

**COLLEGE TOWNSHIP
CENTRE COUNTY, PENNSYLVANIA**

ORDINANCE 0-21-05

CORRECTION TO CHAPTER 109 FIREWORKS AS REGULATED BY NFPA STANDARDS AND AMEND THE COLLEGE TOWNSHIP CODE CHAPTERS 145 PLANNED RESIDENTIAL DEVELOPMENT, 180 SUBDIVISION AND LAND DEVELOPMENT, 196 WEEDS, AND CHAPTER 200 ZONING, AND CONSOLIDATION OF A203-13 AND A203-18 FOR REFERENCE CORRECTIONS AS THEY APPLY TO THE RECENTLY ADOPTED ORDINANCE FOR CHAPTER 177 STREETS AND SIDEWALKS.

~~Strikethrough~~ = deletion

Bold Italics = addition

BE IT RESOLVED AND ORDAINED, by the College Township Council, Centre County, Pennsylvania, and the authority of the same, does hereby adopt, made this 16th day of September 2021, by amending the Code of the Township of College, Pennsylvania, the following reference corrections apply.

SECTION 1: GENERAL REFERENCE CORRECTIONS

CHAPTER 109 FIREWORKS

§109-3 Display fireworks.

B. Private individuals or firms wishing to have a fireworks display for personal or private benefit shall be permitted to do so with the following limitations:

- (4) The fallout zone must be appropriately sized for ***aerial shells, the minimum required radius of the display site shall be 70 ft/in. (22 m/25 mm) of the internal mortar diameter of the largest aerial shell to be fired, as shown in NFPA 1123 “Code for Fireworks Display” Table 5.1.3.1. [as amended].*** ~~the type of shell used in a display with a radius equal to 70 times the size of the largest shell.~~

CHAPTER 145-6 DEFINITIONS

STREET

A public or private corridor used as a means of vehicular and pedestrian access to two or more lots; a highway, road or alley. **[Amended 12-27-1990 by Ord. No. O-90-09; 3-19-2009 by Ord. No. O-09-02]**

A. ARTERIAL STREET

A major street with fast or heavy traffic of considerable continuity used primarily as a traffic artery connecting two or more neighborhoods or areas. Primary arterial streets extend through the entire urban area, while secondary arterial streets extend through only a portion

of the area. For the purposes of this chapter, existing primary and secondary arterial streets are listed in Article ~~V~~ VI of Chapter 177, ~~Streets and Sidewalks~~ *Classification of Streets*.

B. COLLECTOR STREET

A major street, which carries traffic from local streets to arterial streets. For the purposes of this chapter, existing collector streets are listed in Article ~~V~~ VI of Chapter 177, ~~Streets and Sidewalks~~ *Classification of Streets*.

D. NEIGHBORHOOD STREET

A minor street serving only residential uses. For the purposes of this chapter, existing neighborhood streets are listed in Article ~~V~~ VI of Chapter 177, ~~Streets and Sidewalks~~ *Classification of Streets*.

CHAPTER 200-7 DEFINITIONS

STREET

A public or private corridor used as a means of vehicular and pedestrian access to two or more lots; a highway, road or alley. [Amended 12-27-1990 by Ord. No. O-90-09; 3-19-2009 by Ord. No. O-09-02]

A. ARTERIAL STREET

A major street with fast or heavy traffic of considerable continuity used primarily as a traffic artery connecting two or more neighborhoods or areas. Primary arterial streets extend through the entire urban area, while secondary arterial streets extend through only a portion of the area. For the purposes of this chapter, existing primary and secondary arterial streets are listed in Article ~~V~~ VI of Chapter 177, ~~Streets and Sidewalks~~ *Classification of Streets*.

B. COLLECTOR STREET

A major street, which carries traffic from local streets to arterial streets. For the purposes of this chapter, existing collector streets are listed in Article ~~V~~ VI of Chapter 177, ~~Streets and Sidewalks~~ *Classification of Streets*.

