

**WARRINGTON TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2003-01

**AN ORDINANCE REGULATING VARIOUS CONDUCT AND ACTIVITIES WHICH
ARE HEREIN CLASSIFIED AS NUISANCES AND TO PROVIDE PENALTIES FOR
THE VIOLATION OF SUCH ORDINANCE IN WARRINGTON TOWNSHIP, YORK
COUNTY, PENNSYLVANIA**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Warrington Township, York County, Pennsylvania, that this Ordinance shall be known and may be cited as the Nuisance Ordinance.

I. PURPOSE AND INTENT.

To protect the people against nuisance of and incident to the conduct, behavior and activities herein defined with the resulting detriment and danger to the public health safety and public interest, convenience and necessity requires the regulation thereof and to that end the purposes of this ordinance are specifically declared to be as follows:

- A. To protect the public against the unlawful activities, behavior and conduct herein defined which constitute a nuisance.
- B. To protect the local residents use and enjoyment of their property against trespassing by the activities, conduct and behavior classified as nuisances.
- C. To protect the people against the health and safety menace and the expense incident to the activities, behavior and conduct herein classified as nuisances.
- D. To preserve to the people their constitutional right, to preserve their ordinary rules of decency, good morals and public order by regulating the conduct herein described as nuisances.

II. NUISANCES.

- A. This Ordinance does not apply to normal and customary farming and gardening practices.
- B. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon as defined 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, the term “nuisance” is defined as any unreasonable, unwarrantable or unlawful use of property, which causes injury, damage, hurt inconvenience, annoyance or discomfort to another in the legitimate

enjoyment of his or her reasonable rights of persons and property, which use, when based upon actual conditions, constitutes a nuisance in fact.

- D. For the purpose of this ordinance, a nuisance shall include, but is not limited to, the following:
1. The keeping or depositing on, or the scattering over the premises of any persons, any of the following:
 - a. Lumber, junk, trash or debris;
 - b. Abandoned or discarded or unused objects or equipment, such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers;
 - c. Any compost pile or any deposit of manure, which is of such a nature as to spread or harbor disease, emit harmful gas or to attract or to breed animals, rodents, vermin, flies, insects or any other pests;
 - d. Any deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents or animals;
 - e. 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 pests.
 2. Lights which shall spot, flood or otherwise shine so as to impede the safe movement of traffic upon the streets, highways or traffic ways within the Township of Warrington. Lights which shall spot, flood or otherwise prevent another person from enjoying the privacy of their own property. The illumination of any sign adjacent to any street, highway or traffic way within the Township of Warrington with flashing, rotating, sequential, strobe or otherwise moving lights, so as to interfere with the movement of traffic upon said streets, highways or traffic ways, within the Township of Warrington. The utilization in any form or configuration of lights so as to resemble a traffic signal, railroad signal or any form of simulated signal, visible to the motoring public upon any street, highway or traffic way within the Township of Warrington that is not otherwise authorized. The following acts shall not be deemed to be prohibited by this ordinance:
 - a. Use of a spotlight by any policeman, other law enforcement officer, game protector, firearms or other emergency officer or government official, in the performance of his or her official duties;
 - b. Use of a spotlight by any person engaged in and for the purpose of assisting in any rescue operation, any search for or apprehension of any criminal or fugitive from justice, any search for any lost or abducted person or the lighting of any way or direction of travel for purposes of lawful travel, whether on or off such public road;

