

AN ORDINANCE

NO. 1126

AN ORDINANCE, To Amend The Code Of The Township Of Upper Dublin, Chapter 207, Streets And Sidewalks, Article III, "Obstructions In Highway Boundaries", Section 207-11 "Prohibited Obstructions; Clear Passage Required" To Provide: That No Obstruction Of Any Kind Either Above Or Below Ground May Be Placed Or Be Permitted To Remain Within The Boundaries Of Any Public Highway In The Township Of Upper Dublin; And To Provide That Mailboxes Erected Within The Boundaries Of A Public Highway Must Be Designed And Erected To Withstand The Impact Of Snow Hurlled From A Passing Snowplow.

The Board of Commissioners of the Township of Upper Dublin hereby ordains:

Section 1. The Code of the Township of Upper Dublin, Chapter 207 thereof, entitled Streets and Sidewalks, Article III, "Obstructions in Highway Boundaries," Section 207-11, "Prohibited obstructions; clear passage required," shall be amended to provide as follows:

**Article III
Obstructions in Highway Boundaries**

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207-11. Prohibited obstructions; clear passage required

It shall be unlawful and a violation of this Chapter (a) to erect, set up, bury, place maintain or allow any, gasoline pump, oil tank, wall, fence, pillar, electric fence, sprinkler system or other obstruction, whether above or below ground, within the boundaries of any public highway or public right of way, in the Township of Upper Dublin, or (b) to allow the branches of trees, shrubs or hedges overhanging or adjacent to the same to obstruct a clear passage of not less than fourteen feet above the traveled portion of the highway, of not less than eight feet above the sidewalk, or of not less than the full width of any highway or sidewalk. Any such obstruction shall be removed promptly by the adjacent property owner whenever written notice to remove the same is given by the Township. If the owner fails to comply with such notice, the Township shall remove the obstruction and charge the cost thereof to the owner. In default of prompt payment, the Township may file a Municipal Claim in the amount of such charges.

Section 2. The Code of the Township of Upper Dublin, Chapter 207, Streets and Sidewalks, Article III, "Obstructions in Highways Boundaries," Section 207-12, "Mailboxes," subsection A, is hereby amended by the addition of a new paragraph (3), to provide as follows:

§ 207-12. Mailboxes.

A. The township shall not be responsible for the repair or replacement of any mailbox placed within the legal right-of-way of any public highway, road, street, avenue, lane or alley. However, to alleviate the possibility of damage due to snow plowing and vehicular traffic, the following guidelines must be complied with:

- (1) Mailboxes must be erected so that the front of curbside boxes be set back 12 inches from the face of the concrete curb. The structure supporting the box must not encroach on this setback distance.
- (2) Additionally, the bottom of the mailbox must be between 42 to 48 inches above the finished road surface.
- (3) Mailboxes and the standards upon which they are erected must be designed and installed to withstand the impact of snow hurled from a passing snowplow.

Section 3. Nothing in this Ordinance or in Chapter 207 of the Code of the Township of Upper Dublin, as hereby amended, shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 207 prior to the adoption of this amendment.

Section 4. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this ordinance. It is hereby declared to be the intent of the Board that this ordinance would have been adopted if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 5. This Ordinance shall take effect and be in force from and after its approval as required by law.

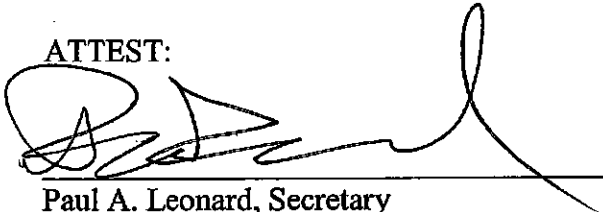
Enacted by the Board of Commissioners of Upper Dublin Township this *4th* day of
March, 2004.

BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF UPPER DUBLIN



Robert J. Pesavento, President

ATTEST:



Paul A. Leonard, Secretary

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11.19.03