

**BOROUGH OF UNION CITY
ERIE COUNTY, PENNSYLVANIA
ORDINANCE NO. 1130**

AN ORDINANCE OF THE BOROUGH OF UNION CITY, ERIE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE NUMBER 1083, ENTITLED THE UNION CITY BOROUGH STORMWATER MANAGEMENT ORDINANCE, AMENDING ARTICLE II, ENTITLED DEFINITIONS AND FOOTNOTE 2 OF SECTION 302(D);; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, The Borough Council ("Borough Council") of the Borough of Union City (the "Borough") has determined that the regulations contained within Ordinance 1083 related to the treatment of gravel and crushed stone as being an impervious surface are inconsistent with the development objectives of the Borough Council; and

WHEREAS, the Borough Council finds that amending Ordinance 1083 to ensure that gravel and crushed stone surfaces are determined to be a pervious surface will not frustrate the purpose of Ordinance 1083 and is to be in the best interests of the Borough, it's citizens, residents and land owners.

NOW THEREFORE on this 11th day of February, 2020, **IT IS HEREBY ENACTED AND ORDAINED** by the Borough Council of the Borough of Union City, Erie County, Pennsylvania as follows:

Section 1. Article II, entitled Definitions, of Ordinance 1083 is amended as follows:

Impervious Surface (Impervious Area) – A surface that prevents the infiltration of water into the ground. Impervious surface (or areas) include, but is not limited to: roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, parking or driveway areas, and any new streets and sidewalks. Notwithstanding the foregoing, Any surface areas proposed to initially be, or existing as, gravel or crushed stone shall be assumed to be ~~impervious~~ pervious surfaces.

Section 2. Footnote 2 of section 302(D) of Ordinance 1083 is amended as follows:

NOTES:

2. ~~Gravel in existing condition shall be considered pervious and gravel in proposed condition shall be considered impervious.~~ Gravel and crushed stone shall be considered to be pervious in existing and proposed condition.

Section 4. 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 Borough Council of the Borough of Union City that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 5. Effective Date

The provisions of this ordinance shall become effective immediately upon passage.

DULY ORDAINED AND ENACTED this 11th day of February, 2020, by the Borough Council of the Borough of Union City, Erie County, Pennsylvania, in lawful session duly assembled.

ATTEST:

Cindy Wells
Borough Secretary

[Signature]
President of Borough Council

APPROVED this 11th day of February 2020.

[Signature]
Mayor of Union City Borough

I certify that the above is a true copy of the Borough of Union City, Erie County, Pennsylvania, Ordinance No. 1130 adopted by the Union City Borough Council on February 11, 2020 and advertised in the *Corry Journal* on January 21, 2020.

Cindy Wells
Union City Borough Secretary

