

**TOWNSHIP OF CONOY  
LANCASTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_, 2019**

**AN AMENDED ORDINANCE DEFINING AND PROHIBITING NUISANCES  
IN THE TOWNSHIP OF CONOY, COUNTY OF  
LANCASTER AND COMMONWEALTH OF PENNSYLVANIA, AND  
PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF**

**WHEREAS**, as the Board of Supervisors of Conoy Township, Lancaster County, Pennsylvania deems it to be in the best interests and general welfare of the citizens and the residents of this Township to prohibit the unreasonable, unwarrantable or unlawful use of private or public property which causes injury, damage, or hurt to others in the legitimate enjoyment of their rights of person or property; and

**WHEREAS**, Act 60 of 1995, (53 P.S. §66529) authorizes Townships of the Second Class to prohibit nuisances, to remove the same, and to impose Penalties therefor; and

**WHEREAS** a private nuisance is an interference with a person's enjoyment & use of his land. The law recognizes that landowners, or those in rightful possession of land, have the right to the unimpaired condition of the property and to reasonable comfort & convenience in its occupation. The Board of Supervisors of Conoy Township believes that it should rely on the good sense of all residents to respect one another's living and working environments, and one another's right to an environment that is free from unwanted or disturbing sounds or noise.

**WHEREAS**, as the Board of Supervisors of Conoy Township, Lancaster County, Pennsylvania has determined that it is in the best interests of the residents of the Township to amend and update Ordinance No. 1-3-14, 2013.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED**, and it is enacted and ordained by the Board of Supervisors of Conoy Township, Lancaster County, Pennsylvania, Ordinance No. 1-3-14, 2013 is hereby amended and restated to read as follows:

Section 1. For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number, and the word “shall” is always mandatory and not merely directory.

1. “Abandoned or Junked Motor Vehicle” is any vehicle in non-serviceable condition or without having both a current inspection sticker and current registration plate.

2. “Board of Supervisors” is the Board of Supervisors of Conoy Township, Lancaster County.

3. “Noise Disturbance” is unwanted or disturbing sound which either interferes with normal activities of daily living such as sleeping and conversation or disrupts or diminishes a person’s quality of life that:

a. Endangers or injures the safety or health of humans or animals;

b. Annoys or disturbs a reasonable person of normal sensitivities; or

c. Endangers or injures either personal or real property.

4. “Nuisance” is the unreasonable, unwarrantable, or unlawful use of public or private property which causes injury, damage, hurt, inconvenience, annoyance or discomfort to any person or resident in the legitimate enjoyment of his/her reasonable rights of a person or property.

5. "Owner" is a person owing, leasing, occupying or having charge or control of any premises within the Township.

6. "Person" as used in this Ordinance shall include any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or fine, the term "person" shall include the members of an association, partnership or firm and the officers of any public or private corporation for profit or not for profit.

7. "Recreational Vehicle" as used in this Ordinance shall include all motorized vehicles designed or redesigned or otherwise being used for off-road recreational use, including but not limited to motorcycles, trail bikes, all-terrain vehicles, go carts, pocket rockets, snowmobiles or any other similar motorized vehicles, but excluding motorized vehicles being used for law enforcement, emergency, military, or other governmental purpose.

7. "Township" is the Township of Conoy, which is located within the confines of Lancaster County, Pennsylvania.

Section 2. No person shall continue, maintain, establish or carry on any of the following prohibited acts or activities on any public or private property in the Township of Conoy, Lancaster County, Pennsylvania (the "Township") if the same are determined to be and constitute a nuisance in fact:

(a) The storage, accumulation or depositing of any abandoned or junked vehicles or parts thereof; or

(b) The storage, accumulation, or depositing of any damaged motor vehicles or parts thereof, whether or not having a current inspection sticker and/or a current registration plate, which are leaking automotive fuels or automotive liquids; or

(c) The making, causing or continuation of any noise disturbance by any means, or the permitting or allowing nother on his or her property to make or cause a noise disturbance.

(d) The storage, accumulation or depositing of garbage, ashes, rubbish or other refuse matters, including unusable or abandoned building materials; or

(e) The maintenance of any dangerous structure including buildings or parts of buildings in a state of dilapidation or disrepair or abandoned or unoccupied buildings or parts thereof that represent a risk of harm to people; or

(f) Except in the Rural and Agricultural Zoning Districts, the permitting or allowing the growth of any vegetation not edible or planted for some useful or ornamental purpose, to exceed a height of ten (10) inches, to throw off any unpleasant or noxious odor, or to produce pollen; or

(g) The operation of any appliances, lawn and garden equipment, snow removal equipment, recreational vehicles, generators and power tools in the Residential, Rural, and Village Center Zoning Districts during the hours from 7 PM to 7AM. This restriction on the use or operation of generators and snow removal equipment shall not apply during a declared Federal, State or Local declared emergency; or

(h) The operation of remote controlled or other non-tethered aircraft over property not owned by the operator and without the permission of the property owner; or

(i) The operation of a recreational vehicle within ten (10) feet of any property line; or for a continuous period in excess of one (1) hour during the hours of 7AM to 10PM only; or within three (3) hours of any previous operation of a recreational vehicle.

Section 3. The Zoning Officer of the Township, or his/her duly authorized assistants, shall be the official authorized to serve written notice, either personally or by certified or first class mail, on any person violating the provisions of this Ordinance to remove any nuisance or dangerous structure on public or private property. Upon the failure of said person to comply with such notice within fifteen (15) days after receipt thereof or to request a hearing within such time before the Board of Supervisors pursuant to the Act of December 2, 1968, P.L. 1133, known as the "Local Agency Law," the Board of Supervisors of the Township may remove or arrange for the removal of the nuisance or dangerous structure and collect the cost of such removal together with a penalty of twenty-five percent (25%) of the cost of the removal from the person failing to comply with such notice by summary proceedings or in the manner provided for the collection of municipal claims or by a civil action without the filing of a claim. The Board of Supervisors may also institute proceedings in equity to enjoin violation of this Ordinance.

Section 4. This Ordinance shall be enforced pursuant to 53 P.S. 66601(c.1) (2). Any person who or which shall violate any of the provisions of this Ordinance shall, upon conviction thereof by summary proceeding before any Magisterial District Judge having jurisdiction, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00). If a defendant sentenced to pay a fine or costs after finding of guilt in a summary case, defaults in such payments, the defendant may be sentenced and committed to the Lancaster County Prison for a period not exceeding thirty (30) days. Each day that a violation of this Ordinance continues and/or each violation of a provision of Section 2, shall constitute a separate offense. Such fine

and costs shall be in addition to the remedies provided in Section 3 of this Ordinance and shall be enforceable and recoverable in the manner provided by applicable law. All fines collected for the violation of this ordinance shall be paid to the Treasurer of the Township for the general use of the Township.

Section 5. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Township that such remainder of this Ordinance shall be and shall remain in full force and effect.

Section 6. This ordinance shall not act as a repeal of any other Township ordinances except to the extent that this Ordinance addresses the same conduct or condition and is directly in contradiction to such other Ordinance.

Section 7. This Ordinance shall take effect and be in force five (5) days after its enactment.

DULY ORDAINED AND ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2019, by the Board of Supervisors of the Township of Conoy, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOARD OF SUPERVISORS OF  
CONOY TOWNSHIP

\_\_\_\_\_  
(Assistant) Secretary

BY: \_\_\_\_\_  
(Vice) Chairman