D. NEIGHBORHOOD STREET

A minor street serving only residential uses. For the purposes of this chapter, existing neighborhood streets are listed in Article ~~V~~ VI of Chapter 177, ~~Streets and Sidewalks~~ *Classification of Streets*.

CHAPTER 177 STREETS AND SIDEWALK

CHAPTER 177-52 Projecting Obstructions to be removed.

All property owners of premises adjoining any such Rights-of-Way, as hereinabove referred to, *mowing grass up to curb or shoulders not to exceed 12-inches, refer to Chapter 196; and* shall immediately eliminate any obstructions projecting upon such Rights-of-Way to a height of 14-feet from the surface of said Rights-of-Way. This shall be deemed to include, but not limited to; shrubs, brush, ornamental grasses, trees, or other obstructions, which project from such adjoining property over and upon and within the limits of such Rights-of-Way. Maintaining required sight distances and curb radius.

[67 Pa. Code § 441.8. Driveway design requirements, as amended.]

CHAPTER 180-7 DEFINITIONS

EXCAVATION

~~Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed.~~ *Any work in the surface or subsurface of the rights-of-way including but not limited to opening the rights-of-way, installing, servicing, repairing or modifying any facilities in or under the surface or subsurface, and restoring the surface and subsurface of the rights-of-way.*

RIGHT-OF-WAY, RIGHTS-OF-WAY or ROW

~~A corridor of land set aside for use, in whole or in part, by a street.~~ *The surface of and space above and below any real property in the Township of College in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, bike path, shared use path or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes but excluding lands other than Streets that are owned by the Township. The phrase "in the right(s)-of-way" means "in, on, over, along, above and/or under the right(s)-of-way."*

STREET

A public or private corridor used as a means of vehicular and pedestrian access to two or more lots; a highway, road or alley.

- (1) **ARTERIAL STREET** A major street with fast or heavy traffic of considerable continuity used primarily as a traffic artery connecting two or more neighborhoods or areas. Primary arterial streets extend through the entire urban area, while secondary arterial streets extend through only a portion of the area. For the purposes of this chapter, existing primary and secondary arterial streets are listed in Article ~~V~~ VI of Chapter 177.
- (2) **COLLECTOR STREET** A major street which carries traffic from local streets to arterial streets. For the purposes of this chapter, existing collector streets are listed in Article ~~V~~ VI of Chapter 177.
- (4) **NEIGHBORHOOD STREET** A minor street serving only residential uses. For the purposes of this chapter, existing neighborhood streets are listed in Article ~~V~~ VI of Chapter 177.

SIDEWALK / WALKWAY

The walkway in a public area lying generally parallel to the surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the outer edge of the right-of-way, intended for the use of pedestrians.

~~WALKWAY~~

~~A right-of-way intended to provide pedestrian access~~

§ 180-16 Streets.

A. General.

(2) Private Streets. Private streets in College Township are permitted under the following conditions:
[Amended 1-22-2004 by Ord. No. O-04-01]

(c) Design standards. All proposed streets to remain private must be designed to municipal standards as set forth in Chapter 177, Streets and Sidewalks, and § 180-16, Streets, with the following exceptions:

[1] Surface of the private street shall be of material sufficient to ensure a mud-free or otherwise permanently passable condition with a minimum of four-inch subbase as set forth for local roads in § ~~177-15~~ 177-18, §177-19 Table of Design Standards, and ~~177-18~~ 177-23, Subbase, of the College Township Code. Paving of the private street shall be at the discretion of the developer/property owner(s).

[2] In addition to the subbase as set forth above, the first 100 feet of the private street shall be paved to municipal standards as set forth for local roads in §§ ~~177-15~~ 177-18, 177-19 Table of Design Standards.

[3] Horizontal curvature of the private street may be designed to the neighborhood streets standards of no less than 107 feet as set forth in § ~~177-15.1C~~ 177-20C, Neighborhood streets, if and only if the private street will serve only residential lots and be a nonthrough street as set forth in §§ ~~177-15.1A~~ 177-20B and ~~177-15.1B~~, respectively.

