

## **Chapter 10**

### **Health and Safety**

#### **Part 1**

#### **Burglar and Fire Alarms**

- §10-101. Use of Fire and Burglar Alarms in Township
- §10-102. Unlawful Uses of Fire and Burglar Alarms
- §10-103. Falsely Activated Outdoor Audible Alarms
- §10-104. Remedies Upon Notice of False Alarms
- §10-105. Permit Fee
- §10-106. Enforcement

#### **Part 2**

#### **Junk and Junk Dealers**

##### **A. In General**

- §10-201. Definitions

##### **B. Licenses**

- §10-211. License Required; Fees
- §10-212. Posting of Junkyard Licenses; Operating Procedures

##### **C. Requirements and Regulations**

- §10-221. Manner of Storage of Junk in Junkyards
- §10-222. Time Limit for Allowing Certain Materials to Remain on Premises
- §10-223. Certain Materials Not to Be Received or Stored in Junkyard
- §10-224. Fencing and Screening; Maintenance
- §10-225. Right of Entry for Inspection; Additional Regulations Authorized
- §10-226. Exceptions for Existing Junkyards
- §10-227. Time Limit for Existing Establishments to Comply and Obtain License

##### **D. Penalties and Enforcement**

- §10-231. Penalties
- §10-232. Enforcement Remedies

#### **Part 3**

#### **Junk Cars**

##### **A. Abandoned Vehicles**

- §10-301. Definitions
- §10-302. Prohibition

- §10-303. Evidence of Violation
- §10-304. Current Inspection or Registration Required
- §10-305. Authority of Police
- §10-306. Procedure for Disposal
- §10-307. Penalty

**B. Motor Vehicle Nuisances**

- §10-311. Definitions
- §10-312. Motor Vehicle Nuisances Prohibited
- §10-313. Storage of Motor Vehicle Nuisances Permitted
- §10-314. Inspection of Premises; Notice to Comply
- §10-315. Authority to Remedy Noncompliance
- §10-316. Penalties
- §10-317. Remedies Not Mutually Exclusive

**Part 4  
[Reserved]**

**Part 5  
Drug-Free School Zones**

- §10-501. Purpose
- §10-502. Definitions
- §10-503. Establishment of Drug-Free School Zones
- §10-504. Enforcement Provisions
- §10-505. Penalties

**Part 6  
Noise**

- §10-601. Purpose
- §10-602. Noises Prohibited
- §10-603. Enforcement
- §10-604. Definitions

**Part 7  
Recreational Vehicles**

- §10-701. Definitions
- §10-702. Operation and Use of a Recreational Vehicle on Private Property
- §10-703. Operation and Use of a Recreational Vehicle on Township Property
- §10-704. Enforcement and Penalty
- §10-705. Miscellaneous Provisions

**Part 8  
False Emergency Response Calls**

- §10-801. Notification
- §10-802. Fees

§10-803. Responsible Parties  
§10-804. Enforcement



**Part 1****Burglar and Fire Alarms****§10-101. Use of Fire and Burglar Alarms in Township.**

The use of burglar or fire alarms, whether audible or direct-line type of alarms, are expressly permitted in this Township subject to the following conditions:

A. Direct-line radio or other electronic fire/burglar alarm shall be installed by competent workmen so that such devices shall not emit false alarms.

B. Any alarm system that produces four or more false alarms during any calendar year shall constitute a public nuisance.

C. Any policeman or fireman who responds to a false alarm shall report the same to his superior, that is, the Chief of Northern Regional Police (hereafter called Chief of Police) or to the Fire Commissioner, as the case may be, who shall monitor and maintain records concerning such false alarms.

D. When any alarm system shall have created three false alarms in any calendar year, the Chief of Police or the Fire Commissioner, as the case may be, shall notify the owner of the system that any further false alarms during the calendar year shall constitute a public nuisance and that any further false alarms during the calendar year shall result in sanctions as set forth later in this Part.

E. Notice as required by this Part shall be given by the respective Chief of Police or Fire Commissioner by mailing a certified letter with return receipt requested, or by personal service of said notice by handling a copy of the same to the owner of the subject property, or to an adult resident thereof. If service is made in person, the respective Commissioner or his designee shall file a proof of service which shall be under oath, and which shall designate the person upon which service was made

F. For the purpose of this Part, the owner of real estate on which an alarm system is placed and used shall be considered the owner and the person responsible for its proper maintenance and use.

G. In addition to any penalty provided hereunder, upon notifying the owner that the burglar alarm system constitutes a public nuisance, the Chief of Police or the Fire Commissioner, as the case may be, shall also notify York County Control and any other agency handling the system and advise such agency that the system has been declared a public nuisance and that the system should be disconnected and no longer used.

(Ord. 91-1, 9/9/1991, §5.41)

**§10-102. Unlawful Uses of Fire and Burglar Alarms.**

It shall be unlawful for any owner of property or person in charge of real property to use or permit to be used any burglar or fire alarm system that has previously been declared a public nuisance as provided herein. If any false alarms shall be given by said system following the date of receipt of notice as set forth herein, the said false alarm shall be unlawful and considered a violation of this Part.

(*Ord. 91-1, 9/9/1991, §5.42*)

**§10-103. Falsely Activated Outdoor Audible Alarms.**

All outdoor audible alarms that are activated falsely shall be subject to the same conditions applicable to direct-line radio or other electronic calls that result in false alarms.

