

CHAPTER XXVI

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Part 1

Streets

Subpart A. Street Occupancy and Excavations.

Section 101. Permit Required to Break Pavement or Surface of Public Streets. No person, firm, corporation or other entity shall break the pavement or surface of any public street of the Township of Spring, Berks County, Pennsylvania, between the right-of-way lines thereof, until a permit to do so is obtained from the Township of Spring. (Ordinance No. 238, March 28, 1994, Section 1)

Section 102. Permit Form. Applications to break the pavement or surface of any public street of the Township of Spring shall be made on the form provided by the Township of Spring, shall include all information requested and shall be signed by the permittee. (Ordinance No. 238, March 28, 1994, Section 2)

Section 103. Permit Fee Schedule. Applications shall also be accompanied by the permit fee according to the currently adopted schedule of fees for permit issuance and inspection for each requested street break and a payment to defray the cost of street restoration by the Township of Spring in accordance with the following listing unless otherwise stipulated:

Bituminous material on stone base:

Not to exceed five (5) square yards	\$135.00 per square yard
Each additional square yard	\$100.00 per square yard

The aforementioned scheduled of fees may from time to time be amended by the adoption of a resolution by the Board of Supervisors of the Township of Spring. (Ordinance No. 238, March 28, 1994, Section 3)

Section 104. Computation of Area of Street Pavement or Surface to be Charged. In computing the square yards of the pavement or surface to be charged, twelve (12) inches shall be added to all sides of the proposed street cut. All fees and charges shall be paid by the permittee or a legally binding letter of agreement accepted by the Township of Spring before an issuance of the requested permit. (Ordinance No. 238, March 28, 1994, Section 4)

Section 105. Additional Permit Fees.

(A) Permits for pavements or surface cuts on streets paved within five (5) years preceding the date of application for the cut shall be issued at the following additional costs; one hundred (100) percent for the first year after

paving; eighty (80) percent additional for the second year; sixty (60) percent additional for the third year; forty (40) percent additional for the fourth year; and twenty (20) percent additional for the fifth year. These additional costs are percentages of the street restoration costs listed in Section 103.

(B) Where, in the opinion of the Engineer of the Township of Spring and at his sole discretion, site conditions are such that additional effort is required to protect the integrity of the street(s) of the Township of Spring, the permittee may be required to perform additional work and pay additional costs. This option could include permanent restoration of the street surface by the permittee along with payment of all above stipulated fees and charges; or the reconstruction and/or resurfacing of an area of street exceeding the area directly affected by the street break or cut at the permittees expense. Where additional work is required, a legally binding "letter of agreement" acceptable to the Township of Spring shall be provided by the applicant before issuance of the permit.

(C) Upon inspection, if it be determined that the permittee actually removed, disturbed or damaged, either in the initial or subsequent restoration, an area of yardage greater than that set forth in his/her application, the permittee shall forthwith pay a proportionate amount to be fixed by the Engineer of the Township of Spring within three (3) days after demand therefor shall be made in writing.

(Ordinance No. 238, March 28, 1994, Section 5)

Section 106. Compliance with Other Ordinances and Laws. No permit shall be issued to any person, firm, corporation or other entities indebted to the Township of Spring because of any previous application or permit. Any permit is issued subject to all ordinances of the Township of Spring, all State and Federal laws and to the following conditions:

(A) Bore Holes. Bore holes will be considered street cuts and a restoration charge of five dollars (\$5.00) will be levied for each bore hole made. A permit will be required for each bore hole grouping. The permittee shall plug or seal bore holes in a manner and with materials approved by the Engineer of the Township of Spring, to the street surface within thirty (30) days of boring. If the applicant does not plug or seal these holes within the given time, the Township of Spring reserves the right to take any steps deemed necessary to repair the street, and the associated costs shall then be paid by the permittee.

