

**DOVER TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2020 – 06**

**AN ORDINANCE AMENDING THE DOVER TOWNSHIP CODE OF ORDINANCES  
CHAPTER 21, “STREETS AND SIDEWALKS” BY CREATING A NEW PART 5,  
“STREET OBSTRUCTIONS” AND A NEW PART 6, “OVERHANGING TREES AND  
SHRUBS”**

BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Board of Supervisors of Dover Township as follows:

**SECTION 1.** The Township of Dover Code of Ordinances, Chapter 21, “Streets and Sidewalks” is hereby amended to add a new Part 5 as follows:

**Part 5  
Street Obstructions**

**§21-501. Definitions.**

*Person* - every natural person or persons, firm, partnership, association or corporation or limited liability company.

*Right-of-way* - that area of public easement in the lands of other obtained by use, condemnation or purchase, including, but not limited to, the paved portion of any street, alley or highway.

*Trailer* - every vehicle, wagon, camper or truck without motor power designed to carry or house property or persons wholly on its own structure and to be drawn by a motor vehicle.

*Tractor* - every vehicle which is self-propelled and which is designed or used to draw a trailer or semi-trailer.

*Vehicle* - every device in, upon or by which any person or property is or may be transported or drawn, or which may draw devices upon a public highway, excepting devices used exclusively upon stationary rails or tracks.

**§ 21-502. Prohibition of Certain Obstructions.**

1. The placement of the following items within the cartway or right of way of any public street within Dover Township or within the clear sight triangle (as defined in the Dover Township Subdivision and Land Development Ordinance) of any intersection within Dover

Township is strictly prohibited and hereby declared a nuisance:

A. Sports equipment of any kind including but not limited to:

- (1) Basketball goals or nets whether permanent or temporary.
- (2) Skateboarding ramps, half-pipes or rails.
- (3) Soccer or hockey goals or nets.
- (4) Bicycle ramps.

B. Unattached trailers or boats whether legally licensed or not.

C. Unlicensed, uninspected or inoperable motor vehicles in excess of 24 hours.

D. Building or landscaping materials of any kind including but not limited to:

- (1) Piles of stone or rock.
- (2) Protective barriers.
- (3) Piles of mulch.
- (4) Piles of topsoil or fill material.
- (5) Grass clippings, leaves or yard waste, whether piled or blown.
- (6) Sod.
- (7) Lumber.
- (8) Firewood.
- (9) Asphalt.
- (10) Vinyl, plastic, wood or metal fences.
- (11) Metal plate ramps
- (12) Dumpsters or Portable Storage Containers

E. Portable or chemical toilets.

F. Non-Traffic Signs.

G. Snow.

- (1) No person shall deposit or cause to be deposited any snow or ice on or immediately adjacent to a fire hydrant or on any sidewalk, roadway or loading and unloading areas of the public streets, except that snow and ice may be mounded by Dover Township on public cartways or on curbs incident to clearing thereof.
- (2) Piling snow more than three feet high within the clear sight triangle of any intersection of any street.

- H. An obstruction caused by settlement, raised tree roots, or similar occurrences to cause a sidewalk level to differ by more than 1/4" in vertical elevation change from its immediate adjacent section.
- 2. The placing or positioning of any foreign substance or material into any storm sewer inlet or pipe is hereby prohibited. This shall include positioning of any foreign substance or material so that it can enter a storm sewer inlet or pipe.

**§ 21-503. Exceptions.**

- 1. The following are excepted from being declared a nuisance under these provisions:
  - A. Any material placed in the street or cartway or right of way in Dover Township by or under the direction of Dover Township or PennDOT.
    - (1) For public works projects or for the maintenance of any street or cartway, sanitary sewer lines, storm sewer lines.
    - (2) Any work for which a highway occupancy permit has been first authorized and permitted by Dover Township or PennDOT.
    - (3) Any signs, barricades or prohibition to travel authorized by Dover Township, PennDOT or Police Department serving Dover Township.
  - B. An authorized gathering such as a block party or neighborhood gathering.
    - (1) Prior permission from Dover Township has been gained.
      - (a) Provisions have been made for emergency vehicles to access the street or area.
  - C. A parade authorized by Dover Township or PennDOT.
  - D. The piling of leaves within a right of way, placed between the cartway and sidewalk, no more than 24 inches from any curb line or street line during the months of October, November or December for the express purpose of collection by Dover Township during the annual leaf collection process.
  - E. Snow placed in the cartway of any street or in the clear sight triangle by any agency of any government clearing snow from the public streets, roads and highways.
  - F. Mailbox supports (wooden mailbox supports no larger than 4 inches by 4 inches, or a

2-inch diameter standard steel or aluminum pipe, buried no more than 24 inches that will safely break away if struck by a vehicle).