(*Ord. 91-1, 9/9/1991, §5.43*)

**§10-104. Remedies Upon Notice of False Alarms.**

1. Following notice by the appropriate municipal official that a burglar or fire alarm system constitutes a public nuisance, the owner of said system may file an affidavit with the Township indicating under oath that the false alarms previously caused by said system were caused by a known mechanical or other defect within the system. Said owner may verify and shall include a statement by competent workmen or repairmen in the field that said system was defective and such deficiency has been corrected. Upon the filing of such affidavit with appropriate exhibits and the payment of an annual permit fee as hereinafter provided, the false alarm history concerning the premises shall be considered void and of no legal effect.

2. Where false alarms have originated from negligent use or a combination of negligent use and a defective system, in order to terminate the finding that the system is a public nuisance an owner shall comply with the above subsection and, in addition, file an affidavit explaining the steps that have been taken to correct the negligent use which has resulted in false alarms. Thereafter, the determination of the Fire Commissioner or Chief of Police, as the case may be, shall be of no legal effect and the system shall not be considered a public nuisance. Subject, nevertheless, that should such system be declared a nuisance as provided hereinabove within a 1-year period following reinstatement under this Section, use of the said system shall terminate for a period of one year before this Section may again be used to reinstate service.

(*Ord. 91-1, 9/9/1991, §5.44*)

**§10-105. Permit Fee.**

1. Any alarm system using the County radio system where, Northern York County Regional Police are directly dispatched as a result of an alarm which automatically signals or calls York County Control or any other designated place, or any audible system once declared to be a nuisance shall require the prior consent of the Chief of Police of this Township or the Fire Commissioner, as the case may be, before it may be utilized and the payment of an annual permit fee in an amount as established from time to time by resolution of the Board of Supervisors. [*Ord. 2005-08*]

2. Any permission to install a burglar or fire alarm granted by the Chief of Police or the Fire Commissioner shall be predicated upon the specific conditions that should said system prove to constitute a public nuisance as defined hereunder, then the alarm system shall be terminated also as provided herein.

(*Ord. 91-1, 9/9/1991, §5.45; as amended by Ord. 2005-08, 10/24/2005*)

**§10-106. Enforcement.**

1. The owner of real estate on which an alarm system is located shall be charged an administrative fee in an amount as established from time to time by resolution of the Board of Supervisors for each false alarm in excess of three false alarms per 12-month period. [*Ord. 2005-08*]

2. In the event that said owner of real estate fails to pay the administrative fee set forth in subsection .1 herein, or the owner exceeds three false alarms in a 12-month period, said owner shall be prosecuted before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$1,000 per violation plus costs, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. Each false alarm occurring after notice shall constitute a separate offense. Any other violations of this Part shall result in the payment of a fine not exceeding \$300, together with costs of suit. [*Ord. 2005-08*]

3. In addition to the foregoing provisions, the Township in which an alarm system has been declared a public nuisance as herein provided may bring appropriate legal proceedings in equity or otherwise to prohibit the continued use of such system and to collect any and all damages on behalf of the Township resulting from the use of such system.

(*Ord. 91-1, 9/9/1991, §5.46; as amended by Ord. 2005-08, 10/24/2005*)



**Part 2****Junk and Junk Dealers****A. In General****§10-201. Definitions.**

*Farm machinery* - all types of machinery and equipment which were originally manufactured for farm use, which are retained on farm properties, either as operable equipment or for the purpose of salvaging repair parts.

*Junk* - any discarded or salvageable article or material including, but not limited to scrap metal, pacer, rags, glass, containers, scrap wood, motor vehicles, trailers, machinery and equipment, with the exceptions of farm machinery and mobile homes or house trailers which are occupied or are properly placed and planned for occupancy.

*Junk dealer* - any person who buys, sells, salvages, stores, or in any way deals in junk; or owns, leases, operates or maintains a junkyard within Dover Township.

*Junkyard* - any place where junk as herein defined is stored or accumulated. Any premises as herein defined having two or more unlicensed motor vehicles and/or licensed trailers thereon shall be deemed to be a junkyard, except that the foregoing shall not apply to duly licensed automobile dealers having operable vehicles on their premises for resale. Such exception shall not apply to inoperable vehicles being stored primarily for salvage purposes.

*Motor vehicle* - all types of automobiles, trucks, and tractors, including self-propelled machinery of all kinds with the exception of farm machinery.

*Person* - any natural person, partnership, firm, company corporation, or other legal entity.

*Premises* - any parcel of land situated in Dover Township having a separate tax map parcel number for county assessment purposes.

*Solid waste* - any waste including, but not limited to, municipal, residual, or hazardous wastes including solid, liquid, semisolid, or contained gaseous material.

*Trailer* - any wheeled vehicles not self-propelled drawn by a motor vehicle.

In this Part, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine.

(Ord 91-1, 9/9/1991, §7.1)



**B. Licenses****§10-211. License Required; Fees.**

No person may be a junk dealer as herein defined within Dover Township without first obtaining a license to operate as herein described.

A. Any person desiring to be a licensed junk dealer in Dover Township shall first make written application. Such application shall be in the form established by Dover Township and shall set forth the applicant's name and address, include an accurate description of the premises on which the junkyard is to be located including the York County tax map parcel number(s), and a statement that the applicant will comply with this Part and any regulations adopted pursuant to this Part, and such other information as Dover Township may require.

