

**WASHINGTON TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2024-03

**AN ORDINANCE OF WASHINGTON TOWNSHIP, YORK COUNTY, PENNSYLVANIA,
PROHIBITING NUISANCES AND PRESCRIBING PENALTIES FOR VIOLATIONS
THEREOF**

WHEREAS, Washington Township desires to provide for the health, safety, and welfare of the residents of Washington Township by prohibiting nuisances and implementing the fees and fines associated therewith:

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Washington Township, York County, Pennsylvania, under the authority of law as follows:

SECTION 1: PURPOSE AND INTENT

To protect the residents against nuisance of and incident to the conduct, behavior and activities herein defined with the detriment and danger to the public health, safety, and public interest within the Township, making it necessary to regulate by this ordinance specifically as follows:

- A. To protect the public against unlawful activities, behavior and conduct herein defined which constitutes a nuisance.
- B. To protect the local residents from the use and enjoyment of their property against trespassing by the activities, conduct and behavior classified as nuisances.
- C. To protect the residents against the health and safety menace and the expense incident to the activities, behavior and conduct herein classified as nuisances.

SECTION 2: DEFINITIONS

DEFINITIONS as used in this ordinance, the following terms shall have the meaning indicated, unless a different meaning clearly appears from the context:

ABANDONED VEHICLE is any motor vehicle resting for ninety-six (96) hours or more and which is inoperable, or without current registration plates, or without current certificate or inspection sticker or in such a condition as to be unusable.

ANIMAL DISTURBANCE is any noise from household pets that is loud or harsh and interferes with and deprives any person from peace, quiet, rest or sleep. An Animal

Disturbance shall include but not limited to continual barking, howling, screeching, yelping, and baying.

DANGEROUS STRUCTURE is any building or structure which is dangerous and unsafe for human occupancy, constitutes a fire hazard, endangers surrounding buildings, shelters rats or other vermin or endangers the safety of children playing in the vicinity.

DAY is a period of twenty-four (24) hours.

HOUSEHOLD PETS is any dog, cat, ferret, rabbit, exotic bird, or other domestic animal normally and ordinarily kept in or permitted to be at large in or around the dwelling of the owner.

INOPERABLE MOTOR VEHICLE is a vehicle which cannot be driven upon the public highway for any reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LESSEE is the owner, for the purpose of this ordinance, when a lessor holds a lessee responsible for the maintenance and repairs.

MOTOR VEHICLE is any type of mechanical device propelled by a motor in which persons or property may be transported upon roads, streets, lanes, or highways, including a trailer or semi-trailer pulled thereby that are subject to registration.

NUISANCE is the unreasonable, unwarranted, or unlawful use of public or private property or any activity or condition that is harmful or annoying to others, or that interferes with the comfortable enjoyment of life in the community. The nuisance may constitute a threat or potential threat to the health, safety, or welfare of the citizens of the township.

OWNER is the actual owner, agent, or custodian of the property whether individual or partnership, association, or corporation.

PERSON is a natural person, firm, partnership, association, corporation, club, co-partnership, society, or any other legal entity or organization of any kind.

PRIVATE PROPERTY is any property that is owned by a person, firm, partnership, association, or corporation that is located within the Township. This includes private streets, roads, and alleys.

PROPERTY is any plot, tract, premises of parcel of land, with or without improvements thereto, owned or occupied within the Township.

PUBLIC PROPERTY is property limited to any public road, street, alley, sidewalk or walkway, stairs, playground, or other public areas within the Township. This also includes the floors or stairs of any building or place used by the public.

ROAD OR TOWNSHIP ROAD is a street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrian whether public or private.

SUBSTANCE includes grass clippings, dirt, debris, mud or other substances from tires, the undercarriage of vehicles, and any such substance which may fall from, be thrown from, or otherwise leaves a vehicle, or occurs through activities on land, except as herein provided.

TOWNSHIP is the Township of Washington, York County, Pennsylvania.

VEGETATION is any grass, weed, or vegetation whatsoever, including trees and shrubbery which is not edible or planted for some useful or legal purpose.

SECTION 3: NUISANCES

A. This Ordinance does not apply to normal and customary farming and gardening practices.

B. No person owning, leasing, or occupying a property shall maintain or keep any nuisance thereon as defines in this ordinance, in any such activity, manner or thing, constituting a nuisance, as defined in this ordinance, and when based on actual condition constitutes a nuisance in fact, is declared to be unlawful and a violation of this ordinance.

C. For the purpose of this ordinance, a nuisance shall include, but is not limited to, the following:

1. Storing or accumulating the following:

- a. Garbage/trash including combustible trash, paper, cartons, boxes, barrels, wood, yard trimmings, leaves, furniture, noncombustible trash, including metals, tins, dirt, concrete, glass, other mineral waste;
- b. Abandoned or discarded or unused objects or equipment, such as automobiles, stoves, refrigerators, cans, or containers;
- c. Any compost pile or deposits of manure, which is of such a nature as to spread or harbor disease, emit harmful gas or to attract or breed animals, rodents, vermin, flies insects or any other pest;
- d. Any pool of water which accumulates or remains upon the premises, and which becomes stagnate or foul, or which attracts or breeds animals, rodents, vermin, flies, insects, or any other pest.

2. Lightening and Illumination-

- a. Any lights which shall spot, flood, or otherwise shine as to impede the safety of traffic on any streets or highways within Washington Township;
- b. Any lights which shall spot, flood, or otherwise prevent another person from enjoying the privacy of their own property.
- c. Any illumination from a sign adjacent to any street or highway that interferes with traffic or the privacy of a neighbor's property;

d. The use of a spotlight by a person such as law enforcement, game officer, emergency officer or government shall be deemed to be excluded from this ordinance.