(B) Emergency Cuts. Emergency street cuts and excavation required to access leaking utility mains or other installations that pose a potential hazard, or bore holes required to search out threatening conditions, may be made in

advance of a permit at the discretion of the party or parties conducting the investigation and repairs. If the investigation indicates an emergency condition exists, the Township of Spring Police Department shall be notified immediately at telephone #911; otherwise, an authorized representative of the responsible party(s) shall notify the Engineer of the Township of Spring, at telephone number (610) 678-5393 the next business day and proper application accompanied by appropriate fees or a legally binding letter of agreement shall be submitted to the Township within seven (7) days of commencing the work.

(C) Ahead of Paving Permit. Permits for street cuts performed in advance of Township of Spring scheduled street improvements at the same location, where the required work is completed in accordance with a schedule approved by the Engineer of the Township of Spring, will be issued at no charge. A detailed construction plan must accompany each application for an "ahead of paving permit." Excavation, backfilling and temporary street cut restoration will be performed by the permittee at his/her cost as directed by the Engineer of the Township of Spring. By June 30 of each year the Engineer of the Township of Spring shall provide all utilities operating in the Township of Spring with a list of all road projects proposed by the Board of Supervisors during the succeeding calendar year.

(D) Subsurface Plans. Upon completion of work, the permittee shall furnish to the Engineer of the Township of Spring completely dimensioned plans showing accurately and distinctly, and in such detail as required, the size, the shape and kind of structure he/she has installed or altered and its location with reference to the street surface and the nearest curb line and curb intersection. No refunds will be allowed until such plans have been furnished and accepted.

(E) Time Limit. In case the work has not been completed on or before the date as shown on the permit, the Engineer of the Township of Spring may, if he deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening for which the permit had been issued. If an extension of time beyond said date is necessary for the completion of the work, a written application therefor must be filed.

(F) Excavation Notice. Act of Assembly No. 1986-172 requires those who intend to excavate, demolish or blast to file certain notices (one-call, etc.) before commencing work. Permittees for permits to break the pavement or surface of any public street of the Township of Spring shall comply with all the requirements of this Act. Permits issued in the Township of Spring shall be deemed null and void unless the requirements of the Act have been met. Trenches in paved areas shall be cut to a neat edge using an asphalt/concrete saw or jack hammer.

(G) Barricade Cover, Lighting and Traffic Control. All street openings shall be completely barricaded and protected by the permittee. Excavations left open or incompletely repaired after dark shall be marked by PennDOT approved flashing lights. Where work is interrupted, the person(s) responsible for the opening shall secure and cover the excavation with an appropriate metal plate.

All required traffic control shall be provided by the permittee in accordance with PennDOT Publication 203 (Work Zone Traffic Control).

Nothing contained in this Part or other legislation of the Township of Spring shall release the person, firm, corporation or other entity opening the street from all liability associated with claims for injury or damage resulting therefrom.

(H) Backfilling. All openings made in the improved area shall be backfilled by the permittee in accordance with the following minimum standards:

(1) The opening shall first be backfilled with material suitable for insulation to a height not to exceed one (1) foot over the top of the facility, compacted in not more than four (4) inch layers.

(2) The opening shall then be backfilled with either No. 2 RC aggregate, or other material specified in the permit, and compacted throughout its full width in layers not to exceed four (4) inches if a tamper or wacker is used, in layers not to exceed eight (8) inches if approved vibratory compaction equipment is used.

(3) Where the existing pavement structure includes a course of subbase material, it shall be replaced to a depth equal to the existing course depth with material meeting the requirements of §350, PennDOT Form 408.

(I) Paving Restoration. Immediately following backfilling and compaction the permittee shall apply ID-2 bituminous binder course (or cold patch if hot mix is not available) to a minimum depth of two (2) inches and compacted to the level of the abutting surface. The surface material shall be tamped with a gravity roller or vibrating compactor subject to the approval of the Engineer of the Township of Spring. The permittee shall maintain the restoration by re-excavating and/or applying additional surface material in order to provide a smooth riding surface for a period of one (1) year after temporary restoration or until the Township provides a permanent surface repair. Repairs shall be made by the permittee within twenty-four (24) hours of notice by the Township, and, by accepting a street cut whether or not he/she is notified by the Township of Spring to perform additional work.

