

ORDINANCE NO. 175

AN ORDINANCE OF THE TOWNSHIP OF CONEWAGO, YORK COUNTY, PENNSYLVANIA, TO PROVIDE FOR THE HEALTH, WELFARE, AND SAFETY OF THE PEOPLE OF CONEWAGO TOWNSHIP BY PROHIBITING DEFINED NUISANCES; DEFINING NUISANCES; PROVIDING FOR ABATEMENT OF NUISANCES AND ENFORCEMENTS; PENALTIES, AND SEVERABILITY OF THIS ORDINANCE, NOW THEREFORE,

The Board of Supervisors of Conewago Township, York County, Pennsylvania, has determined that in the best interests of its citizens and to promote and maintain the public peace, health, safety, and welfare of the Township, the following are hereby enacted and ordained:

Section 1. Definitions and Interpretation:

The following words, as used in this Ordinance, shall have the meanings hereby respectively ascribed thereto:

A. Nuisance: any use of property or conduct, or activity or condition upon property within Conewago Township that shall cause or result in annoyance or discomfort beyond the boundaries of such property which disturbs a reasonable person of normal sensitivities, taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood. Specifically, the word “nuisance” shall include but shall not be limited to the following:

(i) Operating or permitting the operation of or playing of radios, television sets, amplifiers, musical instruments, and other sound devices which produces or amplifies sound which annoys a reasonable person of normal sensitivities.

(ii) Operation of mechanically powered lawn mowers, tractors, power tools, chain saws, or similar devices in a residential area between the hours of 10:00 p.m. and 7:00 a.m. the following day which annoys a reasonable person of normal sensitivities.

(iii) Owning, possessing, controlling, or harboring any animal or fowl which barks, bays, cries, squawks, or makes any other such noise continuously and/or intermittently for an extended period which annoys a reasonable person of normal sensitivities.

(iv) Using any property or operating any business or other activity so as to permit or cause smoke, soot, cinders, dust, mud, dirt, acid, noxious or offensive fumes, gases, or odors to be discharged into the air, or to be carried off the premises, or to cause glare from lights, or other noise of such character to annoy or disturb a reasonable person of normal sensitivities beyond the premises from which the same shall emanate.

B. Person: any natural person, partnership, association, firm or corporation. In this ordinance, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

Section 2. Unlawful to Create or Maintain Nuisances.

It shall be unlawful for any person to create, continue, cause, maintain, or permit to exist, any nuisance within Conewago Township.

Section 3. Removal or Abatement of Nuisances and Enforcements.

Any person who shall create, continue, cause, maintain, or permit to exist any nuisance at any place within Conewago Township shall after order from the Board of Supervisors, or a designated representative to do so (includes Police Officers), remove or abate such nuisance. If such person shall fail, neglect, or refuse to abate such nuisance as ordered, the Board of Township Supervisors, shall have authority, in person or by its agents (includes Police) and/or employees to cite such person for a violation of this ordinance and/or to remove or abate such nuisance.

Section 4. Penalty for Violation.

Any person who shall violate any provision of this ordinance shall, for each and every such violation, upon conviction thereof, be sentenced to pay a fine of not less than ten dollars (\$10.00) or more than three hundred dollars (\$300.00) and costs of prosecution, and, in default of payment of such fine and costs, to imprisonment for not more than thirty (30) days. Each day during which any person violates any provisions of this ordinance shall constitute a separate offense.

Section 5. Severability.

The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

ENACTED AND ORDAINED THIS 17th. DAY OF December, 1984.

BOARD OF SUPERVISORS OF CONEWAGO TOWNSHIP

/s/ Paul W. Stahle

/s/ Dale D. Sweitzer

/s/ Ray E. Hykes

ATTEST: /s/ Randy L. Curry, Secretary