

**Borough of Indiana
Indiana County, Pennsylvania**

Ordinance No. 2023-02

AN ORDINANCE OF THE BOROUGH OF INDIANA, INDIANA COUNTY, PENNSYLVANIA, AMENDING AND MODIFYING CHAPTER 400: STREETS AND SIDEWALKS, BY REVISING AND ENHANCING THE PROVISIONS PERTAINING TO THE STANDARDS FOR PLANTINGS IN THE PUBLIC RIGHT-OF-WAY.

WHEREAS, the Borough of Indiana recognizes the critical importance of well-maintained streets and sidewalks for the safety and quality of life of its residents and visitors; and

WHEREAS, the existing regulations within Chapter 400: Streets and Sidewalks require updates and improvements to better address plantings in the right-of-way; and

WHEREAS, the Council is committed to enhancing the overall infrastructure of the community to promote economic development, attract businesses, and improve the overall quality of life for its residents; and

WHEREAS, a comprehensive review of Chapter 400: Streets and Sidewalks has been conducted, taking into account the latest best practices, safety standards, and environmental considerations; and

WHEREAS, the Borough demonstrates additions and deletions to the Code by striking out deleted text and underlining added text.

NOW, THEREFORE, be it ordained and enacted by Borough Council, and it is hereby enacted by the authority of the same that Chapter 400: Streets and Sidewalks is amended as follows:

**Chapter 400
Streets and Sidewalks**

[HISTORY: Adopted by the Borough Council of the Borough of Indiana as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Parking meters — See Ch. 288.

Parking on private property — See Ch. 293.

Permit parking — See Ch. 305.

Towing — See Ch. 421.

Vehicles and traffic — See Ch. 440.

Article VI
Objects in Public Right-of-Way

[Adopted 10-7-1997 by Ord. No. 1712]

§ 400-35 **Definitions.**

For the purposes of this article, definitions will be as follows:

OBSTRUCTIONS

Obstructions shall include, but not be limited to, the following: signs, equipment, racks, displays, fixtures, products, furniture, and trees. ~~shrubbery, plants, and similar objects.~~

PERSON

A person, partnership, corporation, or other entity.

PLANTINGS

An area where plants are grown for decorative purposes.

§ 400-36 **Obstructions prohibited.**

It shall be unlawful for any person to place any obstruction in, on, or upon a public right-of-way in the Borough of Indiana unless otherwise permitted by this article.

§ 400-37 **Exceptions.**

This article shall not apply to municipal, state, or federal governments.

§ 400-38 **Application to place obstruction in right-of-way.**

Any person desiring to place an obstruction in, on, or upon a public right-of-way, other than plantings within Indiana Borough must apply for a permit by filing an application with the Borough Manager or his designee on a form provided by the Borough of Indiana. No obstruction shall be erected or maintained prior to a permit being issued by the Borough of Indiana. The Borough Manager or his designee shall determine the time period for which the permit will be valid. The Borough Manager or his designee may issue a permit providing that the obstruction will not create a safety hazard. Each application shall have attached to it a plot plan showing the location of the obstruction. Permits for the erection of obstructions shall not be issued unless it is determined by the Borough Manager or his designee that there is no other area on the property where the obstruction could be feasibly located.

§ 400-39 **Planting standards.**

Placement of plantings are subject to the following:

- A. Plants placed in the Borough right-of-way cannot block vehicle operator sight distances along roadways or impede the use of public sidewalks.
- B. All plantings/obstructions are to be maintained from noxious weeds by the resident.
- C. All plantings may not exceed a maximum height of 36" without the need for pruning.
- D. On closed section roads, plant material should not be located so as to impede people from opening doors of vehicles parked at the edge of pavement or curb line.
- E. Any plant material installed on the Borough right-of-way by residents will not be replaced by the Borough if damaged as a result of Borough maintenance activities. To minimize the potential for damage resulting from maintenance activities plantings should not be located within 1' of the edge of pavement on open section roads, the back edge of curb on closed sections roads, or the sidewalk if present.
- F. All parts of planting and planting material located on the right-of-way (other than trees) must be kept within the confines of the planting area.
- G. Plantings must allow for natural drainage of surface water flows across the right-of-way and must not cause ponding of water on either the public sidewalk or adjacent properties or interfering with storm drains.

H. The Borough assumes no liability for any adverse consequences resulting from privately installed plantings located on the public right-of-way.

I. Indiana Borough's Public Works/Parks Department reserves the right to order removal of obstructions, if valid complaints are received and verified.

§ 400-~~39~~ 40 Abandoned signs prohibited.

No person shall maintain or permit to be maintained, in, on, or upon any property located in the public right-of-way within Indiana Borough, an abandoned sign. An abandoned sign for the purpose of this article shall be:

- A. A sign located on a property which is vacant or unoccupied for a period of 30 days;
- B. A sign which was erected for an occupant or business unrelated to the present occupant or business; or
- C. Any sign which relates to a time, event, or purpose which is more than three days in the past.

§ 400-~~40~~ 41 Placement of signs restricted.

No signs shall be printed, pasted, attached, or placed on any tree, utility pole, or upon any natural feature.

§ 400-~~41~~ 42 Violations and penalties.

Any person who violates any provision of this article shall, upon conviction by a Magisterial District Judge, be subject to a fine of \$25 for the first offense, \$100 for the second offense, and \$300 for the third or subsequent offense, together with costs. Each day shall constitute a separate offense. The Indiana Borough Council may, by resolution, change the provisions for fines.

Duly presented and adopted at a regular meeting of the Indiana Borough Council, Indiana County, Pennsylvania, held on the 5th day of September, 2023.

ATTEST:



Nichole Sipos
Borough Manager

INDIANA BOROUGH:



Peter Broad
Council President

This Ordinance is approved on this 5th day of September, 2023.



William Simmons
Mayor, Indiana Borough