

CHAPTER 21

STREETS AND SIDEWALKS

Part 1

Sidewalks and Curbs

A. Title, Scope and Definitions.

- §21-101. Short Title**
- §21-102. Definitions**
- §21-103. Declaration of Policy**
- §21-104. Administration and Enforcement**

B. Construction of Sidewalks or Curbs or Sidewalks and Curbs Upon Petition of Owners.

- §21-111. Initiation by Petition**
- §21-112. Petitions and Notice**

C. Construction and Repair of Sidewalks and Curbs at the Determination of the Township Supervisors.

- §21-121. Determination of Need**
- §21-122. Powers and Responsibilities of the Township Supervisors**
- §21-123. Costs**

D. Specifications for Curbing.

- §21-131. Specifications**

E. Specifications, Grade and Width of Sidewalks.

- §21-141. Streets and Curbs**

F. Installment Payment.

- §21-151. Payments and Assessments**

Part 2

Permits for Encroachment or Occupancy

- §21-201. Definitions**
- §21-202. Permit Required**

STREETS AND SIDEWALKS

- §21-203. Permit Procedure**
- §21-204. Permit Fees and Conditions**
- §21-205. Inspection and Notice to Rectify Defects**

Part 3

Connecting Private Driveways, Streets and Roads to Township Roads

- §21-301. Written Consent Required**
- §21-302. Definition**
- §21-303. Penalties**

Part 4

Snow Removal

- §21-401. Responsibility for Removal of Snow and Ice From Sidewalks**
- §21-401A. Removal of Snow from Private Streets**
- §21-402. Depositing of Snow and Ice Restricted**
- §21-403. Penalties**
- §21-404. Township May Remove Snow**

PART 1

SIDEWALKS AND CURBS

A. Title, Scope and Definitions.

§21-101. Short Title.

This Part may be cited as the "Oxford Township Sidewalk and Curbing Ordinance."

(Ord. 22, 6/29/1973, §101)

§21-102. Definitions.

The following words, when used in this Part shall have the meaning ascribed to them in this Section, except in those instances where the context clearly indicates otherwise:

ENGINEER – the Township Engineer of the Township, of Oxford, Adams County, Pennsylvania.

LANDOWNER – an owner having a present interest in real estate to abutting on a street within the Township. In the cases of joint interests, the term shall mean either or both persons holding a joint interest.

PERSON – any natural person, firm, partnership, association or corporation.

STREET – a paved thoroughfare as distinguished from an alley or a lane but including county and State highways.

TOWNSHIP – the Township of Oxford, Adams County, Pennsylvania.

TOWNSHIP SECRETARY – the Secretary of the Township of Oxford, Adams County, Pennsylvania.

(Ord. 22, 6/29/1973, §102)

§21-103. Declaration of Policy.

The Township Supervisors do hereby make a finding and set forth as a declaration of policy that the general characteristics and nature of Township development is in a transitional stage between urban type and rural type development. The portions of the Township are relatively heavily populated and in these areas there exist a present need for curbing and sidewalks. Other portions of the Township are rather sparsely populated without any such need. However, in order to facilitate smooth, orderly and coherent development within the Township, there is a need for general authority to provide

STREETS AND SIDEWALKS

curbing and sidewalks along public streets as particular areas within the Township become more or less urban in nature.

(Ord. 22, 6/29/1973, §103)

§21-104. Administration and Enforcement.

It shall be the duty of the Township Secretary or such other person as may be from time to time designated by resolution of the Township Supervisors to administer and enforce this Part, and he is hereby authorized and directed to take such action as may be reasonably necessary to enforce this Part and carry out its provisions and purposes. In this responsibility, the Towns Township Secretary shall be assisted by the Township Engineer. The above official shall be the administrative authority charged with the responsibility of carrying out the provisions of this Part.

(Ord. 22, 6/29/1973, §104)

B. Construction of Sidewalks or Curbs or Sidewalks and Curbs upon Petition of Owners.

§21-111. Initiation by Petition.

Construction of sidewalks or curbs sidewalks and curbs within the Township may be initiated by petition abutting property owners in accordance with law.

