

**TOWN OF MCCANDLESS
ALLEGHENY COUNTY, PENNSYLVANIA
ORDINANCE NO. 1503**

AN ORDINANCE OF THE TOWN OF MCCANDLESS, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING AND RESTATING PART NINE, TITLE 1, ARTICLE 907 OF THE CODIFIED ORDINANCES OF THE TOWN OF MCCANDLESS TO REGULATE OBJECTS IN THE RIGHT-OF-WAY, SIGNS IN THE RIGHT-OF-WAY, ADDING RELATED DEFINITIONS AND AMENDING ENFORCEMENT AND PENALTY PROVISIONS

WHEREAS, the Town Council of the Town of McCandless has determined that unauthorized signs placed in the public rights-of-way and on public property are a danger because they distract motor vehicle operators and because they can obstruct views creating hazards to motor vehicle and pedestrian traffic; and

WHEREAS, the Town Council of the Town of McCandless has further determined that unauthorized signs spoil the natural beauty of the Town that is an asset treasured by residents and visitors alike; and

WHEREAS, the Town Council of the Town of McCandless has determined it to be in the best interests of the health, safety, and welfare of the residents of the Town to amend Part Nine, Title 1, Article 907 of the Codified Ordinances of the Town of McCandless to further regulate signs and other objects in public rights-of-way and on public property, add related definitions and amend the penalty and enforcement provisions of the Article.

NOW THEREFORE, it is hereby **ORDAINED** by the Town Council of the Town of McCandless, Allegheny County, Commonwealth of Pennsylvania, as follows:

SECTION 1:

The above recitals are incorporated herein by reference.

SECTION 2:

Part Nine, Title 1, Article 907 of the Codified Ordinances of the Town of McCandless is hereby repealed in its entirety and replaced with the following:

ARTICLE 907

Objects and Signs in Right-of-Way

907.01 Definitions.

907.99 Penalty.

907.02 Objects in right-of-way.

907.03 Signs prohibited in rights-of-way and on public property.

907.01 DEFINITIONS.

For the purposes of this Article 907, the below terms shall be defined as follows:

- (a) "Cartway" shall mean that portion of a street which is improved by surfacing with permanent or semi-permanent material and is intended for vehicular traffic and shall be measured from the termination points of the surfacing material. Termination points are located at the base of a barrier curb, wedge curb or other type of curb, or where the surfacing meets a grass or landscaped area.
- (b) "Sign," unless the context clearly indicates or requires a different meaning, shall mean any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view; or any structure including a billboard or poster panel designed to carry such visual information.

907.02 OBJECTS IN RIGHT-OF-WAY.

- (a) No trees, bushes, shrubs or hedges may be planted or allowed to grow so that they infringe on the clear-sight triangle required by the Land Development and Subdivision Regulations or otherwise create a hazard to vehicle or pedestrian traffic.
- (b) No object or structure may be built or placed or permitted to remain in a location which infringes on the clear-sight triangle required by the Land Development and Subdivision Regulations or otherwise creates a hazard to vehicle or pedestrian traffic.
- (c) Public Transit Shelters may be permitted at public transit stops if the location and installation have been approved by the Town of McCandless.

907.03 SIGNS PROHIBITED IN RIGHTS-OF-WAY AND ON PUBLIC PROPERTY

(a) Signs shall be permitted only on private property. Signs may not be placed within the public right-of-way or on public property. In cases where a resident does not have specific knowledge of the location of the right-of-way line, signs which are placed at least five (5) feet from the cartway by or with the permission of the property owner shall be presumed to be on private property and shall be permitted.

(b) Public Nuisance. Any sign posted in violation of this Section is hereby declared to be a nuisance. In addition to any other remedy provided by this Article or available under law, the Town may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation.

(c) Removal Procedure. Any sign found to violate this Section may be removed forthwith by any Town employee duly authorized by the Town Manager or his/her designee.

(d) Notice, storage, return. Upon removal of any sign in violation of this Section, a designated employee of the Town shall keep a record of the location from which the sign was removed. Further, a reasonable attempt shall be made to contact the owner by telephone. If such attempt is successful, the owner shall be notified of the removal and of the location where the sign may be retrieved. If telephone contact is not achieved, written notice of the violation and the retrieval location may, but is not required to, be provided. In either case, the Town shall store any removed sign for at least ten (10) days. After expiration of the ten-day period, the Town shall be permitted to destroy or discard any sign.

(e) Persons deemed responsible. The person(s), organization(s), or business(es) named or promoted on the sign posted in violation of this Section shall be deemed to be the owner responsible for the violation, absent prior notification to the Town of another responsible party. Nothing in this Section shall be interpreted to make any person, organization, or business liable for any signs posted by persons over whom he/she/it has no control.

907.99 PENALTY. The first violation of the provisions of this Article shall result in a written warning issued by the Town. Any future violation of this Article shall be considered a summary offense and the violator shall be fined not more than three hundred dollars (\$300.00) for each offense, plus costs of prosecution.

SECTION 3:

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 4:

All resolutions, ordinances, or parts thereof, of the Town of McCandless which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.

ORDAINED AND ENACTED into law this *24th* day of *August 2020*, to become effective ten (10) days after proper advertisement hereof.

ATTEST:

TOWN COUNCIL
TOWN OF McCANDLESS:

Secretary

President

TADMS:5359888-1 024399-188327