



Hellam Township Planning Commission
May 9, 2024
6:00 P.M.

1. Opening Agenda

- A. Call to Order
- B. Pledge of Allegiance

2. Minutes Approval

- A. April 25, 2024 draft meeting minutes

3. New Business

- A. Variance Z-2024-3 880 N Front St 08-38A, Jordan Good

4. Ongoing Business

- A. Solar Ordinance Amendment
- B. EAC Checklist
- C. Riverland 1&2 Ordinance
- D. Ordinance review Restaurant, Drive-through §490-109 & Restaurant, Fast-Food §490-110
- E. Logistics/Warehouse Ordinance
- F. Understanding the Township (review of prior research and tasks to continue and validate research)

5. Correspondence/Reports

- A. None

6. Upcoming Meetings

Next Planning Commission Meeting – May 23, 2024

7. Adjournment

Zoom Log In

Meeting ID: 634 220 1697

Password: Hellam44

**HELLAM TOWNSHIP
PLANNING COMMISSION MEETING
Minutes of April 25, 2024**

The meeting was called to order at 6:00 PM by Devin Winand. The meeting was held at the Hellam Township Municipal Building. Devin Winand led the Pledge of Allegiance. Other members present were Jay Kokiko, Michael Shillott, Steve Fetrow, Rick Cooper, and Robert Searer. Other attendees included Jason Test, Zoning Officer, and Supervisor Nedette Otterbein

Minutes Approval:

Upon a motion by Mr. Shillott and seconded by Mr. Cooper, the minutes from the April 11, 2024 meeting were approved, with changes. Motion carried unanimously.

New Business

None

Public Comment

Craig and Stacy Myers, 5336 Brummer Ln, provided comment about an issue with ATVs. The stated that a neighbor, 898 Chimney Rock Rd, hosts gatherings that involve large numbers of ATVs, 3-wheeler/4wheelers, and similar vehicles. They said that during July 4th the neighbor advertises "Trike Fest" and upwards of 30 ATVs are on the property at 898 Chimney Rock Rd. They advised that the ATVs ride right to the property. This activity causes a nuisance, noise and dust, as the ATVs are operated all day.

They stated that the septic system for 898 Chimney Rock Rd is located near their property and they are concerned that the system may fail during the "Trike Fest" resulting in sewage flowing onto their property. Lastly, they said that they have observed the ATVs being operated on the roadway and that people have been holding/carrying infants and toddlers while riding the ATVs.

The Myers stated that they would like to the Township to consider passing an ordinance that would govern the operation of ATVs. They mentioned three municipalities that currently have ordinances that govern the operation of ATVs on private property. These municipalities are Springettsbury Township, Windsor Township, and Manchester Township. Mr. Test advised that he will provide copies of those ordinances in the next Planning Commission packet for review

The Commission thanked Mr. and Mrs. Myers for taking the time to present this issue. That stated that they will review the information that Mr. Test is going to provide. After reviewing the information, they will determine if they will proceed with the drafting of an ordinance.

On-going Business:

A. There was a discussion on definitions that were provided for the proposed Solar Ordinance. There was

a discussion that the Township through the ordinance should not restrict the kW generation of a system. That a homeowner should be able to show the current kW usage and then be provided a percentage over that to allow for potential increase. This was suggested due to more items becoming powered strictly by electricity. It was explained that the 15-kW limit was proposed as this is the industry standard; at this time. Also, to limit the size of the ground-mount solar system. It was discussed that the 15-kW limit could potentially lead to variances if an individual wanted to install a larger system.

Accessory Solar Energy Systems (ASES) include residential and commercial systems. A commercial system that is under 15-kW is not considered a Principal Solar Energy System (PSES).

It was decided that an ASES ground-mounted solar system shall have a 4-foot-high fence and vegetative screening.

An off-grid solar system is exempt from providing electrical usage data.

The discussion on Primary Solar Energy systems was tabled and will be discussed at the next Planning Commission meeting.

