

ORDINANCE No. 141

AN ORDINANCE PROVIDING FOR THE MAINTENANCE OF CLEAR AND UNOBSTRUCTED CHANNELS FOR THE CARRYING OFF OF WATER DRAINAGE ON TOWNSHIP ROADS AND ROAD RIGHTS-OF-WAYS IN ACCORDANCE WITH AUTHORITY GRANTED UNDER THE SECOND CLASS TOWNSHIP CODE; PROVIDING FOR PERMITS, INSPECTIONS, REGULATION AND FILING FEES, AND IMPOSING FINES AND PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Second Class Township Code, May 1, 1933, P.L. 103, §§1152 and 1156, authorizes townships to exercise authority in opening, maintaining, repairing and keeping free from obstructions drains and/or ditches necessary to carry water from the township roads or township road rights-of-ways; and

WHEREAS, it has been determined that natural drainage courses required to drain water from Township roads and road rights-of-way have been altered and obstructed to the detriment of their proper function, and the Pymatuning Township Board of Supervisors deem it in the best interest of the general welfare of the community to establish certain regulations, setting forth certain permit and inspection requirements for the installation of culverts or the alteration of any drainage courses on or along Township roads and road rights-of-ways.

NOW, THEREFORE, be it enacted and ordained by the Board of Supervisors of the Township of Pymatuning, Mercer County, Pennsylvania, as follows:

Section 1: PERMIT REQUIRED FOR INSTALLING CULVERTS OR ALTERING DRAINAGE:

No person, firm, partnership or corporation shall grade, construct, install or alter a drain, culvert, or ditch on or along a Township road or road right-of-ways or otherwise affect the discharge or passage of drainage water away from, onto or along a Pymatuning Township Road or within its road rights-of-way without first securing a permit from the Township of Pymatuning.

Section 2: PROCEDURE FOR OBTAINING PERMIT:

Application for said permit shall be made to the Township of Pymatuning Roadmaster on a form provided by the said Township and shall contain information necessary to determine the location of said drainage course, together with suitable sketches and/or drawings depicting the outlines of the affected property and the existing improvements thereon, including drains, culverts, footwalls, drives, driveways, Township road, and drainage ditches on both sides of said road and the direction of the waterflow, along with the proposed additions and/or alterations that the applicant wishes to make to the said drainage course.

Section 3: COMMENCEMENT OF WORK:

Work for which a permit has been issued shall commence within ten (10) days after the issuance of the permit therefor. If not so commenced, the permit shall be automatically terminated unless the permittee applies to the Roadmaster for an extension of time within which to commence work. If such an extension is granted, the original permit shall remain in force for the period of time specified in the extension. Permits which terminate within ten (10) days after issuance or within any extension of time granted by the Roadmaster may be renewed only upon payment of an additional permit fee or as originally required.

Section 4: PERMITS NON-TRANSFERABLE:

Permits are not transferable from one Person to another and the work shall not be made in any place other than the location specifically designated in the permit.

Section 5: EXPIRATION OF PERMITS:

Every permit shall expire at the time stated in the permit. If the permittee should not complete the work within the specified time, he shall, prior to the expiration of the permit, present in writing to the Roadmaster a request for an extension of time, setting forth therein the reasons for the requested extension. If in the opinion of the Roadmaster such an extension is necessary and not contrary to the public interest, the permittee may be granted additional time for completion of the work.

Section 6: STATE HIGHWAYS:

The provisions of this Ordinance shall not be applicable in those instances where the highway is maintained by the Commonwealth of Pennsylvania Department of Transportation.

Section 7: REVOCATION OF PERMITS:

Any permit may be revoked by the Roadmaster, after notice to the permittee for:

- (a) Violation of any condition of the permit or of any provisions of this Ordinance;
- (b) Violation of any provision of any other applicable Ordinance or law relating to the work being performed;
- (c) Existence of any condition or the doing of any act constituting or creating a nuisance or endangering life or property;

A permittee shall be granted a period of three (3) days from the day of the notice to correct the violation and to proceed with the diligent prosecution of the work authorized by the permit before said permit is revoked.

Written notice of any such violation or condition shall be served upon the permittee or his contractor or agent engaged in performing the work. The notice shall contain a brief statement of the reasons for revoking the permit. Notice may be given either by personal delivery thereof to the Person to be notified or by certified or registered United States mail, addressed to the Person to be notified.

When any permit has been revoked and the work authorized by the permit has not been completed, the Roadmaster shall do such work as may be necessary to restore the drainage ditch, or culvert, to as good a condition as before the work was begun. All expenses thereby incurred by the Township shall be the responsibility of the permittee.

