

PROPOSED AMENDMENTS TO ORDINANCE 2023-14

1st Recital

WHEREAS, roof leaders, downspouts, yard drains and other pipes and drains discharging storm water directly ~~or indirectly~~ into the municipal storm sewer system and public right-of-way increase the risk of flooding, degrade the environment, cause early deterioration of road surfaces and create hazards on sidewalks and roadways, ~~particularly in winter months~~, which endanger public safety;

Amended SubSection 159-38.B.

No person shall construct ~~or permit~~ a pipe, trench, swale or other physical connection to discharge storm water into the municipal separate storm sewer system or ~~onto any~~ into the public right-of-way unless approved in advance and in writing by the Borough Engineer. With respect to any such advance approvals, the Borough Engineer may require ~~that water be routed to a seepage pit with only the overflow discharging to the public right-of-way~~ as a condition precedent that the property owner demonstrate reasonable efforts to contain the storm water on the property, maximize recharge on land or otherwise reduce to a minimum discharges into the public right-of-way or municipal separate storm sewer system.

New SubSection 159-38.C. [Existing SubSection C changes to E]

Physical connections to the municipal storm sewer system or in the public right-of-way in existence on or before September 5, 2023, the date of introduction of this ordinance, shall not be subject to removal except in the following circumstances:

- (1) the connection is to be removed as part of road reconstruction; or
- (2) the connection has caused a hazardous condition.

When a connection has caused a hazardous condition, the property owner shall be given written notice pursuant to Section 159-34 of this ordinance requiring removal of the connection and remediation of the hazardous condition under the supervision of the Borough Engineer or other

enforcing official, at the owner's expense. If the owner fails to remove the connection or remediate the condition in compliance with such notice, they shall be determined to have constructed a prohibited connection or made or caused a prohibited discharge in violation of this ordinance.

New SubSection 159-38.D.

Whenever the owner has not complied with the notice as specified and the connection causing the hazardous condition has not been removed or the hazardous condition remediated, the Borough in its discretion may itself undertake to remove the connection and remediate the condition, if practicable within the public right-of-way. The costs and expenses incurred by the Borough in doing so may be recovered by certifying these costs and expenses to the Tax Assessor for inclusion as part of the taxes next assessed against the property which is the source of the connection. In the alternative, the Borough may elect to recover the amounts due in an action at law in any court of competent jurisdiction. Recovered costs shall be in addition to and shall not affect the imposition of any penalties for the violation of this ordinance.

Amended (9) in SubSection E (formerly C)

(9) Flows of storm water ~~not~~ caused by a physical connection **permitted** ~~prohibited~~ by this ordinance.