Correspondence/Reports

The Zoning Department summary for March 2024 was provided by Mr. Test.

The next Planning Commission meeting is scheduled for May 9, 2024 at which time the Commission will continue the review the Draft Solar Ordinance changes which includes, small scale solar, large scale solar and definitions.

Meeting adjourned at 7:55 PM.

Respectfully submitted,

Jason Test
Zoning Officer



Hellam Township Planning Commission Variance Application Briefing

Application Number:	Z-2024-03	PC Meeting Date:	May 9, 2024
Applicant(s):	Jordan Good	Tax Map Parcel:	08-38A
Property Owner(s):	Jordan Good	Lot Size:	1.6 Acres
Property Location:	880 N Front St Ext	Zoning:	Rural Agricultural

Project Narrative:

The applicant is requesting a variance from the following:

§490-21-F(a) Restricted Development Overlay Steep Slopes. Slopes exceeding 25%

Construction of a residential structure with a switchback driveway on a steeply sloped lot (over 25% grade). This development requires a variance due to the constraints imposed by the slope, which exceeds the zoning ordinance limits for building on steep slopes.

Attached Exhibits:

- A. Zoning Hearing Application received April 25, 2024
-

Property Characteristics:

1. The subject property contains about 1.6 acres located in the Rural Agricultural Zone.
2. The subject property is currently an unimproved parcel.
3. Adjacent properties:

	Use	Zoning
North	Residential	RA
South	Residential	RA
West	Unimproved/Agriculture	RA
East	Residential	RA

Variance Provisions

According to the variance application submitted, the applicant reports the following:

1. **The nature of the unique physical circumstances or conditions peculiar to the property in question and not shared by other properties in the vicinity.** The property is uniquely affected by a steep slope exceeding 25% grade, not commonly found in neighboring properties. This necessitates special construction approaches like a switchback driveway and a retaining wall for stability.
2. **Why there is no possibility that the applicant can develop or make reasonable use of the property in strict conformity with the provisions of the Zoning Ordinance.** Compliance with the strict zoning regulations would prevent reasonable use of the property for residential purposes due to the steep slope, making construction of a standard driveway and house placement impossible without modifications.
3. **Why the unnecessary hardship has not been created by the applicant.** The unnecessary hardship arises from the inherent natural topography of the property, specifically its steep slope.

This was an existing condition prior to the purchase and not a result of any action taken by the applicant.

4. **Why the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, nor be detrimental to the public welfare.** The variance will allow the undeveloped parcel to improved with a residential structure which is keeping with the essential character of the neighborhood.
5. **Why the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue.** The requested variance is limited to adjustments necessary to accommodate the unique topographical challenges of the property. It represents the least modification necessary for the reasonable use of the property.
6. **How the variance, if within the Floodplain Overlay Zone, will comply with §490-19 of the Zoning Ordinance.** The parcel is not located in the floodplain

This briefing represents the views and comments of the Hellam Township staff only and should not be construed as a final approval or denial of this application. The Zoning Hearing Board Members may have additional questions and/or comments with regard to this proposal. The applicant and/or his/her representative should be prepared to address comments or concerns raised by the Zoning Hearing Board Members.



APPLICATION FOR HEARING

FOR TOWNSHIP USE ONLY			
ZONING CASE # <u>Z-2024-03</u>			
Application Filed	<u>25 April 2024</u>	Planning Commission	<u>9 May 24</u>
Hearing Advertised	_____	ZHB/BOS Hearing	<u>25 June 24</u>
Notices Mailed	_____	Decision Rendered	_____
Site Posted	_____	Notification Sent	_____

A. APPLICANT'S NAME: Jordan Good
 ADDRESS: 223 Owl Hill Rd. Lititz Pa. 17543
 PHONE NUMBER: 717 - 304-6574 EMAIL ADDRESS goodjordan840@gmail.com

