

**ORDINANCE 2018-1**  
**WILMINGTON TOWNSHIP, MERCER COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE SUPERVISORS OF WILMINGTON TOWNSHIP,  
MERCER COUNTY, PENNSYLVANIA, REGULATING THE INSTALLATION  
AND MAINTENANCE OF CULVERTS ACROSS PRIVATE DRIVEWAYS  
LEADING FROM A PUBLIC HIGHWAY, PROVIDING PENALTIES FOR  
VIOLATION THEREOF AND REPEALING ORDINANCE 1957-2.**

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Wilmington, Mercer County, Pennsylvania, as follows:

SECTION 1. Be is enacted and ordained by the Board of Supervisors of Wilmington Township, Mercer County, Pennsylvania and it is hereby enacted and ordained by the authority of the same, that it shall be unlawful for any person, persons, firm or corporation to install a culvert or culverts across a private driveway or lane leading from a public road, without the sanction and approval of said Board of Supervisors as to type, size, and manner of installation.

SECTION 2. Any such culvert heretofore installed which does not adequately provide proper drainage, shall be removed or replaced by the property owner, upon thirty (30) days written notice to the user or owner of said private roadway or lane, by the Township Supervisors.

SECTION 3. Said Supervisors shall prescribe the size and type of culvert to be installed, depending upon the drainage area and volume of water effected.

SECTION 4. Construction Standards. Culvert installations must comply with the following standards:

- a) Width, Rise, and Ditch Distance. Minimum driveway width shall be 20 feet wide from the edge of the public roadway to a point that is 40 feet from the centerline of the existing public road. The same specifications shall apply to a commercial driveway except the minimum width shall be 24 feet. The remainder of the driveway shall be constructed with a minimum of 12 feet in width. The driveway shall be perpendicular to the centerline of the public road from the edge of the roadway to a point that is 40 feet from the centerline of the public road. There can be no section of culvert greater than 60 feet in length without a cleanout in place.
- b) Culverts. Each driveway shall have a culvert at least as prescribed in Section 3 of this Ordinance at the ditch line where the driveway meets the public road, unless modified by the Board of Supervisors.

- c) Juncture with Public Road. The grade of a driveway where it meets the shoulder of the existing public road to a point that is 40 feet from the centerline of the public road shall be flat or at a negative grade from the shoulder's edge, unless modified by the Board of Supervisors. Any driveway with a slope greater than 0% at the point where the driveway enters onto a public road shall require the construction of a slight dip across the drive just before the culvert at the entrance to a public road to prevent debris from washing onto the public road.
- d) Approach. The approach to a public roadway shall be clear of all visual obstructions including vegetation, structures and topography so as to allow full view of traffic approaching from both directions on the public roadway.
- e) Drainage. Ditches along the right-of-way, roadway crowning, and culverts shall be provided by the property owner for acceptable drainage. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and/or the lands of other persons.
- f) Costs. All costs of construction of said driveway, including the cost of the culverts, if required, shall be paid by the property owner.
- g) Clearance for Emergency Vehicles. All driveways shall allow reasonable access by emergency vehicles. An area of 16 feet in width and 12 feet in height shall be cleared along the entire driveway right-of-way in order to permit the safe passage of emergency vehicles to the structures served by the driveway. A field road is exempt from this requirement.
- h) Waiver of Specifications. Any specification(s) in this section may be waived or modified by the Board of Supervisors if it deems specification(s) would impose an unnecessary hardship. Any request by an applicant for a waiver or modification of any provision in this section must be submitted in writing and must state the reason for the request.

SECTION 5. Upon installation of culvert the user or owner of said private driveway and the lot to which the said private roadway leads shall thereafter maintain and keep open said culvert; upon neglect of the said owner or user of said private driveway or roadway, to maintain and keep open the said culvert after 10 days written notice of his default therein given by said

Township Supervisors to the said user or owner of said private roadway or lane, the said Supervisors may cause said culvert or drain to be removed.

SECTION 6. Any person violating any of the provisions of this ordinance shall, upon conviction thereof before any District Justice be fined not more than \$50.00 and costs of prosecution and, in default of payment of such fine and cost shall be sentenced to imprisonment for not more than thirty (30) days. The Township Secretary or any other individual or entity authorized from time to time by motion of the Board of Supervisors is authorized to file any complaint of a violation on behalf of the Township with the District Justice.

SECTION 7. The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, invalid, or illegal, by any court or competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, invalid or illegal provision not been included herein.

SECTION 8. Ordinance No. 1957-2 is repealed in its entirety by this Ordinance and all other Ordinances or parts of other Ordinances in addition to the repeal of 1957-2 which are inconsistent with this Ordinance are hereby repealed in so far as they are inconsistent herewith.

DULY ORDAINED AND ENACTED the 10<sup>th</sup> day of October, 2018, by the Board of Supervisors of the Township of Wilmington, Mercer County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WILMINGTON  
Mercer County, Pennsylvania

Attest: \_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman, Board of Supervisors

SEAL

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor