

ORDINANCE NO. 256

AN ORDINANCE OF NORTH CORNWALL TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, ESTABLISHING REGULATIONS FOR THE 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, ESTABLISHING FINES AND PENALTY FOR VIOLATION, AND PROVIDING FOR THE ENFORCEMENT OF FINES; AND ESTABLISHING THE PROHIBITION AND REMOVAL OF DUMPSTERS UPON THE PUBLIC STREETS, ROADS AND SIDEWALKS, INCLUDING ESTABLISHING FINDINGS AND PURPOSE AND DEFINITIONS, PROVISIONS FOR DUMPSTERS IN GENERAL, ESTABLISHING THE PROHIBITION ABOUT PLACEMENT OF DUMPSTERS, ESTABLISHING PERMIT FEES, REQUIRING HOLD HARMLESS AGREEMENT AND PROPERTY AND LIABILITY INSURANCE, AND ESTABLISHING PENALTIES

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of North Cornwall Township, Lebanon County, Pennsylvania (the "Township"), and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

PART 1. PROHIBITION AND REMOVAL OF OBSTRUCTIONS UPON STREETS AND ROADS.

Section 101. Definitions.

(A) For purpose of this Part, 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 erect, cause, construct and/or maintain any obstruction to the convenient use of any street, road, alley or other Public Way in the Township; provided however, that traffic signs, traffic signals, fire hydrants, utility poles, lighting fixtures, sanitary sewer vent pipes and mailboxes may be erected and constructed within and upon that portion of any street, road, alley or other Public Way in the Township, excluding the 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 Part, 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, any substances and items, including, but not limited to, temporary and/or permanent basketball nets, basketball backboards and hoops, 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. Yard woody and green waste piles and leaf piles are also included with the exception that they are allowed during the spring and fall collection schedule.

Section 103. Authority to Remove Obstructions. In addition to the penalties imposed by this Part 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 such obstruction and collect the cost thereof in any manner provided by law.

Section 104. Fines and Penalty for Violation.

(A) Any person who shall violate any provision of this Part shall upon conviction therefore be sentenced to pay a fine not exceeding One Thousand Dollars (\$1,000.00) per offense and costs of prosecution and in default of payment of such fine and costs, to imprisonment for not more than five (5) days.

(B) In addition to the foregoing, the Township may impose a civil penalty not to exceed Six Hundred Dollars (\$600.00) and not less than One Hundred Dollars (\$100.00) for each violation.

(C) A separate offense and violation shall arise for each day or part thereof in which a violation is found to exist or for each Section of this Part which is found to have been violated.

Section 105. Enforcement of Fines. The Township hereby designates any State or Township Police Officer and the Codes Enforcement Officer, or his or her designee, as having the authority to initially determine a violation and to effect service of notice of violation as required by this Part or other process of law.

PART 2. PROHIBITION AND REMOVAL OF DUMPSTERS UPON THE PUBLIC STREETS AND SIDEWALKS.

Section 201. Findings and Purpose. The Board of Supervisors finds:

(A) That certain public streets and sidewalks in the Township are subject to periodic obstruction by the placement thereon of dumpsters as herein defined.

(B) That reasonable regulation of congestion and obstructions on public streets and sidewalks in the Township is necessary to protect the safety of persons or property.

Section 202. Definitions.

DUMPSTER - any container used for the purpose of temporarily holding materials. All containers used for the purpose of holding garbage or any other form of plant matter are excluded from the terms of this Part.

LESSOR - one who rents a dumpster or dumpsters to another.

LESSEE - a property owner or agent thereof who leases a dumpster.

PERSON - any individual, firm, partnership, association, corporation or similar entity.

PUBLIC STREET - a street which is a part of the general road and street system of the Township.

SIDEWALK - a public pedestrian walkway parallel to a street forming a part of the public road or street system of the Township.

TOWNSHIP - the Township of North Cornwall, Lebanon County, Pennsylvania.

Section 203. Dumpsters in General. Dumpsters otherwise permitted as herein shall be of a size not wider than eight (8) feet nor longer than twenty-three (23) feet. All dumpsters shall be well painted, be in a good state of repair and shall be clean and free of offensive odors. The dumpster owner and/or lessor shall place and maintain on the outside of each dumpster flashing devices or reflectors or reflective tape, or sufficient size and location to warn vehicular and pedestrian traffic of the location of such dumpster. Further, the dumpster owner and/or lessor shall place and maintain on the outside of each

dumpster, in legible letters not less than one (1) inch in height, its name or logo, telephone number and the current Township dumpster permit number.

Section 204. Prohibition about Placement of Dumpsters. No person shall put, place, maintain, erect or cause or allow it to be put, placed or erected any dumpster upon the public streets and/or sidewalks in the Township, except that dumpsters incidental to construction, rehabilitation or demolition work may be put, placed or erected upon any public street or sidewalk; provided that there is no available space on the Property and provided, that a hold harmless agreement is executed and that adequate proof of liability insurance is established as required in Section 306 of this Part; and, provided that, the location of such dumpster is approved by the Code Enforcement Officer of the Township who shall issue a permit for a period of time not to exceed thirty (30) consecutive days. Dumpsters located on the street must be within the boundaries of the permitted owner's property.

Section 205. Permit Fees. The price for a Township dumpster permit shall be established by the Board of Supervisors by Resolution, from time to time, and shall be effective for the first seven (7) consecutive days. Permits may be renewed for seven (7) day increments at the sole discretion of the Code Enforcement Officer of the Township if, in his opinion, the work has not been completed or abandoned or if it is deemed to be in the best interests of the public. The cost of a renewed dumpster permit shall be equal to the cost of the initial dumpster permit.

Section 206. Hold Harmless Agreement and Property and Liability Insurance. Prior to the issuance by the Township of any permit or other authority to put, place or erect a dumpster upon a public street or public sidewalk in the Township, the dumpster owner and/or lessor shall execute a hold harmless agreement in such form as the Township shall provide, guaranteeing to defend, protect and compensate the Township as the result of any cause of action which may be brought or perfected against the Township in connection therewith; or shall deposit with the office of the Manager of the Township a certificate of insurance acceptable to the Township Solicitor covering such owner and/or lessor of the dumpster. Owner and/or lessor is responsible for any and all damages to the street.

Section 207. Penalties. Any person, firm, corporation or other entity who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) and in default of payment to undergo imprisonment for a term not exceeding thirty (30) days.

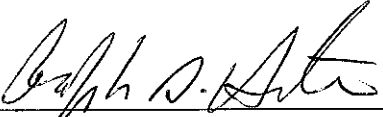

PART 3. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

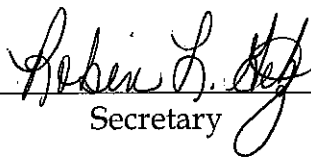
PART 4. The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

PART 5. This Ordinance shall become effective five (5) days from the date of enactment.

DULY ENACTED AND ORDAINED this 10<sup>th</sup> day of November, 2009.

NORTH CORNWALL TOWNSHIP  
BOARD OF SUPERVISORS

  
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Attest:   
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Secretary