(J) Shoulder Restoration.

(1) Paved and Stabilized Shoulders. Paved and stabilized shoulders shall be reconstructed and restored to a serviceable condition, of the same type as existed before the start of work.

(2) Other Shoulders. Other shoulders shall be restored according to the following:

(a) Suitable material shall be used for backfill of openings in shoulders.

(b) If the length of the facility exceeds fifty (50) feet, the shoulder shall be graded, rolled and penetrated with RT-2C or MC-30 bituminous material at a minimum rate of twenty-five hundredths (.25) gallon per square yard and chipped or lightly sanded to prevent tracking of oil onto the pavement.

(3) All shoulder restoration shall be the responsibility of the permittee.

(K) Restoration at Appurtenances. The top of every manhole, valve box or other access to the facility shall be of the same elevation as the surface in which it is located.

The surface surrounding manholes or valve covers located in shoulders shall be paved in such a manner as to prevent washouts.

All manholes, including those cast-in-place, shall be constructed in compliance with current industry standards and PennDOT Form 408, §713.2(c).

(L) Additional Restoration. All disturbed portions of the street, including all appurtenances and structures such as guiderails or drain pipes, shall be restored to a condition equal to that which existed before the start of any work authorized by the permit.

(1) If the permittee opens any street pavement having a bituminous concrete surface, whether to install a new facility or to modify an existing facility, the permittee shall, in addition to the restoration conditions outlined in the permit and in this Part, overlay the street pavement in accordance with the following conditions:

(a) When a longitudinal opening longer than ten (10) feet and wider than three (3) feet is made in the street pavement, the permittee shall overlay the traffic lanes in which the opening was made, for the entire length of street that was opened as directed by the Engineer of the Township of Spring.

(b) When two (2) or more transverse trench openings are made in the street pavement less than two hundred (200) feet apart, the permittee shall overlay all traffic lanes in which the openings were made, for the entire length of street between such openings as directed by the Engineer of the Township of Spring.

(c) When five (5) or more emergency openings have been made by the same permittee in the street pavement less than two hundred (200) feet apart within five (5) years of the last resurfacing by the Township of Spring, the permittee shall overlay all traffic lanes in which the openings were made, in accordance with the PennDOT "Maintenance Manual," for the entire length of street between such openings.

(d) Where disturbed lanes adjacent to shoulders are overlaid, the shoulder shall be raised so that the overlaid pavement and shoulder edges are at the same elevation.

(2) Regardless of the age of the wearing course:

(a) When both longitudinal and transverse trench openings are made in the street pavement the Engineer of the Township of Spring may require the permittee to overlay all traffic lanes in which such openings were made for the entire length of street that was opened, if the Engineer of the Township of Spring determines that the present serviceability index of the street - as discussed in Chapter 3 of the PennDOT "Maintenance Manual" - has been impaired by the opening; or,

(b) When five (5) or more openings are made by the same permittee in the street highway pavement less than one hundred (100) feet apart, the Engineer of the Township of Spring may require the permittee to overlay the entire disturbed area.

(M) Notice to Township Engineer. The Township Engineer at telephone number (610) 678-5393 shall be notified when the opening in the pavement is to be made, and shall be further notified when a cut is to be

backfilled and completed, so that the proper instructions may be issued for permanent pavement replacement.

(N) Work for Township of Spring. No permit will be required of contractors doing work of this nature for the Township. Contractors doing work of this nature for the Township of Spring shall be required to obtain a permit therefor; however, said permits shall be issued without charge.

