

COPY

SALEM TOWNSHIP
ORDINANCE NO. 2 OF 2014

AN ORDINANCE OF SALEM TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS FOR PROHIBITION AND REMOVAL OF OBSTRUCTIONS UPON STREETS AND ROADS INCLUDING ESTABLISHING DEFINITIONS, PROVIDING FOR RESTRICTIONS ON OBSTRUCTIONS WITHIN THE STREETS OR ROAD, PROVIDING FOR THE AUTHORITY TO REMOVE OBSTRUCTIONS.

WHEREAS, the Board of Supervisor of Salem Township, Luzerne County, PA, pursuant to their power to promote public safety and welfare, ordain and enact the following ordinance to be known as the RIGHT-OF-WAY OBSTRUCTIONS ORDINANCE.

PROHIBITION AND REMOVAL OF OBSTRUCTIONS UPON STREETS AND ROADS

Section 101. Definitions.

- (A) For purpose of this Ordinance, the word "person" shall mean natural person, partnership, corporation, association or any other legal entity.
- (B) Public Way shall mean any federal, state or township street, road or right-of-way.

Section 102. Restrictions on Obstructions within the Street or Road.

- (A) Except as provided herein, it shall be unlawful for any person to place, erect, cause, construct and/or maintain any obstruction to the convenient use of any street, road, alley or other Public Way within the Township; provided however, that traffic signs, traffic signals, fire hydrants, utility poles, lighting fixtures and sanitary sewer cleanouts may be erected and constructed within and upon that portion of any street, road, alley or other Public Way in the Township, excluding cartway thereof, as otherwise provided by law.
- (B) In order to keep any street, road, alley or other public way within the physical and/or corporate boundaries of the Township, both the traveled portion as well as any other portion free and clear of all obstructions and debris of any type or kind as set forth in this Ordinance, it is hereby prohibited for any person to deposit, place, dump, throw, shovel, cast, plow and/or allow the migration or filtering onto any said street, road, alley or other Public Way or on any property in the vicinity of any public right-of-way such that the use of the equipment or apparatus would tend to require any user to be in and about the public right-of-way, any substances and items, including, but not limited to temporary and/or permanent basketball nets, basketball backboards and hoops, stakes, hockey goals, cones, chairs, saw-horses, cans, boxes, barrels, ice, snow, soil, grass clippings, ash, stone, trash, refuse, rubbish, junk, portable toilets,,

overgrown tree limbs and shrubs, construction materials/equipment, or any other debris or like substance, both natural and artificial, in such a manner, so as to hinder or interfere with the use of, block or obstruct the street, road, alley or other Public Way.

Section 103. Authority to Remove Obstructions.

In addition to the penalties imposed by this Ordinance for the violation of any provision thereof, the Person, upon notice of the violation, shall immediately cause the removal of the offending obstruction and upon failure to do so, the Township may cause the removal of the same at the expense of the owner, owners or lessees or remove such obstruction and collect the cost thereof in manner provided by law.

Section 104. Fines and Penalty for Violation.

Any person violating this ordinance shall be subject to a warning for the first violation, a fine of \$100.00 for the second violation and a fine not to exceed \$250.00 for each subsequent offense.

There shall be a presumption that the person or persons who have violated this provision are those who control the property on which the equipment or apparatus is situated, or if the equipment or apparatus is in a public right-of-way, those who control the private property closest to the equipment or apparatus.

Section 105. Severability.

If any article, section, subsection, paragraph, sentence or phrase of this Ordinance is for any reason declared to be invalid, illegal or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

Section 106. Repealing Provisions.

All other ordinances, or parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed.

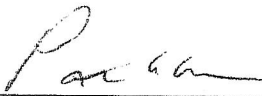
Section 107. Effective Date.

This Ordinance shall become effective from the date of its approval and adoption as provided by law.

ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF SALEM
TOWNSHIP, LUZERNE COUNTY, PENNSYLVANIA, THIS 9th DAY OF September
_____, 2014

ATTEST:

SUPERVISORS:



Township Secretary

