

## **Chapter 21**

### **Streets and Sidewalks**

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**Part 1****In General****§21-101. Definitions.**

*Occupant* - any person, partnership or corporation in possession of premises with or without the consent of the owner.

*Owner* - any person, partnership or corporation who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without the accompanying actual possession thereof, or shall have charge, care, or control, as agent, or as fiduciary of an estate or as a mortgagee in possession.

*Property* - a lot, plot or parcel of land including the building or structures thereon.  
(*Ord. 91-1, 9/9/1991, §4.1*)

**§21-102. Installation of Sidewalks and Curbs at Owner's Expense.**

All owners of property in Dover Township, otherwise required by the ordinances of Dover Township to install sidewalks and curbs, shall at their expense construct, pave, curb, repave and recurb the sidewalks and keep them in good repair along said property, in conformity with the other applicable ordinances of Dover Township.

(*Ord. 91-1, 9/9/1991, §4.2*)

**§21-103. Failure of Owner to Comply.**

Upon failure of property owners to construct, pave, curb, repave or recurb such sidewalks within 30 days of written notice from the Supervisors of Dover Township, the same may be done by the Township of Dover and the expense thereof may be levied and collected from such property owners. Said amount shall be a lien upon the property and shall bear interest at the rate of 6% per annum from the time of the completion of the work. Said amount may be collected by action at law or a lien may be filed and acted upon as provided by law in the case of municipal liens.

(*Ord. 91-1, 9/9/1991, §4.3*)

**§21-104. Maintenance of and Snow Removal from Sidewalks and Curbs.**

It shall be the further duty of any owner of property in Dover Township who is otherwise required to maintain sidewalks in accordance with other ordinances of this Township and any occupant of said premises to remove or cause to be removed from all sidewalks in front of or abutting such property within 24 hours after snow has ceased to fall, the sufficient amount of ice and snow to leave a cleared pathway at least 36 inches in width for the entire length of that portion of the sidewalk in front of or abutting such property. The owner of property shall be responsible for conforming to the requirements of this Section even where such property is occupied by someone other than the owner, or is unoccupied.

(*Ord. 91-1, 9/9/1991, §4.4; as amended by Ord. 2005-08, 10/24/2005*)

**§21-105. Owner's Refusal to Remove Snow.**

In any case where the owner of the property neglects or refuses to comply with any of the provisions of this Part within the time limit prescribed herein, the Township of Dover may proceed immediately to clear all snow and ice from the sidewalk of such property and to collect the expenses thereof, with any additional amount allowed by law, from such owner. Such action may be in addition to any fine or penalty imposed under the provisions of this Part.

(*Ord. 91-1, 9/9/1991, §4.5*)

**§21-106. Depositing or Mounding of Snow.**

No person shall deposit or cause to be deposited any snow or ice on or immediately adjacent to a fire hydrant or on any sidewalk, roadway or loading and unloading areas of the public streets, except that snow and ice may be mounded by Dover Township on public cartways or on curbs incident to clearing thereof.

(*Ord. 91-1, 9/9/1991, §4.5A; as added by Ord. 2004-02, 3/8/2004, §1*)

**§21-107. Penalties.**

For a violation of any provision of this Part enforcement shall be brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$1,000 per violation plus costs, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Code or other ordinance which is found to have been violated.

(*Ord. 91-1, 9/9/1991, §4.6; as amended by Ord. 2005-08, 10/24/2005*)

**Part 2****Occupancy/Road Encroachment****§21-201. Definitions.**

The word “person” as used in this Part shall mean any natural person or persons, association, partnership, firm, corporation or limited liability partnership or company. (*Ord. 91-1, 9/9/1991, §4.21; as amended by Ord. 2008-07, 9/22/2008, §1*)

**§21-202. Permit Requirements.**

No person shall cause or permit any driveway, street, road or other entrance or any alteration, modification or addition thereto including, but not limited to a culvert or drainage pipe, either directly or indirectly to any Township street or highway without first obtaining a permit therefor. Such permit shall be issued by the Board of Supervisors of Dover Township, York County, Pennsylvania, or its authorized agent upon the payment of a fee as prescribed by the schedule of fees for highway occupancy permits and State highway restoration charges of July 1, 1975. This permit shall be lifted and work completed prior to the issuance of a building permit provided this tract, parcel, lot, or land area is to be improved with a structure as defined within the building permit regulations where access by vehicle is required for entry onto a public road.

(*Ord. 91-1, 9/9/1991, §4.22*)

**§21-203. Notice of Completion.**

Upon completion of any work authorized by the permit, the holder of such permit shall report to the Board of Supervisors by letter within 10 days from the date of completion.

(*Ord. 91-1, 9/9/1991, §4.23*)

**§21-204. Permit Expiration.**

If any work authorized by any permit under this Part shall not have been commenced within 6 months after the issuance of such permit, the permit holder must relinquish such unused permit, which shall thereupon become invalid. The permit fee under these circumstances will not be returned or applied toward any future permit.