- G. Moving truck and/or trailer parked for a period no longer than 24 hours for the purposes of loading/unloading residential household items.

**§ 21-504. Removal of Obstructions.**

1. Any of the described obstructions are nuisances and are a hazard to the public and shall be removed immediately from the streets, cartways, sidewalks or the right of way of any street or cartway within Dover Township.
  - A. Immediate removal shall be defined as before the time of sunset of the date of notification.
    - (1) Notification may be given in person by an authorized representative of Dover Township; or,
    - (2) By certified mail; or,
    - (3) By affixing notice to the object in violation on property or in a conspicuous location on the property; or,
    - (4) By electronic delivery.
2. Dover Township or the Police Department serving Dover Township shall have the right to remove any object or unauthorized item occupying any street or cartway or any right of way of any street or cartway if Dover Township determines that an immediate hazard to public safety exists.
  - A. The owner of the obstruction or the persons responsible for the object's placement shall be responsible for the township's cost of removal, storage or disposal of the removed object, item or obstruction based upon the Township's current "Fee Schedule".

**§ 21-505. Penalties.**

1. The provisions of this Part shall be enforced by:
  - A. The Police Department serving Dover Township.
  - B. The Dover Township Public Works Director.

- C. Building Permit Officer.
  - D. Zoning Officer.
  - E. Any other appropriate officer or officers of Dover Township.
2. Any person who violates or fails to comply with any provision of this Part shall, upon conviction thereof in a summary proceeding, be fined not more than \$600 and the costs of prosecution and, in default of payment thereof, shall be imprisoned for not more than 30 days. A separate offense shall be deemed committed on each day during or on which a violation or failure to comply occurs or continues.

**SECTION 2.** The Township of Dover Code of Ordinances, Chapter 21, "Streets and Sidewalks" is hereby amended to add a new Part 6 as follows:

**Part 6**  
**Overhanging Trees and Shrubs**

**§ 21-601. Short Title.**

This Part shall be known as and may be cited as the "Dover Township Tree Trimming Ordinance."

**§ 21-602. Findings and Purposes.**

The Board of Supervisors of Dover Township finds that the failure to trim trees and shrubs overhanging the cartway of any street or road, any sidewalk, and any traffic control device or sign or street identification sign creates a nuisance; is harmful to the safety, health and well-being of the residents of Dover Township; and is contrary to the general welfare of the residents of the Township.

**§ 21-603. Restrictions.**

No person, firm, partnership or corporation owning or having a present interest in (including rental) or occupying any real estate within the Township shall permit any trees or shrubs to overhang the cartway of any street or road and any traffic control device or sign or street identification sign within the Township below a height of 15 feet or to obstruct vision within the clear sight triangle (as defined in the Dover Township Subdivision and Land Development Ordinance) at any intersection. Vegetation shall be trimmed and maintained 12 inches from the edge of any sidewalks to a height of not less than 9 feet. All such vegetation is hereby declared to be a nuisance and detrimental to the health, safety, and welfare of the inhabitants of the Township.

## DETAILS:

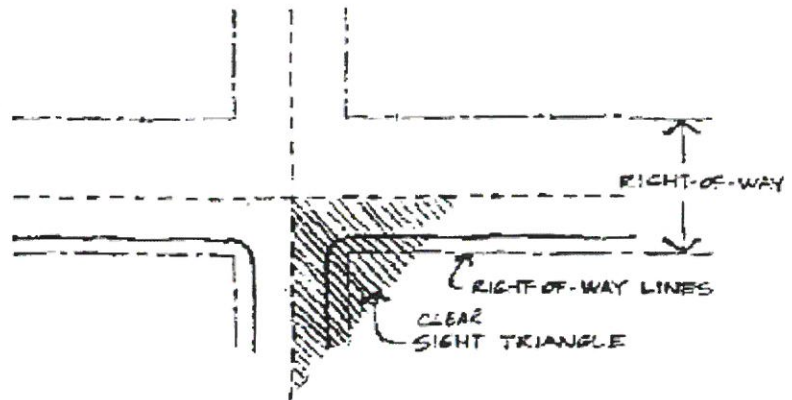
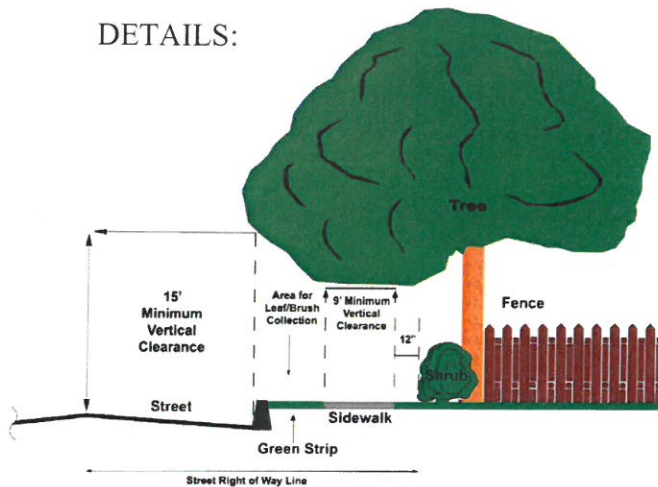


