

EAST HANOVER TOWNSHIP, DAUPHIN COUNTY

ORDINANCE NO. 2017- 02

AN ORDINANCE REGULATING THE RECONSTRUCTION, MAINTENANCE, AND REPAIR OF ALL SIDEWALKS AND CURBS WITHIN THE TOWNSHIP; AND ESTABLISHING SPECIFICATIONS AND EXPENSES OF RECONSTRUCTION AND REPAIR THEREOF; AND PROVIDING FOR THE ISSUANCE OF PERMITS; AND PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Hanover Township, Dauphin County, Pennsylvania, as follows:

SECTION 1. GENERAL PURPOSES: The purpose of this Ordinance is to provide for the health, safety, and welfare of the residents of East Hanover Township (the "Township") by regulating the maintenance and repair of curbs and sidewalks located within the Township as authorized by the Second Class Township Code, 53 P.S. § 65101 *et seq.* Following the effective date of this Ordinance, the alteration or repair of the curbs and sidewalks located on land which fronts a public road or highway within the Township shall be done in conformance with the following specifications, regulations, and/or provisions, and in compliance with the requirements of the then current Township Subdivision and Land Development Ordinance.

SECTION 2. GRADES: The grade to which every curb, gutter, or sidewalk shall be hereafter laid, constructed or repaired, other than that established in an approved subdivision plan, shall be that fixed and designated by the Township Engineer representing the Board of Supervisors for the Township.

SECTION 3. SIDEWALK WIDTH AND LOCATION: The space between the street side of the curb to the street side of the paved edge of the sidewalk shall be four (4) feet seven (7) inches, and the sidewalk paved width shall be four (4) feet and no (0) inches in all new developments or street construction. This Section shall not apply to sidewalks located in existing developed sections of the Township unless or until said sidewalks are replaced, and existing conditions in such existing developed sections of the Township shall be taken into consideration by the Township in applying the width and location regulations.

SECTION 4. DRAINAGE: Reconstructed or repaired sidewalks and curbs shall have a grade from the inner edge of the sidewalk to the outer edge of the curbs of one quarter of an inch (1/4) to the foot (2 percent).

SECTION 5. SPECIFICATIONS. Except as otherwise provided herein, all curbs and sidewalks as well as all driveways over sidewalks shall be constructed to the standards set forth in the Township's Subdivision and Land Development Ordinance as may be amended from time to time.

SECTION 6. INSPECTION: All work done hereunder shall be inspected by the Township Engineer before concrete installation and upon completion.

SECTION 7. SIDEWALKS TO BE KEPT SAFE: It is the responsibility of the owner of the abutting property to keep the sidewalk, together with any portion of his property paved and used as a sidewalk or public walk abutting his property, in good order and repair, and at all times free and clear of all obstructions to safe and convenient passage. The Board of Supervisors of the Township of East Hanover, Dauphin County, Pennsylvania, is hereby empowered to notify property owners when sidewalks and curbs are in need of repair or renewal. The repair or renewal thereof shall be made by the property owners within thirty (30) days after said written notice is given to the said property owners. Nothing herein contained shall be construed to place the responsibility of determining when sidewalks may become dangerous to the welfare and safety of the traveling public upon the Township. At all times such responsibility shall be solely upon the property owner whose land abuts the curb or sidewalk.

Every person to whom a permit is issued or by whom any opening or excavation is made shall take every necessary and reasonable precaution to keep the street and sidewalk in a safe and passable condition, both day and night, by the use of guards, barriers, lights and other devices.

SECTION 8. PLANTING OF TREES AND ENCROACHMENT OF VEGETATION: The placement of trees and/or other vegetation between the curb and corresponding sidewalk shall be governed by the then current Township Subdivision and Land Development Ordinance, but shall be maintained consistent with this Section of this Ordinance. All trees or other vegetation hereafter planted or maintained on the residence side of the sidewalk shall be at a distance that will not interfere with the sidewalk at any time in the future.

No person owning or occupying any property within the Township shall permit limbs, branches, or growth of trees, shrubbery, bushes, or other plant grown to be less than eight (8) feet in height or clearance over the sidewalk or otherwise obstruct, impede, or interfere with pedestrian travel thereon or thereover. The owner of any property shall trim, cut, or remove all trees, shrubbery, bushes, or other plant growth growing on such property in violation of the provisions of this Section.

The Township's Codes Officer is hereby authorized to give notice, in writing, to the owner or occupant, as the case may be, of any property whereon there is a violation of this Section, directing and requiring such owner or occupant to trim, cut, or remove such trees, shrubbery, bushes, or other plant growth so as to conform to the requirements of this Section, within 15 days after issuance of such notice. Should a person so notified neglect, fail, or refuse to comply with such notice within the prescribed period of time, the Township may trim, cut, or remove such trees, shrubbery, bushes, or any other plant growth, or may enter into a contract to cause the same to be done, and the costs thereof, together with a penalty of 10% of such costs, may be collected by the Township from such person in the manner provided by applicable law.