Section 8: INSPECTION:

(a) Prior to issuing a permit, the Pymatuning Township Roadmaster shall cause the site of the proposed installation of culvert or other drainage alteration to be inspected and the drainage area above and below the culvert to be computed, in order to determine the pipe size and length required to handle the runoff from the roadways and surrounding area; and the Township Roadmaster shall also determine the horizontal and vertical alignment and placement of the said culvert pipe in relation to the existing or ordained grade of the road and ditch, and shall enter these matters on the permit form.

(b) Within reasonable time after notification of the completion of any alteration or improvement, the Township Roadmaster shall cause the site to be inspected and approve it as completed or require any changes that may be deemed necessary by the said Township Roadmaster and/or Township Engineer. If approved, the Township Roadmaster shall certify same to the Township Secretary.

Section 9: DUTIES AND RESPONSIBILITIES OF APPLICANTS:

(a) No work shall commence until the Roadmaster has approved the application and issued a permit, and all fees required under this Ordinance have been remitted unto the Township.

(b) Each permittee shall agree to save the Township of Pymatuning, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under said permit. The acceptance of any permit under this Ordinance shall constitute such an agreement by the applicant whether the same is expressed or not.

(c) It shall also be the duty and responsibility of any person receiving a permit to pay a permit issuance fee and permit inspection fee in accordance with the schedule of fees adopted from time to time by the Pennsylvania Department of Transportation. The current Pennsylvania Department of Transportation fee schedule is attached hereto and made a part hereof as Exhibit "A", or by Resolution of the Pymatuning Township Board of Supervisors, all such fees and costs to be payable to the Township of Pymatuning.

Section 10: CULVERT MATERIAL AND DIMENSIONS:

(a) Pipe Diameter Length: Culvert pipe shall be no less than fifteen (15') inches in diameter and sixteen (16') feet in length. Provided, however, the Township Roadmaster or Engineer may require a greater or shorter diameter or length where deemed necessary due to particular circumstances.

(b) Culvert Material: Pipe culverts shall consist of sections of cast iron, corrugated metal or reinforced concrete, all of which shall be of new material as specified in the Pennsylvania Department of Transportation, Specification Form 408. Construction methods for the type of pipe to be utilized shall also conform to the Pennsylvania Department of Transportation specifications and standards of practice.

(c) Endwalls: Endwalls may be required for the protection of inlet or outlet ends of the culverts where deemed necessary by the Township Roadmaster and/or Township Engineer.

Section 11: REMOVAL:

The Township of Pymatuning Board of Supervisors, while performing their periodic road inspections, may remove any obstacles to the efficient functioning of all road side ditches and drainage courses. In the case of an obstruction caused by an inadequate culvert providing a means of access to a lot, the Pymatuning Township Supervisors shall notify in writing the owner of the property so served by said culvert of their intention to remove said obstruction or inadequate culvert, after a ten (10) day period has elapsed. This provision shall not restrict the Township of Pymatuning its officers, agents or contractors from taking emergency action to clear said drains, ditches, culverts or drainage courses.

Section 12:

Any person, firm, partnership or corporation violating any of the provisions of this Ordinance or any regulations or specifications adopted hereunder, shall, upon conviction thereof in a summary proceeding, pay a fine of not more than Twenty-Five (\$25.00) Dollars for each such offense, together with the costs of restoring such drain, ditch, culvert or drainage course, and, in default of the payment of such fine and cost, shall be sentenced to imprisonment of not more than ten (10) days.

Section 13:

If any Section, clause, sentence 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 or sections, or parts of this Ordinance. It is hereby declared as the intention of the Supervisors of Pymatuning Township, Mercer County, Pennsylvania that this Ordinance would have been adopted had the unconstitutional, illegal or invalid sentence, clause, section, or part thereof not been included.

Section 14

The provisions of this Ordinance, so far as they are the same as those of ordinances and regulations now in full force and effect, prior to the enactment of this Ordinance, or intended as a continuation of such ordinances and regulations, and not as new enactments.

Section 15:

All other ordinances of the Township of Pymatuning not inconsistent herewith shall remain in full force and effect, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 16:

This Ordinance shall become effective five (5) days after adoption hereof.

ENACTED AND ORDAINED into law by the Board of Supervisors of Pymatuning Township, Mercer County, Pennsylvania, in lawful session, duly assembled on this 14th day of July, 1988.

ATTEST:

TOWNSHIP OF PYMATUNING

Joseph E. Leventis
Township Secretary

By:

[Signature]
Joseph A. McKeith
Joseph A. Schuckman

D R A I N A G E P E R M I T

Date: _____

Permit No. _____

Expiration Date: _____

TOWNSHIP OF PYMATUNING
Mercer County, Pennsylvania

INSPECTION REQUIRED BEFORE WORK IS BEGUN AND AT COMPLETION OF PROPOSED WORK

Arrange for inspection by contacting the Pymatuning Township Roadmaster at 646-1134 at least 24 hours in advance to permit scheduling.

