

Chapter 112

STREETS AND HIGHWAYS

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[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St Clair at time of adoption of Code 8-2-76 by Ord. No. 632; see Ch. 1, Adoption of Township Code. Amendments noted where applicable.]

GENERAL REFERENCES

- Definitions and rules of interpretation - See Ch. 3.
- Penalty for failure to pay assessments - See Ch. 43.
- Collection of improvement costs by installment - See Ch. 78.
- Procedures and specifications for public improvements - See Ch. 99.
- Sewers and drains - See Ch. 106.
- Sidewalks - See Ch. 109.
- Subdivision and land development - See Ch. 114.
- Street and public improvement ordinances - See Ch. A139.

**ARTICLE I
Laying Out, Opening, Widening, Straightening,
Vacating, Paving and Improving**

§ 112.1. Authority to lay out, open, widen and vacate.

The Board of Commissioners may enact, ordain, survey, lay out, open, widen, straighten, vacate and relay all streets and parts thereof which are wholly within the township if, in the judgment of the Board of Commissioners, it is necessary for the public convenience.

§ 112.2. Opening of streets in certain areas prohibited without consent of owner.

No street shall be laid out and opened through any burial ground or cemetery, nor through any grounds occupied by a building used as a place for public worship, or as a public or parochial school or educational or charitable institution or seminary, unless the consent of the owner or corporation or person controlling the premises is first secured.

§ 112.3. Notice of hearing.

The Township Manager shall give ten (10) days' notice, by personal service or by certified mail, to the property owners affected thereby of the time and place when and where all parties interested may meet and be heard. Witnesses may be summoned and examined by the Board of Commissioners and by the parties interested at such meeting or any adjournment thereof. [Amended 10 1 90 by Ord. No. 1457]

§ 112.4. Report and survey of street to be filed. [Amended 1-7-85 by Ord. No. 1117, Amended 10-1-90 by Ord. No. 1457]

After such hearing and a consideration of the matter, should the Board of Commissioners decide in favor of exercising the power so conferred, it shall make written report, together with a draft or survey of the street or highway, fixing the width thereof and noting the improvements along the line thereof, and the names of the owners of property through which the same shall pass or whereon it shall abut.

§ 112.5. Appointment of viewers to assess damages and benefits.

The Township shall proceed to acquire title to the property deemed necessary by agreement or by condemnation in accordance with the laws of the Commonwealth of Pennsylvania. [Amended 10-1-90 by Ord. No. 1457]

§ 112.6. Width of public streets. [Amended 1-7-85 by Ord. No. 1117, Amended 10-1-90 by Ord. No. 1457]

The width of a street right-of-way in the township shall not be less than thirty-three (33) feet unless, in any particular case, the Board of Commissioners shall determine that a street right-of-way of lesser width will be sufficient for public use and travel.

§ 112.7. Opening, repair and maintenance of streets; time limit for completion.

112.7.1. Streets laid out by lawful authority in the township shall, as soon as may be practicable, be effectually opened and constantly kept in repair. All streets shall, at all seasons, be kept reasonably clear of all impediments to easy and convenient traveling, at the expense of the township.

112.7.2 Whenever proceedings have been heretofore or may hereafter be begun for the opening and laying out of any street in the township, such street shall be physically opened upon the ground for use by the public within the period of twenty-one (21) years next after the completion of such proceedings; and if not so opened, then such proceedings shall be deemed to be void and of no effect, and the land proposed to be taken shall revert to the owners of the land, as in the case of the vacation of a street, and shall be free of any easement or right of the public to use the same. **[Amended 1-7-85 by Ord. No. 1117]**

ARTICLE II Detours and Street Closings

§ 112.8. Permission required for street closing. [Amended 1-7-85 by Ord. No. 1117]

Except in the case of emergencies wherein the safety of the public would be endangered, no street in the township shall be closed to vehicular traffic except upon approval of the Township Manager or his designated representative. Such street shall not be closed for a longer period than necessary for the purpose for which such order is issued. No street shall be closed to vehicular traffic when the same has been designated as a detour by the State Department of Transportation, unless the written consent of the Department of Transportation has first been obtained or unless the Township Manager or his designated representative shall declare such closing necessary for the protection of the public safety.

§ 112.9. Designation and maintenance of detours; acquisition of rights-of-way; costs.

