

**DOYLESTOWN TOWNSHIP
ORDINANCE NO. 421**

AN ORDINANCE OF THE TOWNSHIP OF DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE PROVISIONS OF CHAPTER 151, STREETS AND SIDEWALKS, TO PROHIBIT ADDITIONAL OBSTRUCTIONS AND ENCUMBERANCES, TO UPDATE STANDARDS AND TO ESTABLISH A MAINTENANCE OBLIGATION TO ALL OWNERS OF LAND ABUTTING ANY CURBS AND OR SIDEWALKS

WHEREAS, Doylestown Township (“Township”) is a Second Class Township duly organized and existing pursuant to the applicable laws of Pennsylvania; and

WHEREAS, the Township’s Board of Supervisors adopted a Code of Ordinances in November of 1991 (“Code”), which said Ordinances include but are not limited to the Streets and Sidewalks Ordinance set forth in Chapter 151; and

WHEREAS, the Doylestown Township Board of Supervisors has determined that it is in the best interest of the Township and its residents that the provisions of the Code as set forth in Chapter 151 be amended as hereinafter set forth.

NOW THEREFORE, be it **ORDAINED AND ENACTED** by the Doylestown Township Board of Supervisors that the Code as set forth in Chapter 151 is hereby further amended as follows:

SECTION 1. The provisions of Chapter 151, Streets and Sidewalks, Article I, Obstructions and Encumbrances, subsection 151-1 shall be amended to read as follows:

§151-1 Prohibited Activities

- A. Deposit of dirt or debris. In order to keep Township roads open, free, unclogged and safely passable and ditches properly drained, from and after the effective date of this article, it shall be unlawful for anyone to cause a nuisance of any kind on roads, including rights-of-way, or ditches or suffer, allow, permit, maintain or deposit in any ditch or on any road in said Township any dirt, ground, mud, gravel, sand, stones and debris; and the same is hereby prohibited.
- B. Sump pumps and roof drains.
 - (1) Sump pump discharge lines shall not be permitted to discharge into the public stormwater or sanitary sewer system or a public road right-of-way or allow flow into the public road right-of-way or adjacent properties.
 - (2) Private and commercial structure roof drains shall not be permitted to penetrate any curbing to discharge into the public road right-of-way, discharge into the

public stormwater system, or allow flow into the public road right-of-way or adjacent properties.

- C. Above and/or below ground structures. Any above and/or below ground structures shall not be permitted to be located on public roads or within the road rights-of-way including, but not limited to dog fences, sprinkler systems and landscape appurtenances.

SECTION 2. The provisions of Chapter 151, Streets and Sidewalks, Article II, Road Openings, Section 151-4 shall be amended to read as follows:

In accordance with the provisions of Section 2322 of Article 23 of the Second Class Township Code, as amended, no railroad or street railway shall hereafter be constructed upon any Township road nor shall any railroad or street railway crossings nor any gas pipe, water pipe, electric conduits or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles or any other obstructions be erected upon or in any portion of a Township road except under such conditions, restrictions and regulations relating to the installation and maintenance thereof as may be prescribed in permits granted by the Township for such purpose.

SECTION 3. The provisions of Chapter 151, Streets and Sidewalks, Article II, Road Openings, Section 151-9 shall be amended to read as follows:

There are hereby adopted by the Township for the purpose of establishing further rules and regulations dealing with the opening or cutting of any Township highway those rules and regulations known as the "General Provisions and Specifications Governing Work on Township Highways" (PENNDOT Publication 508) as promulgated by the Pennsylvania Department of Transportation, with all supplements to date and to be issued in the future, of which at least one hard copy has been and now is on file in the Township Building and is also accessible online, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling in the opening or cutting of any Township highway.

SECTION 4. The provisions of Chapter 151, Streets and Sidewalks shall be amended to add the following:

Article IV Curb and Sidewalk Maintenance

§151-19 Maintenance responsibilities of property owner. It shall be the responsibility of the owners of land abutting upon any curbs 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.

§151-20 Maintenance obligation. The obligation of maintenance shall include but not be limited to:

- A. Repair of holes, and repair of cracks having a width in excess of ½ inch at any one point along a length of one foot or greater.
- B. Maintenance of a constant grade.
 - (1) Repair shall be made when one or more sections of the sidewalk rises above or drops below the grade of the edges of immediately adjacent sections resulting in an irregular surface with depression greater than ½ inch in depth.
 - (2) Repair shall be made when the curb is out of vertical alignment with the adjacent curb or an adjacent section or slab of sidewalk in excess of ¾ inch.
 - (3) Repair shall be made when the curb is out of horizontal alignment with the adjacent curb in excess of ½ inch.
- C. Repair of any section of sidewalk that has spalling on twenty-five percent (25%) or more of its surface.
- D. The removal of leaves, tree limbs, grass clippings, debris, cinders, gravel, grits, or any other refuse on such sidewalk or projecting branches and other obstructions below six (6) feet, eight (8) inches above the sidewalk. The property owner shall be responsible for the prompt removal of any such items whether or not such items were deposited by the owner, his tenants, anyone acting under his direction, control, license or any third person. Such leaves, tree limbs, grass clippings, debris, cinders, gravel, grits and other refuse shall be properly bagged and disposed of upon being removed from such sidewalk. The sweeping or other removal of such items onto Township streets or state highways is prohibited.
- E. Repair of any other instance, which may create a pedestrian safety hazard as determined by the Township.
- F. A highway occupancy permit is required for repair and/or maintenance of curb and/or sidewalk along Township roads and in Township rights-of-way.

§151-21 Notice to repair or replace.

- A. The Township is hereby authorized to notify owners of property abutting public roads, highways or streets which require the repair or replacement of curbs and/or sidewalks of their requirement to complete the repair or replacement. This notice shall be by certified mail or personal delivery, stating the work to be completed and the required completion date, which shall be no later than 90 days from the date of the notice.

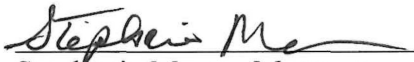
B. If said property owner shall fail to repair or replace any curb and/or sidewalk after receiving notice from the Township, and within the time limit specified, the Township may do the necessary work by contract or otherwise and when the work is completed, the Township shall present a bill to the abutting property owners for the cost of construction, the permit fee and a 6% administrative fee added thereto. Township is further authorized to file a municipal lien to recover its cost incurred in furtherance of this subsection.

SECTION 5. In the event a court of competent jurisdiction shall declare any portion of this Ordinance invalid, such invalidity shall not affect the Ordinance in its entirety, as it was the intent of the Board of Supervisors that the Ordinance would have been adopted, even if the offending provision had not been included.


SECTION 6. This Ordinance shall be effective five (5) days after enactment.


DULY ENACTED on this 21 day of May, 2024.

ATTEST:


Stephanie Mason, Manager

**DOYLESTOWN TOWNSHIP BOARD
OF SUPERVISORS**

BY: 
Jennifer Herring, Chair

BY: 
Barbara N. Lyons, Vice Chair

BY: 
Dan Wood, Member

BY: _____
Nancy Santacecilia, Member

BY: 
Judith A. Dixon, Member