

AN ORDINANCE PROHIBITING OBSTRUCTIONS IN THE PUBLIC ROADS OF THE TOWNSHIP OF EAST COCALICO AND PROVIDING FOR THE ENFORCEMENT THEREOF.

WHEREAS, East Cocalico Township has experienced problems in the past with structures located on the cartway and within the rights-of-way of public roads, streets, or alleys; and

WHEREAS, structures such as basketball poles, street hockey nets, skateboarding ramps, etc. are located within the road rights-of-way of the Township and are located in such a manner so that persons play in the streets of the Township; and

WHEREAS, persons playing basketball, street hockey, skateboarding, or other sports in the cartway creates a dangerous condition for not only the persons playing such sports but also the traveling public.

THEREFORE, BE IT ORDAINED AND ENACTED by the Supervisors of the Township of East Cocalico, Lancaster County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION 1. DEFINITIONS

PERSON - every natural person, firm, corporation, partnership, association, institution or other group.

STRUCTURE - any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

STREET - the word "Street" includes streets, avenue, boulevards, roads, highways, freeways, parkways, lanes, alleys, and other ways used for or intended to be used by vehicular traffic or pedestrians, whether public and private.

TOWNSHIP - the Township of East Cocalico.

SECTION 2. It shall be unlawful for any person to erect or cause to be erected any structures within or on the cartway of any streets of the Township.

SECTION 3. It shall be unlawful for any person to erect or cause to be erected any basketball poles, support structures, basketball nets, street hockey nets, or skateboard ramps within the rights-of-way of any streets of the Township.

SECTION 4. It shall be unlawful for any person, to place, push, dump, pull or deposit or cause to be placed, pushed, dumped, pulled or deposited any earth, dirt, manure, sand, gravel, rock, or similar materials upon the streets of the Township or to permit any of the aforesaid acts to occur.

SECTION 5. Any person who shall be subject to a fine of One Hundred Dollars (\$100.00) for the first violation. For any subsequent violation, such person shall be subject to a fine of Six Hundred Dollars (\$600.00) per violation. In the event that the penalty imposed for a violation of this Ordinance is not voluntarily paid to the Township, a civil enforcement proceeding shall be initiated before the District Justice. In any case where a penalty for a violation of the Ordinance has not been timely paid and the person upon whom the penalty

was imposed was found to have been liable therefore in the civil proceedings, such person shall be liable for the penalty imposed including additional daily penalties for continuing violations plus court costs and reasonable attorneys fees incurred by the Township in the enforcement proceedings.

SECTION 6. All Ordinances, or parts of Ordinances, conflicting with the provisions of this Ordinance are hereby repealed.

SECTION 7. This Ordinance shall become effective five (5) days after its enactment.

ENACTED AND ORDAINED this 16th day of February, 2000