

Chapter 25

Waterways

Part 1 West Run Creek

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Part 1**West Run Creek****§25-101. Construction of Culverts Prohibited.¹**

No person, or persons, shall, or may, at any time, or times, hereafter build, construct, erect, maintain, procure, or provide for the building, construction, erection, or maintenance of, any building, structure, edifice, artifact, or facility of any kind or description on, over, or upon the culvert, or culverts, heretofore described or on, over, or upon any portion, or portions, thereof.

(*Ord. 471, 3/9/1982, §1*)

§25-102. No Parking on Culverts

No person, or persons, shall, or may, at any time, or times, hereafter park, store, station, or allow to remain for any period of time, however slight, any automobile, truck, tractor, trailer, or mechanical device, apparatus, or instrumentality of any kind or description, whether or not capable of being operated, moved, or propelled under its own

¹Editor's Note: The prefatory material to *Ord. 471, 3/9/1982*, provided:

Whereas there is in existence within the Borough of West Homestead, County of Allegheny, and Commonwealth of Pennsylvania certain portions of a nonnavigable creek, stream, or natural water course known and designated as West Run Creek, the same being situated adjacent to (and parallel with) a certain public thoroughfare known and designated as Forest Avenue; and

Whereas the Borough of West Homestead, by proper action of the Council and Mayor of the said borough, has provided for the installation of a reinforced concrete culvert (together with other incidental and ancillary improvements relating thereto) over, upon, and within certain portions of the West Run Creek bed, in particular, over certain portions thereof which are situated adjacent to certain premises which are now owned, occupied, and possessed, or reputedly owned, occupied, and possessed, by certain private owners known or identifiable as Fred Grove and Gladys Grove, his wife; and

Whereas additional construction of culverts, or extension of culverts already installed, in the process of installation, or provided for will, or may, be provided for hereafter; and

Whereas the culvert, or culverts, heretofore referred to, and all portions thereof, have been constructed, or will be constructed, according to plans and specifications which are adequate for the purposes intended to be served by the installation thereof but not designed or intended for the accommodation of heavy weights or for any activities or usages involving the erection of structures or the accommodation or movement of vehicles thereon; and

Whereas serious and severe injury, damage, and harm would accrue to the Borough of West Homestead, and to certain residents of the said borough, as a natural consequence of any damage to the culvert, or culverts, heretofore described.

power, or sources of power, and whether or not designed and intended for operation and use upon, or away from, highways (as the term highway is defined in the Vehicle Code of Pennsylvania), on, over, or upon the culvert, or culverts, heretofore described or on, over, or upon any portion, or portions, thereof.

(*Ord. 471, 3/9/1982, §2*)

§25-103. No Driving Over Culverts.

No person, or persons, shall, or may, at any time, or times, hereafter drive, operate, move, manage, push, pull, propel, or make use of any automobile, truck, tractor, trailer, vehicle, mechanical device, apparatus, or instrumentality of any kind or description on, over, or upon the culvert, or culverts, heretofore described or on, over, or upon any portion, or portions, thereof.

(*Ord. 471, 3/9/1982, §3*)

§25-104. No Storage on Culverts.

No person, or persons, shall, or may, at any time, or times, hereafter assemble, accumulate, gather, or pile any refuse, rubbish, or debris (or any equipment, apparatus, tools, supplies, or stocks of goods, wares, or merchandise) on, over, or upon the culvert, or culverts, heretofore described or on, over, or upon any portion, or portions, thereof.

(*Ord. 471, 3/9/1982, §4*)

§25-105. No Construction on Culverts.

Any building, structure, edifice, artifact, or facility which may hereafter be built, constructed, erected, or maintained upon the culvert, or culverts, heretofore described, or upon any portion, or portions, thereof shall be subject to removal thereof, without compensation to the person, or persons, by whom the same was built, constructed, erected, or maintained (and at the expense of such person) under those rules of law made and provided for the abatement and removal of nuisances.

(*Ord. 471, 3/9/1982, §5*)

§25-106. Penalty.

Any person in violation of any of the provisions of this Chapter shall be subject to civil liabilities for any injury, damage, or harm proximately resulting from any such violation, and, in addition thereto, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 471, 3/9/1982, §6; as amended by Ord. 623, 2/14/2006*)

§25-107. Prohibitions.

The prohibitions heretofore specified, and the penalties for any violations thereof, shall be applicable to any person, or persons, by whom any such violations may be provided for or procured as well as to the actual perpetrators of any such violations.

(*Ord. 471, 3/9/1982, §7*)

§25-108. Definition.

The term "person," wheresoever the same may appear herein, shall mean any individual, partnership, limited partnership, association, corporation, trust, or estate. Moreover, the term "person" (as applied to any association or partnership) shall mean the members or partners thereof and (as applied to any corporation) shall mean the officers thereof.

(Ord. 471, 3/9/1982, §8)