(O) Work to Conform to Township of Spring Standards. The work shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the Township. If the Township discovers that the work has been discontinued or has not been properly performed, the permittee, upon being notified thereof in writing by the Township of Spring, shall immediately take all necessary steps, at his or her own expense, to place the work in such condition as to conform to the Township of Spring's requirements or standards. If a dispute arises between the permittee and the Township of Spring's Inspector, the Inspector shall have the authority to suspend work until the matter can be referred to and be decided by the Engineer of the Township of Spring.

(P) Additional Inspection Fees. If the Township of Spring determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one (1) or more employees to inspect the permitted work on a more than spot inspection basis, the permit will so indicate and the permittee shall be charged for all salary, overhead and expenses incurred by the Township of Spring for inspection.

(Ordinance No. 238, March 28, 1994, Section 6)

Section 107. Penalty Provisions. Any person, firm, corporation or other entity who breaks or cuts in any manner the pavement or surface of any public street of the Township of Spring without first having obtained the proper permit and paid the application fees and charges hereinbefore set forth, including any extension fee, or who violates any of the other provisions of this Part shall, upon conviction before a District Justice, be sentenced to pay a fine not exceeding six hundred dollars (\$600.00) for each offense, plus costs; and in default of the payment of such fine and costs, said person and/or the responsible agents or officers of firms or corporations violating the provisions of this Part shall be imprisoned in the Berks County Prison for a period not exceed thirty (30) days. (Ordinance 238, March 28, 1994, Section 7)

Subpart B. Prohibition and Removal of Obstructions Upon Streets and Roads.

Section 121. 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.

(Ordinance No. 316, March 3, 2005, Section 1)

Section 122. Restrictions on Obstructions within the Street or Road.

(A) It shall be unlawful for any person to erect, 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, unless approved by the Board of Supervisors.

(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, dump, throw, shovel, cast, plow and/or allow the migrate or filter onto any said street, road, alley or other Public Way, the following substances: ice, snow, soil, grass clippings, ash, stone, trash, refuse, rubbish, junk 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.

(Ordinance No. 316, March 3, 2005, Section 1)

Section 123. 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. (Ordinance No. 316, March 3, 2005, Section 1)

Section 124. 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 be violated.

(Ordinance No. 316, March 3, 2005, Section 1)

Section 125. 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. (Ordinance No. 316, March 3, 2005, Section 1)

Section 126. Severability. If any sentence, clause, section, article or part of this Part is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, causes, sections articles or parts of this Part. If is hereby declared as the intent of the Township Board of Supervisors that this Part would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section, article or part thereof not been included herein. (Ordinance No. 316, March 3, 2005, Section 1)

Part 2

Sidewalks

Subpart A. Sidewalks, Curb and Gutter Construction and Repair.

Section 201. General Purposes. The grading, paving, construction and repairing of all sidewalks and the construction and repairing of all curbs and gutters in the Township of Spring, Berks County, Pennsylvania, shall be performed in conformity with the following specifications, regulations and provisions. (Ordinance No. 129, July 26, 1976, Section 31)

Section 202. Grades. The grade to which every curb, gutter or sidewalk shall be hereafter laid, constructed or repaired shall be that designated and established by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, or as designated on Township approved and recorded subdivision plans. (Ordinance No. 129, July 26, 1976, Section 32)

Section 203. Inspection. All work performed hereunder shall be inspected by the Township Engineer of the Township of Spring, Berks County, Pennsylvania. (Ordinance No. 129, July 26, 1976, Section 32)

Section 204. Public Safety. It shall be the duty of the owner or owners of the land abutting on any curbs, gutters and/or sidewalks to keep them in such repair and condition that they may not be or become dangerous to the welfare and safety of the traveling public. The Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, is hereby empowered to notify property owners when sidewalks, curbs and gutters are in need of repair or renewal thereof shall be made by the property owner within thirty (30) days after said written notice is given to said property owner(s), or other time limit as set forth in written notice. (Ordinance No. 129, July 26, 1976, Section 34)