B. PROPERTY OWNER'S NAME
 (If different than applicant): _____
 ADDRESS: _____
 PHONE NUMBER: _____

C. CONSULTANT'S NAME
 (If different than applicant): _____
 ADDRESS: _____
 PHONE NUMBER: _____ EMAIL ADDRESS _____

D. Tax Map: Eastern York county Parcel: 31-000-08-0038-A0-00000 Zoning District: Hellam Township
 Property Address: 880 N Front St. Wrightsville Pa 17368
 Date purchased: 3/26/24
 Lot size: acreage 1.62 - or - _____ sq. ft.
 Present use: vacant lot
 Proposed use: Single family Home
 Date of previous application (if any): _____

- E. Please choose the following:
- | | | |
|--|---|---|
| <input type="radio"/> APPEAL
(Refer to Section 1) | <input type="radio"/> CONDITIONAL USE
(Refer to Section 2) | <input checked="" type="radio"/> VARIANCE
(Refer to Section 3) |
| | <input type="radio"/> SPECIAL EXCEPTION
(Refer to Section 2) | <input type="radio"/> OTHER – Curative or
Zoning Amendment
(Refer to Section 4) |

**SECTION 3
REQUEST FOR VARIANCE
(REFER TO ZONING ORDINANCE SECTION 490-143.C)**

Applicant must provide the following information:

- Name of specific sections in Zoning Ordinance for which Variance Is requested:

We would like to apply for a Variance for zoning Ordinance Section ~~490-143.C section E (1)~~

~~Conservation of Steeply Sloped Lands.~~ §490-21-F9(a) Restricted Development Overlay Steep Slopes. Slope greater than 25%

- Brief description of nature of Variance requested:

Requesting a variance to construct a residential structure with a switchback driveway on a lot with a slope exceeding 25% grade,

which exceeds the limits set by the zoning ordinance for building on steep slopes.

- A scaled drawing (site plan) of the site with sufficient detail and accuracy to demonstrate compliance with all applicable provisions of this Ordinance.
- Ground floor elevations of existing and/or proposed structures (excluding residential structures).
- Names and addresses of adjoining property owners, including property owners directly across a public right-of-way.
- If it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant due to unique physical circumstances or conditions peculiar to the property, then briefly explain or describe:

- A. The nature of the unique physical circumstances or conditions peculiar to the property in question and not shared by other properties in the vicinity:

The property is uniquely affected by a steep slope exceeding 25% grade, not commonly found in neighboring properties, necessitating special construction approaches like a switchback driveway and a retaining wall for stability on the building structure

Strict compliance with the zoning regulations would prevent the reasonable use of the property for residential purposes due to the steep slope, making construction of a standard driveway and house placement impossible without modifications.

The hardship is due solely to the natural topography of the lot, and has not been created by any previous development or modifications by the applicant.

Granting this variance will not alter the essential character of the neighborhood, as the design incorporates elements like a retaining wall for minimal grading and a landscaped driveway to blend with the natural environment, nor will it impair the use of adjacent properties.

- B. Why there is no possibility that the applicant can develop or make reasonable use of the property in strict conformity with the provisions of the Zoning Ordinance:

The property is characterized by a steep slope of over 25% grade, which severely limits the type of construction possible without modifications to the standard building requirements. The slope's severity restricts the feasible locations for building a structure and installing a driveway. Compliance with the strict letter of the zoning ordinance would render the property unusable for residential purposes, as a traditional, straight driveway would have a gradient that is both unsafe and impractical for vehicular access, and the house placement would either impinge on setback limits or require extensive and environmentally damaging earthworks."

C. Why the unnecessary hardship has not been created by the applicant:

The unnecessary hardship arises from the inherent natural topography of the property, specifically its steep slope, which was an existing condition prior to purchase and not a result of any actions taken by the applicant. The challenging gradient and the configuration of the lot have necessitated seeking a variance as there has been no modification to the terrain or other environmental factors by the applicant that would contribute to the existing conditions.

