

**WEST MANHEIM TOWNSHIP
YORK COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2018-2

**AN ORDINANCE PROHIBITING THE DISPOSAL OF GRASS CLIPPINGS AND
YARD WASTE ON THE TOWNSHIP STREETS; TO PROVIDE FOR THE ISSUANCE
OF TICKETS AS THE INITIAL PENALTY AND FOR ADDITIONAL ENFORCEMENT
AND PENALTIES**

BE IT ORDAINED AND ENACTED by the Board of Supervisors of West Manheim Township, York County, Pennsylvania, it is hereby enacted and ordained by the authority of the same as follows:

SECTION 1: GENERAL PROVISIONS

This ordinance shall be known and may be cited as the Yard Waste Ticketing Ordinance of the Township of West Manheim.

SECTION 2: PURPOSE

1. The deposit and accumulation of grass clippings, leaves and other yard waste upon and into the streets of the Township creating a public problem, and by increasing the amount of waste and debris in the streets, making the Township less visually attractive, and increasing pollution and run-off into the Township's storm sewers; and

2. The Township has storm water facilities throughout the Township and does not wish for those facilities to be degraded by run-off of grass clipping and yard waste; and

3. A public safety hazard is created as a result of persons intentionally dumping, discharging, causing to have piled, or placing grass clippings, leaves and yard waste in the Township streets: and

4. That a new ordinance is required to remediate the problems identified herein.

SECTION 3. DEFINITIONS

TOWNSHIP - The Township of West Manheim, York County, Pennsylvania

OWNER- Any individual person, agent, firm, association, partnership, corporation or entity having a legal or equitable interest in real property and/or renting, leasing or otherwise holding title to said property as evidenced by records of the Commonwealth or Pennsylvania, County of York or Township of West Manheim.

PERSON – An individual, corporation, partnership or any other group acting as a unit.

VIOLATOR- Any owner who receives a Notice of Violation

GRASS CLIPPINGS – is the yard waste resulting from mowing, trimming, and edging.

YARD WASTE – is vegetative or organic waste resulting from the care and maintenance of landscape areas, lawns, and gardens. Yard waste includes weeds, leaves, grass clippings, brush, flowers, plants, garden wastes, tree trunks, holiday trees and prunings from trees or shrubs.

SECTION 4: OFFENSE DEFINED

It shall be unlawful for any person to knowingly cause grass clippings or yard waste produced in conjunction with yard maintenance or gardening, to be placed onto the streets, sidewalks, and other public roads of the Township. The owner shall be responsible to ensure that any persons hired to maintain their property abide by this ordinance. The owner shall also be responsible for any grass clippings or yard waste which inadvertently is caused to enter the streets of the Township shall be promptly removed; there is no “grace period” within which to remove grass clipping or yard waste.

SECTION 5: ENFORCEMENT

A. This ordinance may be enforced by the West Manheim Township Police Department and/or Code Enforcement Officer.

B. Any violation of the provisions of any article as enumerated in this chapter may be cause for a violation ticket to be issued to the violator. The notice of violation shall:

1. Be issued in writing.
2. Shall include a brief description of the time, date and location of the violation alleged.
3. Specify the violation with reference to section or part of the West Manheim Township Code of Ordinances being violated.

4. State the amount of the fine.

C. A Notice of Violation ticket shall be served upon the violator in one of the following manners:

1. By handing the notice of violation ticket to the violator.

2. By handing the notice of violation ticket to an adult resident of the subject residential property, or to the owner, tenant, or employee or agent of the owner or tenant of the subject non-residential or multi-family residential property.

3. By leaving or affixing the notice of violation ticket to the property where the violation exists.

4. By mailing the notice of violation ticket to the violator's address of record by first class mail with a certificate of mailing.

D. Each day after the issuance of the violation ticket that a violation continues or is permitted to continue, constitutes a separate offense for which a separate fine may be imposed.