(9) Design standards for streets are being derived from Chapter 177, Streets and Sidewalks, § ~~177-15~~ 177-19, Table of Design Standards. Chapter 177 will take precedence in any conflict with this chapter. [Added 1-12-1989 by Ord. No. O-89-01]

B. Width. Minimum street right-of-way and cartway width shall be determined by using the Table of Design Standards in § ~~177-15~~ 177-19. [Amended 1-12-1989 by Ord. No. O-89-01]

~~§ 180-16.1 Sidewalks.~~

~~B. Design standards. Sidewalks shall be designed and constructed as follows:~~

~~(1) Sidewalks required to be constructed along public streets shall be done so pursuant to those applicable regulations contained herein and Chapter 177, Streets and Sidewalks. Sidewalks shall be placed along property lines within the public right-of-way unless the Council authorizes sidewalks to be designed and constructed on private property immediately adjacent to the right-of-way. In such case the developer shall enter into an easement agreement in a form acceptable to the Council~~

~~to be recorded contemporaneously with the recording of the final subdivision plan and/or land development plan. Said plan shall include a note referencing the existence of and recording information concerning the grant of easement.~~

- ~~(2) The minimum width of all sidewalks required herein shall be at least five feet. There shall be a minimum five-foot wide planting strip of grass between the curb or shoulder and the sidewalk. This planting strip may be used for the location of the underground utilities, streetlights, street signs and trees.~~
 - ~~(3) The grades and paving of the sidewalks shall be continuous across driveways except in nonresidential and high-density residential developments and in certain other cases where heavy traffic volume dictates special treatment.~~
 - ~~(4) The thickness and type of construction of all sidewalks shall be in accordance with the standards expressed in Chapter 177, Streets and Sidewalks.~~
 - ~~(5) Sidewalks shall be laterally pitched at a slope of not less than 3/8 inch per foot to provide for adequate surface drainage.~~
 - ~~(6) At corners and pedestrian street-crossing points, sidewalks shall be extended to the curbline with an adequate apron area for anticipated pedestrian traffic and curb cuts and ramps for wheelchairs designed in accordance with the state standards and those expressed by the American Disabilities Act.~~
 - ~~(7) Sidewalk grades shall not exceed 8%. Where sidewalk grades exceed 5%, a nonslip surface texture shall be used.~~
 - ~~(8) Sidewalks, including those adjacent to driveways, shall meet accessibility requirements of prevailing federal, state and/or local laws, when constructed or reconstructed pursuant to § 177-23C of the Township Code.~~
 - ~~(9) The Council may fix a date to the completion of any remaining unbuilt portions of required sidewalks if a land development or subdivision plan is scheduled to be built over a period of years.~~
- ~~C. Maintenance, repair and reconstruction of sidewalks. All property owners who abut a sidewalk available for public use shall maintain said sidewalk, keeping it free from obstruction whether such sidewalks are located in the right-of-way or adjacent to it as follows:~~
- ~~(1) In the event that the condition of any sidewalk requires maintenance, repair or the removal of obstructions therefrom as required by the regulations of this and all other chapters of the College Township Code, Council or its designee shall cause a notice to be sent in writing, to the owners of the property requiring said owners to effect such repairs, maintenance or removal of the obstruction from the sidewalks with the following conditions:~~