D. Why the Variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of the adjacent property, nor be detrimental to the public welfare:

The proposed construction would be build off a retaining wall, and the driveway to the structure would include a switchback driveway and is designed to integrate harmoniously with the natural landscape, minimizing environmental impact and maintaining the aesthetic character of the neighborhood. The design ensures that the variance will not obstruct views, decrease property values, or alter the use of adjacent properties. Furthermore, the development will comply with all other zoning requirements regarding utilities, access, and safety, ensuring no detriment to the public welfare.

E. Why the Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue:

The requested variance is strictly limited to adjustments necessary to accommodate the unique topographical challenges of the property. The switchback driveway is essential for safe access, and the retaining walls are minimal but necessary to ensure the stability of the construction on the slope. No additional concessions beyond what is essential to make the property usable are being requested, ensuring this represents the minimal necessary alteration to existing zoning regulations.

F. How the Variance, if within the Floodplain Overlay Zone, will comply with the Section 490-19 of the Zoning Ordinance:

I hereby certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.



* Signature

4/25/24

Date

* If other than property owner, authorization from owner to sign must be attached.

WINDSOR TOWNSHIP
YORK COUNTY, PENNSYLVANIA

ORDINANCE NO. 05-6-1

AN ORDINANCE REGULATING THE OPERATION AND USE OF
RECREATIONAL VEHICLES WITHIN WINDSOR TOWNSHIP AND
PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, The use and operation of recreational vehicles within Windsor Township may create a public nuisance and adversely affect the public's health, safety and welfare by the creation of excessive noise, dust and fumes;

WHEREAS, The purpose of this ordinance is to provide for the reasonable regulation of recreational vehicles in Windsor Township so as to reduce noise and air pollution, protect the public's health, safety, and welfare, and to provide for the peaceable and quiet enjoyment of property;

NOW, THEREFORE, pursuant to the authority of Sections 1529 and 1601 of the Second Class Township Code, 53 P.S. §65101 et seq., the Board of Supervisors of Windsor Township hereby enact and ordain the following ordinance:

Section 1. Definitions.

OCCUPANT - a person who regularly resides on the property in question.

OWNER —any person who has legal or equitable title to the property on which a recreational vehicle is being operated.

PERSON —an individual, group of individuals, a partnership, firm, association, or any other entity.

RECREATIONAL VEHICLE - All motorized vehicles, designed or redesigned or otherwise being used for off-road recreational use, including but not limited to the following:

- (a) Motorcycles
- (b) Trail bikes
- (c) All terrain vehicles (ATVs)
- (d) Go carts
- (e) Pocket Rockets
- (f) Snowmobiles
- (g) Any other similar motorized vehicle

The term 'Recreational Vehicle' shall not include motorized vehicles for law enforcement, fire, emergency, military, or other governmental purposes, or off-road motorized vehicles used as utility vehicles for agricultural, husbandry, lawn care, snow

removal or business operations.

Section 2. Operation and Use of a Recreational Vehicle on Private Property

The following regulations shall apply for the use of a recreational vehicle on private real property:

A. Owner or Occupant. Only the Owner or an Occupant shall be permitted to operate a recreational vehicle on private real property.

B. Setback Requirements.

(1) General Rule. A person operating a recreational vehicle must remain at least two hundred fifty (250') feet from any adjoining or adjacent property line, and must remain at least three hundred (300') feet from an off-site residential dwelling.

(2) Exception. A person may operate a recreational vehicle closer than two hundred fifty (250') feet from any adjoining or adjacent property line or three hundred (300') feet from an off-site residential dwelling provided that the following additional requirements are followed:

(a) For each one-half(1/2) hour period of operation of a recreational vehicle, there must be a rest period of at least three (3) hours in between the next operation of a recreational vehicle;

(b) No more than two (2) recreational vehicles may be operated at the same time;

(c) A minimum setback of one hundred (100') feet from the property line must be maintained.

C. Time Period. A person shall operate a recreational vehicle between the hours of 10:00 a.m. to 7:00 p.m., prevailing time.