Section 205. Planting of Trees and/or Shrubs Prohibited and/or Limited in Certain Areas. It shall be unlawful to plant any tree, trees and/or shrub or shrubs within any of the street rights-of-way of the Township of Spring, Berks County, Pennsylvania. The phrase "street right-of-way" as herein used shall mean any area designated and/or used for public vehicular purposes together with the abutting area or areas designated and/or used for public pedestrian purposes. Each new tree and/or shrub shall be planted on the private property side of the street right-of-way and if located within the 100-foot sight triangle of any street corner the same shall be maintained by the owner thereof so as not to exceed two (2) feet six (6) inches in height. (Ordinance No. 129, July 26, 1976, Section 35)

Section 206. Open Gutters - Rain Conductors. No open gutters for conducting rain water or drainage of any kind whatsoever will be permitted within sidewalks or curbs. (Ordinance No. 129, July 29, 1976, Section 36)

Section 207. Permits. No person or persons, firms or corporation shall construct or repair any sidewalk, curb or gutters without first applying for and obtaining from the Township Engineer of the Township of Spring, Berks County, Pennsylvania, a permit for same. The application for such permit shall set forth:

- (A) The full name and address of the owners of the land affected;
- (B) The name and address of the contractor, or the person to perform the work;
- (C) The precise location of the property upon which the work is to be performed;
- (D) The length of the proposed project; and
- (E) Such other pertinent information as may be considered necessary.

(Ordinance No. 129, July 26, 1976, Section 37)

Section 208. Fees. The cost of obtaining the sidewalk, curb or gutter permit referred to in Section 207 of this Part shall be designated and established by appropriate resolution of the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania. (Ordinance No. 129, July 26, 1976, Section 38)

Section 209. Specifications.

(A) All curbs, gutters, sidewalks and driveway entrances within street, road or alley areas shall be constructed of ready-mixed concrete with a minimum ultimate compressive strength of three thousand (3,000) psi at twenty-eight (28) days. All concrete shall be thoroughly compacted by suitable means during the placing, and shall be thoroughly worked in the corners of the forms. Exposed concrete surfaces shall be true and even, free from open or rough areas, depressions or projections. The finish shall be steel troweled with soft brush finish. No patching will be permitted. Forms shall be of wood or metal and constructed of materials sufficient in strength to hold the concrete without deforming. Forms shall be used at grade points in all cases.

(B) Curbs shall be made to the following specifications. The curb shall have a depth of not less than twenty-four (24) inches and shall be constructed on a well-tamped four (4) inch broken stone base. (2A modified slag may be

substituted for the broken stone, and said curb shall be eight (8) inches thick at the top and ten (10) inches thick at the bottom. The height of the curb above the gutter lines shall be eight (8) inches.)

(C) Sidewalks shall be not less than four (4) inches in thickness, and shall rest on a compact bed for broken stone (or 2A modified slag) a depth of at least four (4) inches.

(D) In cold weather, adequate equipment shall be provided for heating the concrete materials and protecting the concrete during freezing or near-freezing weather. All concrete materials and all forms, fillers and ground with which the concrete is to come in contact, shall be free from frost. No frozen materials containing ice shall be used.

(E) Sidewalks, curbs, and gutters shall have scored joints every five (5) linear feet of work. Approved expansion joints shall be placed every thirty (30) linear feet or less of work.

(F) The radii of corners at street intersections shall not be less than the distance between the outside face of the curbing and the street line. The radii of corners at intersecting alleys of a width of more than fifteen (15) feet shall be ten (10) feet, unless the Engineer authorizes conformance to existing conditions.

(G) Driveway entrances over sidewalk at residential properties shall be at least eight (8) inches thick, and twelve (12) feet wide for a single driveway and sixteen (16) feet wide for a double driveway. Curb radii at the driveways shall be determined as the distance from the outside face of the curbing to the inside edge of the pavement. The curbing shall be eight (8) inches thick and twenty-four (24) inches in depth. Driveway and curbing are to be constructed on a well-tamped four (4) inch thick base of broken stone or slag. Driveway entrances over sidewalk entrances at commercial and industrial properties shall comply with the foregoing and such additional requirements as may be prescribed from time to time by the Supervisors.