(Ord. 22, 6/29/1973 §201)

§21-112. Petitions and Notice.

When a petition is filed with the Township and the Township finds that the petition is signed by landowners representing a majority in number of front feet of properties abutting a street, notices to each landowner shall be given by the Township Secretary. The notices shall direct each landowner to construct sidewalks, curbs, or both, in accordance with grades furnished by the Township Engineer and specifications of this Part. Upon failure of any landowner to comply with the notice, within 60 days thereof, the Township may construct sidewalks, curbs or both for that landowner's property and collect the cost thereof plus 10% in accordance with law.

(Ord. 22, 6/29/1973, §202)

C. Construction and Repair of Sidewalk and Curbs at the Determination of the Township Supervisors.

§21-121. Determination of Need.

When the Township Supervisors determines that there is a need for sidewalks and curbing in a particular area of Township, the Township may construct said sidewalks and curbing in accordance with law. In making said determination, the Town Supervisors shall consider, among other factors, drainage requirements, extent of vehicular traffic, pedestrian safety requirements and current projected population density.

(Ord. 22, 6/29/1973, §301)

§21-122. Powers and Responsibilities of the Township Supervisors.

Township Supervisors shall have the same powers and responsibilities forth in §21-121 in regard to reconstruction, repairing and recurbing existing sidewalks and curbs.

(Ord. 22,1,6/29/1973, §302)

§21-123. Costs.

Costs of the construction of sidewalks and curbs or both shall be assessed against abutting property owners and collected as provided by law.

(Ord. 22, 6/29/1973, §303)

D. Specifications for Curbing.

§21-131. Specifications.

Curbing shall be of concrete in conformity with Pennsylvania Department of Transportation specifications, and shall be 6 inches by 18 inches and shall be 5 inches above the grade of the crown of the street.

(Ord. 22, 6/29/1973, §401)

E. Specifications, Grade and Width of Sidewalks.

§21-141. Streets and Curbs.

All sidewalks to be constructed within the Township shall be constructed in accordance with the Standard Specifications for Concrete Curb and Sidewalk Construction which

STREETS AND SIDEWALKS

have been adopted by said Township. Township shall withhold approval of all sidewalks which fail to meet said specifications.

(Ord. 22, 6/29/1973, §501; as amended by Ord. 1-1992, 4/7/1992, §b)

F. Installment Payment.

§21-151. Payments and Assessments.

The Township may, by resolution, authorize the payment by any landowner of any assessment for construction, reconstruction or repair costs, or any part thereof, of sidewalks, curbs or both in installments. Installments shall be paid in semi-annual payments within a period not to exceed 5 years and shall be paid at the Township office. All unpaid sums shall bear interest at the rate of 6% per annum. Assessments shall be entered and defaults treated in accordance with the law.

(Ord. 22, 6/29/1973, §601)

PART 2

PERMITS FOR ENCROACHMENT OR OCCUPANCY

§21-201. Definitions.

As used in this Part, the following terms have the following meanings:

BOARD – the Board of Supervisors of the Township.

ENCROACHMENT – includes railroad, street railway construction or crossing, gas pipes, water pipes, electric conduits or other piping laid upon or in a right-of-way, and electric or power poles, coal tipples and any other obstruction.

OCCUPANCY – includes driveways and all other means of access on or to a right-of-way.

PERSON – includes natural persons, firms, corporations and partnerships.

TOWNSHIP – Oxford Township, Adams County, Pennsylvania.

TOWNSHIP ROAD – the legal right-of-way of any Township road.

(Ord. 24, 5/26/1974, §1)

§21-202. Permit Required.

No person shall do any act or cause the same to be done that results in an encroachment on or occupancy of a Township Road without having first obtained a permit from the Township.

(Ord. 24, 5/26/1974, §2)

§21-203. Permit Procedure.

Any person desiring a permit shall submit an application in duplicate to the Board or to a licensed officer designated from time to time by resolution by the Board. The application shall be in a form conforming to Pennsylvania Department of Transportation specifications.

(Ord. 24, 5/25/1974, §3)

STREETS AND SIDEWALKS

§21-204. Permit Fees and Conditions.