D. Dust. A person shall not generate or permit to be generated as a result of the use of any recreational vehicle any dust to cross over onto an adjoining or adjacent property that will interfere with the reasonable use and enjoyment of the residential use of the property, either inside or outside of the residence.

Section 3. Operation and Use of a Recreational Vehicle on Township Property

No person shall operate a recreational vehicle on Township property without the express written consent of the Township.

Section 4. Enforcement and Penalty.

A. A violation of this Ordinance shall be deemed to be a public nuisance, and shall subject the Owner of the property and/or any person operating a recreational vehicle in violation of this ordinance to summary enforcement proceedings.

B. The York Area Regional Police Department (or successor police department) and such other persons as may be designated by resolution of the Board of Supervisors are authorized to make an initial determination of a violation of this ordinance, and to enforce the provisions of this ordinance. An initial determination of a violation of this ordinance shall result in a verbal warning to the Owner, Occupant or operator of the recreational vehicle.

C. A second or subsequent violation shall be subject to summary enforcement proceedings and upon being found guilty thereof shall subject the violator to a fine of not less than \$100.00 and not greater than \$1,000.00 per violation, and in default of payment of such fine may be subject to imprisonment to the extent allowed by law for the punishment of summary offenses. Each day that a violation continues or each section of this ordinance that is found to be violated shall be considered a separate violation.

Section 5. Miscellaneous Provisions

A. To the extent applicable, this ordinance incorporates by reference thereto the provisions of and rules and regulations relating to the 'Pennsylvania Snowmobile and All Terrain Vehicle Law,' 75 Pa.C.S.A. §7701 et seq.

B. The use of the singular shall include the plural. The use of headings is for convenience only.

C. The sections of this ordinance are severable, and if any section or part thereof is found to be unconstitutional or unenforceable, then such finding shall not affect the validity of the remaining sections or parts thereof.

D. This Ordinance shall be effective five (5) days after adoption.

Enacted and Ordained this _____ day of _____, 2005.

ATTEST:




Jennifer Gunnet, Secretary

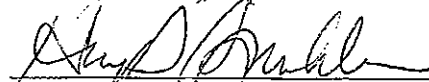
WINDSOR TOWNSHIP



Dean Heffner, Chairman



Paul M. Smith, Supervisor



Henry B. Sprenkle, Supervisor

ARTICLE VII
Off-Road Recreational Vehicles
[Added 6-24-2021 by Ord. No. 2021-04]

§ 312-56. Definitions.

As used in this article, the following terms shall have the meanings indicated:

OCCUPANT — A person who regularly resides on the property in question.

OFF-ROAD RECREATIONAL VEHICLE —

- A. All motorized vehicles, designed or redesigned or otherwise being used for off-road recreational use, including but not limited to the following:
- (1) Motorcycles.
 - (2) Trail bikes.
 - (3) All-terrain vehicles (ATVs).
 - (4) Go-carts.
 - (5) Snowmobiles.
 - (6) Any other similar motorized vehicle (excluding battery-operated vehicles).
- B. The term "off-road recreational vehicle" shall not include motorized vehicles for law enforcement, fire, emergency, military, or other authorized government purposes, or off-road motorized vehicles used as utility vehicles for agriculture, husbandry, lawn care, snow removal or business operations.

OWNER — Any person who has legal or equitable title to the property on which an off-road recreational vehicle is being operated.

PERSON — An individual, group of individuals, a partnership, firm, association or any other entity.

§ 312-57. Operation and use of off-road recreational vehicles on private property.

The following regulations shall apply for the use of an off-road recreational vehicle on private real property:

- A. Owner or occupant. Only the owner, occupant, permitted guests and family shall operate an off-road recreational vehicle on private real property subject to the restrictions outlined herein.
- B. Setback requirements.
- (1) A person operating an off-road recreational vehicle must remain at least 150 feet from any adjoining property line.
 - (2) It shall not be a violation of this section to operate a motorcycle or similar on-road

vehicle within the required setback for purposes of ingress and egress from or onto a driveway, or to operate an off-road recreational vehicle within the required setback for purposes of loading or unloading.