112.9.1. When any street shall be closed as hereinbefore provided, it shall be the duty of the Township Manager or his designated representative authorizing the closing to immediately designate or lay out a detour on which said Township Manager or his designated representative shall erect or cause to be erected and maintained while such detour is in use legible direction signs at each public road intersection throughout its entire length. During the period when such detour is in use, it shall be the duty of the Township Manager or his designated representative to maintain such detour in safe and passable condition, except in the case of state or county highways. It shall also be the duty of the authorities maintaining the detour to immediately remove all detour signs when the street originally closed is opened for traffic. Except in the case of state or county highways, the Township Manager or his designated representative shall, as soon as possible, cause the repair of the street designated as a detour and place the same in a condition at least equal to its condition when designated as a detour. **[Amended 1-7-85 by Ord. No. 1117]**

112.9.2. Whenever necessary in the creation of a detour, as aforesaid, the Board of Commissioners may enter into agreement with the owners of private lands, covering the acquisition of right-of-way privileges over private property for the period when the street shall be closed to traffic¹.

§ 112.10. Notice of street closing to residents. [Amended 1-7-85 by Ord. No. 1117]

When any street is to be closed for the purpose of street surfacing, street construction or other necessary road work, the residents on the street shall be given at least twenty-four (24) hours' notice of the intention to perform work on said street and that said street will be barricaded while said work is being done. Said notice shall be prominently posted on the streets affected.

§ 112.11. Prohibited acts. [Amended 1-7-85 by Ord. No. 1117]

No person shall willfully remove, deface, destroy or disregard any barricade, light, danger sign, detour sign or warning of any other character whatsoever erected or placed under authority of this Article; nor shall any person drive on, over or across any street which has been properly closed; provided, however, that persons who have no outlet due to the closing of a street may drive on, over or across such street, with the consent in writing of and subject to such conditions as may be prescribed by the Township Manager or his designated representative.

§ 112.12. Recovery of damages; disposition of moneys. [Amended 1-7-85 by Ord. No. 1117]

112.12.1. In addition to any penalties which may be provided, the Township Manager or his designated representative may, in an action at law, recover damages from any person or persons who have damaged a street by driving on, over or across the same when it is closed to vehicular traffic in accordance with the provisions of this Article.

112.12.2. All fines and moneys collected under the provisions of this section shall be paid to the township.

§ 112.13. Temporary closings. [Amended 1-7-85 by Ord. No. 1117]

112.13.1. The Township Manager or his designated representative may temporarily close any street when, in his opinion, excessive or unusual conditions have rendered such street unfit or unsafe for travel and immediate repair, because of the time of year or other conditions, is impracticable. The street or portion thereof so closed shall be properly marked at its extremities, and a means of passage for the customary users of such road shall, whenever possible, be provided.

¹Editor's Note: Former Subsection C, which immediately followed this subsection and provided that the Board of Commissioners is empowered to pay for necessary maintenance, was repealed 1-7-85 by Ord. No. 1117.

112.13.2. It shall be unlawful for anyone to use such street or portion thereof after the same has been properly closed and marked without a permit from the Township Manager or his designated representative.

§ 112.14. Impoundment of vehicles.

Any vehicle found in violation of this Article upon a street which has been closed as provided in this Article may be removed and towed to an authorized garage or storage area where the vehicle may be recovered by the owner upon payment of reasonable towing and storage charges.

ARTICLE III
Acquisition of Land for Certain Purposes

§ 112.15. Elimination of curves.

112.15.1. The township may acquire, by purchase or by the right of eminent domain, such property and lands situate along or adjacent to any township street or highway as in the opinion of the Board of Commissioners may be necessary to eliminate dangerous curves and widen narrow streets or highways for the better protection and safety to the traveling public.

112.15.2. Upon any such purchase or condemnation, the Board of Commissioners may, from time to time, abate or remove, or cause to be abated or removed, any such dangerous curve or curves, or widen such narrow street or highway, to the extent of the property and land so acquired.

112.15.3. The proceedings for the condemnation of such property and lands under the provisions of this section, and for the assessment of damages for property or land taken, injured or destroyed, shall be taken in the same manner as is provided generally by law for the condemnation of lands by municipalities.

§ 112.16. Unobstructed view at intersections and curves.

112.16.1. The township may acquire, by purchase or by the right of eminent domain, a free and unobstructed view down and across such lands located at or near the intersection of any two (2) streets or highways, or a street or highway and a railroad or railway, or at any curve in any street or highway, as may be necessary to assure a free and unobstructed view in all directions at such crossings, and to so prevent the use of such lands for any purpose or in any manner which may interfere with or obstruct the vision of persons traveling upon any such street or highway.

112.16.2. Upon any such condemnation, the Board of Commissioners may, from time to time, abate or remove, or cause to be abated or removed, any obstruction to such view over and across such lands.