TO BE COMPLETED BY APPLICANT

TO BE COMPLETED BY THE TOWNSHIP

Name _____

Address _____

Phone _____

I hereby request permission to install

- () Driveway Culvert
() Other (Describe) _____

Site sketch of proposed work is attached hereto.

The location of the proposed work is as follows:

Address _____

Subdivision Plan _____

Lot No. _____

I acknowledge that I have read this application and agree that it is correct and that I agree to comply with all Pymatuning Township and Commonwealth of Pennsylvania laws regulating drainage. Further, I agree to save Pymatuning Township, its officers, employees, and agents harmless from any and all

Tributary Area (Acres) _____

Anticipated Flow (CFS) _____

Required Pipe Size _____

Required Pipe Length _____

Required Ditch Size _____

Required Pipe (Ditch) Slope _____

Flowline (Invert) Elevation _____

End Walls Required _____

Type of Pipe Installed _____

Other _____

APPROVALS AND INSPECTIONS

Application

() Approved () Rejected

By _____ Date _____

Inspection

Revised May 1989.
 Destroy previous editions.

SCHEDULE OF FEES FOR HIGHWAY OCCUPANCY PERMITS



PERMIT ISSUANCE FEES

These fees are applied to the administrative costs incurred in reviewing the application and plan(s) and issuing and processing the permit, including the preliminary review of the site location identified in the application, whether or not a permit is issued and processed.

Schedule Item No.	Unit Fee
1) Application Fee	
a) Utility	\$50.00
b) Driveways	
(i) minimum use (e.g., single-family dwellings, apartments with five or fewer units)	15.00
(ii) low volume (e.g., office buildings, car washes)	30.00
(iii) medium volume (e.g., motels, fast food restaurants, service stations, small shopping plazas)	40.00
(iv) high volume (e.g., large shopping centers, multi-building apartment or office complexes)	50.00
c) Other (e.g., bank removal, sidewalk and curb)	20.00
2) Supplement Fee (each six-month time extension) (each submitted change)	10.00
3) Emergency Permit Card (each card)	5.00
4) Exemption (see below for list of exemptions)	

GENERAL PERMIT INSPECTION FEES

These fees are applied to the costs incurred in the preliminary review of the location covered by the permit, and/or spot inspection of the permitted work, and/or subsequent inspection after the permitted work has been completed to ensure compliance with PennDOT specifications and permit provisions.

5) Driveways	
a) Each minimum use driveway	10.00
b) Each low-volume driveway	20.00
c) Each medium-volume driveway	35.00
d) Each high-volume driveway	50.00
6) Underground Facilities (e.g., pipe lines, buried cable with pedestals, conduit, manholes, headwall, inlet and grate)	
This fee is calculated on the TOTAL linear feet of the facility or facilities being permitted within the right-of-way, regardless of whether the surface is opened.	
a) Physically connected facility or facilities (first 50 feet or fraction thereof) (each section)	20.00
b) Additional physically connected facilities (each 100 feet or fraction thereof)	5.00
7) Surface Openings (These fees are calculated on the total linear feet of the opening being permitted within different areas of the right-of-way.)	
a) Total linear feet of opening each (100 foot increment or fraction thereof):	
(i) Opening in pavement	40.00
(ii) Opening in shoulder	20.00
(iii) Opening outside pavement and shoulder	10.00
b) If a longitudinal opening simultaneously occupies two or more highway areas identified in subparagraph (a), only the higher fee will be charged. Linear distances shall be measured to the nearest foot.	
8) Surface Openings of Less Than 36 Square Feet (e.g., service connections performed independently of underground facility installation, pipe line repairs) (each opening)	
(i) Opening in pavement	30.00
(ii) Opening in shoulder	15.00
(iii) Opening outside pavement and shoulder	10.00
If an opening simultaneously occupies two or more highway areas identified in subparagraphs (i)-(iii), only the higher fee will be charged.	
9) Above-Ground Facilities (e.g., poles, guys and/or anchors if installed independently of poles)	
a) Up to 10 physically connected above-ground facilities (each continuous group)	20.00
b) Additional above-ground physically connected facilities (each pole with appurtenances)	2.00
10) Crossings (e.g., "overhead" tipples, conveyors or pedestrian walkways and "undergrade" subways or mines)	80.00
11) Seismograph — Vibroseis Method (e.g., prospecting for oil, gas)	
a) First mile	50.00
b) Each additional mile or fraction thereof	5.00
12) Non-Emergency Test Holes in Pavement or Shoulder (each hole)	5.00
13) Other (e.g., bank removal, sidewalk and curb)	20.00

EXEMPTIONS

Permit issuance fees and general permit inspection fees are not payable by any of the following:

