

BOROUGH OF MOUNT POCONO
ORDINANCE NO: 2 of 2024
ORDINANCE AMENDING CHAPTER 84 OF THE BOROUGH CODE "DRIVEWAYS"

WHEREAS, in 1983 the Borough of Mount Pocono adopted a Driveway Ordinance, which is incorporated into the Borough Code of Ordinances at § 84-1 et. seq; and

WHEREAS, the Ordinance addresses the maintenance of driveway for which permits have been issued under the Ordinance, but not pre-existing in other driveways for which no permit has been issued; and

WHEREAS, to protect the health, safety and welfare of residents of the Borough, as well as property owners, Borough Council believes that it is necessary and appropriate for additional regulation of all driveways in the Borough, irrespective of whether permits have been issued for such driveways or whether such driveways are pre-existing;

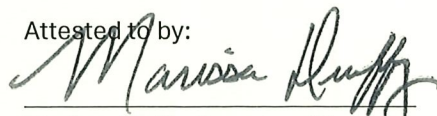
Now, therefore, being enacted and ordained as follows:


1. Borough Code of Ordinances chapter 84, § 84-4 entitled "Maintenance" is repealed in its entirety and as written.
2. Code § 84-4 will now state as follows:
 - A. All driveways, whether a permit for the same has been issued under this Ordinance or not, adjacent areas and areas between such driveways including channelization, paving, drainage, etc. installed by the owner shall be maintained by the property owner in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the street or the safe and convenient passage of traffic upon the street. The term "adjacent area" shall apply only to that area within the owner's property or property line extended.
 - B. Property owners shall periodically inspect their driveway including channelization, paving, drainage and subterranean pipes beneath such driveways so as to ensure that the same are in proper and operable condition. Property owners shall keep clear all drainage swale and other channelization, as well as subterranean piping beneath driveways.
 - C. Borough personnel are authorized by this Ordinance to enter upon private property, with due notice to the property owner and/or occupant, for the purpose of clearing any blockage of drainage swales or subterranean piping which may cause a threat of flooding, property damage, and a threat to public safety.
 - (1) Upon receiving a report or identifying any blockage causing obstruction in drainage where there is subterranean piping, the Borough shall provide written notice to the property owner providing a reasonable time in which to clear the blockage. If the blockage is not cleared within the specified time frame or if it poses an immediate threat of flooding or property damage, the Borough personnel may proceed with clearance of such obstructions. In the event it is necessary for Borough personnel to remove obstructions, the property owner shall be charged for any labor, materials, and equipment used, at a reasonable rate to be determined by the Borough Council.
 - (2) Any charges imposed hereunder may be appealed to the Borough Council within fourteen (14) days of Council advising property owner, in writing, of such charges. Any appeal will be conducted pursuant to the Local Agency Act and a hearing held before Borough Council. After hearing before Borough Council, Borough may file a lien on the property in accordance with the Municipal Lien Law.

This Ordinance shall be effective five (5) days after its adoption.
Any inconsistent Ordinances are repealed hereby.

Enacted and ordained this 4th day of June, 2024.

Attested to by:


Marissa Duffy, Secretary/Manager


Donald Struckle, President
Mount Pocono Borough Council