- (3) It shall not be a violation of this article to operate an off-road recreational vehicle without the original equipment exhaust within 50 feet of a property line for purposes of test driving, provided that the test driving does not last longer than a total of 15 minutes per day.
- C. Additional restrictions. In the event that an off-road recreational vehicle is operated between 150 feet and 250 feet of an adjoining property line, the following additional restrictions shall apply:
- (1) No more than two off-road recreational vehicles may be operated at the same time.
 - (2) A person may operate an off-road recreational vehicle only between the hours of 10:00 a.m. to 8:00 p.m., prevailing time.
 - (3) An operator or operators may collectively ride an off-road recreational vehicle for no longer than a total of one hour at a time with a two-hour rest period between the next operation of an off-road recreational vehicle.
 - (4) For the operation of an off-road recreational vehicle over 250 feet from an adjoining property line the above restrictions shall not apply.
- D. Dust. A person shall not generate or permit to be generated, as a result of the use or operation of any off-road recreational vehicle, any dust to cross over onto an adjoining or adjacent property that will interfere with the reasonable use and enjoyment of the residential use of the property, either inside or outside.
- E. Equipment exhaust. All off-road recreational vehicles shall be fitted with the original equipment exhaust while in operation (except as exempted under Subsection B(3) above).

§ 312-58. Operation and use of off-road recreational vehicles on Township property.

No person shall operate an off-road recreational vehicle on Township property without the express written consent of the Township.

§ 312-59. Enforcement; violations and penalties.

- A. A violation of this article shall be deemed a public nuisance, and shall subject the owner of the property and/or any person operating an off-road recreational vehicle in violation of this article to summary enforcement proceedings.
- B. The Springettsbury Township Police Department (or successor Police Department) and such persons as may be designated by resolution of the Board of Supervisors are authorized to make an initial determination of a violation of this article, and to enforce the provisions of this article. An initial determination of a violation of this article shall result in a verbal warning to the owner, occupant, or operator of the off-road recreational vehicle.
- C. A second or subsequent violation of this article shall be subject to summary enforcement

proceedings and upon being found guilty thereof shall subject the violator to a fine of not less than \$100 and not greater than \$1,000 per violation. Upon a default in payment of a fine, the violator may be subject to a term of imprisonment up to the maximum allowed by law for a summary offense. Each day that a violation continues or each section of this article that is found to be violated shall be considered a separate violation.

§ 312-60. Miscellaneous provisions.

- A. To the extent applicable, this article incorporates by reference thereto the provisions of and rules and regulations relating to the Pennsylvania Snowmobile and All Terrain Vehicle Law, 75 Pa.C.S.A. § 7701 et seq.
- B. The use of the singular shall include the plural. The use of headings is for convenience only.
- C. The sections of this article are severable, and if any section or part thereof is found to be unconstitutional or unenforceable, then such finding shall not affect the validity of the remaining sections or parts thereof.

Part 12
RECREATIONAL VEHICLES
[Added By Ord. No. 2017-05, 8/8/2017]

§ 15-1201. Definitions.

As used in this Part 12, the following terms shall have the meanings indicated:

OCCUPANT — A person who regularly resides on the property in question.

OWNER — Any person who has legal or equitable title to the property on which a recreational vehicle is being operated.

PERSON — An individual, group of individuals, a partnership, firm, association or any other entity.

RECREATIONAL VEHICLE —

1. All motorized vehicles, designed or redesigned or otherwise being used for off-road recreational use, including, but not limited to, the following:
 - A. Motorcycles.
 - B. Trail bikes.
 - C. All-terrain vehicles (ATVs).
 - D. Go carts.
 - E. Snowmobiles.
 - F. Trucks, sports utility vehicles (SUVs), and four-wheel-drive vehicles.
 - G. Any other similar mechanized vehicle (excluding battery-only-operated vehicles).
2. The term "recreational vehicle" shall not include motorized vehicles for law enforcement, fire emergency, military, or other authorized government purposes, or off-road motorized vehicles used as utility vehicles for agriculture, husbandry, lawn care, snow removal or business operations.