B. An application for license under this Part shall be examined by Dover Township or duly authorized agent thereof and license issued or refused within 60 days of submission. Examination of the application shall include consideration of the suitability of the property proposed to be used for the purpose of the license, the character of nearby properties, and the effect of the proposed use upon Dover Township. When the application is found in compliance with the provisions herein given, Dover Township or its agent shall issue a license to the junk dealer applicant for operation of the junkyard as described in the application.

C. The license fee shall be in an amount and for a term as established from time to time by resolution of the Board of Supervisors. [*Ord. 2005-08*]

D. Licenses issued under this Part are required to be renewed on or before January 1 of the year in which it is desired to continue operations. Such application for renewal must be in writing and accompanied by the license fee. Renewal applications are subject to complete re-examination and consideration by Dover Township or its agents for continued compliance with the terms of this Part.

E. No person licensed under this Part shall, by virtue of one license, operate more than one business or junkyard within Dover Township. No person shall engage in business or operate a junkyard at any place other than the place designated by his license. Licenses are non-transferrable, both as to junk dealer and junkyard premises. The permitted size of a junkyard shall be fixed at the time of license issuance, with due regard for the existing and proposed uses of the surrounding area and properties and shall not be in excess of 20 acres, excluding setback areas.

(*Ord. 91-1, 9/9/1991, §7.11; as amended by Ord. 2005-08, 10/24/2005*)

**§10-212. Posting of Junkyard Licenses; Operating Procedures.**

The license under which the junkyard is operated shall at all times be conspicuously posted on the licensed premises, and the operating requirements as herein provided shall be complied with.

A. Permanent records of all junk received in or removed from any junkyard shall be kept by the junk dealer on the premises, containing the name and address from whom received or to whom delivered, the date thereof, and a description of the junk. Such records shall be open to inspection at all reasonable times by Dover

Township or its agent, and by any law enforcement officer.

B. Junkyards and businesses licensed under this Part may not operate on Sunday, nor between the hours of 11 p.m. and 7 a.m., except to remove any wrecked automobile from any public highway.

*(Ord. 91-1, 9/9/1991, §7.12)*

### **C. Requirements and Regulations**

#### **§10-221. Manner of Storage of Junk in Junkyards.**

1. All junk shall be set back at least 40 feet from any adjoining premises and at least 60 feet from the nearest right-of-way of any public street, road, or highway.

2. All junk shall be stored and arranged so as to permit access by firefighting equipment. Junked motor vehicles shall be spaced in rows with at least 10 feet between double rows; other junk shall be stored in piles or tiers which shall be separated by aisles or cleared areas of no less than 10 feet.

3. Junk shall be arranged so as to prevent the accumulation of stagnant water, and shall be stacked to a height of not more than 10 feet from the ground.

4. All gasoline and oil shall be drained from junked motor vehicles within 24 hours of arrival on premises. Such gasoline and oil shall be stored at only one location on the premises and not more than 275 gallons in the aggregate, in proper containers, may be stored aboveground.

5. Paper, rags, plastics, and similar materials for salvage shall be stored indoors.  
(*Ord. 91-1, 9/9/1991, §7.21*)

#### **§10-222. Time Limit for Allowing Certain Materials to Remain on Premises.**

Paper, rags, plastic, and similar materials for salvage shall not be accumulated or remain on the junkyard premises for more than 60 days. Materials separated as solid waste shall not be accumulated for more than 30 days.

(*Ord. 91-1, 9/9/1991, §7.22*)

#### **§10-223. Certain Materials Not to Be Received or Stored in Junkyard.**

Garbage, organic waste, or plain solid waste shall not be received or stored in any junkyard. Materials designated as solid waste may be received only as mixed with salvageable materials and shall be promptly disposed of as herein provided.

(*Ord. 91-1, 9/9/1991, §7.24*)

#### **§10-224. Fencing and Screening; Maintenance.**

Every junk dealer licensed under this Part shall enclose and maintain his junkyard as herein provided:

A. Every junkyard premises shall be completely enclosed by an opaque fence. Such fences shall be set back in accordance with the provisions of §10-221.1, of this Part; shall be 6 to 8 feet in height, and shall be of wood or wire with maximum lineal openings of 3 inches. Entrance gates shall be of similar material, well constructed, and shall be kept securely locked except during business hours. Fencing shall be maintained in good condition throughout its length at all times.  
[*Ord. 2005-08*]

B. Junkyard premises which have open-wire fence enclosures visible from an abutting public thoroughfare or from an abutting residential property within 500 feet of the fence shall have a landscaped screen of trees and/or shrubs of varieties capable of attaining a continuous height of 6 feet within 2 years planted along such

fence or section of fence. All required open areas between fenced and lot lines of the premises shall be maintained continuously in good order, free of weeds and scrub growth.

C. The area inside the fence and lot lines of any junkyard premises shall have weeds mowed regularly and not permitted to go to seed.

D. All junkyard premises shall be maintained in such manner so as not to cause a public or private nuisance. Nor shall they cause any menace to the health or safety of persons off the premises. Nor shall they cause any excessive or offensive or noxious odors or sounds. Nor shall they cause the breeding, harboring, or infesting of rats, rodents or vermin. Nor shall they be in violation of any health or sanitation law or ordinance or regulation of any governmental body.

(*Ord. 91-1, 9/9/1991, §7.25; as amended by Ord. 2005-08, 10/24/2005*)

**§10-225. Right of Entry for Inspection; Additional Regulations Authorized.**

Every junk dealer and junkyard licensed under this Part is subject to inspection and regulation as herein provided:

A. Dover Township or its agent may at any reasonable time enter upon the premises currently licensed or for which a license application is pending.

