SPRING TOWNSHIP
PERRY COUNTY, PENNSYLVANIA

Ordinance No. 2020-01

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS FOR LOCATING STRUCTURES, FENCES, POLES, ETC. WITHIN THE PUBLIC RIGHT-OF-WAY FOR THE CONTROL AND MAINTENANCE OF SPRING TOWNSHIP RIGHTS-OF-WAY.

Encroachment Specification Ordinance

WHEREAS, the Board of Supervisors of Spring Township, Perry County, Pennsylvania is desirous of creating an Ordinance to address encroachments into the public right-of-way throughout the Township.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Spring Township, Perry County, Pennsylvania, as follows:

Section 1. PURPOSE AND AUTHORITY

The purpose of this Ordinance is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum standards for locating structures, fences, poles, etc. within the public right-of-way for the control and maintenance of Spring Township rights-of-way.

All privately maintained improvements to be constructed adjacent to or in Township rights-of-way or easements, or to be constructed as a privately maintained improvements must conform to Township standards and shall conform to or exceed the standards as set forth in this Township Ordinance.

The standards set forth in this Ordinance are intended to be minimum standards. Variances from these standards may be considered by the Township Board of Supervisors. Variance requests must cite unusual conditions and justify changes based upon sound engineering practices. Proposed variances shall have been reviewed by any applicable agency of jurisdiction before consideration.

Section 2. TYPES OF RIGHT-OF-WAY ENCROACHMENTS

The following right-of-way encroachments on all publically dedicated Township roads shall specifically be prohibited:

A. Obstruction due to dumpsters, construction equipment, materials or signage;

B. Mailbox placement;

C. Business awnings, canopies, or sign encroachments and signs;

D. Authorized plantings within the right-of-way;

E. Building facade restoration and renovations;

F. Fencing or other posts or agricultural improvements;

G. Any structures or personal itmes to be placed by the resident which may in any way encroach.

Section 3. UNDERGROUND UTILITIES

The installation of all underground utilities out of the five foot (5') edge of asphalt easement.

Section 4. PENALTIES

A. Any person, firm, corporation, or any other entity who shall be in violation of this Ordinance, or any amendment thereto, shall receive a fine of not more than $500. Each continued day in violation shall constitute a separate offense, and each separate offense shall subject the violator to a separate fine as provided herein.

B. Any agency whose approval is required under this Ordinance or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this Ordinance.

Section 5. SEVERALTY

If any portion, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance, it being the intent of Spring Township that this Ordinance shall stand, notwithstanding the invalidity of any portion, section, subsection, sentence, clause, or phrase, hereof.

Section 6. REPEALER

All other provisions of the Code and its underlying Ordinances, so far as they are the same as those Ordinances in force immediately prior to the enactment of this Ordinance,

are intended as a continuation of such Ordinances and not as new enactments. Provisions of this Ordinance shall not affect any act done or liability incurred, nor shall they affect any suit or pro-section pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Ordinance repealed by this Ordinance.

Section 7. EFFECTIVE DATE

This Ordinance shall become effective by operation of law pursuant to the Second Class Township Code of the Commonwealth of Pennsylvania.

ADOPTED AND ORDAINED this 5th day of October, 2020 by the Board of Supervisors of Spring Township, Perry County, Pennsylvania.

ATTEST:

Township Secretary

SPRING TOWNSHIP
BOARD OF SUPERVISORS

Doug Wentzel, Chairman

David McLaughlin, Supervisor

Jesse Singleton, Supervisor

CERTIFICATE

I, the undersigned, Secretary of Spring Township, Perry County, Pennsylvania (the "Township"), certify that: the foregoing is a true and correct copy of an Ordinance of the Board of Supervisors of the Township (the "Board"), which duly was enacted by affirmative vote of a majority of the members of the Board at a meeting held on October 5, 2020; said Ordinance duly has been recorded in the Ordinance Book of the Township; said Ordinance duly has been published as required by law; and said Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Township, this 5th day of October, 2020.

Henry A Campbell
Secretary

(SEAL)