SECTION 9. OPEN GUTTERS – RAIN CONDUCTORS: No open gutters for conducting rain water or drainage of any kind will be permitted to run over top or under the sidewalks and/or through the curb to the gutter.

SECTION 10. PERMITS: No persons or person, firm or corporation shall construct or repair any sidewalk, curb or gutters, without first applying for and obtaining from the Township, a permit for the same use. The application for such permit shall set forth:

1. The full name and address of the owners of the land affected;
2. The name and address of the contractor, or the person to perform the work;
3. The precise location of the property upon which the work is to be done;
4. The length of the proposed project;
5. Contractor's Compliance with Workmen's Compensation Act of 1990, as amended, if applicable;
6. Compliance with the Americans with Disability Act Standards, if applicable; and
7. Such other pertinent information as may be considered necessary.

No permit will be required for new curbing, gutters or sidewalk to be constructed in an approved subdivision which is to be installed by the developer.

SECTION 11. FEES: The cost of obtaining a permit to repair existing curbs, gutters and sidewalks shall be set by Resolution of the Board of Supervisors from time to time.

SECTION 12. REMOVAL OF SNOW AND ICE: The owner of every property abutting a public street or highway along which a public sidewalk exists shall have the duty and responsibility to keep such sidewalks clear of any accumulation of snow or ice or made safe for pedestrian traffic by the application of anti-skid materials, as provided herein.

All accumulation of snow and ice of a depth in excess of two inches shall be removed from public sidewalks within 24 hours after the precipitation causing the same shall have ceased. Such snow or ice shall be completely cleared from the sidewalk exposing the wearing surface of the same to a width not less than 24 inches.

All accumulations of snow or ice of a depth of two inches or less shall be removed from public sidewalks as provided in this ordinance, or in lieu of such removal, the sidewalk may be treated within 24 hours after the precipitation causing the same has ceased, with an application of anti-skid material such as salt, sand, gravel, cinders, crushed stone or a similar abrasive substance in sufficient quantity to render the sidewalk safe for pedestrian traffic.

No person removing snow or ice from a public sidewalk as required in this article or removing snow or ice from any portion of the property shall deposit such snow or ice in or upon any public street between the curblines of such street.

Should any person fail, neglect or refuse to remove any snow or ice from any public sidewalk as required in this article, the Township may, but shall not be obligated to, remove such snow or ice. In the event that the Township shall elect to remove such snow or ice, the person responsible for such removal shall be liable to the Township for all costs and expenses incurred by the Township in removing the same, which costs and expenses shall be in addition to the penalties provided in this for the violation thereof.

SECTION 13. ENFORCEMENT: Except as otherwise provided for herein with respect to inspection of work, the provisions of this Ordinance shall be enforced by the Township's Codes Officer.

SECTION 14. PENALTIES, VIOLATIONS: Any person or persons, firm, or corporation who is in violation of any of the provisions of this Ordinance shall, upon conviction thereof, before a District Justice, be subject to a penalty not to exceed One Thousand (\$1,000.00) Dollars but not less than Fifty (\$50.00) Dollars, plus costs, including reasonable attorney's fees, and, default of such payment, to a term of imprisonment not to exceed 30 days. Each day that a violation continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate offense. Nothing herein is intended to preclude the Township's exercise of any additional remedies, in law or in equity, for non-compliance with this Ordinance.

SECTION 15. CONFLICTING ORDINANCE REPEALED: Any Ordinance or part of Ordinance conflicting with this Ordinance is hereby repealed.

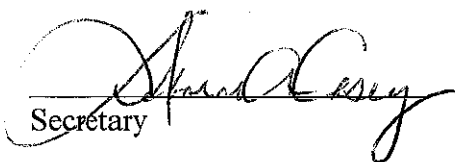
SECTION 16. SEVERABILITY: If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Township's Board of Supervisors, that this Ordinance would have been adopted and such unconstitutional, illegal, or invalid sentence, clause, section or part thereof should not be included herein.

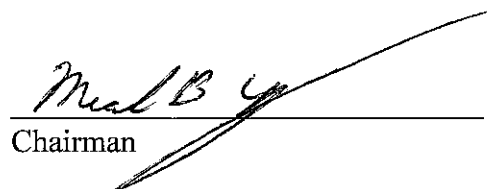
SECTION 17. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after its enactment.

DULY ENACTED AND ORDAINED this 6th day of June, 2017 by the Board of Supervisors of East Hanover Township, Dauphin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

EAST HANOVER TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA


Secretary


Chairman