3. Noise-

a. The disturbing of peace between the hours of 11:00 P.M. to 7:00 A.M. which can be heard a distance of 75 feet from its source or such a person's property line that continues to cause or continues any unnecessary or unusually loud noise such as music, televisions, sound systems, portable boom boxes, drums or horns which annoys, disturbs, injures, or endangers the comfort, health, safety, or peace of others within the 75 feet .

b. Any barking, yelping, howling or any other unseemly noise from a dog that has disturbed the peace, quiet, rest, sleep, or repose of any person within the Township for more than ½ hour on any one occasion shall give rise to the presumption that such dog has disturbed the peace and has caused the annoyance and discomfort to others in the township.

c. The operation of recreational vehicles including but not limited to all-terrain vehicles (ATV's), snow mobiles, motorcycles, and any illegal street vehicles on the property so as to be heard beyond the boundaries of the property which shall annoy or disturb a reasonable person of normal sensitivities.

4. Vegetative Growth-

a. No person owning or occupying property within the Township shall permit grass, weed or any vegetation not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed the height of ten (10) inches.

b. No person shall permit any tree limbs, branches of hedges, bushes, or flowers to extend over sidewalks or the improved portion of the street right-of-way unless there is a minimum clearance of seven (7) feet between the travel surface, whether sidewalk, path or improved street right-of-way and the protruding invasion.

c. No person owning any property within the Township shall permit trees, hedges, bushes, flowers, other vegetation or fencing which would impair the clear site triangle, seventy-five (75) feet in all directions, measured along the center line from the point of the intersection or the intersection of the driveway or parking lot entrance and the street. Nothing which obstructs the vision of the motorist shall be permitted in this area.

5. The throwing, spreading, or depositing of any substance on any traveled portion of any roads, gutters or watercourses within the Township limits and allowing it to remain there by placing, dumping, throwing, pushing, shoveling, casting plowing, items, including but not limited to ice, snow, soil, grass clippings, stone, trash, refuse, rubbishes, junk, or any other debris.

6. The running of foul or nauseous liquids, washings or draining's from any manufacturing establishments, stores, stables, private residents, or shops into any gutters or along any roads, streets, lanes, alleys, courts, or sidewalks within the

Township or to keep, collect or use any garbage or filth or any stale, putrid, stinking, fat, grease, or other matter in or near any establishment or residence within the Township.

7. Any contractor, builder, developer, landowner, tenant or any other person who places, deposits, or causes the placement or deposits of any dirt, debris, mud, or other substances on any roads in the Township. Deposits resulting from normal agricultural activities including the placement or deposits that originate from the tires or undercarriage of farm equipment shall be exempt from the provisions and requirements herein, provided, however that any deposit of substance that creates a safety hazard will be subject to enforcement.

8. The lack of maintenance of any primary residential dwelling, including other buildings or part of a building, in such condition as to be in a state of disrepair or to present such other conditions as to be dangerous or hazardous to the resident or to the public such as easy intrusion, breeding grounds for rodents, insects and other pest.

SECTION 4: VIOLATIONS AND PENALTIES

A. The Township Supervisors, enforcement officer(s), the police officer(s) servicing the Township, or any other enforcement officer appointed by the Township Supervisors is hereby empowered to inspect grounds and property from the public road in plain sight to determine if there are violations of this ordinance.

B. Service of Notice--Whenever the enforcement officer determines that a violation of this Ordinance exists, the enforcement officer shall prepare a written Notice of Violation, to be served on the owner and/or occupant(s) of the premises on which the nuisance is located or originates. Written Notice of violation shall be served on the owner and/or occupant(s) within five (5) days of the determination of the violation by one (1) or more of the following methods:

1. Personal delivery
2. Fixing a copy to the door of the building on the premises of the violation.
3. Certified mail to the owner/local contact person addresses on the permit.

C. Content of Notice

1. The Notice shall enumerate the conditions which constitute the violation and what action is required to abate the violation.
2. The Notice shall include a time frame for the abatement of the nuisance, with such time frame established by the enforcement officer based upon the nature of the violation and providing a reasonable period for the violator to take the required action but not more than ten (10) days. In the case of a public disturbance or in other cases as determined by the enforcement officer, immediate action shall be required.
3. For any violations of any provisions of this ordinance by permitting, creating, maintaining or being guilty of any of the nuisances herein specified or any other

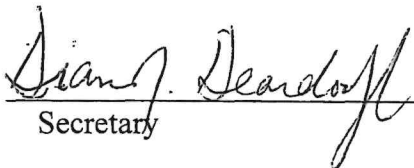
nuisance as defined herein, and upon failure to abate such after notice to do so, be guilty of a summary offence and upon conviction thereto be liable to pay a fines not less than two hundred (\$200) dollars, all costs incurred by the Township for the corrective action, plus reasonable attorney fees. Each day that a violation of this ordinance continues shall constitute a separate offense.

SECTION 5: SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

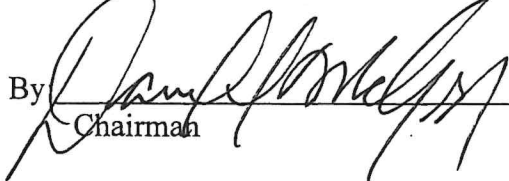
SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective on the date of its enactment as provided by law.

ORDAINED AND ENACTED this 16 day of Sept., 2024.

ATTEST:


Secretary

**WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS**

By 
Chairman