B. Dover Township may from time to time pursuant to resolution adopt regulations to carry out the provisions of this Part, upon giving notice to licensees affected by such regulations.

(*Ord. 91-1, 9/9/1991, §7.26*)

**§10-226. Exceptions for Existing Junkyards.**

Dover Township may waive the setback requirements as established by §10-221.1, and the planting requirements as established by §10-227.2, for those junkyards in existence at the time of the enactment of this Part, if such junkyard is in compliance with the other requirements as provided by this Part, and if, in Dover Township's discretion, compliance with said setback and planting requirements would cause undue hardship to such existing junkyard.

(*Ord. 91-1, 9/9/1991, §7.27*)

**§10-227. Time Limit for Existing Establishments to Comply and Obtain License.**

1. Junk dealers and junkyards operating and existing in Dover Township on the effective date of this Part shall be required to comply with the provisions of and obtain a license under this Part within 6 months from the effective date.

2. However, an extension of the time allotted in complying with the terms of this Part may be granted at the discretion of Dover Township. Such extension shall be for good reason, and shall not exceed 6 months.

(*Ord. 91-1, 9/9/1991, §7.28*)

**D. Penalties and Enforcement****§10-231. Penalties.**

For a violation of any provision of this Part enforcement shall be brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$1,000 per violation plus costs and reasonable attorneys' fees incurred by the Township, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Code or other ordinance which is found to have been violated.

*(Ord. 91-1, 9/9/1991, §7.41; as amended by Ord. 2005-08, 10/24/2005)*

**§10-232. Enforcement Remedies.**

Dover Township may take any appropriate action at law or equity, civil or criminal, to enforce the provisions of this Part, and this Part shall in no way restrict any remedies otherwise provided by law.

*(Ord. 91-1, 9/9/1991, §7.42)*



**Part 3****Junk Cars****A. Abandoned Vehicles****§10-301. Definitions.**

The following words and phrases when used in this Part shall, for the purpose of this Part, have the following meanings, respectively, except in those instances where the context clearly indicates a different meaning:

*Motor Vehicle* - any vehicle which is self-propelled and also any trailer or semi-trailer designed for use with such vehicles.

*Abandoned Motor Vehicle* - a motor vehicle, or parts thereof, which has been voluntarily relinquished by its owner, with the intention of terminating his ownership, possession and control, without vesting ownership in any other person.

*Junked Motor Vehicle* - any motor vehicle, or parts thereof, not in running condition left or stored in the open, and not in such an enclosure as is reasonable calculated to prevent children from playing on or about such motor vehicle.

(Ord. 91-1, 9/9/1991, §7.61)

**§10-302. Prohibition.**

It shall be unlawful for any person, partnership, firm, association or corporation, to park or store on any street, or in the open on public or private property within Dover Township, York County, Pennsylvania, any abandoned motor vehicle or junked vehicle for a period longer than 15 days.

(Ord. 91-1, 9/9/1991, §7.62)

**§10-303. Evidence of Violation.**

The following acts or circumstances shall be *prima facie* evidence that a motor vehicle is an abandoned motor vehicle:

A. Failure to move any motor vehicle disabled by reason of an accident for a period of 15 days from the date of said accident.

B. The leaving of a motor vehicle that is inoperable on public property, unattended for a period of more than 15 days.

C. A motor vehicle that has remained illegally on public property for a period of more than 15 days.

D. A motor vehicle that has remained on private property without the consent of the owner or person in control of the property for a period of more than 15 days.

(Ord. 91-1, 9/9/1991, §7.63)

**§10-304. Current Inspection or Registration Required.**

The failure of any motor vehicle to bear a current state registration and/or current

official state inspection emblem shall be prima facie evidence that such motor vehicle is an abandoned motor vehicle and/or a junked motor vehicle.

(*Ord. 91-1, 9/9/1991, §7.64*)

**§10-305. Authority of Police.**

Dover Township or its agent is hereby authorized to remove any abandoned motor vehicle or junked motor vehicle from the street or from public or private property after said 15 day period and to cause such motor vehicle to be stored temporarily pending determination of ownership and notice to the owner thereof of its removal. Such police officer shall immediately notify the owner or reputed owner of said motor vehicle of its removal and of the intention of the Township to dispose of the motor vehicle unless it is claimed and the costs of removal and storage paid within 5 days after the date of mailing of the notice.

(*Ord. 91-1, 9/9/1991, §7.65; as amended by Ord. 2005-08, 10/24/2005*)

**§10-306. Procedure for Disposal.**

In the event that any abandoned motor vehicle or junked motor vehicle is not claimed and the costs of its removal and storage not paid within 5 days of the mailing of the notice prescribed in §10-305 above, or in the event that the identity or whereabouts of the owner cannot be determined after a reasonable investigation, application shall be made by the Township for a title or certificate of junk in its name and the motor vehicle disposed of as provided in the Motor Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*

(*Ord. 91-1, 9/9/1991, §7.66*)

**§10-307. Penalty.**

In addition to the costs of removal and storage, which are hereby placed on the owner of such abandoned motor vehicle or junked motor vehicle, any person, or any officer of any partnership, firm, association or corporation who shall violate any provision of this Part, upon conviction thereof, shall be subject to a criminal fine not less than \$10 nor more than \$1,000 per violation, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. Any violation of this Part shall be deemed a separate offense for each and every day such violation shall continue and shall be subjected to the penalties above imposed for each and every separate offense.

