

Ordinance 9

Discharge W

ORDINANCE NO. 98-3

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF HOPEWELL OF THE
COMMONWEALTH OF PENNSYLVANIA, AUTHORIZING
AND APPROVING AN ORDINANCE RESTRICTING ALL
PERSONS FROM DISCHARGING WATER FROM PRIVATE
PROPERTY ONTO ANY TOWNSHIP ROAD**

WHEREAS, there exist certain areas of Hopewell Township where unnatural water flow from basement seepage, french drains, springs, ground water or surface water is discharged from private property onto public roadways; and

WHEREAS, unnatural water flow onto public roadways is a hazard to motor vehicle operators creating the possibility of hydroplaning and sliding as well as ice formation which can cause accidents and personal injury; and

WHEREAS, unnatural water flow onto a road surface and/or ice formation often is not obvious to the unwary motor vehicle operator who may be taken by surprise; and

WHEREAS, the purpose of this Ordinance is to protect the health, safety and welfare of motor vehicle operators and pedestrians from the dangers associated with unnatural water flow and pooling onto Township roadways.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Township of Hopewell, a first class Township under the laws of the Commonwealth of Pennsylvania, **AND IT IS HEREBY ORDAINED:**

TOWNSHIP OF HOPEWELL WATER DRAINAGE ORDINANCE

1. **PURPOSE:**

The purpose of this Ordinance is to protect the health, safety and welfare of motor vehicle operators and pedestrians from the dangers associated with unnatural water flow, pooling of water and ice formation on Township roadways.

2. **DEFINITIONS:**

UNNATURAL WATER FLOW: Any water flow discharged or diverted by means of pumping and/or piping or other artificial means of diversion of surface or subsurface water flow from basement seepage, french drains, springs and foundation drains, as well as water generated by public or private supply systems. Excluded from this definition shall be:

1) the practice and need for a water supplier to flush fire hydrants and/or blow-off connections for public health reasons; and 2) the conveyance of roof and/or driveway runoff or drainage to a Township Road.

ROADWAY: All roads, streets, highways, etc. which the Township of Hopewell has, by Ordinance, accepted as public.

PERSON(S): An individual, corporation, partnership, unincorporated association or other similar entity.

PRIVATE PROPERTY: Real property located in Hopewell Township and owned by any person(s).

DISCHARGING: The unnatural flow of water from private property onto a roadway.

3. **PROHIBITION:**

For the health, safety and welfare of motor vehicle operators and pedestrians, all person(s) shall be prohibited from discharging water from private property onto a Township roadway.

4. **Enforcement:**

The Township Manager and Township Police Department are charged with enforcement of the provisions of this Ordinance.

5. **Penalties:**

Any violation of this Ordinance shall be punishable as a misdemeanor of the Third degree. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay the costs of prosecution and a fine of not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars. Each day that a violation continues shall be deemed a separate offense.

6. **Repealer:**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed

7. **Severability:**

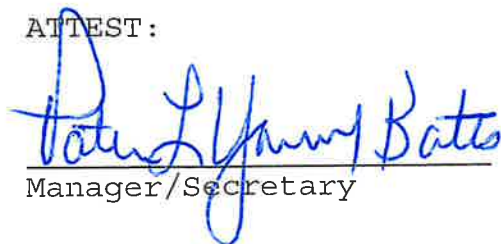
If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Commissioners that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

8. **Effective Date:**

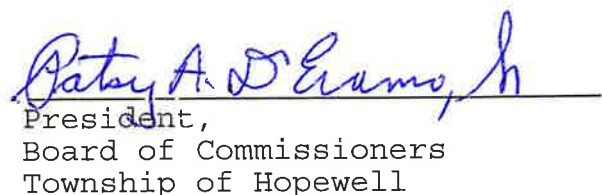
This ordinance shall become effective the 15th day of June, 1998. All persons shall have sixty (60) days from the effective date of this Ordinance to reach full compliance herewith

ADOPTED on this 15th day of June, 1998.

ATTEST:



Manager/Secretary



President,
Board of Commissioners
Township of Hopewell