- c. Use of a spotlight by any person engaged in and for the purpose of assisting in, illuminating the scene of any crime, disaster, public disturbance or other public event, but the intentional shining of spotlights at or for the purpose of discovering any deer or other game or domestic animals shall not be deemed excused by this exception;
 - d. Any incidental and peripheral or accidental illumination by any light otherwise in lawful use.
3. The throwing, spreading or depositing on any of the streets, roads, lanes, alleys, courts or any watercourse or gutter within the township limits and permit it to remain there, any animal carcass, fish, shellfish, ashes, paper, glass, tires, cans, rubbish or offensive matter of any kind or any other refuse or offensive matter whatsoever.
4. The running of foul or nauseous liquids, washings or draining from any manufacturing establishments, stores, stables, private residences or shops into any of the gutters or along any of the sidewalks, streets, roads, lanes, alleys or courts of 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 limits.
5. For any person, except by permission of the Township Board of Supervisors to play, amplify or listen to music by any manner including home stereos, vehicular sound systems and portable boom boxes to beat any drum or drums, blow any horn or horns or otherwise make any unusual noise, disturbing the peace between 11:00 PM to 7:00 AM which can be heard a distance of 75 feet from its source or such person's property line or; for any person to make, continue or cause to be made or continue any unnecessary or unusually loud noise which annoys, disturbs, injures or endangers the comfort, health, safety or peace of others within and which can be heard a distance of 75 feet from its source or such person's property line between the hours of 11:00 PM and 7:00 AM.
6. For any person to place, throw or put on any street, road, lane or alley of the Township any tacks, nails, sharp pieces or iron, glass bottles, briars, thorns or other dangerous and similar substances which may injure an animal or puncture a rubber tire or which may injure a person.
7. For any person to permit or cause the emission of any offensive or foul odor, scent, effluvium, emanation or fume within the Township limits, except as normal and customary in farming activities.
8. For anyone placing a vehicle or other obstruction on or along any street of the Township so as to interfere with vehicular or pedestrian traffic, unless it should become necessary to drive or place the vehicle in such position to temporarily load or unload the vehicle and then such vehicle shall only be permitted to remain for such lengths of time as is necessary to load or unload the same.

9. The defacing of any private or public buildings, structures, signs, banners or vehicles within the Township. Samples of defacing shall include, but not be limited to the following examples: application of paint, inks and dyes affixing of any printed materials such as signs or posters, destruction or removal, defacing in any manner and alteration of any said property.
10. Placing or permitting to remain anywhere in the township any garbage or other material subject to decay other than leaves or grass, excepting in a tightly covered container, excepting that a mulch heap is permitted, which is properly maintained for gardening purposes and does not materially disturb or annoy persons of ordinary sensibilities in the neighborhood. It shall be unlawful to store more than fourteen (14) days of garbage as defined by this ordinance which may pose a potential health and safety problem to the community.
11. Allowing or permitting any excavation, material excavated or obstruction on or adjoining any highway, street or road, to remain opened or exposed without the same being secured by a barricade, temporary fence or other protective materials.
12. Permitting the growth of any grass, weeds, noxious weeds or any vegetation whatsoever, not edible or planted for some useful, legal or ornamental purpose, to conceal any rubbish garbage, trash or any other violation of this ordinance.
13. The commission or maintenance of a nuisance as defined in and prohibited by Chapter 65 of Title 18 of the Pennsylvania Consolidated Statutes may be punishable as provided therein.
14. For any person to place or permit to be placed, grass, leaves or other material on any property not belonging to that person. This shall include but not be limited to, streets, alleys and rights of way belonging to the Township.

III. VIOLATIONS AND PENALTIES.

For any violations of any provision 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 fine not less than One Hundred Fifty (\$150.00) Dollars and not more than One thousand (\$1,000.00) Dollars per violation, unless a fine is otherwise provided for by Pennsylvania law. Each day during which a nuisance continues after notice shall constitute a separate offense and shall be subject to separate and distinct penalties.

IV. WRITTEN NOTICE TO VIOLATORS.

Whenever a condition constituting a nuisance is permitted or maintained, the Board of Supervisors shall cause written notice to be served upon the violator in one of the following manners:

- A. By making personal deliver of the notice to the owners; or

- B. By handing a copy of the notice at the residence of the owner to an adult member of the family with which he resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or
- C. By fixing a copy of the notice to the door at the entrance of the premises in violation; or
- D. By mailing a copy of the notice to the last known address of the owner by certified mail; or
- E. By publishing a copy of the notice in a local newspaper of general circulation within York County, Pennsylvania, one a week for three (3) successive weeks.

V. SCOPE

This Ordinance is a supplement to existing ordinance regulating behavior that may be classified as a nuisance and establishes additional conduct that constitutes a nuisance. This ordinance does not repeal or amend any prior enacted ordinances to the extent of limiting the enforcement of such ordinances except as otherwise specifically provided herein. This Ordinance does specifically repeal Ordinance No. 91-3 and any and all amendments thereto.

VI. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portions of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

ENACTED AND ORDAINED by the Board of Supervisors of Warrington Township, York County, Pennsylvania, on the 2nd day of July, 2003.

BOARD OF SUPERVISORS OF
WARRINGTON TOWNSHIP