(*Ord. 91-1, 9/9/1991, §7.67; as amended by Ord. 2005-08, 10/24/2005*)

**B. Motor Vehicle Nuisances****§10-311. Definitions.**

1. As used in this Part 3B, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

*Lessee* - owner for the purpose of this Part 3B when the lessor holds the lessee responsible for maintenance and repairs.

*Motor Vehicle* - any type of mechanical device, propelled by a motor, in which persons or property may be transported upon public streets or highways, and including trailers or semi-trailers pulled thereby.

*Nuisance* - any condition, structure, or improvement which shall constitute a danger or potential danger to the health, safety, or welfare of the citizens of the Township.

*Owner* - the actual owner, agent or custodian of the property on which motor vehicles are stored, or the actual owner of the motor vehicle.

*Person* - a natural person, firm, partnership, association, corporation, or other legal entity.

2. In this Part 3B, the singular shall include the plural; the plural shall include the singular; and the masculine shall include the feminine and the neuter.

(Ord. 2005-08, 10/24/2005)

**§10-312. Motor Vehicle Nuisances Prohibited.**

It shall be unlawful for any person, owner or lessee to maintain a motor vehicle nuisance upon the open private grounds of such person, owner or lessee within the Township, or upon public property within the Township. A motor vehicle nuisance shall include any motor vehicle which is unable to move under its own power and has any of the following physical defects:

- A. Broken windshields, mirrors or other glass, with sharp edges.
- B. One or more flat or open tires or tubes which could permit vermin and/or animal harborage.
- C. Missing doors, windows, hood, trunk or other body parts which could permit vermin and/or animal harborage.
- D. Any body parts with sharp edges, including holes resulting from rust.
- E. Missing tires resulting in unsafe suspension of the motor vehicle.
- F. Upholstery which is torn or open which could permit animal and/or vermin harborage.
- G. Broken head-lamps or tail-lamps with sharp edges.
- H. Disassembled chassis parts apart from the motor vehicle stored in a disorderly fashion or loose in or on the vehicle.
- I. Protruding sharp objects from the chassis.
- J. Broken vehicle frame suspended from the ground in an unstable manner.
- K. Leaking or damaged oil pan or gas tank which could cause fire or

explosion.

- L. Exposed battery containing acid.
- M. Inoperable locking mechanism for doors or trunk.
- N. Open or damaged floor boards including trunk and fire-wall.
- O. Damaged bumpers pulled away from the perimeter of vehicle.
- P. Broken grill with protruding edges.
- Q. Loose or damaged metal trim and clips.
- R. Broken communication equipment antennae.
- S. Suspended on unstable supports.
- T. Such other defects which could threaten the health, safety and welfare of the citizens of the Township.

*(Ord. 2005-08, 10/24/2005)*

**§10-313. Storage of Motor Vehicle Nuisances Permitted.**

1. Any person, owner or lessee who has one or more motor vehicle nuisances as defined in §10-312, above, may store such vehicle(s) in the Township only in strict compliance with the regulations provided herein. Such person, owner or lessee must, first, apply for a permit for either temporary or permanent storage and pay a fee to the Township in an amount as established from time to time by resolution of the Board of Supervisors. The motor vehicle nuisance(s) must be stored within a garage or other enclosed building.

2. Nothing herein shall be construed to permit the storage of motor vehicle nuisances contrary to the provisions of the Township Zoning Ordinance [Chapter 27].

*(Ord. 2005-08, 10/24/2005)*

**§10-314. Inspection of Premises; Notice to Comply.**

1. Dover Township or its agent is hereby empowered to inspect private property on which motor vehicles are stored to determine if there is compliance with the provisions of this Part. If noncompliance with the provisions of this Part constitutes a nuisance, or if any condition, structure, or improvement poses a threat to the health, safety, or welfare of the public, he shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

2. Said notice shall specify the condition or structure or improvement complained of, and shall require the owner to commence to remove or otherwise rectify the condition or structure or improvement as set forth therein within 10 days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

*(Ord. 2005-08, 10/24/2005)*

**§10-315. Authority to Remedy Noncompliance.**

If the owner of grounds on which motor vehicles are stored does not comply with the notice to abate the nuisance, within the time limit prescribed, the Township shall

have the authority to take measures to correct the conditions and collect 110% of the cost of such corrections. The Township, in such event and pursuant to its statutory or otherwise authorized police powers, shall have the right and power to enter upon the offending premises to accomplish the foregoing.

*(Ord. 2005-08, 10/24/2005)*

**§10-316. Penalties.**

Any person who shall violate any provision of this Part shall be brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$1,000 per violation plus costs, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion thereof in which a violation is found to exist for each Section of this Part 3B which is found to have been violated.

*(Ord. 2005-08, 10/24/2005)*

**§10-317. Remedies Not Mutually Exclusive.**

The remedies provided herein for the enforcement of this Part 3B, or any remedy provided by law, shall not be deemed mutually exclusive; rather they may be employed simultaneously or consecutively, at the option of the Board of Supervisors.

*(Ord. 2005-08, 10/24/2005)*



**Part 4**

**[Reserved]**



**Part 5****Drug-Free School Zones****§10-501. Purpose.**

The purposes of this Part are:

A. To send a signal to illegal drug traffickers that their presence will not be tolerated in, on, or near, Dover Township schools.

B. To deter drug manufacturing and distribution on or around Dover Township schools including, but not limited to, transactions which take place in remote outdoor areas, at local public places, or at nearby homes or apartments.