(H) Rain Conductors: All rain conductors shall be service weight cast iron soil pipe within the street right-of-way.

(I) Drawings: Curbs, sidewalks, and driveways shall be constructed as shown on Drawings 4-0050 and 4-0050A, latest revision.

(J) Existing Curb: Where existing curb has moved out of vertical and horizontal alignment of one (1) inch or more, the property owner shall be notified in writing to replace, or realign the curb. Deterioration or fractured curbs also shall require replacement upon written notification.

(K) All sidewalks, curbs, gutters and/or driveway entrances heretofore installed within the Township of Spring, Berks County, Pennsylvania, having a form of construction in deviation of the within specifications may be repaired and/or replaced, in kind, upon obtaining the written approval of the Township Engineer of the Township of Spring, Berks County, Pennsylvania.

In existing areas where the space between the sidewalk and curb is deemed to be narrow by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, the sloping portion of the driveway may extend into the sidewalk area in accordance with certain standards designated and established by the said Board of Supervisors.

(Ordinance No. 129, July 29, 1976, Section 39; as amended by Ordinance No. 196, July 13, 1987, Section 1)

Section 210. Improvement Costs. The costs and expenses of the construction and/or repair of sidewalks, curbs and gutters in the Township of Spring, Berks County, Pennsylvania, shall be determined and assessed by the Board of Supervisors of said Township, and shall be payable as set forth herein.

(A) Any property owner assessed with improvement costs shall have the following payment options available to them for repayment of the costs to the Township:

(1) Payment may be made immediately consisting of a lump sum amount of the total amount due; or

(2) Payments may be made on a monthly basis for a total of twenty-four (24) months which payments shall include interest at the rate of six percent (6%) per annum, pursuant to an agreement between the homeowner and the Township, such agreement being to the satisfaction of the Township Solicitor. Such agreement will include property owner's consent to placing a lien against the property for the principal amount, interest, and penalty, as allowed by law. Upon payment in full of the outstanding amount, said lien shall be released by the Township.

(B) If there is a default in the payment of any installment and interest for a period of sixty (60) days after it becomes due, the entire assessment and accrued interest shall become due and the Township Solicitor shall proceed to collect the assessment, and all interest, penalties and costs, under the general laws relating to the collection of municipal claims.

(C) Any owner of property against whom assessment is made may pay the assessment, in full, at any time, together with interest and costs owing thereon through the due date of the next installment and that payment shall discharge the lien. There shall be no penalty for any such prepayment.

(D) The Board of Supervisors of the Township of Spring does hereby approve, adopt and authorize the execution of Agreements between the Township and the affected homeowners, in accordance with the provisions of this Section, without further Board action.

(Ordinance No. 129, July 26, 1976, Section 40; Amended by No. 372, August 10, 2009, Section 1)

Section 211. Penalties, Violations. Any person or persons, firm or corporation constructing or repairing sidewalks, curbs or gutters or planting trees or shrubs in violation of any of the provisions of this Part shall, upon conviction thereof, before a District Justice, be subject to a penalty of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars, for each and every offense, and cost of prosecution to be recovered as penalties are by law recovered; or to a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars, for each and every offense, and cost of prosecution; and upon default in the payment of said fine and costs, shall be imprisoned for a period not exceeding thirty (30) days in the Berks County Prison. (Ordinance No. 129, July 26, 1976, Section 41)

Section 212. Unconstitutionality, etc. of this Part. If any sentence, clause, section or part of this Part is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Part. It is hereby declared as the intent of the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania that this Part would have been adopted and such unconstitutional, illegal, or invalid sentence, clause, section or part thereof should not be included herein. (Ordinance No. 129, July 26, 1976, Section 43)

Subpart B. Snow and Ice Removal from Sidewalks.

