TOWNSHIP OF CONEWAGO
DAUPHIN COUNTY, PENNSYLVANIA

Ordinance No. 2025-001

AN ORDINANCE OF THE TOWNSHIP OF CONEWAGO, DAUPHIN COUNTY, PENNSYLVANIA CODE OF ORDINANCES, CHAPTER 21 (STREETS AND SIDEWALKS), PART 4 (OBSTRUCTIONS IN RIGHT-OF-WAY) PROHIBITING OBSTRUCTIONS IN TOWNSHIP RIGHTS-OF-WAY AND ESTABLISHING PENALTIES FOR VIOLATIONS

WHEREAS, Section 607(1) of the Second-Class Township Code charges the governing body with general governance and the exercise of legislative, executive and administrative powers in order to ensure sound fiscal management and to secure the health, safety and welfare of the citizens of the township;

WHEREAS, the Board of Supervisors of the Township of Conewago, Dauphin County, Pennsylvania, has determined it to be in the best interests and welfare of the citizens and the residents of the Township to prohibit the unlawful placement of obstructions in the Township rights-of-way;

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Conewago, Dauphin County, Pennsylvania that the Code of Ordinances of the Township of Conewago, Chapter 21 (Streets and Sidewalks), Part 4 (Obstructions in Right-Of-Way) be added to in accordance with the changes described herein.

SECTION 1. DEFINITIONS.

a. "Debris" includes but is not limited to dirt, grass, weeds, mud, brush, leaves, branches, yard waste, building materials, stones, mulch, rubbish or any other discarded items.

b. "Obstruction" shall be anything, whether temporary or permanent, placed in, on, or above the right-of-way that is not permitted. This includes but is not limited to refuse, debris, sporting equipment, plantings within clear sight triangles, overgrown damaged or diseased trees, overgrown shrubs, signs, boats, trailers, RVs, fences, dumpsters, driveway gates, brick-based mailboxes, portable containers or any other item which is not explicitly permitted by this Ordinance.

c. "Owner or Occupier" is a person owning, leasing, occupying or having charge of any premises within the Township

d. "Permitted items" in the rights-of-way shall include and be limited to properly parked, registered and inspected vehicles, and properly placed mailboxes.

e. "Refuse" shall mean and be synonymous with garbage, trash, litter, rubbish, and other discarded materials.

f. "Right of Way" is land reserved or dedicated to the Township for any public or private purpose. This includes but is not limited to, all Township streets, highways, avenues, cartways, roads, alleys, sidewalks, easements, and any other property under the control of the Township.

g. "Township" is the Township of Conewago, Dauphin County.

SECTION 2. PROHIBITED ACTS

It shall be unlawful for any person to knowingly cause an obstruction within Township rights-of-way. An owner or occupier is responsible to ensure that any third-party individuals or entities hired to perform landscape maintenance or other services on the property abide by this Ordinance. Any obstruction which inadvertently enters the Townships rights-of-way shall be promptly removed.

SECTION 3. AUTHORITY TO REMOVE OBSTRUCTION

Conewago Township shall have the authority to remove or require the removal of an obstruction that is placed in any rights-of-way of Conewago Township, Dauphin County, Pennsylvania. Any person(s) who placed or cause the obstruction shall be responsible for costs of removal.

SECTION 4. PENALTIES FOR NON-COMPLIANCE

Any person, firm or corporation which has violated any provisions of this chapter shall, upon conviction thereof in a summary proceeding before any District Justice having jurisdiction thereof, be sentenced to pay a fine of not less than $500.00, for each violation, recoverable with all court costs including reasonable attorney's fees incurred by the Township as a result thereof. Each day that a violation occurs shall constitute a separate offense. All fines shall be paid to the Township.

SECTION 5. ENFORCEMENT; EQUITY ENFORCEMENT

a. This chapter shall be enforced by the Pennsylvania State Police, any sworn police officer with responsibilities to patrol Conewago Township, or a Pennsylvania State Constable. In addition, the Zoning Officer shall be authorized to enforce this chapter and in so doing shall have the powers of a police officer, except shall not have the power to arrest.

b. Conewago Township may bring an action in the Court of Common Pleas of Dauphin County, Pennsylvania, as an equity action requiring any person(s) to comply with the requirements of this article. In any such proceedings, the person(s) violating this article shall be responsible to pay the court costs and attorney's fees of Conewago Township, together with such other penalties as authorized by this article.

SECTION 6. SEVERABILITY.

If any section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Ordinance or Chapter 21 of the Code of Ordinances of the Township of Conewango as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Chapter 18 of the Code of Ordinances of the Township of Conewago. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, subsection, phrase, and word thereof, irrespective of the fact that any one or more of those sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional, or invalid.

SECTION 7. REPEALER.

All ordinances or parts of ordinances that are inconsistent herewith shall be and the same are expressly repealed.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall become effective five (5) days after it is adopted by the Board of Supervisors.

BE IT DULY ORDAINED AND ENACTED this 19th day of May 2025, by the Board of Supervisors of Conewago Township, Dauphin County, Pennsylvania in lawful session duly assembled.

BOARD OF SUPERVISORS
TOWNSHIP OF CONEWAGO

By _____
Chairperson

Attest:

_____
Secretary