112.16.3. The proceedings for the condemnation of such view over and across such land and for the assessment of damages for property taken, injured or destroyed shall be taken in the same manner as is provided generally by law for the condemnation of land by municipalities.

112.16.4. Upon the condemnation of land for a view, the owner of such lands may make every such use thereof as will not interfere with a free and unobstructed view at such dangerous crossing or curve; and, unless specially provided for in such condemnation².
[Amended 10-1-90 by Ord. No. 1457]

ARTICLE IV

Street Improvement or Vacation by Agreement

§ 112.17. Authority to improve or vacate streets by agreement.

112.17.1. Whenever the Board of Commissioners deems it advisable to construct, change, widen, relocate or alter any part of any street under its supervision, and can agree with the property owners affected by such change as to damages, it may, upon payment of the damages agreed upon, change, widen, relocate or alter such part of such street as is contemplated in such agreement without the formality of a view.

§ 112.18. Payment of costs by township.

Nothing contained in this Article shall be construed to prohibit the township from paying for curbs, gutters, sidewalks, retaining walls and incidental work necessitated by such construction, change, alteration or widening in cases where the land necessary therefor is dedicated to the township for public use.

ARTICLE V

Street Improvement Generally; Collection of Costs by Foot-Front Rule

§ 112.19. Improvements; assessment and collection of costs.

The township may grade, curb, gutter, pave, macadamize or otherwise improve streets or highways, or parts thereof, or a particular width or additional widths thereof, with or without the assistance or contribution of the state, the county or a corporation occupying the thoroughfare, and may assess and collect the whole cost thereof, or the whole cost not thus aided or contributed, or any part thereof, from the owners of real estate abutting on the improvement, by an equal assessment on the foot front, including the expense of the necessary drainage. The

²Editor's Note: For additional provisions pertaining to the use of land on corner lots so as not to obstruct visibility at intersections, see Ch. 130, Zoning.

Board of Commissioners may make equitable adjustments for corner lots or lots of irregular shape where an assessment for full frontage would be unjust. Property not otherwise assessable shall become assessable by the petition of the owner or the owner's representative. **[Amended 10-1-90 by Ord. No. 1457]**

§ 112.20. Notice of assessments. [Amended 1-7-85 by Ord. No. 1117; 10-1-90 by Ord. No. 1457]

The Township Manager or his designated representative shall cause thirty (30) days' notice of the assessment to be given to each party assessed before the assessment is ordained by the Township, either by the owner or his agent or by leaving said notice on the assessed premises.

§ 112.21. Collection of assessments³. [Amended 9-2-80 by Ord. No. 925]

If any assessment shall remain unpaid at the expiration of the notice or if an extended payment schedule has been granted by the Board of Commissioners at the expiration of a time certain set forth in the ordinance fixing the assessment, it shall be the duty of the Township Attorney to collect same, with interest from thirty (30) days after the completion of the improvement by action of assumpsit or by a lien to be filed and collected in the same manner as municipal claims. When an owner has two (2) or more lots against which there is an assessment for the same improvement, all of such lots may be embraced in one (1) claim. **[Amended 10-1-90 by Ord. No. 1457]**

§ 112.21.1. Extended time for payment of assessments. [Added 9-2-80 by Ord. No. 925, Amended 10-1-90 by Ord. No. 1457]

The Board of Commissioners, at its option, may extend the time for payment of assessments for each property owner for a period not to exceed three (3) years.

ARTICLE VI

Removal of Trees and Other Obstructions

§ 112.22. Removal of trees, shrubbery and other obstructions, disposition of wood. [Amended 1-7-85 by Ord. No. 1117]

112.22.1. In order to provide for easy and convenient traveling upon public streets or highways, the Township Manager or his designated representative may order cutting, alteration

³Editor's Note: For provisions pertaining to payment of improvement assessments by installment, see Ch. 78, Improvements Costs: Collection by Installment. For provisions imposing a penalty for failure to pay assessments, see Ch. 43, Assessments: Penalty for Failure to Pay.

or removal of any trees, shrubbery, underbrush, refuse or obstructions within the legal width of any public street or highway, or any part thereof⁴.

112.22.2 All logs, cordwood or other forms of wood derived from the destruction or removal of any trees growing along such streets or highways shall become the property of the abutting owners, provided that such abutting owners shall, within ten (10) days after notice from the township, remove such logs, cordwood or other forms of wood from the legal width of the street or highway. In the event of their failure to do so, said abutting owners shall forfeit all interest therein, and the said wood may be disposed of as the Township Manager or his designated representative deems proper.

