TOWNSHIP OF PEQUEA
LANCASTER COUNTY, PENNSYLVANIA

ORDINANCE NO. **196 - 2016**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF PEQUEA, LANCASTER COUNTY, PENNSYLVANIA AMENDING ORDINANCE 180-2014 KNOWN AS THE PEQUEA TOWNSHIP PROPERTY MAINTENANCE CODE AMENDING SAID ORDINANCE BY ADDING SECTION 103.3.1 DEPUTIZED PERSONNEL, AMENDING SECTION 202 GENERAL DEFINITIONS, BY ADDING DEFINITIONS FOR FIRE DEPARTMENT CHIEF, POLICE DEPARTMENT, POLICE OFFICER AND VEHICLE, HAZARDOUS, ADDING SECTION 107.7.3 SERVICE FEES FOR REOCCURING VIOLATIONS, ADDING SECTION 107.7.4 PUBLIC SAFETY OFFICIAL NOTICE AND QUICK TICKET PROCEDURES AND AMENDING SECTION 302.8.2 UNLICENSED OR UNINSPECTED VEHICLES AND SECTION 302.8.3 HAZARDOUS VEHICLES

The Board of Supervisors for Pequea Township finds it to be necessary to make certain additions, insertions and changes to Ordinance 180-2014 which are more fully set forth below.

Section 1. Additions, insertions and changes. The following sections of Ordinance 180-2014 are hereby revised and changed, amended and/or added as noted:

A. Section 103.3.1 shall be added to provide as follows:

103.3.1. Deputized Personnel. In the absence of the code enforcement officer, the Police Department and its police officers or Fire Department Chief or his/her Incident Commander shall be considered deputy code enforcement officers for the purposes of posting a structure in accordance with Section 109.1 Imminent Danger.

B. Section 107.7.3 shall be added to provide as follows:

107.7.3. Service Fees for Reoccurring Violations. When a property has been declared a "public nuisance" due to refuse accumulation, insect, vermin or rodent infestation, lack of required utilities, facilities, equipment or other property maintenance violations, deemed a detriment to the occupants of a property or the public-at-large and/or cause a blighting condition, the Code Official will notify the responsible party. In the event of a reoccurrence of the violation within a twelve-month period, a service charge established by the Township Board

of Supervisors by ordinance or resolution will be assessed against the responsible party. Repeat offender service fees shall be payable to the Township within 15 days of receipt of the Township invoice setting forth the service fee. Failure to timely pay said fee will result in the Township instituting appropriate action against the offender to recover both the service fee and any related administrative fees.

C. Section 107.7.4 shall be added to provide as follows:

107.7.4. Public Safety Official Notice and Quick Ticket Procedures. In addition to other enforcement mechanisms available to the Township under this Code, the Code Official is authorized to issue Public Safety Official Notices for Property Maintenance Code violations and Quick Tickets for violations regarding high weeds and grass, garbage, rubbish and animal waste. The fines for the above-referenced violations shall be payable within 15 days. Repeat offenders shall be subject to additional penalties. Failure to pay the Quick Ticket within 15 days may result in a summary citation being issued through the local Magisterial District Judge's office. Township Board of Supervisors shall approve Quick Ticket forms and penalty amounts by resolution.

D. **Section 202.** General definitions shall be amended by inserting the following definitions:

Fire Department Chief – A Fire Chief of West Willow Fire Company or New Danville Fire Company or their successor fire department providing protective services within Pequea Township.

Police Department – The Southern Regional Police Department or its successor Police Department providing protective services within Pequea Township.

Police Officer – A member of the Police Department.

Vehicle, Hazardous – A vehicle, including by not limited to an automobile, bus, van, truck, recreational vehicle or trailer which:

1. Contains one or more broken windows or one or more missing doors or missing trunk or hook which allows entry into the vehicle by children or vermin; or
2. Is structurally unstable or supported by blocks, jacks or other devices which may slip or move, presenting a danger to passers-by; or
3. Is parked upon property in such a manner as to obstruct the vision of drivers or interfere with the free movement of pedestrians or traffic or creates a fire hazard.

E. Section 302.8.2 shall be amended and replaced with the following:

302.8.2. Unlicensed or Uninspected Vehicles. Vehicles which do not have both a current license and a current inspection may be stored within a completely enclosed structure on any premises. Unlicensed or uninspected vehicles shall not be stored outside of a completely enclosed structure on a premise for more than 30 days. The Code Official and/or Police Officer may order the removal of an unlicensed or uninspected vehicle using the procedure set forth in

Section 302.8.3. Exceptions: The operator of a motor vehicle towing or repair establishment shall be permitted to store unlicensed or uninspected motor vehicles for a period of not more than ninety (90) days and operators of agricultural operations shall be permitted to store unlicensed or uninspected agricultural vehicles which are part of an active agricultural operation.

F. Section 302.8.3 shall be amended and replaced with the following:

302.8.3. Hazardous Vehicles. No person who owns a hazardous vehicle shall park, place, deposit or permit the parking, placement or depositing of the hazardous vehicle on any property. No property owner shall permit any hazardous vehicle to remain on a premise. If any hazardous vehicle is parked or placed upon a premise, the Code Official and/or Police Officer shall notify the owner or occupant of the premises of the duty to remove the hazardous vehicle. The Code Official and/or Police Officer shall post upon the hazardous vehicle in a conspicuous place a notice directing the removal of the hazardous vehicle within ten (10) days. Should the vehicle not be removed, the Code Official and/or Police Officer shall serve a second notice which shall be in writing and shall provide a time limit not to exceed five (5) days within which the hazardous vehicle has to be removed. Said notice shall be served as provided in Section 107.3 herein and shall additionally be posted upon the hazardous vehicle. If the owner of the premises fails to remove the hazardous vehicle, the Township may take action to abate the health and/or safety hazard resulting from the hazardous vehicle in the manner provided in Section 107.7 herein.

Section 2. Severability. The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts of provisions of this Ordinance. It is hereby declared to be the intent of Board of Supervisors that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part of provision had not been included herein.

Section 3. Legislative Intent. It is the intention of Board of Supervisors that the requirements of this Ordinance shall supplement and shall not repeal any existing regulations, except to the extent that this Ordinance specifically repeals any existing regulations or ordinances or irreconcilably conflicts with such other ordinance. Where this Ordinance imposes greater regulations upon the maintenance of structures of land or any other matter governed by this Ordinance, the provisions of this Ordinance shall control. Where another Ordinance, currently in effect or enacted in the future, provides greater regulations on the maintenance of structures of land or any other matter governed by this Ordinance, such other ordinance shall control.

Section 4. Effective Date. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Pequea as provided by Law.

DULY ORDAINED AND ENACTED this _15th___ day of _June_, 2016, by the Board of Supervisors of the Township of Pequea, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF PEQUEA
Lancaster County, Pennsylvania

Attest: Lori Leitch
Secretary

By: Cynthia Evans-Herr
Chairman, Board of Supervisors

{TOWNSHIP SEAL}