article VIII 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.

##### **Section 2.**

In such event 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 VI - 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 established culvert size.

## **ARTICLE VII - 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 VIII - 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) and not less than Three Hundred Dollars (\$300) per violation, plus all court costs, including reasonable attorney's 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.

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

IN WITNESS WHEREOF, the Supervisors of Montgomery Township have caused this Ordinance to be adopted this 5<sup>th</sup> day of May, 2004

Montgomery Township Supervisors

Ronald J. Lowe

Joel J. Hazellet

Sam Scott

Attest:

Mary Jo Engle  
Secretary