§ 112.23. Duty of owner or occupant of property. [Added 9-2-86 by Ord. No. 1227]

The owner of any property located within the township, and the occupant thereof in the case of property occupied by any other than the owner thereof, shall remove, cut or alter any trees, shrubbery, underbrush, refuse or obstruction (hereinafter obstruction) within the legal width of any public street or highway, or any part thereof, upon notice from the township.

§ 112.24. Notice to owner or occupant; noncompliance. [Added 9-2-86 by Ord. No. 1227]

The Township Manager or his designated representative shall give notice, by personal service or by United States Mail, to the owner or occupant, as the case may be, of any property, directing and requiring such owner or occupant to remove any obstruction located within the legal width of any public street or highway, or any part thereof, within ten (10) days after issuance of such notice. In case any person shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the township may remove the obstruction, and the cost thereof, with an additional charge of ten percent (10%), shall be collected by the township from such person in default, in the manner provided by the law.

§ 112.25. Violations and penalties. [Added 9-2-86 by Ord. No. 1227]

The continuation of a violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of a violation may be punished for each separate offense as provided in Chapter 5.

ARTICLE VII

Casting of Snow, Ice, Grass, or other Debris

[Article added 2/4/02 by Ord. No. 1855]

§ 112.26. Casting of Snow, Ice, Grass, or Other Debris

⁴Editor's Note: For provisions requiring the cutting and removal of brush, grass, weeds or other noxious vegetation on private property, see Ch. 48, Brush, Grass and Weeds.

No owner, tenant or occupant of any premises abutting on any street shall throw, place or deposit any snow, ice, grass or other debris upon the street. The intent of this paragraph is to prohibit all persons from throwing, placing or depositing snow, ice, grass or other debris accumulating on the private property of that person upon municipal streets or sidewalks of the Township.

ARTICLE VIII Street Excavations⁵

§ 112.27. Adoption of rules and regulations.

The Board of Commissioners hereby adopts the Township of Upper St. Clair Rules, Regulations and Forms Document relating to and regulating all street openings and excavations within said township. The Rules, Regulations and Forms Document shall bear the date September 4, 1973, and shall be amended only by resolution of the Board of Commissioners.

§ 112.28. Definitions and word usage.

As used in this Article and in the Rules, Regulations and Forms Document, the following terms shall have the meanings indicated, except in those instances where the context clearly indicates otherwise:

APPLICANT - Any person who makes application for a permit.

EMERGENCY - Any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger to persons or properties.

INSPECTOR - The Township Manager or his designated representative who shall be in charge of the inspection of land and buildings in the township. **[Amended 1-7-85 by Ord. No. 1117]**

NEW STREET - Newly constructed cartways, including base and surfacing of either concrete or asphalt and reconstructed cartways surfaced with at least a one-and-one-fourth-inch top of asphalt. It shall be the prerogative of the township to define the category of "new street" and advise the proper utility companies of this designation.

PERMITTEE - Any person who has been issued a permit and has agreed to fulfill all terms of this Article.

⁵Editor's Note: For provisions pertaining to excavations of land generally, see Ch. 71, Grading and Soil Excavations.

PUBLIC UTILITY COMPANY - Any company subject to the jurisdiction of and control by the Pennsylvania Public Utility Commission.

STREET - Includes a public street, public sidewalk, public easement or right-of-way, public highway, public alley, public way or public road accepted or maintained by the township or open for travel and use by the public, whether or not so accepted or maintained, including the entire area within the right-of-way thereof.

§ 112.29. Permit Required; exception for emergencies.

It shall be unlawful for any person to make any tunnel, opening or excavation of any kind in or under the surface of any street without first securing a permit from the township for each separate undertaking in accordance with the Rules, Regulations and Forms Document; provided, however, that any person maintaining pipes, lines or other underground facilities in or under the surface of any street may proceed with an opening without a permit when emergency circumstances demand the work to be done immediately, provided that the permit could not reasonably and practically have been obtained beforehand. The person shall thereafter apply for a permit from the township on the first regular business day on which the township offices are open for business, and said permit shall be retroactive to the date when the work was begun. In all cases where an emergency opening is necessary, the Police Department shall be notified prior to such opening.

§ 112.30. Violation of regulations.

It shall be unlawful for any person to violate any of the provisions of this Article or any regulations and specifications adopted hereunder. Each day that a violation is permitted to exist, after a notice of violation in writing shall have been served, shall constitute a separate offense.

