

ORDINANCE NO. 2018-13

AN ORDINANCE OF THE TOWNSHIP OF RADNOR, COUNTY OF DELAWARE, COMMONWEALTH OF PENNSYLVANIA, AMENDING ARTICLE 6, RIGHT-OF-WAY MANAGEMENT, BY ADDING A NEW SECTION 250-20 TO PROVIDE FOR THE ELIMINATION OF VISUAL OBSTRUCTIONS WITHIN THE RIGHT-OF-WAY

WHEREAS, Radnor Township has authorized to regulate its streets, rights-of-way and public areas with respect to traffic hazards and obstructions; and

WHEREAS, the Township has determined that it is necessary to eliminate all encroachments within the Township's right-of-way to ensure traffic safety.

NOW, THEREFORE, be it hereby ordained that the Radnor Township Board of Commissioners, does hereby enact an amendment to the Radnor Township Code of Ordinances, Article VI, by adding a new Section 250-20. Visual Obstructions as follows:

SECTION I.

Section 250-20 Visual obstructions.

A. It shall be unlawful for any person in the Township of Radnor to plant, erect, maintain or allow to exist any tree, shrub, hedge, fence, bank or other obstruction near street intersections which may cause danger by obstructing the view of the motorist. The existence of such obstruction will cause said person to be subject to a notice of violation if said obstruction exceeds a height of 24 inches as measured from the lowest adjacent street surface and is located within a triangle formed by joining three points, one point being formed by the intersection of the abutting street edges and the other two located 30 feet from the above-mentioned intersection measured along each of the abutting street edges as shown in the attached illustration. This triangular area may be extended to achieve the purpose of this section where unusual topographical conditions prevail.

B. It shall be unlawful for any person in the Township of Radnor to plant, erect, maintain or allow to exist any tree, shrub, hedge, fence, post or other obstruction within the right-of-way of any Township or state highway within the Township of Radnor which creates an unsafe condition for persons or vehicles traveling on said highway.

C. The enforcement of this subsection shall be under the direction of the Township Manager or his designated representative. The Township Manager is authorized to notify the property owner of the land upon which the vision or other obstructions prevail to remove the same within 30 days. If the owner shall neglect or refuse to do so after such notice, the Township Manager may file a complaint and/or cause the work to be done at the expense of the property owner. This expense, together with a penalty of 5% of such cost, shall be charged against the owner of such property, and in default of payment, the same shall be collected in the manner provided by law for the collection of municipal claims or by action of assumpsit without filing of a claim. The notice provided by this section shall

be served upon the property owner by certified mail or by leaving the same at his place of residence in the Township or, if he has no residence in the Township, then by leaving the same with the tenant or occupier of the premises or, if the premises is vacant, by posting the same on the premises and mailing a copy thereof to the owner at his last known address.

D. No gasoline pumps, oil tanks, walls, fences, posts, planting, shrubbery or similar obstructions shall be placed within the right-of-way. Any such obstruction shall be removed promptly by the property owner whenever written notice to remove such obstruction is given by the Township Engineer. If the owner fails to comply with such notice, the Township shall remove the obstruction and charge to cost thereof to the owner.

SECTION II.

Repealer. All ordinances, parts of ordinances, and amendments thereof which are inconsistent with this Ordinance are hereby repealed.

SECTION III.

Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

SECTION IV.


Effective Date. This Ordinance shall become effective in accordance with the Radnor Township Home Rule Charter.

ENACTED and *ORDAINED* this 12 day of November, 2018.

