

**WEST MANCHESTER TOWNSHIP  
YORK COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 24 - *CS***

**AN ORDINANCE OF WEST MANCHESTER TOWNSHIP, YORK COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF WEST MANCHESTER, BY CREATING A NEW CHAPTER 70 OF THE CODE OF THE TOWNSHIP OF WEST MANCHESTER TO BE ENTITLED “DUMPING AND ACCUMULATION OF GARBAGE OR JUNK MATERIAL,” WHICH CHAPTER REGULATES THE DEPOSITING AND ACCUMULATION OF GARBAGE, JUNK, TRASH, REFUSE, AND WASTE WITHIN WEST MANCHESTER TOWNSHIP.**

**WHEREAS**, the West Manchester Township (“Township”) Board of Supervisors (“Board”) seeks to regulate the depositing and accumulation of garbage, junk, trash, refuse, and waste within the Township; and

**WHEREAS**, the Township finds the depositing and accumulation of garbage, junk, trash, refuse, and waste on private property is the responsibility of the property owner to clean up; and

**WHEREAS**, the Board seeks to minimize safety hazards, to prevent nuisances, to protect property values, to enhance the appearances of properties within the Township and to otherwise protect the general health, safety, and welfare of the citizens of the Township.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** and it is hereby enacted and ordained by the Board of the Township as follows:

1) The Code of the Township is hereby amended by adding Chapter 70, “Dumping and Accumulation of Garbage and Junk Material”.

## **Article I Purpose and Definitions**

### **§ 70-1: Purpose.**

The purpose of this Ordinance is to regulate the depositing and accumulation of garbage, junk, trash, refuse, and waste in order to minimize safety hazards created by the same, to prevent blight and property deterioration, to prevent nuisances, to protect property values, to enhance the appearance of properties, and to otherwise protect the general health, safety, and welfare of the citizens of West Manchester Township.

### **§70-2: Definitions and Word Usage.**

The following words, when used in this Ordinance, shall have the meanings ascribed to them in this section, except in those instances where the context clearly states otherwise.

#### **BOARD OF SUPERVISORS OR BOARD**

The Board of Supervisors of West Manchester Township, York County, Pennsylvania.

#### **DEBRIS**

Discarded waste; litter.

#### **GARBAGE**

Animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food; also, all food wastes, unwanted or worthless materials or trash.

#### **JUNK**

Junk shall include, but not be limited to:

(1) Any scrap, scrap iron, tin, brass, copper, lead, zinc and all other metals and alloys; any rubbish or reclaimable material; bones, glass, bottles, rags, paper, used cloth, used rubber, used rope, and similar materials; old or used vehicles, machinery, tools, appliances, furniture, plumbing, heating, electrical and other fixtures or parts thereof; pipe and pipe fittings; flammable materials or debris; whether or not stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal or other use or disposition; any worn out or discarded material in general that may be turned to some use or that can be used for other purposes; anything fit to be discarded; trash, debris, odds and ends or rubbish of any kind; any other item which has outlived its usefulness in its original form and all articles discarded or no longer used as a manufacturer article composed of any one or more of the materials herein mentioned; and any other item fit to be discarded;

(2) Used lumber, boxes, crates and pallets;

(3) Used tires, wheels, rims and/or hubcaps; and

(4) Other worn, deteriorated, or obsolete manufactured goods which are unusable.

Junk shall not include:

(1) Any solid or liquid waste the disposal of which is regulated by the Pennsylvania Department of Environmental Protection;

(2) Agricultural vehicles and implements such as tractors, mowers, etc. for use as parts for equipment and machinery used as part of an active, on-going agricultural operation provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened; and

(3) Construction and contractor's equipment for use as parts for equipment and machinery used as part of an active, on-going contracting business legally operating in the Township, provided such equipment is stored on the premises of the operation, can be legitimately used for parts, and is adequately screened.

**OWNER**

The person owning, leasing, renting, occupying, or having charge of any premises in the Township.

**PERSON**

Any individual, tenant, mortgagee, operator, association, trustee, executor, other fiduciary, corporation, partnership, association, organization, firm, or other entity acting as a unit or legally recognized entity.

**PROPERTY**

Any lot, tract, or parcel of land, whether or not improved.

**RUBBISH OR REFUSE**

Combustible and noncombustible waste materials including but not limited to, waste or garbage, junk, residue from the burning of wood, coal, and other combustible material, paper, rags, cartons, boxes, wood, rubber, leather, leaves, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, bottles, china, glass crockery, dust, and similar materials; and any other worthless materials, trash or item rejected or discarded as worthless.

**TOWNSHIP**

The Township of West Manchester, York County, Pennsylvania.

**TRASH**

Worthless and/or discarded material; junk.

**WASTE**

Any industrial, residential, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential,

municipal, commercial or institutional establishments or from community activities. The term shall also include any garbage, refuse or rubbish, discarded vegetation, other discarded material or other waste products, including but not limited to solid, liquid, semi-solid or containing gaseous materials resulting from industrial and mining operations, local facilities or any other by-product or effluent from an industrial, mining, quarrying, or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility or any other material defined by the Pennsylvania Department of Environmental Protection as solid, liquid, municipal, medical, industrial, toxic or hazardous waste; and any worthless or useless material that is produced as a byproduct or discarded as refuse.