C. To help reduce drug use by children by threatening illegal drug traffickers, who approach our children in, on, or near, Dover Township schools, with enhanced sentences.

(*Ord. 92-3, 2/4/1992, §1*)

**§10-502. Definitions.**

As used in this Part, the following terms shall have the meanings indicated:

*Act* - the Controlled Substance, Drug, Device and Cosmetic Act of April 14, 1972, P.L. 233, as amended, 35 P.S. §780-113.

*Controlled substance* - as defined by the Act.

*Deliver or delivery* - as defined by the Act.

*Distribute* - as defined by the Act.

*Manufacture* - as defined by the Act.

*Person* - means any individual, corporation, business trust, estate, trust, partnership or association, or any other legal entity.

*Sentencing Code* - 42 Pa.C.S.A. §9701 *et seq.* [*Ord. 2005-08*]

(*Ord. 92-3, 2/4/1992, §2; as amended by Ord. 2005-08, 10/24/2005*)

**§10-503. Establishment of Drug-Free School Zones.**

1. It is hereby ordained that drug-free school zones shall be established within Dover Township, York County, Pennsylvania; and further that signs shall be posted in or on, or within 1,000 feet of, the real property comprising a public or private elementary or secondary school, located within Dover Township.

2. The purpose of said signs is not to define the exact limits of a drug-free school zone.

3. One of the purposes of said signs is to provide notice that drug-free school zones exist within Dover Township. An additional purpose of said signs is to serve as a reminder that any person who violates the provisions of the Act, by distributing, possessing with intent to distribute, in or engaging in the manufacture of, a controlled substance in or on, or within 1,000 feet of, the real property comprising a public or private elemental or secondary school in Dover Township, is subject to the sentence of

the Sentencing Code, 42 Pa.C.S.A. §9701 *et seq.* and §6319 of the Crimes Code, 18 Pa.C.S.A. §6819.

(*Ord. 92-3, 2/4/1992, §3; as amended by Ord. 2005-08, 10/24/2005*)

**§10-504. Enforcement Provisions.**

The damaging, destroying, or marring of drug-free school zone signs is prohibited.

(*Ord. 92-3, 2/4/1992, §4*)

**§10-505. Penalties.**

For a violation of any provision of this Part enforcement shall be brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$1,000 per violation plus costs, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Code or other ordinance which is found to have been violated.

(*Ord. 92-3, 2/4/1992, §5; as amended by Ord. 2005-08, 10/24/2005*)

**Part 6****Noise****§10-601. Purpose.**

The Board of Supervisors find it to be in the interest of the residents of Dover Township and the general public to provide for the regulation of conduct which, by being so loud or of said character that it threatens the health of an individual; and to promote and maintain public peace, health, safety, and welfare of the Township and to this end Council enacts this Part.

(Ord. 91-1, 9/9/1991, §16.51)

**§10-602. Noises Prohibited.**

1. No person shall make, continue, or cause to be made or continued, or allow any noise disturbance which annoys or disturbs a reasonable person of normal sensitivities.

2. *Specific Prohibitions.* The following acts and the causing thereof are declared to be a nuisance and in violation of this Part:

A. Operating or permitting the operation of or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier, automobile radio, automobile stereo or high fidelity equipment or similar device which produces, reproduces or amplifies sound which annoys or disturbs a reasonable person of normal sensitivities.

B. Owning, possessing, harboring or controlling any animal which barks, bays, cries, squawks or makes any other noise continuously and/or intermittently for ½ hour or more, which annoys or disturbs a reasonable person of normal sensitivities.

C. Operating or permitting the operation of a powered model vehicle, i.e., any self-propelled airborne, waterborne, or landborne plane, vessel or vehicle not designed to carry persons including, but not limited to, any model airplane, boat, car or rocket, so as to annoy or disturb a reasonable person of normal sensitivities.

D. Operating or permitting the operation of any device that causes vibration thereby causing a reasonable person of normal sensitivities to be aware of the vibration by direct means including, but not limited to, sensation by touch or visual observation of moving objects.

E. Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device in a residential area between the hours of 10 p.m. and 7 a.m. the following day, which annoys or disturbs a reasonable person or normal sensitivities.

F. Operating or permitting the operation of any public or private motor vehicle or motorcycle or any equipment attached to such a vehicle, on a public right-of-way at any time in such a manner that the sound level emitted by the motor vehicle or motorcycle or any equipment attached to such vehicle exceeds the level set forth in 67 Pa.Code, Chapter 450, of the Pennsylvania Department of Transportation Regulations (Established Sound Levels), promulgated under §4523

of the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §4523.

G. Operating or permitting the operation of any motor vehicle or motorcycle or any auxiliary equipment attached to such vehicle for a period of longer than 15 minutes in any hour while the vehicle is stationary for reasons other than traffic congestion within 150 feet of a residential area.

H. The sounding of any horn or other warning device of a motor vehicle or motorcycle except when absolutely necessary as a warning while actually driving such vehicle.

(Ord. 91-1, 9/9/1991, §16.52)

**§10-603. Enforcement.**

1. *Immediate Threats to the Safety, Health and Welfare.*

A. The Police Department shall have the authority to order the cessation of any sound which exposes any person to continuous levels of sound in excess of those shown on the following table, unless inconsistent with the Pennsylvania Vehicle Code, 75 Pa.C.S.A. §101 *et seq.*

B. Any person subject to an order issued pursuant to paragraph .A above shall comply with such order until either the sound is brought into compliance with the order, or the order is judicially superseded.

