

**Chapter 15**

**Part A: DISCHARGE OF WATER  
(OR02-2006)**

*Prelude - This Ordinance is created with the intention to control those discharges of water which, when transferred to the public right-of-way or upon property of another, create hazardous or dangerous conditions.*

**100.00 Definitions:**

**101.00 Public right-of-way:**

101.10 Includes those areas within property, street, curb, lawn, sidewalk and/or alleyway which are designated as public rights of way in the Borough of Saegertown;

**102.00 Borough:**

102.10 Shall refer to the Borough of Saegertown;

**103.00 Person:**

103.10 Shall mean any individual, group, corporation or other legal entity.

**104.00 Council:**

104.10 Shall mean Saegertown Borough Council.

**200.00 General Provisions:**

200.10 No person in the Borough shall be permitted to discharge storm water or rain water or other types of water discharge upon or adjacent to a public right-of-way in such a manner that the discharge creates or tends to create a dangerous condition or a safety hazard of any kind, including but not limited to:

200.11 Pedestrians and vehicular traffic;

200.12 On the public right-of-way whether such hazard is created in the area immediately bounded by the person's property or any distance from the person's property.

200.20 No person shall be permitted to discharge storm water or rain water or other types of water on another person's real estate or in any manner cause such discharge to go upon another person's property.

**300.00 Connection to Storm Water System and Fee.**

300.10 Any person may apply to the Council for the Borough of Saegertown for a variance or waiver from this Ordinance or for a permit to connect a sump pump and/or drainage system into the storm water system of the Borough of Saegertown.

300.20 Such application shall be made to the Borough Secretary on a form approved by the Council for the Borough of Saegertown.

300.30 Any person making such application shall pay any and all costs and/or expenses directly or indirectly incurred in said connection and all such fees established by Council.

300.40 All connections shall be completed in accordance with the specifications and conditions established by Council.

300.50 Such connections shall be subject to inspection by authorized personnel of the Borough at any time.

**400.00       Violations:**

- 400.10       Any person who shall violate any provisions of this Ordinance shall, upon first violation, be given a written warning.
- 400.20       Thereafter, any person violating any provisions of this Ordinance shall, upon conviction thereof, be guilty of a summary offense and be sentenced to pay a Class B fine as set by resolution of Council, and prosecution costs.
- 400.30       In default of payment of fines or costs such person so convicted shall be sentenced to undergo imprisonment for a period of up to thirty (30) days.
- 400.40       Each day of said violation shall constitute a separate offense.

**500.00       Enforcement:**

- 500.10       The Mayor, Borough Secretary or Borough Code Enforcement Officer are hereby authorized to act on behalf of the Borough.

**600.00       Emergencies:**

- 600.10       The provisions of this Ordinance shall not apply to the Borough or emergency personnel or agencies in the event of an emergency or disaster so declared by Council or the Mayor of the Borough.

**700.00       Repealer:**

- 700.10       All ordinances or other parts thereof which are inconsistent herewith are hereby repealed.

**800.00       Severability:**

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

**900.00       Effective:**

- 900.10       This Ordinance shall take effect immediately upon its enactment.

**1000.00      Enacted:**

- 1000.10      ENACTED AND ORDAINED March 13<sup>th</sup>, 2006.