ARTICLE IX
Guideposts

§ 112.31. Duty to erect; required information; permit required on state highways.
[Amended 1-7-85 by Ord. No. 1117]

112.31.1. The Township Manager or his designated representative shall cause street signs to be erected at the intersection of all streets or highways and at one (1) of the angles where any street or highway crosses another street or highway.

112.31.2. (Reserved)

112.31.3. Placement of any street sign within a state right-of-way shall be in accordance with applicable state regulations.

§ 112.32. Destruction or removal prohibited.

It shall be unlawful for any person to willfully destroy, remove, injure or deface any guidepost or sign or index board erected upon or near any street, highway or bridge by the authorities of the township, or erected, with the consent of the authorities having jurisdiction over such street, highway or bridge, by any club, association or other organized body, for the direction, guidance or safety of travelers. Any person violating any of the provisions of this section shall, in addition to any other penalty which may be provided, be liable for the cost of replacing such sign so destroyed, removed or defaced.

ARTICLE X

Bridges

§ 112.33. Construction of bridge as part of street.

Whenever in the opening, grading or improving of any street in the township it is necessary to erect or construct any bridge and the piers, abutments and approaches therefor, the same may be erected and constructed by the township as part of such street. In any such erection or construction, the township may take, use and occupy private property. All damages shall be awarded and benefits assessed as part of the proceeding to open, grade or improve the street of which the bridge is a part.

§ 112.34. Awarding of damages and assessment of benefits.

In the construction and maintenance of such bridges, all damages shall be awarded and benefits assessed as part of the proceeding to lay out, open, make or repair the road of which the bridge is a part.

ARTICLE XI⁶

Mailboxes

§ 112.35. General and specific requirements. Mailboxes for curbside delivery erected within the street right-of-way shall conform to the following requirements unless an exemption is granted by the Township Manager or his designated representative. (See Figure 112.40).

112.35.1. All mailboxes shall be installed in front of and on the same side of the street of the residence or premises they serve.

112.35.2. Mailboxes shall be installed so that the bottom of the box is 3 1/2 feet to 4 feet above the cartway of the road.

⁶ Editor's Note: Previous Article XI, Penalties, was renumbered Article XII according to Ord. No. 1385 dated 4-3-89.

112.35.3. Mailboxes shall be installed on a semiarch or extended arm type of support assembly, which, if struck will bend or fall away from the striking vehicle instead of severely damaging the vehicle and injuring its occupants.

112.35.4. The front of the mailbox shall be even with the back of the curb, edge of pavement or edge of paved berm, and the base of the support shall be at least one and one half feet from the back of the curb, edge of pavement or edge of paved berm. Support assemblies shall not interfere with drainage facilities or sidewalks.

112.35.5. All mailboxes shall meet the minimum requirements of the U.S. Postal Service.

§ 112.36. Relocation required.

Within thirty (30) days of written notice from the Township Manager or his designated representative, the property owner or tenant shall be required to relocate his mailbox in accordance with the requirements of Section 112.35.

**ARTICLE XII
Penalties**

§ 112.37. Violations and penalties.

Any person violating any of the provisions of this chapter shall be subject to the penalties provided in Chapter 5, Enforcement of Ordinances; Penalties, of this Code.

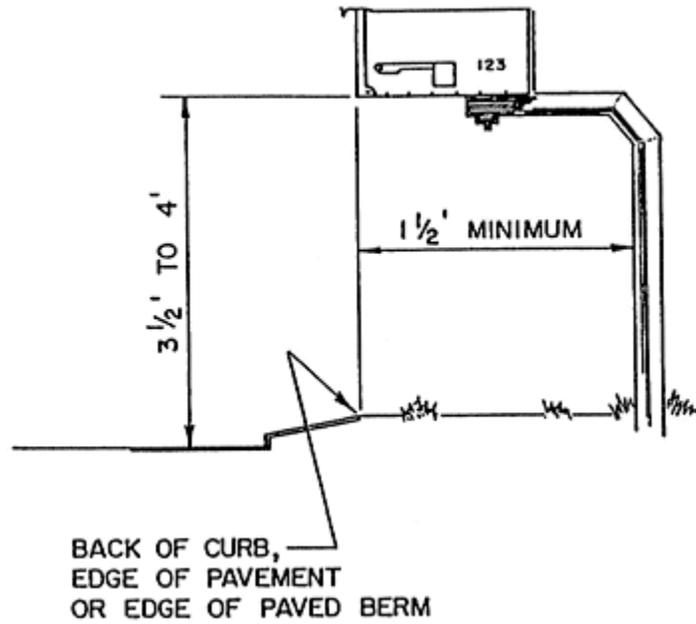


FIGURE 112.40