The application for a permit shall be accompanied by a filing fee and a fee to cover the first inspection of the work proposed to be done. The amount of the fees shall be set by resolution from time to time by the Board to coincide with any fee schedule promulgated by the Pennsylvania Department of Transportation. The permit shall be issued subject to all reasonable conditions set forth in said permit, which conditions shall be adopted from time to time by resolution of the Board to conform with standards of the Pennsylvania Department of Transportation.

(Ord. 24, 5/25/1974, §4)

§21-205. Inspection and Notice to Rectify Defects.

Within such time periods prescribed by law, the Board or its duly authorized agent shall inspect work covered by a permit issued and should any defect, hazard or noncompliance with a condition of the permit be discovered, the Board shall notify the permittee to cure said defect, hazard or noncompliance and upon failure to do so, the Board shall proceed in accordance with law to remedy said defect, hazard or noncompliance and may collect the costs thereof with 10% percent additional from the permittee.

(Ord. 24, 5/25/1974, §5)

PART 3

**CONNECTING PRIVATE DRIVEWAYS, STREETS AND ROADS TO TOWNSHIP
ROADS**

§21-301. Written Consent Required.

No person shall connect or attempt to connect any private driveway, street, or road to any Township road in Oxford Township, Adams County, Pennsylvania, without first obtaining the written consent of the Board of Supervisors of said Township to do so.

(Ord. 10, 8/28/1964, §1)

§21-302. Definition.

For the purposes of this Part the word "person" is hereby defined to mean and include any person or persons, unincorporated association, partnership, corporation, or any other entity.

(Ord. 10, 8/28/1964, §2)

§21-303. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice 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, 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. 10, 8/28/1964, §3; as amended by Ord. 71, 3/6/1990; by Ord. 8/6/1996; and by Ord. 2003-31, 10/21/2003, §1)

PART 4

SNOW REMOVAL

§21-401. Responsibility for Removal of Snow and Ice From Sidewalks.

Every person in charge or control of any building or lot of land fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away or cause to be removed or cleared away, snow and/or ice from a path of at least 30 inches in width from so much of said sidewalk as is in front of or abuts on said building or lot of land.

- A. Except as provided in subsection (B), hereof, snow and ice shall be removed from sidewalks within 24 hours after the cessation of any fall of snow, sleet or freezing rain.
- B. In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person charged with its removal shall, within the time mentioned in subsection (A), hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe; and shall, as soon as weather permits, cause to be cleared a path in said sidewalk of at least 30 inches in width.

(Ord. 10/5/1993, §B)

§21-401A. Removal of Snow from Private Streets.

Any person in owning, or in charge or control of, any private street shall remove and clear away, or cause to be cleared away, snow from the entire width of the cartway and shall ensure that access to all fire hydrants is unhindered by snow or ice. The snow removal shall begin as soon as a minimum of 2 inches of snow has fallen and continue until the cessation of any fall of snow.

(Ord. 10/5/1993, §B; as added by Ord. 2004-34, 5/18/2004, §1)

§21-402. Depositing of Snow and Ice Restricted.

No person shall deposit or cause to be deposited any snow or ice on or immediately next to a fire hydrant or on any sidewalk, roadway or loading or unloading areas of a public transportation system, except that snow and ice may be mounded by the Township on public cartways incident to the cleaning thereof or mounded on curbs incident to the clearing of sidewalks in business districts.

(Ord. 10/5/1993, §B)

STREETS AND SIDEWALKS

§21-403. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice 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, 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. 10/5/1993, §B; as amended by Ord. 71, 3/6/1990; by Ord. 8/6/1996; and by Ord. 2003-31, 10/21/2003, §1)

§21-404. Township May Remove Snow.

If a person owning or controlling a private street or sidewalk fails to remove snow or ice as set forth in this Part after 24 hours written notice to do so, the Township may undertake such snow or ice removal and, upon completion of the work, send a bill of the cost of the snow or ice removal to the property owner, which bill shall be payable forthwith. In case of neglect by the property owner to pay said bill, the Township may file a municipal lien for the cost of the snow and ice removal.

(Ord. 10/5/1993, §B; as added by Ord. 2004-34, 5/18/2004, §1)