RADNOR TOWNSHIP
BOARD OF COMMISSIONERS

Attest: _____

By: _____

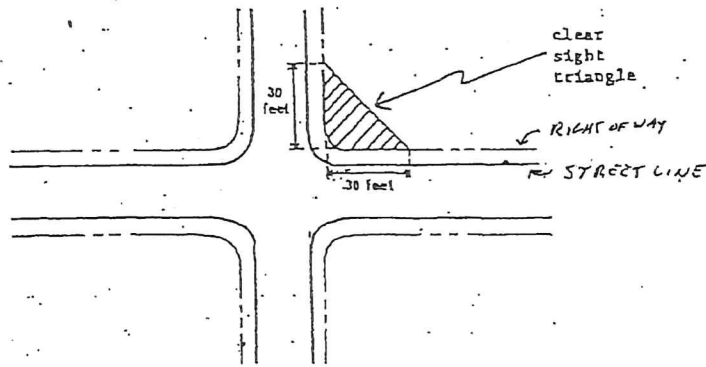

Name: Lisa Borowski
Title: President

255 Attachment 1

Township of Radnor

Illustrations

Clear Sight Triangle



J. LAWRENCE GRIM, JR.
MARY C. EBERLE
JOHN B. RICE
DIANNE C. MAGEE *
DALE EDWARD CAYA
DAVID P. CARO ♦
DANIEL J. PACI ♦ †
JONATHAN J. REISS ◊
GREGORY E. GRIM †
PETER NELSON *
PATRICK M. ARMSTRONG
SEAN M. GRESH
KELLY L. EBERLE *
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MATTHEW E. HOOVER
COLBY S. GRIM
MICHAEL K. MARTIN
JULIEANNE E. BATEMAN
MITCHELL H. BAYLARIAN
IAN W. PELTZMAN

* ALSO ADMITTED IN NEW JERSEY
◊ ALSO ADMITTED IN NEW YORK
† MASTERS IN TAXATION
♦ ALSO A CERTIFIED PUBLIC ACCOUNTANT

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October 24, 2018

SENT VIA ELECTRONIC CORRESPONDENCE

Delaware County Daily Times
Attn: Legal Department
500 Mildred Avenue
Primos, PA 19018

Re: Radnor Township –Right-of-Way Management Ordinance

Dear Legal Department:

Enclosed please find for advertisement one (1) time in the Thursday, November 1, 2018, edition of your newspaper, a Legal Notice for the possible enactment of the above ordinance by the Board of Commissioners of Radnor Township at their meeting on November 12, 2018. Kindly provide proof of publication and your invoice for the advertisement directly to Radnor Township, c/o Robert Zienkowski, 301 Iven Avenue, Wayne, PA 19087. A full copy of the text of the ordinance is enclosed for public inspection.

If you have any questions regarding the enclosed, please do not hesitate to contact my office.

Sincerely,

GRIM, BIEHN & THATCHER

By: 

John B. Rice

JBR/hlp

Enclosures

cc: Robert A. Zienkowski (w/enc. – via email)
Jennifer DeStefano (w/enc. – via email)

**LEGAL NOTICE
RADNOR TOWNSHIP - HEARING**

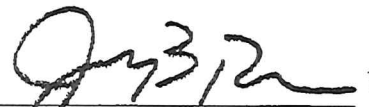
Right-of-Way Management Ordinance

Notice is hereby given that the Board of Commissioners of the Township of Radnor, Delaware County, Pennsylvania, will consider for possible enactment an ordinance amending Article 6, Right-of-Way Management, by adding a new Section 250-20 to provide for the elimination of visual obstructions within the Right-of-Way. The Board of Commissioners will consider this proposed Ordinance at a hearing to be held during its regular public meeting on November 12, 2018, at 6:30 p.m., at the Radnor Township Municipal Building, 301 Iven Avenue, Wayne, PA 19087. Copies of the full text of this proposed Ordinance are available to any interested party for inspection and/or copying at a nominal cost at the Township offices or for inspection at the offices of this newspaper and the Delaware County Law Library during normal business hours. All interested parties are invited to attend and participate in this hearing.

**RADNOR TOWNSHIP
BOARD OF COMMISSIONERS
301 Iven Avenue
Wayne, PA 19087-5297**

ATTEST:

I do hereby certify that this is a true and correct copy of the proposed Ordinance of Radnor Township, being advertised for possible adoption by the Radnor Township Board of Commissioners on November 12, 2018.

A handwritten signature in black ink, appearing to read "J. B. Rice", written over a horizontal line.

John B. Rice, Esquire
Grim, Behn & Thatcher
Township Solicitor