

ORDINANCE NO. 266

*
*
*

AN ORDINANCE PROVIDING FOR A CLEAR-SIGHT TRIANGLE AT INTERSECTIONS, PROHIBITING VISUAL OBSTRUCTIONS WITHIN THE CLEAR-SIGHT TRIANGLE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, INCLUDING AN ACTION IN EQUITY FOR MULTIPLE CONTINUING VIOLATIONS.

*
*
*

WHEREAS, the Borough of Berlin has found that it has become increasingly difficult for vehicular traffic to safely enter upon the thorofares of the Borough by reason of obstructions to vision at or near intersections; and,

WHEREAS, the Borough has found that it is in the best interest of the health and safety of citizens to regulate and prohibit obstructions to vision at intersections.

NOW THEREFORE, be it ordained and enacted by the Borough of Berlin, and it is hereby ordained and enacted by Authority of the same as follows:

Section One: Establishment of Clear-Sight Triangle: A clear-sight triangle shall be provided at all street and driveway intersections.

Section Two: Dimensions of Clear-Sight Triangle: The dimensions of each clear-sight triangle shall be established as follows:

- A. At street intersections, an isosceles triangle shall be established for a distance of twenty (20) feet at each side of the point of intersection of the cartway lines.
- B. At the intersection of driveways and streets, an isosceles triangle shall be established for a distance of ten (10) feet at each side of the point of intersection of the cartway lines.

Section Three: Prohibition of Obstructions: From and after the date hereof, no building, structure, sign, sign support, fence, wall, hedge, plant, tree, post, pole, column or other obstruction to vision in excess of two and one-half (2½) feet in height and below ten (10) feet, as measured from the center-line grade of intersecting streets and driveways, shall be constructed, reconstructed, erected, re-erected, placed, replaced, located or relocated within the area of a clear-sight triangle except signs, sign supports, trees,

posts, poles and columns not exceeding one (1) foot in diameter, provided the same do not obstruct the view of traffic.

Section Four: Penalty for Violation: Any person violating any of the provisions of this Ordinance shall be guilty of a summary offense and upon conviction thereof shall be sentenced to pay a fine of Ten (\$10.00) Dollars and/or sentenced to a term of imprisonment not exceeding ten (10) days. Each day a violation continues subsequent to the date of a first conviction for violation hereof shall be a separate offense punishable as aforesaid.

Section Five: Equitable Action for Multiple Continuing Violations: The Borough may, at its option, authorize the institution of an action in equity having as its object the removal of the obstruction within the clear-sight triangle against any person previously convicted of a violation hereof and who has refused or neglected to remove the obstruction, the presence of which has resulted in one (1) or more convictions.

Section Six: Repealer: All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

Adopted by the Berlin Borough Council, enacted and ordained this 7th day of May, 1987.

ATTEST

BOROUGH OF BERLIN

Gerry B. Claycock
Secretary

James L. Miller
President of Council

(SEAL)

Approved, this 7th day of May, 1987.

Stuart M. Krenthook
Mayor, Borough of Berlin