

Chapter 21

Streets and Sidewalks

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Part 1**Street Cuts and Openings****§21-101. Permit Required.**

In accordance with the provisions of §2322 of the Second Class Township Code, 53 P.S. §67322, no railroad or street railway shall hereafter be constructed upon any Township road, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits, or other piping be laid upon or in, nor shall any telephone, telegraph, television cable, or electric light or power poles, or any coal tipples or any other obstructions be erected upon or in, any portion of a Township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof, as may be prescribed in permits granted by the Township for such purpose.

(*Ord. 151, 11/13/1990, §1; as amended by Ord. 231, 10/14/2008*)

§21-102. Permit Application.

The application for a permit shall be on a form prescribed by the Township and submitted to the Township in triplicate. The application shall be accompanied by a fee in accordance with the schedule of fees set forth by the Department of Transportation, for highway occupancy permits and restriction charges. In addition, the applicant shall submit three copies of a sketch showing such dimensions as the location of the intended facility, width of the traveled roadway, right-of-way lines and a dimension to the nearest intersecting street.

(*Ord. 151, 11/13/1990, §2*)

§21-103. Permit Issuance.

A permit shall be issued to the applicant after all the aforementioned requirements have been filed.

(*Ord. 151, 11/13/1990, §2*)

§21-104. Permanent Repair Required.

Permanent repair of the roadway cut must be made within 6 weeks of the opening of the cut. The roadway must be restored in accordance with Pennsylvania Department of Transportation and Old Lycoming Township specifications.

(*Ord. 151, 11/13/1990, §3*)

§21-105. Notice to Township.

Upon completion of the work, the applicant shall give written notice thereof to the Township.

(*Ord. 151, 11/13/1990, §4*)

§21-106. Inspection of Work by Township.

Upon completion of the work authorized by the permit, the Township shall inspect

the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within 10 days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional 20 percent of such cost.

(*Ord. 151*, 11/13/1990, §6)

§21-107. Maintenance of Road Cut.

The person, firm, corporation, or utility making the road cut, or the designated applicant on the permit, shall be required to maintain the road cut for a period of 2 years from the date the opening was made.

(*Ord. 151*, 11/13/1990, §7)

§21-108. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 for the first offense, not less than \$600 for each subsequent offense, and not more than \$1,000 plus costs and, in default of payment of said fine and costs, or other maximum as established by State law, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 151*, 11/13/1990, §8; as amended by *Ord. 182*, 7/9/1996, §2.I; and by *Ord. 231*, 10/14/2008)

Part 2**Rules for Use of Public Rights-of-Way****§21-201. Violations Defined.**

The following actions will be considered violations:

A. No person shall intentionally or unintentionally relocate established public right-of-way.

B. No person shall obstruct a public right-of-way by placing an obstruction, motor vehicle or condition near or upon the public road, street or alley right-of-way, or otherwise preventing its use or any way interfering with paved public road or right-of-way. This may include, but not be limited to, objects that tend to block use such as fences, rocks, poles, buildings, ditches and the like.

C. No person shall maintain any obstruction or relocation of any road in or near their property should obstruction or relocation occur prior to the enactment of this Part.

D. No person shall park on a public street or right-of-way or cul-de-sac during any snowstorm or snow removal activity. Such parking is an illegal blockage and a violation of this Part.

E. Failure to remove any obstruction, replace any relocated road or take any action relative to Township roadway ordered by any Township official shall be deemed a violation of this Part.

(Ord. 184, 4/8/1997, §1)

§21-202. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, or other maximum as established by State law, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 184, 4/8/1997, §2; as amended by Ord. 231, 10/14/2008)

Part 3**Snow and Ice Removal****§21-301. Duty to Remove Snow and Ice.**

The owner, tenant or occupant and, if no occupant, then the owner of any building abutting or being adjacent to any street, lane or alley of the Township, and in the case of a vacant lot, the owner of said lot shall within 12 hours of falling snow or the creation of any icy or sleeting condition, remove or cause to be removed such snow, ice or sleet from all sidewalks on said premises and, in addition, all sidewalks on the street right-of-way which adjoin or abut said premises. Said snow, ice or sleet, shall be removed the full width of the sidewalks.

(*Ord. 102, 2/13/1979, §1*)

§21-302. Failure of Owner or Occupant to Comply.

In the case of the failure of the owner, tenant or occupant of any premises hereinabove described to comply with the terms of this Part within the time limit aforesaid, to remove such snow, ice or sleet from the sidewalks, then the Secretary of the Township or other designated person in the employ of the Township may remove or cause to be removed the snow, ice or sleet, and the expense thereof with 20 percent in addition, shall be charged and collected as compensation for the work done. This may be billed the owner, tenant or occupant or all of them. If payment is not made within 30 days of such bill, the Township may proceed in assumpsit or in any other legal manner to collect the same. The imposition of such cost for work done shall not be considered to be in lieu of any fine or penalty which may also be imposed as hereinafter set forth.

(*Ord. 102, 2/13/1979, §2*)

§21-303. Continuing Violation.

