

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 - 2007

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA PROHIBITING THE LOCATION AND ERECTION OF STRUCTURES WITHIN THE RIGHTS-OF-WAY OF TOWNSHIP ROADWAYS AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED and it is hereby enacted and ordained by the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania:

SECTION 1: PREAMBLE AND PURPOSE.

WHEREAS, the Township of Middlesex has an extensive public road system which the Township maintains for the use and benefit of its residents and others; and

WHEREAS, the Township is charged with the obligation to keep and maintain Township roadways in safe condition for the benefit of its residents and others and remove and prohibit obstructions and structures within the rights-of-way of its roadways; and

THEREFORE, the Board of Supervisors of Middlesex Township has determined that an ordinance is necessary to protect the health, safety and welfare of the persons utilizing the roadways within the Township and to facilitate the proper maintenance of such roadways by prohibiting and regulating the location and erection of structures within the rights-of-way of Township roadways.

SECTION 2: DEFINITIONS.

"Township" – The Township of Middlesex, Cumberland County, Pennsylvania.

"Road", "Roadway" or "Township Road" – The entire width between the boundary lines of every way, street, lane, alley, court, square, highway or other thoroughfare maintained by the Township which is open to the use of the public for purposes of vehicular travel and any part thereof within the legal right-of-way of same.

"Structure" – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SECTION 3: PROHIBITED ACTIVITY.

Except as otherwise specifically permitted herein, no person shall locate, place, deposit, erect or construct any structure on any Township Road by any means or manner whatsoever.

SECTION 4: EXCEPTIONS.

A. Mailboxes.

Mailboxes, including newspaper delivery boxes (collectively "mailbox") shall be permitted within the right-of-way of any Township road subject to the following requirements:

1. The location of the mailbox shall conform to all applicable rules and regulations of the United States Postal System or its successor; however, no mailbox shall be permitted within the right-of-way of any Township Road if it interferes with the safety of the traveling public or the function, maintenance or operation of the Township's road system.
2. The mailbox support standard shall consist of one of the following:
 - (1) a single wooden post no more than 4 inches by 4 inches square or having a diameter of no more than 4½ inches, with either embedded

no more than 36 inches into the ground and not set into concrete.

- (2) a single metal post with a strength no greater than a 2-inch standard steel pipe (having a 2 3/8-inch outside diameter) embedded no more than 24 inches into the ground. The metal post shall not be set in concrete or be fitted with an anchor plate, but may have an anti-twist device that extends no more than 10 inches below the ground surface.

Any mailbox installation that does not conform to the above standards constitutes a prohibited structure within the Township Road under Section 3, above.

B. Utility Structures.

Utility facilities shall be permitted only when approved and in compliance with all Township, State, County and Federal ordinances, laws, codes and regulations.

SECTION 5: PENALTIES AND ENFORCEMENT.

Any person who violates any provisions of Section 3, above, shall upon conviction before a District Justice, be sentenced to pay a fine of up to \$1,000.00 for each violation and/or be subject to imprisonment to the extent allowed by law of the Commonwealth of Pennsylvania for the punishment of summary offenses. A separate offense or violation shall arise for each day in which a violation is found to exist.

Nothing in this Ordinance shall preclude the Township from enforcing this Ordinance through an action in equity brought in the Court of Common Pleas in Cumberland County, Pennsylvania.

All fines collected for violations of this Ordinance shall be paid to the Township

Treasurer. Police Officers of the Township are charged with the enforcement of the provisions of this Ordinance.

SECTION 6. SEVERABILITY.

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, that decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is declared to be the legislative intention that this Ordinance would have been enacted had the unconstitutional, illegal or otherwise invalid provisions not been included in this Ordinance.

SECTION 7: EFFECTIVE DATE.

This Ordinance shall take effect in accordance with existing law.

ENACTED AND ORDAINED this 2nd day of January, 2007.

TOWNSHIP OF MIDDLESEX

By: Chuck A. Shugart
Chairman, Board of Township
Supervisors

ATTEST:

Mary S. Just
Township Secretary

(Township Seal)