§ 15-1202. Operation and Use on Private Property.

The following regulations shall apply for the use of a recreational vehicle on private real property:

1. **Owner or Occupant.** Only the owner, occupant, permitted guests and family may operate a recreational vehicle on private real property, subject to the restrictions outlined herein.
2. **Setback Requirements.**
 - A. A person operating a recreational vehicle must remain at least 300 feet from any property line, including property road frontage and associated roadway right-of-way lines, unless written permission has been obtained by the adjoining property owner to operate the recreational vehicle within any reduced setback, and with any additional

mutually agreed terms and conditions.

B. It shall not be a violation of this section to operate a motorcycle or similar on-road vehicle within the required setback for purposes of ingress and egress from or onto a driveway.

3. Additional Restrictions.

A. No more than two recreational vehicles may be operated at the same time.

B. A person may operate a recreational vehicle only between the hours of 8:00 a.m. and 8:00 p.m., prevailing time.

C. An operator or operators may ride a recreational vehicle for no longer than a total of one hour at a time with a two-hour rest period between the next operation of a recreational vehicle.

4. Dust. A person shall not generate or permit to be generated as a result of the use or operation of any recreational vehicle any dust to cross over onto an adjoining or adjacent property that will interfere with the reasonable use and enjoyment of the residential use of the property, either inside or outside.

5. Equipment Exhaust. All recreational vehicles shall be fitted with the original equipment exhaust while in operation.

6. Environmentally Sensitive Areas. No person shall operate, allow or permit the operation of a recreational vehicle within a stream, creek, waterway, drainageway, wetland, or erosion sensitive areas, or within 20 feet of such environmentally sensitive areas.

7. Livestock. No person shall operate, allow or permit the operation of a recreational vehicle within 500 feet of any type of livestock.

§ 15-1203. Operation and Use on Township Property.

No person shall operate a recreational vehicle on Township property without the express written consent of the Township.

§ 15-1204. Enforcement; Violations and Penalties.

1. A violation of this Part 12 shall be deemed a public nuisance, and shall subject the owner of the property and/or any person operating a recreational vehicle in violation of this Part 12 to summary enforcement proceedings.

2. The Northern Regional Police Department (or successor police department) and such persons as may be designated by resolution of the Board of Supervisors are authorized to make an initial determination of violation of this Part 12, and to enforce the provisions of this Part 12. An initial determination of a violation of this Part 12 shall result in a verbal warning to the owner, occupant or operator of the recreational vehicle.

3. A second or subsequent violation of this Part 12 shall be subject to summary enforcement proceedings and upon being found guilty thereof shall subject the violator to a fine of \$250

for a second offense (following a verbal warning), \$500 for a third offense, and \$750 for a fourth and each offense thereafter. Upon default in payment of a fine and upon a guilty finding of a third or subsequent offense, the violator may be subject to a term of imprisonment up to the maximum allowed by law for a summary offense. Each day that a violation continues or each section of this Part 12 that is found to be violated shall be considered a separate violation.

§ 15-1205. Miscellaneous Provisions.

1. To the extent applicable, this Part 12 incorporates by reference thereto the provisions of the rules and regulations relating to the Pennsylvania Snowmobile and All-Terrain Vehicle Law, 75 Pa.C.S.A. § 7701 et seq.
2. The use of the singular shall include the plural. The use of headings is for convenience only.
3. The sections of this Part 12 are severable, and if any section or part thereof is found to be unconstitutional or unenforceable, then such finding shall not affect the validity of the remaining sections or parts thereof.
4. This Part 12 shall be effective five days after adoption.