- ~~(a) Repair of sidewalks shall be made by the property owner as required under § 177-23C of the Township Code.~~
 - ~~(b) The property owner shall be given at least 90 days to correct any deficiency in the sidewalk.~~
 - ~~(c) The property owner shall be guilty of a separate violation of this section for every five-day period beyond the repair date that the defects go uncorrected.~~
 - ~~(d) Fines shall be set by resolution of the College Township Council.~~
- ~~(2) Upon failure of any property owner to make necessary repairs required by the notice provided for hereinabove within the time fixed by this chapter, the Township is hereby authorized and empowered through its duly authorized agents, servants or employees to enter upon the premises and make the necessary repairs or remove the offending obstructions and the expense thereof shall be levied against the property and collected from the owners in the manner provided for the collection of municipal liens. Any claims entered against the owners shall be a lien upon the premises dating from the time of commencement of work.~~
- ~~(3) It shall be unlawful for any person to tear up, destroy, remove, deface or excavate or otherwise damage any sidewalk in the public rights-of-way or for those public sidewalks located adjacent to the public rights-of-way except in accordance with a permit duly authorized by an agent or employee of College Township. Anyone in violation of this shall be subject to fines as set by resolution of the College Township Council.~~
- ~~D. Snow and ice removal from sidewalks. Property owners or occupants of said property shall be responsible for the removal of snow and/or ice from sidewalks along public rights-of-way abutting their property or located on said property but adjacent to the right-of-way within 24 hours after the same shall have ceased to fall, in the case of snow or shall have occurred, in the case of ice as follows:~~
- ~~(1) Responsibility for removal of snow or ice. It shall be the duty of the owners and occupiers of properties as hereinafter provided, and the owners of unoccupied lots along whose premises sidewalks have been laid, or may hereafter be laid under the authority of the Township, to cause said paved sidewalks along their respective properties to be cleared to the width of said sidewalk of snow or ice, provided the owner shall be responsible for conforming to the provisions of this section in the case of unoccupied property, or property occupied by him or a property containing more than one dwelling or business unit; the occupant shall be responsible therefor in the case of property containing a single dwelling or business unit.~~
 - ~~(2) Responsibility of owners of multiple family dwellings and apartments. It shall be the duty of all owners of multiple family dwellings or apartments to cause sidewalks leading from the said buildings to the street, parking lots, or other sidewalks located along the respective property to be cleared of snow or ice.~~

- ~~(3) Responsibility of owners of nonresidential property. It shall be the duty of all owners of nonresidential property to cause sidewalks leading from said buildings to the street, parking lots, or other sidewalks located within the property dedicated to general public use to be cleared of snow or ice.~~
- ~~(4) Responsibility of property owners' associations. It shall be the duty of all associations and their assigns for sidewalks which are the responsibility of the property owners' association to be cleared of snow or ice.~~
- ~~(5) Responsibility for dedicated streets prior to acceptance. It shall be the duty of all owners of properties to cause dedicated paved streets and/or sidewalks along the respective properties to be cleared of snow or ice, which shall continue until said streets shall have been accepted as a public right of way of the Township.~~
- ~~(6) Violations. Any property owner who fails to comply with this section pertaining to snow and/or ice removal within the given time period shall be considered in violation of this Part 1 and subject to a fine as set by resolution of College Township Council.~~
- ~~(7) Removal of snow or ice by Township. In cases where a property owner continuously fails to remove snow and ice from sidewalks as required herein, the Township and/or its designees may clear or cause the same to be cleared and the costs of clearing them plus 10% administrative costs shall be collected by the Township from said property owner or occupier of the property involved, and such amount may be charged in addition to any fine or penalty already imposed in relation to the clearance of snow and ice.~~

§ 180-16.2 Fire apparatus access. [Added 2-20-2014 by Ord. No. O-14-01]

- B. Length of access road. The maximum length of dead-end fire apparatus access roads as defined herein shall not exceed 750 feet and as noted in § ~~177-15~~ 177-19, Table of Design Standards, except as noted below.

§ 196-3 Exemptions.