**Continuous Sound Levels Which Pose  
an Immediate Threat to Health and Welfare  
(Measured at Receiver)**

Sound Level Limit (dBA)	Duration (Hours)
85	8
90	a
95	2
100	1
105	½
110	¼

2. *Exemptions.*

A. *Emergency Exemptions.* The provisions of this Part shall not apply to the emission of noise for the purpose of alerting persons to the existence of an emergency or to the emission of noise resulting from the performance of emergency work.

B. *Municipal and Utility Services.* The provisions of this Part shall not apply to the emission of sound resulting from the construction, maintenance, repair, replacement or improvement of any municipal or utility installations in or about the public right-of-way.

3. *Penalties.*

A. Any person violating any provision of this Part shall be brought before a magisterial district judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Upon conviction thereof, a violator shall be subject to a criminal fine not to exceed \$1,000 per violation plus costs, to a term of imprisonment to the extent allowed by law for the punishment of summary offenses, or to a term of imprisonment for the failure to pay a fine pursuant to the Pennsylvania Rules of Criminal Procedure. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each Section of this Code or other ordinance which is found to have been violated. [Ord. 2005-08]

B. The Part and the foregoing penalty shall not be construed to limit or deny the right of the Township or any person to such equitable or other remedies as may be otherwise available.

(Ord. 91-1, 9/9/1991, §16.53; as amended by Ord. 2005-08, 10/24/2005)

**§10-604. Definitions.**

1. The following words, terms and phrases when used in this Part shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning. All terminology used in this Part, not defined below, shall be in conformance with the applicable publications of the American National Standards Institute (ANSI 51.1 - 1950 (R1971) and its revisions) or its successor body:

*A-weighted sound level* - the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).

*Ambient noise* - the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

*Construction operation* - the erection, repair, renovation, demolition, or removal of any building or structure; and the excavation, filling, grading and regulation of lots in connection therewith.

*Decibel dB* - a unit for measuring the sound pressure level, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure which is 20 micropascals, (20 micronewtons per square meter).

*Emergency* - any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

*Emergency work* - any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

*Impulsive sound* - sound of short duration, usually less than 1 second, with an abrupt onset and rapid decay. Examples of impulsive sound include explosions, drop force impacts, and the discharge of firearms.

*Muffler or sound dissipative device* - a device designed or used for decreasing or abating the level of sound escaping from an engine or machinery system.

*Noise* - any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

*Noise disturbance* - any sound which (1) endangers or injures the safety or health of humans or animals, or (2) annoys or disturbs a reasonable person of normal sensitivities, or (3) endangers or injures personal or real property, or (4) is in excess of the sound levels.

*Person* - any individual, association, partnership, or corporation, and includes any officer, employee, department, agency, or instrumentality of a state or any political subdivision of a state. Whenever used in any clause prescribing and imposing a penalty, person includes the individual members, partners, officers and managers, or any of them, or partnerships and associations, and as to corporations, the officers and managers thereof or any of them.

*Powered model vehicle* - any self-propelled airborne, waterborne, or landborne plane, vessel, or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

*Public right-of-way* - any street, avenue, boulevard, highway, sidewalk, alley or similar place which is owned or controlled by a governmental entity.

*Public space* - any real property or structures thereon which are owned or controlled by a governmental entity.

*Pure tone* - any sound which can be heard as a single pitch or a set of single pitches. For the purpose of this Part, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two continuous octave bands by 5dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

*Real property* - all land whether publicly or privately owned, whether improved or not improved, with or without structures, exclusive of any areas devoted to public right-of-way.

*Sound* - an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristics or such sound, including duration, intensity, and frequency.

*Sound level* - the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C, as specified in American National Standards Institution specifications for sound level meters (ANSI 51.4-1974, or the latest revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

*Sound level meter* - a instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and any applicable weighting network used to measure sound pressure levels which meets or exceeds the requirement for a Type I or Type II sound level meter as specified in ANSI Specifications 51.4-1974. The manufacturer's published indication of compliance with such specifications shall be prima facie evidence of such compliance.

*Zoning Districts* - means the land use districts established by the Zoning Ordinance of the Township of Dover [Chapter 27] and all subsequent amendments.

(*Ord. 91-1, 9/9/1991, §16.54*)



**Part 7****Recreational Vehicles****§10-701. Definitions.**

*Occupant* - a person who regularly resides on the property in question.

*Owner* - any person who has legal or equitable title to the property on which a recreational vehicle is being operated.

*Person* - an individual, group of individuals, a partnership, firm, association or any other entity.

*Recreational vehicle* - all motorized vehicles, designed or re-designed or otherwise being used for off-road recreational use including, but not limited to the following:

- A. Motorcycles.
- B. Trail bikes.
- C. All terrain vehicles (ATV's).
- D. Go carts.
- E. Snowmobiles.
- F. Any other similar motorized vehicle (excluding battery-operated vehicles).

The term "recreational vehicle" shall not include motorized vehicles for law enforcement, fire, emergency, military, or other authorized government purposes, or off-road motorized vehicles used as utility vehicles for agriculture, husbandry, lawn care, snow removal or business operations.

(Ord. 2006-07, 10/9/2006)

**§10-702. Operation and Use of a Recreational Vehicle on Private Property.**

The following regulations shall apply for the use of a recreational vehicle on private real property:

A. *Owner or Occupant.* Only the owner, occupant, permitted guests and family may operate a recreational vehicle on private real property subject to the restrictions outlined herein.