E. If the Township causes a violation to be corrected, the cost thereof shall be charged to the owner of the property and enforced through the imposition of a municipal lien or any civil action available to the municipality.

F. There shall be a presumption that grass clippings, leaves or yard waste immediately adjacent to a property were caused to be placed there by the owner.

SECTION 6: FINES AND PENALTIES

A. For the first offense dealt with under this article within a 12-month period, the Notice of Violation Ticket shall be issued in the amount of \$50.00.

B. For the second offense dealt with under this article within a 12-month period, the Notice of Violation Ticket shall be issued in the amount of \$75.00.

C. For the third offense dealt with under this article within a 12-month period, the Notice of Violation Ticket shall be issued in the amount of \$100.00.

D. For the fourth and any additional offense article with under this Part within a 12-month period, the Notice of Violation Ticket shall be issued in the amount of \$300.00.

SECTION 7: DISPOSITION OF NOTICE OF VIOLATION TICKET

Any violator in receipt of a Notice of Violation Ticket shall have ten calendar (10) days from the date set forth on the notice of violation to pay the amount on the Notice of Violation Ticket. Payment must be received by the Township by the 10th day. Date of mailing shall not constitute the date of receipt by the Township. If the Notice of Violation Ticket is not paid within the ten (10) days, such failure shall result in the issuance of a Non-Traffic Citation pursuant to the Pennsylvania Rules of Criminal Procedure for the offense as enumerated on the Notice of Violation Ticket.

SECTION 8: VIOLATIONS AND PENALTIES

If the Township is required to issue a Non-Traffic Citation pursuant to the Pennsylvania Rules of Criminal Procedure due the violator's nonpayment of the Notice of Violation Ticket, or the Township, in its discretion, chooses to pursue the violator for a Non-Traffic Citation without first issuing a Notice of Violation Ticket, the violator shall, upon conviction thereof, be sentenced to pay a fine of not less than \$50 or more than \$1000 and cost of prosecution and, in default of payment of such fine and costs, to imprisonment of not more than 30 days, provided each violation of any provision of this article and each day the same is continued shall be deemed a separate offense.

SECTION 9: SEVERABILITY

The provisions of this Ordinance are severable, and if any section, sentence, clause or 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 the remaining sections, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of West Manheim Township that such ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 10: MISCELLANEOUS

A. Nothing contained in this ordinance shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause or action existing prior to the enactment of this Ordinance.

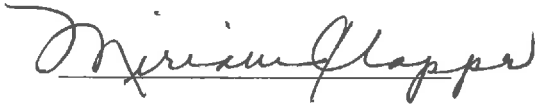
B. The penalties imposed by this ordinance shall be set forth in Section 6 hereof, and nothing in this ordinance shall require the use of the procedures herein prior to taking other

enforcement action as allowed by any ordinance, statute, regulation or law. Nothing in this ordinance shall reduce or limit the penalties that may be imposed for violation of any ordinance, statute, regulation or law, or the methods or means for enforcing any ordinance, statute, law or regulation.

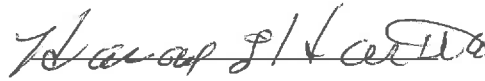
ENACTED AND ORDAINED by the Board of Supervisors of West Manheim Township, York County, Pennsylvania, this 1 day of November, 2018.

**WEST MANHEIM TOWNSHIP
BOARD OF SUPERVISORS**

Attest:



Miriam Clapper, Secretary

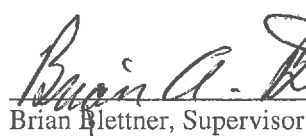


Harold Hartlaub, Chairman

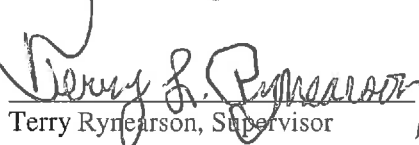
Jeremy Ault, Vice-Chairman



James Staaf, Supervisor



Brian Blettner, Supervisor



Terry Rynearson, Supervisor