- A. Properties *greater than ten (10) acres* in the Agricultural, Forest and Rural Residential Zoning Districts
- ~~C. Vegetation growing within the right of way of roadways maintained by local, state or federal authorities.~~

§ A203-13 Driveway/~~right-of-way permits~~. Permit or Rights-of-Way Permit

- D. *Fines are indicated below for Chapter 177-55 violations and penalties.*

| <i>Violations</i> | <i>Cost of Fines if Paid:</i> | |
|---|-------------------------------|-----------------------|
| | <i>Within 48 Hours</i> | <i>After 48 Hours</i> |
| <i>First offense</i> | <i>\$15</i> | <i>\$20</i> |
| <i>Second offense</i> | <i>\$25</i> | <i>\$30</i> |
| <i>Third and all subsequent offenses*</i> | <i>\$35</i> | <i>\$45</i> |

NOTES:

**Anytime four or more violations of this section of the ordinance occur within a given calendar year, the Township may elect to remove snow and/or ice from a sidewalk at the owner's expense pursuant to § 177-55.*

~~§ A203-18 Obstructions on and damages to sidewalks.~~

~~[Added 5-4-2006 by Res. No. R-06-07]~~

~~Fines are indicated below for the violations of § 180-16.1, Sidewalks, of Chapter 180, Subdivision of Land, also known as "Ordinance No. O-06-02, Sidewalks Ordinance." Note that failure to remit payment within 48 hours will result, in some instances, in an additional fine, including penalties. Failure to remit payment within 20 days will result in additional charges, plus court costs for filing a citation with the District Magistrate. Once a citation has been filed, a hearing may be requested before the Magistrate.~~

~~A. Failure to make repairs. Any property owner given notice by College Township to commence repairs on his or her sidewalk pursuant to § 180-16.1C shall do so within the given time frame. Failure to do so shall result in a fine of \$15 per violation.~~

~~B. Damages to sidewalks.~~

~~(1) Any person causing damage to any sidewalk in the public rights of way or for those public sidewalks located adjacent to the public rights of way, except in accordance with a permit duly authorized by an agent or employee of College Township, shall be fined \$100 per violation pursuant to § 180-16.1C(3).~~

~~(2) In addition to the fine above, the person in violation of damaging a sidewalk shall be responsible for the reconstruction or repair of said sidewalk within five business days after receiving the notice of violation.~~

~~(3) The Township and/or its designees may repair or cause the same to be repaired and the costs of repairing them plus 10% administrative costs of 10% shall be collected by the Township from said property owner, occupier of the property involved or violator of the ordinance, and such amount may be charged in addition to any fine or penalty already imposed in relation to the repair of damages to the sidewalk.~~

~~C. Snow and ice removal. Upon the discovery of any violation under the terms of § 180-16.1D, the municipality shall, through its authorized agents, give notice to the owner of a violation hereunder,~~

~~either by personal delivery to such owner, by United States mail directed to the last known address of such person or persons, as shown in the real estate registry records of the municipality, or by leaving the same on the premises where such violation occurs. The fines shall be as follows and shall increase for each instance of a violation within a given year:~~

| Violations | Cost of Fines if Paid: | |
|------------------------------------|-------------------------------|-----------------------|
| | Within 48 Hours | After 48 Hours |
| First offense | \$15 | \$20 |
| Second offense | \$25 | \$30 |
| Third and all subsequent offenses* | \$35 | \$45 |

NOTES:

~~*Anytime four or more violations of this section of the ordinance occur within a given calendar year, the Township may elect to remove snow and/or ice from a sidewalk at the owner's expense pursuant to § 180-16.1D(7).~~

§ A203-18 [RESERVE]

SECTION 2. SEVERABILITY

If any sentence or clause, section, or part of this ordinance is found to be unconstitutional, illegal or invalid, such findings shall not affect or impair any of the remaining parts of this ordinance. It is hereby declared to be the intent that this ordinance would have been adopted had such part not been included.

SECTION 3. EFFECTIVE DATE

This ordinance shall take effect five (5) days after enactment.

ENACTED AND ORDAINED, this 16th day of September 2021, by the College Township Council, Centre County, Pennsylvania.

COLLEGE TOWNSHIP COUNCIL:

ATTEST:

Adam T. Brumbaugh

L. Eric Bernier

Adam T. Brumbaugh, Secretary

L. Eric Bernier, Council Chair