Each and every day that an owner, tenant or occupant fails to remove snow, ice or sleet or cause to be removed snow, ice or sleet on the sidewalk, as aforesaid, shall be a separate violation for which a magisterial district judge may impose a separate and additional penalty as provided in §21-304 upon summary conviction thereof.

(*Ord. 102, 2/13/1979, §3; as amended by Ord. 231, 10/14/2008*)

§21-304. Penalty.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, or other maximum as established by State law, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(*Ord. 102, 2/13/1979, §4; as amended by Ord. 182, 7/9/1996, §2.R; and by Ord. 231,*

10/14/2008)

Part 4**Street Trees and Other Vegetation****§21-401. Placement of Trees and Vegetative Material.**

In placement of trees and vegetative material in the proximity of streets, alleys and Township property, an owner or occupier of land must comply with this Part, as well as the Old Lycoming Township Zoning Ordinance [Chapter 27], sign regulations and all other governmental regulations, Federal, State and local.

(*Ord. 191, 2/10/1998, §1*)

§21-402. Care and Maintenance of Trees.

The owners and occupiers of real estate within the Township of Old Lycoming, upon whose property trees have been planted in the proximity of Township streets, alleys or other Township property, shall be maintained by the owner and occupant of said real estate in a safe and diligent manner, including the following:

A. All dead limbs shall be removed.

B. All trees shall be trimmed in the fashion that there is at least a 14-foot clearance between the foliage of any tree and any roadway, alleyway or Township property, including trees overhanging a roadway, alleyway or other Township property, and private rights-of-way.

C. Owners and occupants shall trim all trees so that there is a clearance of at least 9 feet of trees and/or any vegetation overhanging the sidewalk.

D. All dead trees shall be removed expeditiously and otherwise within 30 days upon written notice of any Township official who has been assigned responsibility for the administration of this Part.

E. All owners and occupants shall eliminate or trim any tree which has been declared a safety hazard or obstruction by the roadmaster in writing. The roadmaster's opinion with respect to such safety hazard or obstruction shall be final. [*Ord. 231*]

(*Ord. 191, 2/10/1998, §2; as amended by Ord. 231, 10/14/2008*)

§21-403. Violations.

1. Any person violating any portion of this Part, including the nonremoval of vegetation or tree within 30 days of being so ordered, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300 nor more than \$1,000 plus costs and, in default of payment of said fine and costs, or other maximum as established by State law, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. [*Ord. 231*]

2. If a tenant, occupant or owner of any real property within the Township of Old Lycoming violates any provision of this Part, the Township may correct the violation

by contracting to have the violation removed or having Township employees do the same, so that the said violation is abated, and thereafter may collect all costs and expenses incurred in connection with the violation by the tenant, occupant or owner. The Township may collect all costs and expenses incurred in connection with violation by civil action or municipal lien, which cost shall include the actual cost to the Township and the Township's attorney's fees and court costs.

(*Ord. 191, 2/10/1998, §3; as amended by Ord. 231, 10/14/2008*)

Part 5**Construction of Sidewalks and Curbs****§21-501. Sidewalks and Curbs to Be Constructed to Established Grade.**

No sidewalk or curb shall be constructed in any area adjacent to any public road in Old Lycoming Township, where the grade line has not been determined, until such grade line shall be set, either by an independent surveyor or by the Township Engineer. (Ord. 12, 8/23/1957, §1; as amended by Ord. 231, 10/14/2008)

§21-502. Township Engineer to Approve Grade.

If such grade line be determined by an independent surveyor, such grade line must be approved by the Township Engineer before same shall be used. (Ord. 12, 8/23/1957, §2)

§21-503. Landowner Responsible for Township Engineer's Fees and Expenses.

If the landowner shall request the Township Engineer to establish the grade line, he shall be liable for the Township Engineer's fee and expenses. (Ord. 12, 8/23/1957, §3)

§21-504. Permit Required.

Before any sidewalk or curb shall be built in Old Lycoming Township, a permit must be secured from the Township Supervisors and a fee therefor, shall be paid at that time. (Ord. 12, 8/23/1957, §4; as amended by Ord. 231, 10/14/2008)

§21-505. Penalty.

Any person, corporation or association hereafter building any sidewalk or curb in Old Lycoming Township, without first securing the permit required in §21-504, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, or other maximum as established by State law, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense. (Ord. 12, 8/23/1957, §5; as amended by Ord. 231, 10/14/2008)

§21-506. Sidewalk or Curb Not Built to Established Grade Declared a Nuisance.

Any sidewalk or curb built in any area in Old Lycoming Township which does not conform to an established grade line as provided for by this Part is hereby declared to be a nuisance and a menace to the public safety and welfare, and in addition to the

other penalties herein provided, the landowner, after notification by the Supervisors, shall correct the same to conform to the grade line set by the Township Engineer. Such correction and payment of setting said grade line shall be at the expense of the landowner. If the landowner shall neglect or refuse to correct his sidewalk or curb within 10 days after such notification, then the Township Supervisors may perform such correction according to grade line and collect the cost of doing same and setting grade line from the landowner. Said amount shall be a lien or charge against the land and shall be subject to collection in the same manner as a municipal lien.

(Ord. 12, 8/23/1957, §6; as amended by Ord. 231, 10/14/2008)