

ORDINANCE NO. 27

AN ORDINANCE OF THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, REQUIRING THE INSTALLATION OF ROADWAY SAFETY DEVICES WHEN HAZARDS ARE CREATED BY PROPERTY OWNERS AND/OR DEVELOPERS.

WHEREAS, the Township Supervisors have become concerned with developmental changes within the Township which have altered and/or changed landscape grading in the vicinity of roadways within the Township; and

WHEREAS, such grading changes have the potential to create dangers and hazards to users of the roadways within the Township which previously did not exist; and

WHEREAS, the Township, through the exercise of its police powers, has the right and duty to take such corrective action as may be necessary to prevent such a danger or hazard from existing, and/or to change such a condition from continuing to exist; and

WHEREAS, the Township believes it is appropriate to impose the costs of preventing or changing such conditions upon the property owner and/or developer responsible for creating the condition, and to not impose such a burden on the citizens of the Township as a whole; and

WHEREAS, the Township desires to enact measures consistent with these concerns in order to protect the health, safety and welfare of the citizens of the Township and the public in general.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the authority of the Board of Supervisors of the Township of Upper Bern, Berks

County, Pennsylvania, and it is hereby ENACTED and ORDAINED by the authority of the same as follows:

Section 1. That whenever an owner and/or developer of real estate shall alter, change or modify any grade or slope of real estate or plant any trees, bushes or shrubbery which creates a potential danger or hazard to the health, safety and welfare of persons using the public roadways within the Township, the owner and/or developer shall be responsible to install guiderails, signing, and/or other forms of safety remediation as may be determined by the Township;

Section 2. That in determining whether a danger or hazard exists, the Township may consider factors which include, but are not limited to, national and state safety regulations for roadways;

Section 3. That when the Township determines that such a danger or hazard exists, it shall notify in writing the owner and/or developer of the specific danger and/or hazard and shall specify what actions should be taken to remove the danger and/or hazard, and advise that failure to take such action shall result in the Township taking appropriate remediation as hereinafter set forth. Such notice to the owner and/or developer shall provide thirty (30) days for the corrective action to be taken, unless the Township feels that a shorter time is required due to the potential danger and/or hazard;

Section 4. That in the event that the owner and/or developer shall fail to comply with any determination made by the Township as hereinabove set forth, the Township may, at its option, install any safety equipment at its costs and bill the owner and/or developer;