Figure 1

### § 21-604. Responsibility.

The owner of any such premises, whether occupied by the owner or not, and the occupant thereof in case of premises occupied by other than the owner thereof, shall have the duty to remove, trim or cut all such vegetation growing or remaining upon such premises in violation of the provisions of this Part. Both the owner and the occupant in the case of premises occupied by other than the owner shall be responsible for the compliance with this Part.

### § 21-605. Noncompliance is a Nuisance Violation.

The overhanging of trees below the height of 15 feet above any cartway, or 9 feet above any sidewalk, or obstructing a traffic control device or sign or street identification sign or shrubs obstructing the clear sight triangle within the right- of-way of any street or road in Dover Township is hereby declared to be a nuisance. Failure of the landowner or occupant to trim or cut said trees or shrubs after notice given in accordance with § 21-606 of this Part shall constitute a violation of this Part.

### § 21-606. Notice to Owner or Occupant to Trim or Cut.

Wherever it shall be reported to, or observed by, the Township that any owner or occupant of real property has failed to comply with any of the terms of this Part, Dover Township shall cause a written notice to be served upon the owner or occupant, or both, directing the owner or occupant, or both, to trim or cut such trees or shrubs within 10 days. Such notice may sent by electronic delivery, or be mailed by United States mail, first class, postage prepaid; or by certified or registered mail; or, if the property is occupied, by posting the notice at a conspicuous place upon the affected property; or said notice may be personally handed to the owner or occupant.



**§ 21-607. Failure of Owner or Occupant to Comply.**

Any person, firm, partnership or corporation who or which shall fail to trim or to cut said trees or shrubs within 10 days after the date of mailing or posting or handing of the notice in accordance with the procedure specified in the previous section shall, upon conviction thereof, be guilty of a summary offense and shall be sentenced to pay a fine of not more than \$1,000. Each and every day of continued violation shall constitute a separate offense.

**§ 21-608. Township Removal of Nuisance.**

In the event of the failure of the owner and/or occupant to trim or to cut said trees or shrubs within 10 days after the date of the notice specified in § 21-606 of this Part, Dover Township may have the trees or shrubs trimmed or cut and bill the owner for the cost thereof plus a penalty of 10%. These costs and penalties shall be in addition to any fines for violations. Penalties may be collected by summary proceedings or in the manner provided for the collection of municipal claims or by an action in assumpsit without the filing of a claim or by any other procedure authorized by law.

**§ 21-609. Legal Proceedings to Enforce Compliance.**

In addition to the fines for violations, costs and penalties provided for by this Part, Dover Township is hereby authorized to institute proceedings in courts of equity to require owners and/or occupants of real estate to comply with the provisions of this Part.

**§ 21-610. Penalties to be Lien.**

The cost of removal, fine, and penalties hereinabove mentioned may be entered by the Township as a lien against such property in accordance with existing provisions of law for the enforcement and collection of municipal claims.

**§ 21-611. Enforcement Officer.**

1. The provisions of this Part shall be enforced by:
  - A. The Police Department serving Dover Township; and/or
  - B. The Dover Township Public Works Director; and/or
  - C. The Building Permit Officer; and/or
  - D. The Zoning Officer; and/or
  - E. Any other appropriate officer or officers of Dover Township.

**SECTION 3.** Section 21-106, "Depositing or Mounding of Snow," of the Dover Township Code of Ordinances is hereby deleted in its entirety, and Section 21-107, "Penalties," shall be renumbered accordingly.

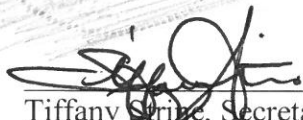
**SECTION 4.** Chapter 15, Part 9, "Prohibition of Parking Boats Campers, Etc.," Sections 15-901, 15-902 and 15-903 are hereby deleted in their entirety.

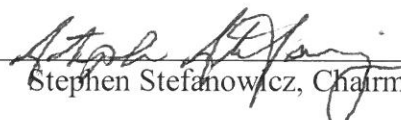
**SECTION 5.** This ordinance shall become effective five (5) days after adoption.

**DULY ENACTED AND ORDAINED** this 27<sup>th</sup> day of July, 2020.

ATTEST:

DOVER TOWNSHIP

  
Tiffany Strine, Secretary

BY:   
Stephen Stefanowicz, Chairman