Section 221. Responsibility for Removing Snow and Ice. The owner, occupant or tenant of every property fronting upon or alongside of any of the streets in the Township of Spring is hereby required to remove or cause to be removed from all of the sidewalks in front or alongside of such property all snow or ice thereon fallen, drifted, and/or formed, within twenty-four (24) hours after the same shall have ceased to fall, drift, and/or form. The owner of the property shall be responsible for conforming to the requirements of this section where such property is occupied by such owner or is unoccupied; the tenant or occupier thereof, where such property is occupied by such tenant or occupier only; and the owner thereof where the property is a multiple-business or multiple-dwelling property, occupied by more than one tenant or occupier. (Ordinance No. 55, February 10, 1964, Section 1)

Section 222. Township May Remove Snow and Ice and Collect Cost Plus Additional Amount. In any case where the owner, occupant or tenant, as aforesaid, shall fail, neglect or refuse to comply with any of the provisions of the Section 220 of this Part within the time limit prescribed therein, the Township authorities may proceed immediately to clear all snow and/or ice from the sidewalk of such delinquents, and to collect the expenses thereof, with any additional amount allowed by law, from such owner, occupant or tenant, as the case may be, which may be in addition to any fine or penalty imposed under Section 223 of this Part. (Ordinance No. 55, February 10, 1964, Section 2)

Section 223. Enforcement.

(a) Authorized officials of the Township of Spring engaged in the enforcement of the Township Code of Ordinances shall have the authority to notify, by first class mail or by hand delivery, any owner, occupant or tenant violating any provision of this Part that if he or she shall pay a penalty in the sum of Thirty-Five Dollars (\$35.00) at the administrative office of the Township of Spring, 2850 Windmill Road, Sinking Spring, PA 19608, within ten (10) business days from the time of the issuance of the notice, such amount shall be deemed as and shall constitute the full penalty for that violation. Notification by hand delivery shall include, among other things, affixing a notice to the front door of the office or residence of any owner, occupant or tenant violating any provision of this Part. Provided: failure to issue such notice shall not in itself be a defense to a citation as set forth below.

(b) If such payment shall not be made at the administrative office within the ten (10) business day period, upon citation duly issued, regardless of whether notification as set forth above was received, any owner, occupant, or tenant violating any provision of this Part shall, upon conviction thereon, be sentenced to pay a fine of not more than fifty dollars (\$50.00), plus the costs of

prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than ten (10) days. Provided: each violation of any provision of this Part, and each day the same is continued, shall be deemed a separate offense.

(Ordinance No. 55, February 10, 1964, Section 3; as amended by Ordinance No. 117, August 25, 1975, Section 1; as further amended by Ordinance No. 350, December 27, 2007, Section 1; as further amended by Ordinance No. 378, February 28, 2011, Section 1)

Part 3

Prohibition and Removal of Dumpsters
Upon the Public Streets and Sidewalks

Section 301. 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.

(Ordinance No. 235, December 13, 1993, Section 1)

Section 302. 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 sidewalk parallel to a street forming a part of the public road or street system of the Township.

TOWNSHIP - the Township of Spring, Berks County, Pennsylvania.

(Ordinance No. 235, December 13, 1993, Section 2)

Section 303. Dumpsters in General. Dumpsters 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. (Ordinance No. 235, December 13, 1993, Section 3)

Section 304. 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 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. (Ordinance No. 235, December 13, 1993, Section 4)

Section 305. Permit Fees. The price for a Township dumpster permit shall be thirty dollars (\$30.00) for the first thirty (30) consecutive days. Permits may be renewed for thirty (30) 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. (Ordinance No. 235, December 13, 1993, Section 5)

Section 306. 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. (Ordinance No. 236, December 13, 1993, Section 6)

Section 307. 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. (Ordinance No. 235, December 13, 1993, Section 7)