## **Article II Prohibited Acts and Responsibility**

### **§ 70-3: Prohibited Acts.**

A. It shall be prohibited for the Owner of a Property to allow for the dumping or accumulation of the following upon on the Owner's Property:

- (1) Garbage;
- (2) Junk;
- (3) Trash;
- (4) Refuse; and
- (5) Waste.

### **§ 70-4: Responsibility.**

It shall be the mutual responsibility of the Owner of the Property upon which any garbage, junk, trash, refuse, or waste is situated, the owner of any such item(s) and the Person who caused the same to be dumped or deposited on a Property to comply with this Ordinance and to provide for the removal of the same and remediation of any environmental problems associated with it. By this Ordinance, the Township enumerates and declares certain nuisances, which shall be removed, disposed of, or corrected as herein provided. Any Person who fails to comply with the provisions of this Ordinance shall be deemed to be in violation thereof and shall be subject to the penalties and remedies described herein.

## **Article III Administration**

### **§ 70-5: Inspections and Right of Entry.**

The Township may, through a representative authorized by the Township Board of Supervisors, undertake all lawful actions to investigate, inspect and enforce against violations of this Chapter. To the extent that the designee cannot perform an inspection from a Township right of way, from third party property (with consent of the Owner of the same) or otherwise within the parameters of the law, the designee shall have the authority to request of the Owner the right to enter at

reasonable times a Property to conduct an inspection or to otherwise undertake other lawful actions to seek judicial approval to do so.

**§ 70-6: Notice to Comply.**

**A.** Whenever an inspection discloses that a violation of §70-3 of this Ordinance exists, the Township shall give 20 days' notice of the violation and an opportunity for the Owner to remedy the violation. Such notice may be served by ordinary mail, certified mail, personal service and/or posting upon the Property at a conspicuous location. Notwithstanding the foregoing, where an emergency situation exists which poses an immediate threat of harm to any persons or property, no such notice is required, but the Property Owner may request a hearing before the Township Board of Supervisors post-remediation in order to contest a determination of a violation. The notice shall contain a general description of the violation with reasonable particularity and state the action(s) to be taken to abate the violation.

**B.** The Owner may appeal the Notice to Comply by requesting a hearing before the Board of Supervisors by filing a written request for a hearing setting forth a brief statement of the grounds for the same, within 10 days after the day the notice was served in accordance with §70-6A.

**§ 70-7: Authority to Remedy Noncompliance.**

If a Property Owner does not comply with the notice to remedy or abate the conditions within the time limit prescribed (as may be extended in extenuating circumstances), the Township shall have the power, but not the obligation, to take all steps necessary to remedy or abate the violations at the Owner's expense plus all legal fees, costs incurred in the investigation and enforcement of this Ordinance, and all other administrative costs incurred by the Township in doing so as well as enforcing this Ordinance.

**§ 70-8: Violations and Penalties.**

Any violation of this chapter shall be enforced by action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Any Person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 and/or to imprisonment for a term not to exceed 10 days. Each day that a violation of this chapter continues, or each section of this chapter which shall be found to have been violated, shall constitute a separate offense. For purposes of this chapter, the doing of any act or thing prohibited by any provision of this chapter, or the failure to do any act or thing as to which any provision of this chapter creates an affirmative duty, shall constitute a violation of this chapter punishable as herein stated.

In addition, the Township may, through its solicitor, institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other legal or equitable forms of remedy or relief. Such relief may include costs, fees, and charges, including the Township attorney's fees (charged at the hourly rate approved by the Township Board of Supervisors) and costs, as may be permitted by law.

**§ 70-9: Time for Compliance.**

Property Owners in the Township as of the time of the effective date of this chapter shall have 60

days from said effective date in which to comply with the provisions of this chapter.

**§ 70-10: Repealer.**

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

**§ 70-11: Non-exclusivity.**

All provisions of this Ordinance are applicable in addition to and in accordance with any and all provisions set forth in Pennsylvania state law and any other rule or regulation duly adopted by the Township.

**§ 70-12: Severability.**

If any sentence, clause, section or part of this chapter is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this chapter. It is hereby declared as the intent of the Board of the Township that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

**§ 70-13: When Effective.**

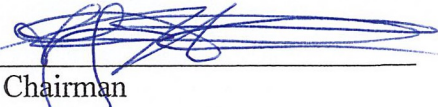
This chapter shall become effective five days after enactment.

ENACTED AND ORDAINED by the Board of Supervisors of West Manchester Township this 22<sup>nd</sup> day of August, 2024.

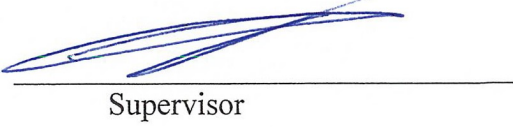
ATTEST:

  
\_\_\_\_\_  
Township Manager

**BOARD OF SUPERVISORS OF  
WEST MANCHESTER TOWNSHIP**

BY:   
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice-Chairman

  
\_\_\_\_\_  
Supervisor