B. *Setback Requirements.*

(1) A person operating a recreational vehicle must remain at least 150 feet from any adjoining property line.

(2) It shall not be a violation of this Section to operate a motorcycle or similar on-road vehicle within the required setback for purposes of ingress and egress from or onto a driveway, or to operate a recreational vehicle within the required setback for purposes of loading or unloading.

(3) It shall not be a violation of this Part to operate a recreational vehicle without the original equipment exhaust within 50 feet of a property line for purposes of test driving, provided that the test driving does not last longer than a total of 15 minutes per day.

C. *Additional Restrictions.* In the event that a recreational vehicle is operated

between 150 feet and 250 feet of an adjoining property line, the following additional restrictions shall apply:

(1) No more than two recreational vehicles may be operated at the same time.

(2) A person may operate a recreational vehicle only between the hours of 8 a.m. to 8 p.m., prevailing time.

(3) An operator or operators may ride a recreational vehicle for no longer than a total of 1 hour at a time with a 2-hour rest period between the next operation of a recreational vehicle.

(4) Operation of a recreational vehicle over 250 feet from an adjoining property line: the above restrictions shall not apply.

D. *Dust.* A person shall not generate or permit to be generated, as a result of the use or operation of any recreational vehicle, any dust to cross over onto an adjoining or adjacent property that will interfere with the reasonable use and enjoyment of the residential use of the property, either inside or outside.

E. *Equipment Exhaust.* All recreational vehicles shall be fitted with the original equipment exhaust while in operation (except as exempted under paragraph .B.3 above).

(Ord. 2006-07, 10/9/2006)

#### **§10-703. Operation and Use of a Recreational Vehicle on Township Property.**

No person shall operate a recreational vehicle on Township property without the express written consent of the Township.

(Ord. 2006-07, 10/9/2006)

#### **§10-704. Enforcement and Penalty.**

1. A violation of this Part shall be deemed a public nuisance, and shall subject the owner of the property and/or any person operating a recreational vehicle in violation of this Part to summary enforcement proceedings.

2. The Northern Regional Police Department (or successor police department) and such persons as may be designated by resolution of the Board of Supervisors are authorized to make an initial determination of a violation of this Part, and to enforce the provisions of this Part. An initial determination of a violation of this Part shall result in a verbal warning to the owner, occupant or operator of the recreational vehicle.

3. A second or subsequent violation of this Part shall be subject to summary enforcement proceedings and upon being found guilty thereof shall subject the violator to a fine of \$250 for a second offense (following a verbal warning), \$500 for a third offense, and \$750 for a fourth and each offense thereafter. Upon a default in payment of a fine and upon a guilty finding of a third or subsequent offense the violator may be subject to a term of imprisonment up to the maximum allowed by law for a summary offense. Each day that a violation continues or each Section of this Part that is found to be violated shall be considered a separate violation.

(Ord. 2006-07, 10/9/2006)

**§10-705. Miscellaneous Provisions.**

1. To the extent applicable, this Part incorporates by reference thereto the provisions of and rules and regulations relating to the “Pennsylvania Snowmobile and All Terrain Vehicle Law,” 75 Pa. C.S.A. §7701 *et seq.*

2. The use of the singular shall include the plural. The use of headings is for convenience only.

3. The Sections of this Part are severable, and if any Section or part thereof is found to be unconstitutional or unenforceable, then such finding shall not affect the validity of the remaining sections or parts thereof.

4. This Part shall be effective 5 days after adoption.

(*Ord. 2006-07, 10/9/2006*)



**Part 8****False Emergency Response Calls****§10-801. Notification.**

Upon any emergency services response initiated by a 911 Communications Center call that is suspiciously terminated, where the caller has no reasonable basis upon which to assert that emergency services were required, the responding police officer shall notify and inform the phone subscriber of the existence of this Part, and the fees imposed herein. This notification shall constitute an official warning to the phone subscriber of the existence of this Part.

*(Ord. 2007-03, 2/12/2007, §1)*

**§10-802. Fees.**

There is hereby imposed a fee of \$25 for any emergency services response initiated by a 911 Communications Center call that is suspiciously terminated, where the caller had no reasonable basis upon which to assert that emergency services were required and the phone subscriber had received an official warning as identified in §10-801. For the fourth such instance in any calendar year, the fee imposed shall be \$30; for the fifth such instance in any calendar year, the fee shall be \$50; and for the sixth and each succeeding instance in any calendar year, the fee shall be \$100. The fee may be imposed upon either the caller or the individual listed at the telephone number from which the call originated.

*(Ord. 2007-03, 2/12/2007, §1)*

**§10-803. Responsible Parties.**

1. If any emergency services response is initiated by a call to the 911 Communications Center that is suspiciously terminated, where the caller had no reasonable basis upon which to assert that emergency services were required and the call was initiated from a commercial property, then the operator of that commercial property shall be responsible for the fees provided for in §10-802.

2. For purposes of calculating the number of 911 Communications Center calls identified in §10-802, the number of times any emergency services respond to a particular commercial property shall be totaled and utilized, regardless of the individual caller(s) or originating phone number(s).

*(Ord. 2007-03, 2/12/2007, §1)*

**§10-804. Enforcement.**

The Northern York Regional Police Department is authorized and directed to fully enforce this Part.

*(Ord. 2007-03, 2/12/2007, §1)*

