

**Board of Supervisors
East Nottingham Township
Chester County, Pennsylvania**

Ordinance No. 2021-01

**AN ORDINANCE PROVIDING FOR THE REGULATION AND ENFORCEMENT OF
SIGHT AND PHYSICAL OBSTRUCTION ON TOWNSHIP ROADWAYS.**

The Board of Supervisors of East Nottingham Township does hereby ENACT and ORDAIN as follows:

SECTION I. Purpose.

This ordinance is intended to insure that all roads, intersections, non-residential driveways, and marked crosswalks shall have an unobstructed sight distance along any approach to an intersecting roadway or crosswalk and shall be free of all physical obstructions interfering with the safe movement of vehicles, pedestrians, horse drawn vehicles or bicycles. A vision clearance triangle shall be created sufficient to allow drivers to avoid vehicle conflicts for all approaching vehicles traveling at or less than the maximum speed limit.

SECTION II. Definitions.

“Clear sight triangle” shall mean a generally triangular area that defines a zone necessary for the clear view by the driver of a motor vehicle, horse driven vehicle or bicyclist of oncoming cross-street motor vehicle, horse driven vehicle, bicycle or pedestrian traffic or traffic or of a traffic control device and includes street intersection sight triangles, alley intersection sight triangles and traffic control sight triangles. Clear view triangle is another term used to designate a clear sight triangle.

“Controlled intersections” shall mean an intersection of two or more streets at which there is an official traffic control device designating approaching traffic to stop or yield.

“Owner” shall mean any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of a municipality as holding title to the property; or otherwise having control of the premises, including the guarding of the estate of any such person and the executor or the administrator of the estate of such person if ordered to take possession of real property by a court; any individual or mortgage holder who has foreclosed on a property, whether or not the deed has been transferred by the Sheriff of Chester County to that mortgage holder.

“Physical Obstruction” hedges, trees, shrubs or bushes, crops, plants, foliage, sign, pole, soil, fence, screen, billboard, structure, walls or other improvement either man-made or

natural which has a height greater than two and one-half feet and lower than ten feet so that the zone is the area between those heights as measured from the top of the curb or the edge of the street or sidewalk if no curb is present and which obstructs the visibility of pedestrian, bicycle, horse driven or motor vehicle traffic approaching an intersection, or official traffic control signs at an intersection or along a street. View obstruction shall also mean vehicles, including motorized and non-motorized vehicles, parked within off-street parking facilities that encroach into a street intersection sight triangle and that have a height greater than two and one-half feet as measured from the top of the curb or the edge of the street or sidewalk if no curb is present at the intersection and which obstruct the visibility of pedestrian, bicycle, horse driven vehicle or motor vehicle traffic approaching an intersection.

“Traffic control signs” are signs placed by East Nottingham Township or the Pennsylvania Department of Transportation for the regulation, warning and guiding of traffic traveling on a state or township road.

“Uncontrolled intersection” shall mean an intersection of two or more streets at which there are no official traffic control devices designating traffic to stop or yield.

“View obstruction” shall mean hedges, trees, shrubs or bushes, crops, plants, foliage, sign, pole, soil, fence, screen, billboard, structure, walls or other improvement either man-made or natural which has a height greater than two and one-half feet and lower than eight feet so that the zone is the area between those heights as measured from the top of the curb or the edge of the street or sidewalk if no curb is present and which obstructs the visibility of pedestrian, bicycle, horse driven or motor vehicle traffic approaching an intersection, or official traffic control signs at an intersection or along a street. View obstruction shall also mean vehicles, including motorized and non-motorized vehicles, parked within off-street parking facilities that encroach into a street intersection sight triangle and that have a height greater than two and one-half feet as measured from the top of the curb or the edge of the street or sidewalk if no curb is present at the intersection and which obstruct the visibility of pedestrian, bicycle, horse driven vehicle or motor vehicle traffic approaching an intersection.

SECTION III. Designation of clear sight triangles for controlled intersection.

The clear sight triangle shall apply to intersections of two or more streets at controlled or uncontrolled intersection. The Township Roadmaster will determine the center and edge of the traveled way of a traffic lane for purposes of measuring the clear sight triangle.

SECTION IV. Sight obstructions prohibited.

1. No building, structure, planting, or other obstruction as defined in “view obstruction” in Section II of this ordinance shall be permitted which would endanger public safety by obscuring sight visibility at street or non-residential driveway intersections.

2. At least a one-hundred-foot clear sight triangle, but greater if the Township Roadmaster determines it necessary for safety, shall be maintained at all street intersections. The clear sight triangle shall be established by measuring from the intersection of the street center line along said center lines. Said clear sight lines shall be measured at a height from two and one-half feet to eight feet above of the surface of the street as defined above.

3. It shall be a violation of this Ordinance for an owner to permit or have on its/his/her property conditions defined herein that cause a view obstruction.

SECTION V. Sidewalk and road obstructions.

It shall be a violation of this ordinance for an owner to permit any object which overhangs any sidewalk, street or other public place in such a way as to impede or interfere with vehicular travel or pedestrian travel. Vegetation shall be trimmed or removed by the owner of the premises abutting or of the premises on which such vegetation grows so that the obstruction shall cease as determined by the Township Roadmaster. Any nonvegetative obstructions shall be removed as directed by the Roadmaster.

SECTION VI. Enforcement; removal of obstruction; collection of fines and costs.

The East Nottingham Township Roadmaster shall serve written notice, either personally or by certified mail on any person violating the provisions of this ordinance to remove the view obstruction or physical obstruction along any public street or public place or at the intersection of any public street within ten days from the date of the notice.

Upon failure of said person to comply with such notice within ten days or to request a hearing within that ten-day period before the Board of Supervisors of East Nottingham Township the property owner shall be liable for a fine of \$1,000.00 per day beginning on the eleventh day. Each day shall be treated as a separate violation and the violation shall continue until the owner of property removes the view obstruction or actual obstruction from the property.

The Board of Supervisors may also institute proceedings to enjoin violations of this article as well as begin action to remove the dangerous condition from the property. The owner shall be liable for attorney's fees incurred by East Nottingham Township to enforce the ordinance.

SECTION VII. Severability

The provisions of this Ordinance are intended to be severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining section, 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 even if such illegal,

invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION VIII. Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION IX. Effective Date

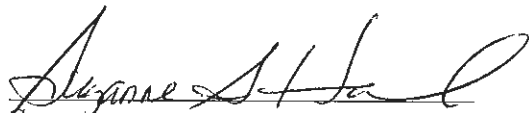
This Ordinance shall take effect and be in force beginning October 17, 2021.

SECTION X. Repealer

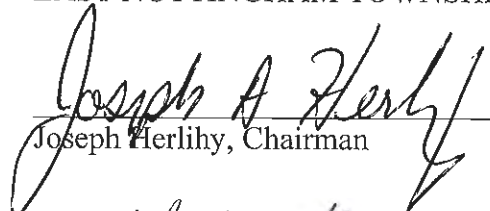
All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED and ENACTED by the Board of Supervisors of East Nottingham Township, Chester County, Pennsylvania, this 12 day of October, 2021.

Attest



Secretary


EAST NOTTINGHAM TOWNSHIP


Joseph Herlihy, Chairman


John Wallace, Vice-Chairman

Sam Goodley, Jr., Supervisor


P. David Smoker, Supervisor


Thomas Faux, Supervisor