- 1) The commonwealth.
- 2) Political subdivisions of the commonwealth, except when placing a facility longitudinally within more than 100 total linear feet of pavement. In that case, the application and inspection fees for pavement openings will be charged.
- 3) Governmental authorities organized under the laws of the commonwealth.
- 4) The federal government.
- 5) Charitable organizations that are in compliance with Act No. 337, approved August 9, 1963, P.L. 628, as amended (churches, hospitals, schools, charitable institutions, veterans' organizations, non-profit organizations)
- 6) Utility facility owners for:
 - a) The installation of street lights at the request of PennDOT or the political subdivision.
 - b) The replacement or renewal of their facilities prior to a township resurfacing project after notice from the township.
 - c) The removal of poles and attached appurtenances.
 - d) Facilities moved at the request of PennDOT or the political subdivision.
 - e) The reconstruction or maintenance of their facilities that occupy the right-of-way under private status.

ADDITIONAL INSPECTION FEES

If the township determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more persons to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for additional salary, overhead and expenses incurred by each assigned inspector and the township.

Revised as of August 1981.
 Destroy previous editions.

SCHEDULE OF FEES FOR HIGHWAY OCCUPANCY PERMITS



PERMIT ISSUANCE FEES

Schedule Item No.	This fee is applied to the administrative costs that are incurred in reviewing the application and plan(s) and issuing and processing the permit.	Unit Fee
1. Issuance Fee		
A. Utility	\$35.00
B. Driveways		
(i) minimum use (e.g., single family dwellings, apartments with five or fewer units)	15.00
(ii) low volume (e.g., office buildings, car washes)	30.00
(iii) medium volume (e.g., motels, fast food restaurants, service stations, small shopping plazas)	40.00
(iv) high volume (e.g., large shopping centers, multi-building apartment or office complexes)	50.00
C. Other (e.g., bank removal, sidewalk and curb)	20.00
2. Supplement Fee (each six-month time extension) (each submitted change)	10.00
3. Emergency Permit Card (each card)	5.00
4. Exemption (see below)		

GENERAL PERMIT INSPECTION FEES

These fees are applied to the costs incurred in the preliminary review of the location covered by the permit,
 and/or spot inspection of the permitted work, and/or subsequent inspection after the permitted work has been
 completed to insure compliance with Department specifications and permit provisions.

5. Driveways		
A. Each minimum use driveway	.....	10.00
B. Each low-volume driveway	.....	20.00
C. Each medium-volume driveway	.....	35.00
D. Each high-volume driveway	.....	50.00
6. Underground Facilities (e.g., pipe lines, buried cable-with pedestals, conduit, manholes, headwall, inlet and grate)		
This fee is calculated on the TOTAL linear feet of the facility or facilities being permitted within the right-of-way, regardless of whether the surface is opened.		
A. Physically connected facility or facilities (first 50 feet or fraction thereof) (each section)	.....	20.00
B. Additional physically connected facilities (each 100 feet or fraction thereof)	.....	5.00
7. Surface Openings (e.g., service connections performed independently of underground facility installation, pipe line repairs) (each opening)	.....	15.00
8. Above-ground Facilities (e.g., poles, guys and/or anchors if installed independently of poles)		
A. Up to 10 physically connected above-ground facilities (each continuous group)	.....	20.00
B. Additional above-ground physically connected facilities (each pole with appurtenances)	.....	2.00
9. Crossings (e.g., "overhead" tipples, conveyors or pedestrian walkways and "undergrade" subways or mines)	.....	80.00
10. Seismograph — Vibrosels Method (e.g., prospecting for oil, gas)		
A. First mile	.....	50.00
B. Each additional mile or fraction thereof	.....	5.00
11. Other (e.g., bank removal, sidewalk and curb)	.....	20.00

EXEMPTIONS

Permit issuance fees and general permit inspection fees are not payable by any of the following:

- A. The Commonwealth.
- B. Political subdivisions of this Commonwealth.
- C. Governmental authorities organized under the laws of this Commonwealth.
- D. The Federal government.
- E. Charitable organizations which are in compliance with Act No. 337, approved August 9, 1963, P.L. 628, as amended (churches, hospitals, schools, charitable institutions, veterans' organizations, nonprofit organizations).
- F. Utility facility owners for:
 - (i) The installation of street lights at the request of local authorities.
 - (ii) The replacement or renewal of their facilities prior to a township resurfacing project after notice from the township.
 - (iii) The removal of poles and attached appurtenances.
 - (iv) Facilities moved at the request of local authorities.
 - (v) Reconstructing or maintaining their facilities which occupy the right-of-way under private status.

ADDITIONAL INSPECTION FEES

If the township determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more employees to inspect the permitted work on a more than spot inspection basis, the permittee shall be charged for all salary, overhead and expenses incurred by each assigned inspector and the township.