(*Ord. 91-1, 9/9/1991, §4.24*)

**§21-205. Responsibility to Contact Utilities.**

The work authorized by the permit is subject to all the provisions of the One Call Act, Act of December 10, 1974, P.L. 852, No. 287, 73 P.S. §176 *et seq.*, as amended. It shall be the responsibility of the permittee to contact the utilities that have recorded their facilities in compliance with the One Call Act.

(*Ord. 91-1, 9/9/1991; as added by Ord. 2008-07, 9/22/2008, §2*)

**§21-206. Refilling of Opening; Responsibility for Defects Occurring Within 18**

**Months.**

Any person who shall open or excavate any street in Dover Township shall refill the opening or excavation and in such a manner as to prevent any settling thereafter, and shall restore the surface to the same condition as it was before the opening or excavation all in accordance with Dover Township specifications. As restored, the surface shall conform to the proper grade and be of same surface material (or substantially similar surface material in the discretion of the Township) as the part of the thoroughfare immediately adjoining the opening. If within 18 months after the restoration of the surface as herein provided, defects shall appear resulting from defective backfilling or material, then the permittee shall within 60 days written notice from the Township repair said defect. Upon failure to do so, the Township may do the work and impose upon and collect from the permittee the cost thereof, together with a penalty equal to 20 percent of such cost.

(*Ord. 91-1, 9/9/1991; as added by Ord. 2008-07, 9/22/2008, §3*)

**§21-207. Road Openings to be Done Prior to Street Improvements; Exceptions.**

Dover Township shall give timely notice to all property owners abutting on any street about to be paved or improved, and to all public utilities with lines within the street right-of-way. All such persons or utilities shall make all connections or repairs which would necessitate opening the street within 30 days from the giving of such notice, unless extended by the Township in its sole discretion. New paving shall not be opened or excavated for a period of 5 years after the completion thereof, except in case of emergency, as determined by the Township. If an applicant seeks to open a street within the 5-year period, the applicant shall make written application to the Board of Supervisors, and a permit for such opening shall be issued only after express approval of the Board of Supervisors. If approval is granted, then the Board of Supervisors reserves the right to require the applicant to repave as much of the street, over and above the opening itself, as is necessary to restore the street to its prior condition.

(*Ord. 91-1, 9/9/1991; as added by Ord. 2008-07, 9/22/2008, §4*)

**§21-208. Penalties.**

For a violation of any provision of this Part, enforcement shall be brought before a magisterial district justice in the same manner provided for the enforcement of summary offenses. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$1,000 per violation plus costs, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Part or this Code that is found to have been violated.

(*Ord. 91-1, 9/9/1991, §4.25; as amended by Ord. 2005-08, 10/24/2005; and by Ord. 2008-07, 9/22/2008, §5*)

**Part 3****Snow Removal****§21-301. Purpose.**

To maintain and protect the public health, safety and welfare by providing for access for emergency vehicles and the general public by requiring snow and ice removal of streets intended for public adoption.

(Ord. 94-09, 12/12/1994, §1)

**§21-302. Definitions.**

*Developer* - any person, partnership, or corporation, who alone, jointly or severally with others, shall have legal or equitable title to or have care or control as an agent of any group of lots or development with roadways or streets that are intended to be adopted by the Township but have not been offered for dedication to the Township and serve as vehicular access to occupied residential properties.

*Street* - any street or roadway designed for vehicular access and intended for public adoption which has not been adopted but is shown on an approved subdivision plan.

(Ord. 94-09, 12/12/1994, §2)

**§21-303. Snow Removal from Streets.**

It shall be the duty and obligation of any developer of any property located in Dover Township to remove or cause to be removed from all streets within 8 hours after the snow has ceased to fall sufficient amount of ice and/or snow to leave a cleared and safe pathway for vehicular traffic the entire width and length of said street. If said snow accumulation exceeds 6 inches, snow removal shall commence within 8 hours of the time 6 inches of snow has fallen and shall continue at regular intervals during and after the completion of the snowfall.

(Ord. 94-09, 12/12/1994, §3)

**§21-304. Failure to Remove Snow.**

In any case where the developer of the property neglects or refuses to comply with any of the provisions of this Part within the time limit proscribed herein, the Township of Dover may proceed immediately to clear all snow and ice from the streets of any property. Such action may be in addition to any fine or penalty imposed under the provisions of this Part.

(Ord. 94-09, 12/12/1994, §4)

**§21-305. Removal Costs.**

If the Township removes the snow in accord with §21-304 of this Part, the Township shall bill the developer for said work and the developer shall pay to the Township an amount equal to the highest local hourly charge for said snow removal services.

(Ord. 94-09, 12/12/1994, §5)

**§21-306. Penalties.**

For a violation of any provision of this Part enforcement shall be brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$1,000 per violation plus costs, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Code or other ordinance which is found to have been violated.

*(Ord. 94-09, 12/12/1994, §6; as amended by Ord. 2005-08, 10/24/2005)*